

52-C-3

555

201 Park Ave.

Text Amendment

Maine Ctr. for the Blind +  
Iris Network

on Spreadsheet



**City of Portland, Maine**  
**Department of Planning and Development**  
**Text Amendment Application**

Application ID: 555 Application Date: 05/17/2004 CBL: 052 C003001 Property Location: 201 Park Avenue

**Applicant Information:**

Maine Center For The Blind &  
 Name \_\_\_\_\_

Business Name \_\_\_\_\_

201 Park Avenue  
 Address \_\_\_\_\_

Portland, ME 04102  
 City, State and Zip \_\_\_\_\_

207-774-6273                      207-774-0679  
 Telephone                              Fax \_\_\_\_\_

**Applicant's Right, Title or Interest in Subject Property:**

Deed attached: Book 4445, page 1, dated 6-25-79 \_\_\_\_\_

Current Zoning Designation: R5 \_\_\_\_\_

**Existing Use of Property:**

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

**Proposed Use of Property:**

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. Modifications to the Court Yard and drop off area will occur as part of the overall project.

**Property Owner:**

Maine Center For The Blind &  
 Name \_\_\_\_\_

201 Park Avenue  
 Address \_\_\_\_\_

Portland, ME 04102  
 City, State and Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Amendment A  R7 \_\_\_\_\_

Amendment B  \_\_\_\_\_

Amendment C  \_\_\_\_\_

Section 14: \_\_\_\_\_

**Planning Approval**

REVIEW TYPE: Committee Review

RECOMMENDATION DATE: \_\_\_\_\_ APPROVAL DATE: \_\_\_\_\_ ENACTMENT DATE: \_\_\_\_\_

provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

b. Detached accessory structures with ground coverage of one hundred (100) square feet or less: Five (5) feet. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

4. Side yard on side streets:

a. Principal or accessory structures: Ten (10) feet.

(e) Maximum lot coverage: Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

(f) Minimum lot width: Fifty (50) feet.

(g) Maximum structure height:

Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

(h) Open space ratio:

1. Uses other than bed and breakfast. Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

2. Bed and breakfasts. A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the

lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

- (i) A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.
- (j) *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 282-99, §3, 3-15-99)

-----  
\*Editor's note--Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.  
-----

**Sec. 14-140. Other requirements.**

(a) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article, except that required parking for residential building additions shall be located on the same lot.

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be

Att. 3

City of Portland, Maine  
Code of Ordinances  
Sec 14-140

Land Use  
Chapter 14  
Rev. 2-21-01

subject to the requirements of division 26 and/or division 26.5.  
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99)

-----  
\*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended § 14-145(a) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.  
-----

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14.141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

(Ord. No. 122, 12-20-99)

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay

Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

1. Minimum Lot Size: None
2. Minimum Frontage: None
3. Minimum Yard Dimensions: None, except that on lots or portions of lots which abut a lot under separate ownership with existing residential development, the side or rear setbacks of the R-6 Zone shall apply in areas adjacent to such abutting residential lot. In no case, however, shall this provision require a setback such that the distance between the existing residential building and proposed new residential structure exceed the combined setbacks of the respective zones.
4. Maximum Lot Coverage: 100%
5. Maximum Residential Density: Seven hundred twenty five (725) square feet of land area per dwelling unit is required, except for developments which are located within 500 feet, property line to property line, of a municipal park or playground, the density may be increased to four hundred thirty five (435) square feet of land area per dwelling unit for a portion of the lot which does not exceed the size of such municipal facility.
6. Maximum Building Height: Fifty (50) Feet

(b) Parking shall be provided at the ratio of 1 parking space for each dwelling unit;

(c) Residential development in the R-7 Zone shall be reviewed by the Planning Board for compliance with Article IV, Subdivisions, and Article V, Site Plan;

(d) Any new dwelling unit constructed in the R-7 Zone shall contain a minimum of 400 square feet of habitable floor area;

(e) All other uses in the R-7 Zone shall observe the

requirements of the R-6 Zone.  
(Ord. No. 122, 12-20-99)

**Sec. 14-143. Design Standards.**

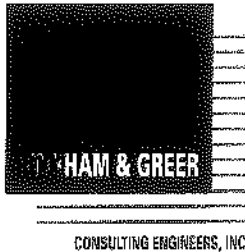
Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences should include design elements that enhance the streetscape and address the street.

- a. Porches and bays should face the street.
- b. Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.
- c. The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood;
- d. The facade shall be varied and articulated to provide visual interest to pedestrians;
- e. Reinforce the public realm of the public open space, sidewalks and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details;
- f. Provide visual and acoustical privacy between units;
- g. Maximize natural light and ventilation within units.

(Ord. No. 122, 12-20-99)

Sec. 14-144. Reserved.

Sec. 14-145. Reserved.



Att. 4  
170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

August 10, 2004  
File: 03181

Ms. Kandi Talbot  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE

Dear Kandi:

Enclosed is additional information for review by the Board to determine the appropriate zone change for the Iris Network. We have included an executive summary that details the requirements of the residents, a draft of a Contract Zone and additional plans.

The overall concept remains the same. Provide space for 31 apartments in the front building and provide office space in the rear building. The only issue is parking. We have provided a plan that shows maximum spaces with additional parking across the front of the building and across the rear. We believe this is not required for our operation.

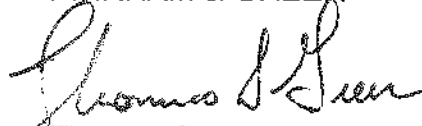
The preferred plan shows some restriping of the existing lot will provide adequate spaces. We have provided drop off zones in the front and rear of the property these will be of better service to our residents than parking spaces. Also attached is a narrative on parking demand.

Please review our information and let me know if I have omitted anything that the Board should know.

Thank you for your assistance with this project.

Sincerely,

PINKHAM & GREER



Thomas S. Greer, P.E.

TSG/rlo  
Enclosures  
Cc: Herb Semple, Semple & Drane



4a

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The IRIS Network currently owns the Barker Building located at 189 Park Avenue in Portland. The building currently has 16 SRO units serving visually impaired and blind individuals. IRIS is proposing to redevelop this building and newly construct an addition for a total of 31 new units affordable to tenants at 50% and 60% of area median income. IRIS is proposing to develop 24 1-bedroom units and 6 2-bedroom units. One additional unit will be created to house on-site IRIS staff.

IRIS has been serving their residents at the Barker Building since 1905. The IRIS campus is composed of two three-story brick buildings, one that houses administrative offices and training areas, and the other that houses the Residential Program for blind and multi-disabled adults. The administration building was recently renovated to increase training and classroom space.

This project is designed for and will give preference to people who are blind or visually impaired. The complex will include physical adaptations such as Braille and Large Print signage; highly contrasted flooring for orientation purposes; additional lighting in apartments with contrasted surfaces for orientation; tactile and color-enhanced controls on laundry facilities, ovens, stoves, HVAC controls and other included appliances; a dog-wash area for residents with Guide Dogs; a Reading Room for residents to have mail read to them; and personal computers with speech output and large print software applications for accessibility. Common areas will include a room for dining, social and recreational activities, laundry facilities, and an exercise room with exercise equipment. Space will also be allocated for offices and a one-bedroom apartment for overnight, emergency staff.

The development plan will be sensitive to and will accommodate the needs of the existing tenants by constructing the new addition first and then allowing those tenants to move to the new wing before renovating the existing space.

The primary financing for the project will be provided by the Maine State Housing Authority 2004 Rental Loan Program. IRIS applied for and was successful in receiving an award of tax credits from MSHA in March 2004. Other potential sources of funds include the City of Portland and the Federal Home Loan Bank of Boston. This property will be restricted under MSHA guidelines for a period of 90 years. Restrictions will include operating the property as affordable housing and marketing to individuals with incomes at 50% and 60% of the Area Median Income. 18 of the units will be reserved for persons with incomes at or below 50% AMI and the remaining 12 will be reserved for individuals at or below 60% AMI. The rent levels for an individual at or below 50% AMI is \$548 for a 1-bedroom unit and \$658 for a 2-bedroom unit. The rent levels for an individual at or below 60% AMI will be \$658 for a 1-bedroom unit and \$790 for a 2-bedroom unit. A two person family at 50% AMI would earn no more than \$25,100/year and a two person family at 60% AMI would earn no more than \$30,120/year.

46

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The new ownership entity will be IRIS Park Apartments, LP. IRIS Properties LLC will serve as General Partner. The sole member of IRIS Properties is The IRIS Network, a qualified 501(c)(3) non-profit entity. The initial Limited Partner will be The IRIS Network.

The total development costs are currently estimated at approximately \$4.7M. The plan will renovate the existing structure and newly construct an addition for a total of 31 housing units. IRIS will donate the land to the partnership in the form of a 90 year ground lease with zero annual cost. IRIS will also sell the building at the nominal price of \$100,000. Sources for the project include tax credit equity in the amount of \$2.9M, MSHA subsidy in the amount of \$600,000 (20K/unit), a deferred developer fee in the amount of \$164,000 (26%), \$100,000 at 0% from The IRIS Network, \$300,000 from the FHLBB AHP program and \$250,000 from the City of Portland. A disclosure and certification of total financing is attached as a 15-year Proforma.

The development team to date includes The IRIS Network, Curtis Thaxter Stevens and Micoleau, MacDonald Page Schatz Fletcher CPA's, Peoples Heritage Bank, Maine Bank and Trust, Semple and Drane Architects, Avesta Housing Development Corporation, NNHIF and Avesta Housing Management Corporation.

The IRIS Network will provide a Volunteer/Recreation Coordinator to use the new reading room to assist residents through the programs offered by IRIS. An amount of \$15,729 has been committed by IRIS to fund these services.

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS**

**PARKING NEEDS**

The Ryan Building currently provides space for 21 people. Thirteen drive and require parking. Eight do not drive and do not use parking, they walk to work, take the bus or are dropped off by ITN or family members.

The 31 unit housing facility will house blind or visually impaired individuals who will not be driving. One of the units or 3% will house a sighted person and need parking. Also there will be four volunteers who drive and there will be one maintenance staff person and one office manager.

The total parking spaces needed would be 59 if every resident and every staff person (including the job share staff) and every volunteer required a parking space. Based on the Wisconsin project, only 7% of the units at that project require parking spaces. If we use 7% of the parking spaces for the 31 unit housing facility then that would require only 3 spaces for the 31 units. The total adjusted parking required would be 35 (including all staff, volunteers, etc. in both buildings and for on site services in the Ryan Building)

The Badger Home in Wisconsin is the only other home in the country like ours (we are modeling our project after theirs). They use four parking spaces for 57 apartments or 7% of the parking spaces due to the fact that, like us, they are giving preference to people who are blind or visually impaired.

The Iris Network is planning to renovate the existing second floor of the Ryan Building to provide more onsite services. The anticipated parking need will be 4 spaces.

**APARTMENT NEEDS FOR THE BLIND AND VISUALLY IMPAIRED IN PORTLAND**

A market study was conducted and concluded that 21% or 50 persons who are blind or visually impaired, and are income eligible, are very interested in a project like this one in Portland.

**CONTRACT ZONING AGREEMENT**

*THIS AGREEMENT* made this day of \_\_\_\_\_, 2004 by and between

**DRAFT**

The **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and state of Maine (hereinafter sometimes referred to as the "CITY," which expression shall include its successors and assigns)

and

**THE IRIS NETWORK**, a not-for-profit corporation with its principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "IRIS," which expression shall include its successors and assigns).

*WHEREAS*, IRIS has requested a rezoning of property located at \_\_\_\_\_ Park Avenue, in Portland, in order to permit the development and operation of 31 units of housing along with its existing facilities and

*WHEREAS*, - the CITY, by and through its City Council, has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

*WHEREAS*, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan and

*WHEREAS*, the CITY authorized the execution of this Agreement on \_\_\_\_\_ 2004;

*NOW THEREFORE*, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference in the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.

2. The property shall be developed substantially in accordance with the site plan shown on Attachment.

3. IRIS shall be authorized to establish and maintain a 31-unit multi-family housing development on said property, along with its existing uses, to wit, an office building (the "Development").

4. Parking for the Development shall consist of \_\_\_ parking spaces, on the site, which entails re-striping of the existing lot. The lot existing at the time of this contract, as shown on Attachment 2, shall not be reduced in size. Any alterations to the site shall comply with the requirements of the R-7 zone, in addition to all other applicable codes and regulations.

5. This contract rezoning shall be limited to the applicant for the rezoning, or an entity controlled by or affiliated with the applicant or any lessee of the applicant. The obligations imposed by this agreement shall devolve upon and be enforceable against any successor-in-interest to IRIS. Any transfer by IRIS, its affiliate or lessee shall be effective to the extent the effect of such transfer does not materially change the nature of the land-use authorized herein. Any other transfer by sale or by lease shall only be effective with respect to the CITY as a party to this Agreement if the Planning Authority determines that a subsequent user of the property shall comply with all of the requirements of this contract rezoning.

6. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind IRIS, its successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

7. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

8. Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

9. In the event that IRIS or any successor fails to continue to utilize the

property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the City shall have the right to enforce this Agreement in accordance with its customary and applicable ordinance provisions pertaining to code enforcement.

IN WITNESS WHEREOF, the said City of Portland has caused this Agreement to be executed on its behalf, by \_\_\_\_\_, its \_\_\_\_\_ thereunto duly authorized and the said Iris Network has caused this Agreement to be executed on its behalf, by \_\_\_\_\_, its \_\_\_\_\_ thereunto duly authorized.

**CITY OF PORTLAND**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
its

**IRIS NETWORK**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
its

STATE OF MAINE  
CUMBERLAND, SS

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public / Attorney-at-Law  
Print Name: \_\_\_\_\_

STATE OF MAINE  
CUMBERLAND, SS

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of the Iris Network, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Iris Network.

Before me,

\_\_\_\_\_  
Notary Public / Attorney-at-Law  
Print Name: \_\_\_\_\_

**TROUBH, HEISLER & PIAMPIANO, P. A.**

Attorneys at Law  
511 Congress Street  
P.O. Box 9711  
Portland, Maine 04104-5011  
Telephone: 207-780-6789  
Fax: 207-774-2339  
www.thplaw.com

Lewiston Office:  
**HARK · ANDRUCKI**  
179 Lisbon Street  
P.O. Box 7120  
Lewiston, Maine 04243-7120  
Telephone: 207-777-4600

**Robert S. Hark**

Sender's E-Mail:  
rhark@thplaw.com

In reply refer to:

September 23, 2004

VIA FAX

Penny Littel  
Assistant Corporation Counsel  
City of Portland  
Congress Street  
Portland, Maine 04101

COPY

RE: The Iris Network / Triangle of Land

Dear Penny:

I am writing on behalf of the Iris Network to request that you arrange to have our request that the City execute the deed previously submitted to you placed on a Council agenda for approval.

By way of background: Some years ago, the Iris Network deeded the City a small piece of land which the City needed. While neither your efforts at City Hall nor mine at the Iris Network have disclosed any documentation for this, there seems to be some institutional memory on the part of our client that the *quid pro quo* for the piece of land that the City received was to be a conveyance of a small triangular piece of land adjacent to the Iris Network's lot in the rear.

The Iris Network currently has a project before the Planning Board, involving the development of housing units for the visually impaired; in connection with this, a question has been raised regarding the availability of additional parking, should the intensity of parking needs increase in the future (which is extremely unlikely, since the visually impaired generally do not drive cars).

The perceived need for this additional land has nothing to do with present or projected needs. The Iris Network does not currently have a need to undertake any development on this triangle of land. Rather, it is something that some Planning Board members perceive ought to be made available in the event of future changes of land-use.

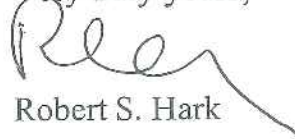
September 23, 2004

Page 2

As an alternative, the Iris Network would be happy to obtain an easement to use the property in question for overflow parking if any were ever needed, and I anticipate, from the perspective of Planning Board comments, as I recall them, that this would likely serve to satisfy these concerns.

While we both initially each invested some time in trying to find some documentation to evidence what we perceive to have been the original agreement regarding the exchange of land, because this effort has proven utterly fruitless, we ask that the Council address this matter, *not as a matter of contractual obligation*, but rather for the purpose of supporting a worthy project which will enhance the services available to our constituents, add additional affordable housing in Portland, and which, I should point out, has had no negative response from the neighborhood.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Hark", with a long, sweeping underline that extends to the right.

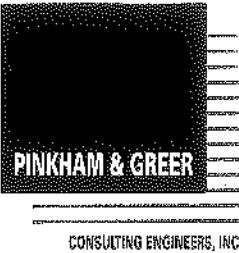
Robert S. Hark

RSH/dlt

cc: City Manager

Kandi Talbot





170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

August 10, 2004  
File: 03181

Ms. Kandi Talbot  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE

Dear Kandi:

Enclosed is additional information for review by the Board to determine the appropriate zone change for the Iris Network. We have included an executive summary that details the requirements of the residents, a draft of a Contract Zone and additional plans.

The overall concept remains the same. Provide space for 31 apartments in the front building and provide office space in the rear building. The only issue is parking. We have provided a plan that shows maximum spaces with additional parking across the front of the building and across the rear. We believe this is not required for our operation.

The preferred plan shows some restripping of the existing lot will provide adequate spaces. We have provided drop off zones in the front and rear of the property these will be of better service to our residents than parking spaces. Also attached is a narrative on parking demand.

Please review our information and let me know if I have omitted anything that the Board should know.

Thank you for your assistance with this project.

Sincerely,

PINKHAM & GREER

A handwritten signature in black ink, appearing to read 'Thomas S. Greer', is written over the printed name. The signature is fluid and cursive.

Thomas S. Greer, P.E.

TSG/rlo  
Enclosures  
Cc: Herb Semple, Semple & Drane

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The IRIS Network currently owns the Barker Building located at 189 Park Avenue in Portland. The building currently has 16 SRO units serving visually impaired and blind individuals. IRIS is proposing to redevelop this building and newly construct an addition for a total of 31 new units affordable to tenants at 50% and 60% of area median income. IRIS is proposing to develop 24 1-bedroom units and 6 2-bedroom units. One additional unit will be created to house on-site IRIS staff.

IRIS has been serving their residents at the Barker Building since 1905. The IRIS campus is composed of two three-story brick buildings, one that houses administrative offices and training areas, and the other that houses the Residential Program for blind and multi-disabled adults. The administration building was recently renovated to increase training and classroom space.

This project is designed for and will give preference to people who are blind or visually impaired. The complex will include physical adaptations such as Braille and Large Print signage; highly contrasted flooring for orientation purposes; additional lighting in apartments with contrasted surfaces for orientation; tactile and color-enhanced controls on laundry facilities, ovens, stoves, HVAC controls and other included appliances; a dog-wash area for residents with Guide Dogs; a Reading Room for residents to have mail read to them; and personal computers with speech output and large print software applications for accessibility. Common areas will include a room for dining, social and recreational activities, laundry facilities, and an exercise room with exercise equipment. Space will also be allocated for offices and a one-bedroom apartment for overnight, emergency staff.

The development plan will be sensitive to and will accommodate the needs of the existing tenants by constructing the new addition first and then allowing those tenants to move to the new wing before renovating the existing space.

The primary financing for the project will be provided by the Maine State Housing Authority 2004 Rental Loan Program. IRIS applied for and was successful in receiving an award of tax credits from MSHA in March 2004. Other potential sources of funds include the City of Portland and the Federal Home Loan Bank of Boston. This property will be restricted under MSHA guidelines for a period of 90 years. Restrictions will include operating the property as affordable housing and marketing to individuals with incomes at 50% and 60% of the Area Median Income. 18 of the units will be reserved for persons with incomes at or below 50% AMI and the remaining 12 will be reserved for individuals at or below 60% AMI. The rent levels for an individual at or below 50% AMI is \$548 for a 1-bedroom unit and \$658 for a 2-bedroom unit. The rent levels for an individual at or below 60% AMI will be \$658 for a 1-bedroom unit and \$790 for a 2-bedroom unit. A two person family at 50% AMI would earn no more than \$25,100/year and a two person family at 60% AMI would earn no more than \$30,120/year.

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The new ownership entity will be IRIS Park Apartments, LP. IRIS Properties LLC will serve as General Partner. The sole member of IRIS Properties is The IRIS Network, a qualified 501(c)(3) non-profit entity. The initial Limited Partner will be The IRIS Network.

The total development costs are currently estimated at approximately \$4.7M. The plan will renovate the existing structure and newly construct an addition for a total of 31 housing units. IRIS will donate the land to the partnership in the form of a 90 year ground lease with zero annual cost. IRIS will also sell the building at the nominal price of \$100,000. Sources for the project include tax credit equity in the amount of \$2.9M, MSHA subsidy in the amount of \$600,000 (20K/unit), a deferred developer fee in the amount of \$164,000 (26%), \$100,000 at 0% from The IRIS Network, \$300,000 from the FHLBB AHP program and \$250,000 from the City of Portland. A disclosure and certification of total financing is attached as a 15-year Proforma.

The development team to date includes The IRIS Network, Curtis Thaxter Stevens and Micoleau, MacDonald Page Schatz Fletcher CPA's, Peoples Heritage Bank, Maine Bank and Trust, Semple and Drane Architects, Avesta Housing Development Corporation, NNHIF and Avesta Housing Management Corporation.

The IRIS Network will provide a Volunteer/Recreation Coordinator to use the new reading room to assist residents through the programs offered by IRIS. An amount of \$15,729 has been committed by IRIS to fund these services.

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS**

**PARKING NEEDS**

The Ryan Building currently provides space for 21 people. Thirteen drive and require parking. Eight do not drive and do not use parking, they walk to work, take the bus or are dropped off by ITN or family members.

The 31 unit housing facility will house blind or visually impaired individuals who will not be driving. One of the units or 3% will house a sighted person and need parking. Also there will be four volunteers who drive and there will be one maintenance staff person and one office manager.

The total parking spaces needed would be 59 if every resident and every staff person (including the job share staff) and every volunteer required a parking space. Based on the Wisconsin project, only 7% of the units at that project require parking spaces. If we use 7% of the parking spaces for the 31 unit housing facility then that would require only 3 spaces for the 31 units. The total adjusted parking required would be 35 (including all staff, volunteers, etc. in both buildings and for on site services in the Ryan Building)

The Badger Home in Wisconsin is the only other home in the country like ours (we are modeling our project after theirs). They use four parking spaces for 57 apartments or 7% of the parking spaces due to the fact that, like us, they are giving preference to people who are blind or visually impaired.

The Iris Network is planning to renovate the existing second floor of the Ryan Building to provide more onsite services. The anticipated parking need will be 4 spaces.

**APARTMENT NEEDS FOR THE BLIND AND VISUALLY IMPAIRED IN PORTLAND**

A market study was conducted and concluded that 21% or 50 persons who are blind or visually impaired, and are income eligible, are very interested in a project like this one in Portland.

**CONTRACT ZONING AGREEMENT**

*THIS AGREEMENT* made this day of \_\_\_\_\_, 2004 by and between

**DRAFT**

The **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and state of Maine (hereinafter sometimes referred to as the "CITY," which expression shall include its successors and assigns)

and

**THE IRIS NETWORK**, a not-for-profit corporation with its principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "IRIS," which expression shall include its successors and assigns).

*WHEREAS*, IRIS has requested a rezoning of property located at \_\_\_\_\_ Park Avenue, in Portland, in order to permit the development and operation of 31 units of housing along with its existing facilities and

*WHEREAS*, - the CITY, by and through its City Council, has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

*WHEREAS*, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan and

*WHEREAS*, the CITY authorized the execution of this Agreement on \_\_\_\_\_ 2004;

*NOW THEREFORE*, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference in the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.

2. The property shall be developed substantially in accordance with the site plan shown on Attachment.

3. IRIS shall be authorized to establish and maintain a 31-unit multi-family housing development on said property, along with its existing uses, to wit, an office building (the "Development").

4. Parking for the Development shall consist of \_\_\_\_ parking spaces, on the site, which entails re-striping of the existing lot. The lot existing at the time of this contract, as shown on Attachment 2, shall not be reduced in size. Any alterations to the site shall comply with the requirements of the R-7 zone, in addition to all other applicable codes and regulations.

5. This contract rezoning shall be limited to the applicant for the rezoning, or an entity controlled by or affiliated with the applicant or any lessee of the applicant. The obligations imposed by this agreement shall devolve upon and be enforceable against any successor-in-interest to IRIS. Any transfer by IRIS, its affiliate or lessee shall be effective to the extent the effect of such transfer does not materially change the nature of the land-use authorized herein. Any other transfer by sale or by lease shall only be effective with respect to the CITY as a party to this Agreement if the Planning Authority determines that a subsequent user of the property shall comply with all of the requirements of this contract rezoning.

6. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind IRIS, its successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

7. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

8. Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

9. In the event that IRIS or any successor fails to continue to utilize the

property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the City shall have the right to enforce this Agreement in accordance with its customary and applicable ordinance provisions pertaining to code enforcement.

*IN WITNESS WHEREOF*, the said City of Portland has caused this Agreement to be executed on its behalf, by \_\_\_\_\_, its \_\_\_\_\_ thereunto duly authorized and the said Iris Network has caused this Agreement to be executed on its behalf, by \_\_\_\_\_, its \_\_\_\_\_ thereunto duly authorized.

**CITY OF PORTLAND**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
its

**IRIS NETWORK**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
its

STATE OF MAINE  
CUMBERLAND, SS

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public / Attorney-at-Law  
Print Name: \_\_\_\_\_

STATE OF MAINE  
CUMBERLAND, SS

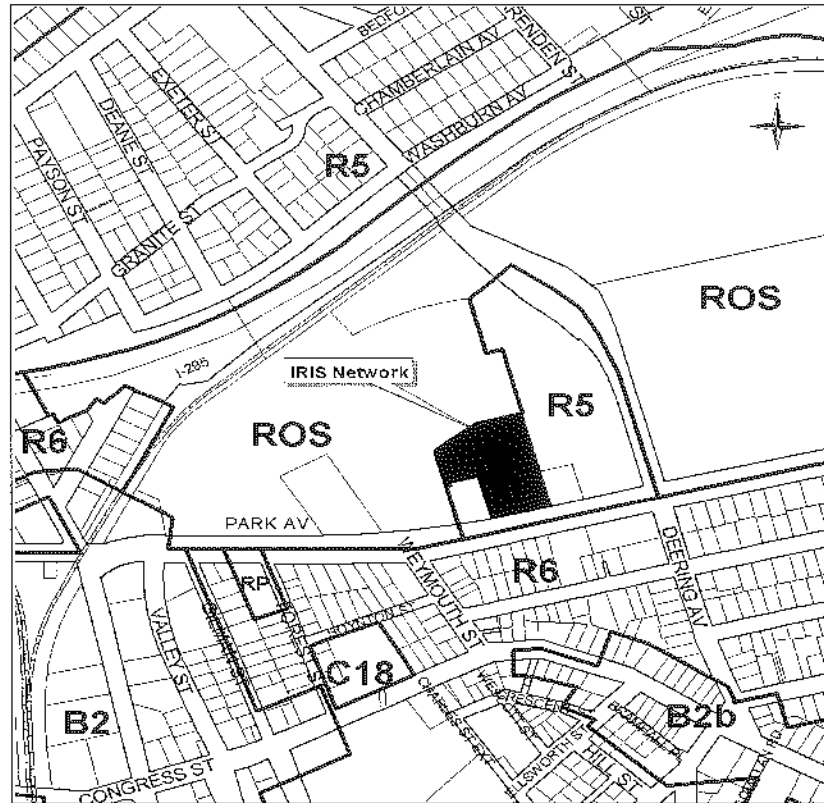
Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of the Iris Network, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Iris Network.

Before me,

\_\_\_\_\_  
Notary Public / Attorney-at-Law  
Print Name: \_\_\_\_\_

## AN IMPORTANT LEGAL NOTICE FROM THE CITY OF PORTLAND PLANNING DIVISION

**WHAT:** The Portland City Council will hold a public hearing to consider a proposal by the IRIS Network for a conditional rezoning of the property located at 201 Park Avenue. The rezoning is to allow for expansion of the existing dormitory to house thirty-one (31) one and two-bedroom apartments. The conditional rezoning would allow for a reduced number of parking spaces based on the use of the project. Public comments will be taken at this meeting. A vicinity map of the conditional rezoning is shown below.



### Proposed Rezoning for IRIS Network, 189 Park Av., from R5 to R7

50 0 50 130150 Feet

June 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

**WHEN:** Monday, December 20<sup>th</sup>, 2004  
7:00 p.m.  
Council Chambers, 2<sup>nd</sup> Floor, City Hall

### FOR MORE INFORMATION:

Copies are available in the Portland Planning Division, 4<sup>th</sup> Floor, City Hall. If you wish to submit written comments, address them to Kandice Talbot, Planner, Planning Division, City Hall, 4<sup>th</sup> Floor, 389 Congress Street, Portland, ME 04101, contact by phone at 874-8901 or e-mail at [kcote@portlandmaine.gov](mailto:kcote@portlandmaine.gov)



## ***Public Information Meeting***

On Wednesday, September 15, 2004 at 6:30 P.M. the Iris Network will hold a Neighborhood Meeting to review its proposed redevelopment of their building and construction for additional housing. This meeting will be held on site at 189 Park Avenue in Portland.

This project is designed to offer independent living housing for people who are blind or visually impaired. Thirty-one and two-bedroom apartments are planned.

If you wish to attend, please RSVP to Debora at 774-6273. The meeting will be outdoors in the parking lot, so please dress appropriately. Light food and drinks will be served.

Att. 9

To: Chair Delogu and Members of the Portland Planning Board  
From: P. Littell, Associate Corporation Counsel  
Re: The Iris Network  
Date: 10-06-04

A question was raised at the last hearing regarding the ownership of a triangular parcel of land adjacent to the property proposed for development by The Iris Network and whether the City agreed to convey such parcel to them. The City has no record of any agreement to convey the "triangle," located to the north of the site, and to date has not conveyed it. As a result, no property interest in the triangular piece of property rests with The Iris Network.

City of Portland  
Department of Planning and Development  
Planning Division  
389 Congress Street, 4<sup>th</sup> Floor  
Portland ME 04101  
(207) 874-8721 or (207) 874-8719  
Fax: (207) 756-8258



FAX

To:

Michael Chestnut

Company:

Fax #:

774-0152

Date:

December 20, 2004

From:

Kandice Chestnut

You should receive 9 page(s) including this cover sheet.

Comments:

**CITY OF PORTLAND, MAINE  
CITY COUNCIL AGENDA REQUEST FORM**

**TO:** Sonia Bean  
**FROM:** Alexander Jaegerman, Director of Planning Division  
**DATE:** November 9, 2004  
**SUBJECT:** Agenda Request  
201 Park Avenue, Conditional Rezoning Request

- 1) Council Meeting at which action is requested (Date): First Reading: December 8, 2004  
Public Hearing: December 20, 2004
- 2) Can action be taken at a later date?  YES  NO

**I. SUMMARY OF ISSUE**

The IRIS Network is proposing a conditional rezoning for the property located at 201 Park Avenue. The site is currently zoned R-5. The purpose of the zone change request is to allow the applicant to renovate and expand the existing dormitory to house thirty-one (31) one and two bedroom apartments, with a reduced number of parking spaces. The administrative offices will remain in the rear of the building. The expansion would create additional living facilities for individuals who are blind or have sight impairments.

**II. REASON FOR SUBMISSION (What issue/problem will this address?)**

The conditional rezoning request is in order to provide a reduced number of parking spaces for the use of the property. The applicant is proposing a conditional rezoning with a total of 54 parking spaces.

**III. INTENDED RESULT (How does it resolve the issue/problem?)**

To provide a reduced number of parking spaces for the use of the property.

**IV. FINANCIAL IMPACT**

The proposal does not have any known financial impact on the City.

**V. STAFF ANALYSIS & RECOMMENDATION**

The Planning Board held a public hearing on the proposed development on October 12, 2004 and voted to recommend unanimously (4-0, Anton, Beal and Silk abstained) to recommend the conditional rezoning to the Portland City Council.

**Attachments:**

Planning Board Report

cc: Elizabeth Boynton, Associate Corporation Counsel

201 PARK AVENUE  
CONDITIONAL REZONING REQUEST  
THE IRIS NETWORK, APPLICANT

Submitted to:

Portland City Council  
Portland, Maine  
November 9, 2004

Submitted by:  
Portland Planning Board

## **I. INTRODUCTION**

The IRIS Network is requesting a review of a conditional rezoning for the property located at 201 Park Avenue. Fitzpatrick Stadium, Portland Ice Arena, King Middle School and a gas station bound the site. The site is currently zoned R-5. The purpose of the zone change request is to allow the applicant to renovate and expand the existing dormitory to house thirty-one (31) one and two bedroom apartments, with a reduced number of parking spaces. The administrative offices will remain in the rear of the building. The expansion would create additional living facilities for individuals who are blind or have sight impairments.

The applicant has explored both the R-6 and R-7 zone for this proposal. It appears that this project can work under both zones, with the exception of parking, which would not meet the R-6 or R-7 requirements.

166 notices were sent to area property owners. Two notices of the public hearing appeared in the Portland Press Herald. The notice was posted in the City Clerks office 14 days prior to the Public Hearing. A neighborhood meeting was held on September 15, 2004. The minutes and sign-in sheet from that meeting are included as Attachment 6.

## **II. FINDINGS**

Current Zoning:	R-5 Residential
Proposed Zoning:	Conditional Zone
Land Area:	1.93 acres
Existing Use:	Administrative offices and residential dorm rooms
Proposed Use:	Expansion to accommodate 31 one and two bedroom apartments.
Land Uses in the Vicinity:	residential, King Middle School, parks, medical offices

## **III. DEVELOPMENT PLAN**

The proposed use of the property will remain consistent with the current use. The IRIS Network administration offices will remain in the rear building. The front building will be expanded in size to accommodate thirty-one (31) one and two bedroom apartments. The expansion will occur on the north side of the existing structure toward King Middle School. Modifications to the court yard and drop off area will occur as part of the overall plan.

The conditional rezoning request is in order to provide a reduced number of parking spaces for the use of the property. Attachment 4 is a discussion of the parking needs necessary for the proposed IRIS Park Apartments. The applicant looked at a similar home in Wisconsin, which has a total of 57 apartments. The Badger Home in Wisconsin uses four parking spaces for 57 apartments due to the fact that their residents are people who are blind or visually impaired. The applicant is proposing a conditional rezoning with a total of 55 parking spaces. Based on zoning, 42 parking spaces are required for the office use and there would be a remainder of 31 parking spaces for the residential tenants.

The applicant has submitted two site plans. Sheet 1, which is included as Attachment 7 shows the layout that the applicant is currently proposing for the conditional rezoning. Sheet 2, which is included as Attachment 8, depicts the maximum space available for parking spaces, which is a total of 105 parking spaces. Sheet 2 shows additional parking could be provided within the front of the proposed building expansion and a triangle parcel at the rear of the property.

There has been some discussion by the applicant that a number of years ago, the City and the Maine Institute for the Blind swapped two triangle pieces of property. The parcel conveyed to the City was recorded, however, the parcel conveyed to the Maine Institute for the Blind was never recorded and is still listed as City property. The City has researched this issue and cannot find any information suggesting that the City did convey the triangle piece of property to the Maine Institute for the Blind. Included as Attachment 9 is a memo from Corporation Counsel regarding this issue. There is a small area of the existing parking lot, which had been constructed on city land. To address this concern, the City would be willing to issue a license for the parking lot encroachment.

While the grassed area in front of the proposed expansion along Park Avenue could be used in the future as parking or to meet the present requirements of the R-7 zone, the applicant would prefer to keep the area in the front of the proposed expansion grassed with landscaping.

#### Parking Comparison Summary

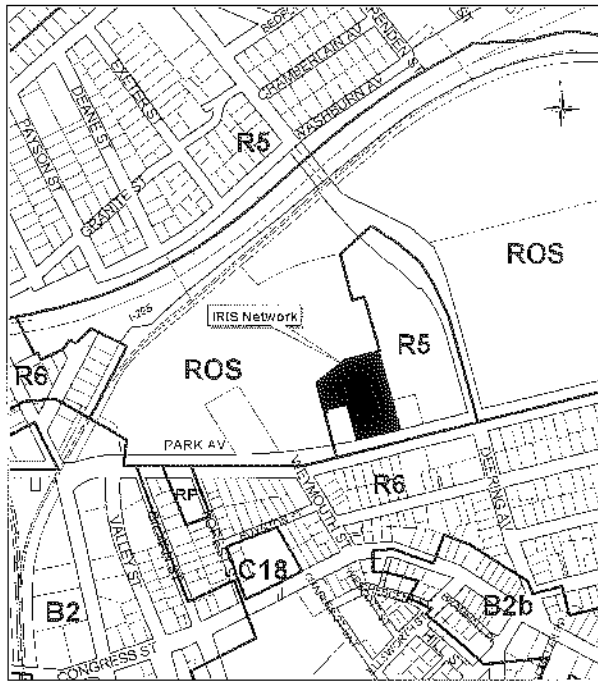
Existing Parking	47 spaces
Proposed Parking with Addition	54 spaces
R-6 Required Parking with Addition	104 spaces
R-7 Required Parking with Addition	73 spaces
Potential Future Buildout of Parking	105 spaces

#### IV. **CONDITIONS FOR REZONING**

This rezoning shall be subject to the following proposed conditions, as outlined in the executed agreement between the City and the applicant. The proposed conditional rezoning is included as Attachment 5.

1. Effective thirty days from the affirmative vote of the City Council on rezoning the **PROPERTY**, by Council Order No. \_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Portland City Code, by adopting the map change amendment for the **PROPERTY** shown herein.





**Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7**

June 2004  
Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY** and the housing thereon is reserved for use by sight impaired individuals. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.
3. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone with the exceptions noted herein:
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
4. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
5. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.

6. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
7. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
8. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

#### **V. POLICY CONSIDERATIONS**

The IRIS Network building has been located on this site since 1909, and has been formerly known as the Maine Center for the Blind. The IRIS Network is located on Park Avenue, on the peninsula, within walking distance of the downtown, and shopping and community facilities. This area also has transit service. The applicant has provided research to show that the parking needs for persons with sight impairments is significantly lower than the residential parking requirements contained within the R-5 zone.

##### Housing Plan

The Housing Plan recommends a diversity of housing types. The IRIS Network would offer independent living for blind or visually impaired residents and the IRIS Network has stated that there is a need for this type of housing.

#### **VI. PLANNING BOARD RECOMMENDATION**

The Planning Board held a public hearing on the proposed development on October 12, 2004 and voted to recommend unanimously (4-0, Anton, Beal and Silk abstained) to recommend the conditional rezoning to the Portland City Council.

Attachments:

1. Zone Change Application
2. R-6 Zoning Text
3. R-7 Zoning Text
4. Letter submitted by Applicant dated August 10, 2004 regarding financial information and parking needs
5. Proposed Conditional Rezoning
6. Neighborhood Meeting Sign-In Sheets and Minutes
7. Proposed Plan
8. Maximum Parking Layout Plan
9. Memo from Corporation Counsel dated October 6, 2004



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

The IRIS Network  
Name

189 Park Avenue  
Address

Portland, Maine 04102

207-774-6273      207-774-0679  
Phone                      Fax

2. Subject Property:

201 Park Avenue  
Address

Portland, Maine 04102

52-C-3  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:     Applicant     Other

Name  
The IRIS Network  
Address

189 Park Avenue Portland, ME 04102

207-774-6273      207-774-0679  
Phone                      Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Deed Attached: Book 4445 Page 1 dated June 25, 1979

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

1a

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R5 to R7

B.  Zoning Text Amendment to Section 14-

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (~~example~~), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<u>X</u>	Zoning Map Amendment	\$2,000.00
_____	Zoning Text Amendment	\$2,000.00
_____	Contract/Conditional Rezoning	
	Under 5,000 sq. ft.	\$1,000.00
	5,000 sq. ft. and over	\$3,000.00
	Legal Advertisements	percent of total bill
	Notices	.55 cents each
	(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statue and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



PINKHAM & GREER

CONSULTING ENGINEERS, INC.

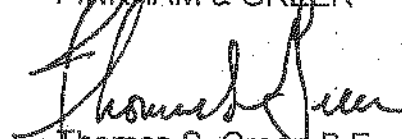
1c  
Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER



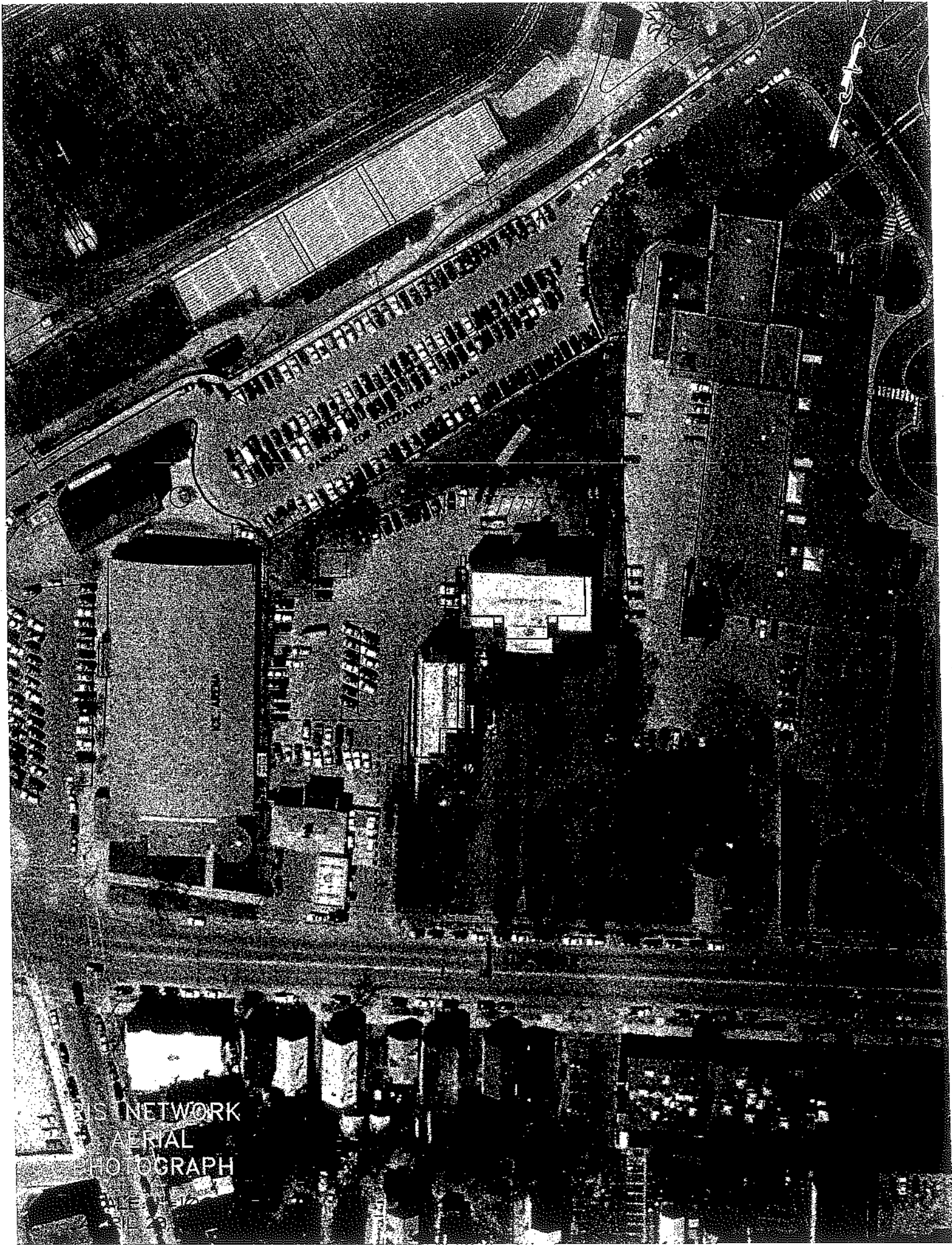
Thomas S. Greer, P.E.

TSG/rlo

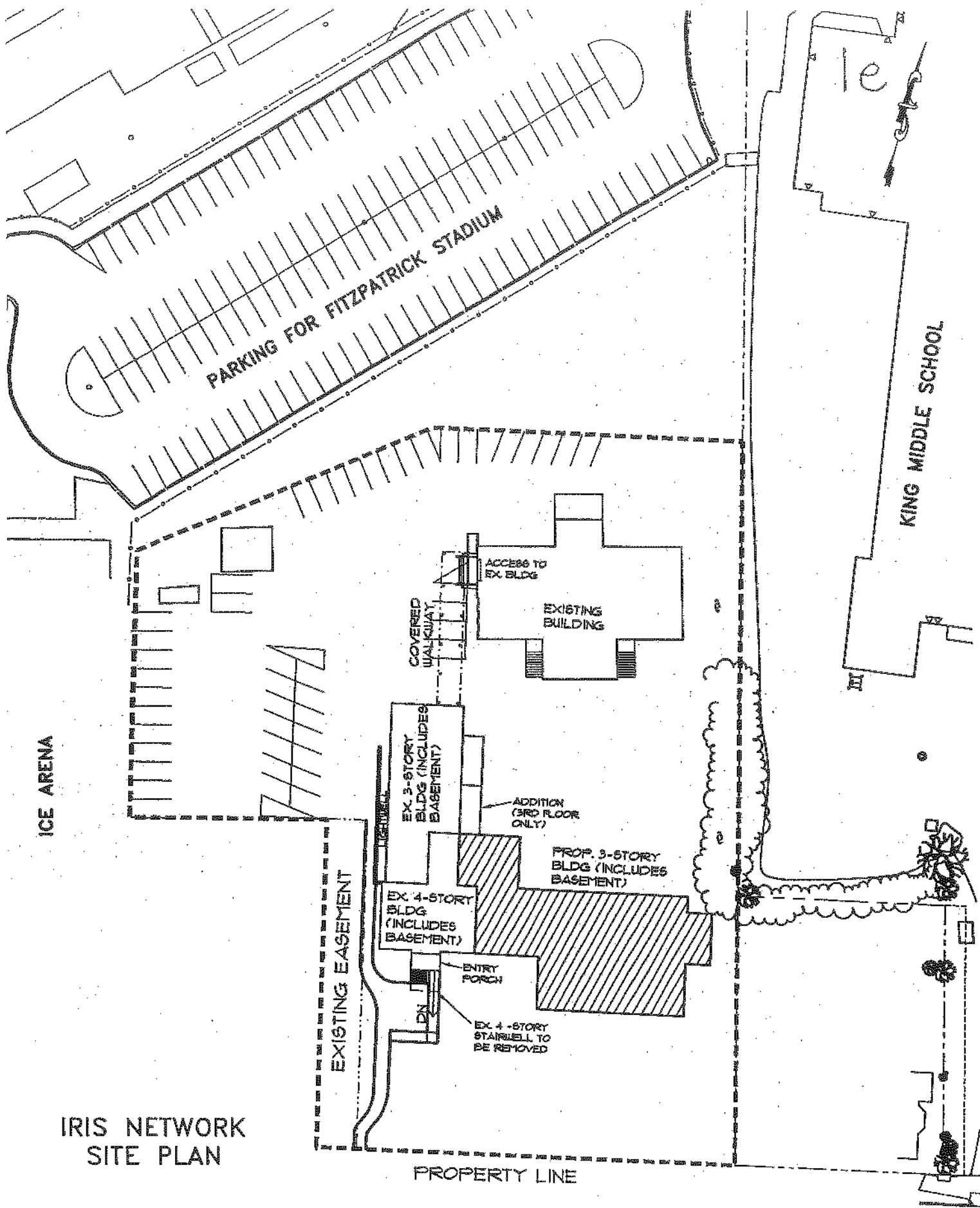
Enclosures

Cc: Herb Semple, Semple & Drane





GIS NETWORK  
AERIAL  
PHOTOGRAPH



IRIS NETWORK  
SITE PLAN

SCALE: 1"=60"  
APRIL 29, 2004

PARK AVENUE

IF

See 8564

Book

Page 197

Ernie  
variance

FORM 882 (Rev. 10-1-67) Winnipeg, Manitoba, Canada

15766

SUPPLIES MANUFACTURED BY THE  
WILHELM LITHO PRINT, PUBLISHER, BOSTON, MASS.

# Know all Men by these Presents

That **Maine Institution for the Blind**

~~INCORPORATED~~

a corporation organized and existing under the laws of the State of Maine  
and located at 189 Park Avenue, Portland,  
in the County of Cumberland and State of Maine  
in consideration of One Dollar (\$1.00) and other valuable consideration  
paid by George F. Hamilton.

the receipt whereof it does hereby acknowledge, does hereby  
give, grant, bargain, sell and runny unto the said George F. Hamilton,  
his heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the  
North side of Park Avenue (formerly Portland Street) in the City of  
Portland, County of Cumberland and State of Maine bounded and des-  
cribed as follows:

Beginning at a point on the North side line of Park Avenue at the  
Southeast corner of land of the City of Portland, said point being  
Westerly 595.61 feet from the intersection of the Westerly side line  
of Deering Avenue and the North side line of Park Avenue; thence  
Easterly along the North side line of Park Avenue on a curve to the  
left, whose radius is 2865.34 feet, 100.00 feet to a point; thence  
N1°-40'E 150.00 feet to a point; thence N83°-59'-30"W 82.93 feet to  
a point; thence S2°-06'W 10.47 feet to a point; thence N87°-54'W  
16.93 feet to a point; thence S1°-40'W along land of the City of  
Portland 118.37 feet to the point of beginning; containing 14,796  
square feet.

Also conveying a perpetual right of way and easement for ingress and  
egress by foot or by vehicle, but not for parking vehicles, in com-  
mon with the grantor on the East side of the above described parcel,  
said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel;  
thence Easterly 7 feet along the North side line of Park Avenue; thence  
Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the  
Northeast corner of the above described parcel; thence S1°-40'W 150  
feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for  
ingress and egress by foot or by vehicle, but not for parking vehicles,  
in common with the grantor bounded and described as follows:

Beginning at the Southeast corner of the first parcel described above;  
thence Westerly 9 feet along the North side line of Park Avenue, thence  
Northerly 150 feet more or less; thence S83°-59'-30"E 2 feet to the  
Northeast corner of the first parcel described above; thence S1°-40'W  
150 feet to the point of beginning.

Also conveying the perpetual right and easement to use, maintain, re-  
pair and replace the existing light, sign and pole on which they are  
affixed, on the East side of the first parcel described above, said  
pole being approximately 4 feet North of the street line of Park  
Avenue and 9 feet East of the Easterly boundary of said first parcel  
described above.

4445  
17

19

2

Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, maintain, repair and replace the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1908 and recorded in the Cumberland County Registry of Deeds in Book 821, Page 196.

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said George P. Hamilton

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances: except for easements and restrictions of record

that it has known good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Cathen Gilman and Sidney Schwartz

therunto duly authorized, this 25<sup>th</sup> day of June in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Delivered in presence of

Charles Stenbury to both

Maine Institution for the Blind

By Cathen Gilman, Director Sidney Schwartz, Director



State of Maine, Cumberland

June 25 1979

Then personally appeared the above named Cathen Gilman of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS CUMBERLAND COUNTY MAINE Received JUN 26 1979 at 12 H 11 M P M, and recorded: In BOOK 4445 PAGE 1 Attest: Louis B. Dobbins DEPUTY Registrar

Before me, Charles Stenbury Justice of the Peace Notary Public Attorney at Law

or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

- Sec. 14-132. Reserved.
- Sec. 14-133. Reserved.
- Sec. 14-134. Reserved.

DIVISION 7. R-6 RESIDENTIAL ZONE\*

-----  
\*Editor's note--Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131--14-134, and enacted a new Div. 9, §§ 14-135--14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision has been included as Div. 7.  
-----

Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(Ord. No. 538-84, 5-7-84)

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 residential zone:

(a) Residential:

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any

additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with section 14-524 or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a major development pursuant to article V of this chapter.

2. Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987:

a. Shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and

b. Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic;

c. Parking shall be provided as required by division 20 of this article;

d. No open outside stairways or fire escapes above the ground floor shall be constructed;

e. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;

f. Such development shall be subject to article V (site plan) of this chapter for site plan review and approval.

3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.

4. Single-family, multiple-component manufactured

housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
  - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
  - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
  - c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
  - d. Each unit shall have the long side of the unit



2C

parallel to the street line where the required street frontage is met.

- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) Other:

- 1. Lodging house;
- 2. Cemeteries;
- 3. Parks, and other active and passive noncommercial recreation spaces;
- 4. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 5. Home occupation subject to the provisions of section 14-410 (home occupation) of this article;
- 6. Municipal uses, excluding those specifically set forth in section 14-137 of this division;
- 7. Special needs independent living units, provided

that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

8. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with up to four (4) guest rooms, subject to the standards of article V (site plan).

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97)

-----  
\*Editor's note--Ord. No. 85-88, §§ 1, 2, adopted July 19, 1988, amended § 14-136 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88. Ord. No. 95-89, § 2, adopted Sept. 6, 1989, amended subsection (1)a of § 14-136 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."  
-----

#### Sec. 14-137. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) Residential:

1. Reserved.

2e

2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:
  - a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
  - b. There shall be no open outside stairways or fire escapes above the ground floor.
  - c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.

(c) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a)

2f

(conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2. a. Long-term and extended care facilities;  
b. Intermediate care facility for thirteen (13) or more persons;
3. Intermediate care facility;
4. Church or other place of worship;
5. Private club or fraternal organization;
6. Community Hall provided that:
  - a. The structure was in existence as of date of enactment, March 15, 1999;
  - b. The structure was built for institutional or other non-residential uses;
  - c. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - d. A parking management plan is submitted for review and approval by the Planning Board.
7. Hospital;
8. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing

site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(c) Other:

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a

residence on April 18, 1984, or thereafter.

- a. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.
  - b. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.
  - c. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.
  - d. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
  - e. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
  - f. On-site parking shall be required as specified in division 20 (off-street parking) of this article for the combined uses of the site.
3. Chancellery.
  4. Nursery school and kindergarten.
  5. Off-street parking for passenger cars for uses permitted in the R-6 zone.
  6. Day care facilities or home babysitting services

not permitted as a home occupation under section 14-410, subject to the following conditions:

- a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children

shall meet the following additional standards:

- i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
- iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
- v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- vi. Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;
- vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and



2k

viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

7. Community Center, as defined in Section 14-17.

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-1-85; Ord. No. 85-88, § 3, 7-19-88; Ord. No. 235-91, § 13, 2-4-91; Ord. No. 118-93, § 11, 10-18-93; Ord. No. 133-96, § 7, 11-18-96; ; Ord. No. 154-96, § 11, 12-16-96; Ord. No. 125-97, § 3, 3-3-97; Ord. No. 232-99, §2, 3-15-99; Ord. No. 77-02/03, § 2, 10-21-02)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

(a) Minimum lot size:

1. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
2. Reserved.
3. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
4. Intermediate care facility: One (1) acre.
5. School: Thirty thousand (30,000) square feet.

2L

6. Church or place of worship: Seventy-five hundred (7,500) square feet for a seating capacity of fifty (50) plus one thousand (1,000) square feet for each additional increment of fifteen (15) seats or major fraction thereof within the principal place of assembly for worship.
7. Fraternal organization:; Ten thousand (10,000) square feet.
8. Municipal use: Forty-five hundred (4,500) square feet.
9. Hospital: Two (2) acres.
10. All other uses: Forty-five hundred (4,500) square feet.
11. Lodging house: Four thousand five hundred (4,500) square feet.
12. Community Hall: None, provided that no existing lot housing a community hall may be reduced to less than four thousand five hundred (4,500) square feet.

Provided that for uses specified in section 14-139(a)3 through 9 above, no minimum lot area shall be required in the following cases:

- a. Uses existing on June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

2m

d. Expansion onto land other than the lot on which the principal use is located of not more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(b) 1. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

2. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.

3. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.

4. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.

(c) *Minimum street frontage:* Forty (40) feet.

(d) *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of

2n

front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

2. Rear yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- b. Detached accessory structures with a ground coverage of one hundred (100) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure	Required Side Yard
1 story . . . . .	10 feet
2 stories . . . . .	10 feet
3 stories . . . . .	10 feet
4 stories . . . . .	12 feet
5 stories . . . . .	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to

provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

b. Detached accessory structures with ground coverage of one hundred (100) square feet or less: Five (5) feet. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

4. *Side yard on side streets:*

a. Principal or accessory structures: Ten (10) feet.

(e) *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

(f) *Minimum lot width:* Fifty (50) feet.

(g) *Maximum structure height:*

Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

(h) *Open space ratio:*

1. *Uses other than bed and breakfast.* Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

2. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the

lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

- (i) A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.
- (j) *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 232-99, § 3, 3-15-99)

-----  
\*Editor's note--Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.  
-----

#### Sec. 14-140. Other requirements.

(a) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article, except that required parking for residential building additions shall be located on the same lot.

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be

Att 3

City of Portland, Maine  
Code of Ordinances  
Sec 14-140

Land Use  
Chapter 14  
Rev. 2-21-01

subject to the requirements of division 26 and/or division 26.5.  
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11,  
6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No.  
122, 12-20-99)

-----  
\*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended §  
14-145(a) to read as herein set out. See also the editor's note to Art. III of  
this chapter for additional provisions relative to Ord. No. 85-88.  
-----

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14.141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

(Ord. No. 122, 12-20-99)

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay

3a

Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

1. Minimum Lot Size: None
2. Minimum Frontage: None
3. Minimum Yard Dimensions: None, except that on lots or portions of lots which abut a lot under separate ownership with existing residential development, the side or rear setbacks of the R-6 Zone shall apply in areas adjacent to such abutting residential lot. In no case, however, shall this provision require a setback such that the distance between the existing residential building and proposed new residential structure exceed the combined setbacks of the respective zones.
4. Maximum Lot Coverage: 100%
5. Maximum Residential Density: Seven hundred twenty five (725) square feet of land area per dwelling unit is required, except for developments which are located within 500 feet, property line to property line, of a municipal park or playground, the density may be increased to four hundred thirty five (435) square feet of land area per dwelling unit for a portion of the lot which does not exceed the size of such municipal facility.
6. Maximum Building Height: Fifty (50) Feet

(b) Parking shall be provided at the ratio of 1 parking space for each dwelling unit;

(c) Residential development in the R-7 Zone shall be reviewed by the Planning Board for compliance with Article IV, Subdivisions, and Article V, Site Plan;

(d) Any new dwelling unit constructed in the R-7 Zone shall contain a minimum of 400 square feet of habitable floor area;

(e) All other uses in the R-7 Zone shall observe the



requirements of the R-6 Zone.  
(Ord. No. 122, 12-20-99)

**Sec. 14-143. Design Standards.**

Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences should include design elements that enhance the streetscape and address the street.

- a. Porches and bays should face the street.
- b. Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.
- c. The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood;
- d. The facade shall be varied and articulated to provide visual interest to pedestrians;
- e. Reinforce the public realm of the public open space, sidewalks and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details;
- f. Provide visual and acoustical privacy between units;
- g. Maximize natural light and ventilation within units.

(Ord. No. 122, 12-20-99)

Sec. 14-144. Reserved.

Sec. 14-145. Reserved.



CONSULTING ENGINEERS, INC.

AH. 4  
170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

August 10, 2004  
File: 03181

Ms. Kandi Talbot  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE

Dear Kandi:

Enclosed is additional information for review by the Board to determine the appropriate zone change for the Iris Network. We have included an executive summary that details the requirements of the residents, a draft of a Contract Zone and additional plans.

The overall concept remains the same. Provide space for 31 apartments in the front building and provide office space in the rear building. The only issue is parking. We have provided a plan that shows maximum spaces with additional parking across the front of the building and across the rear. We believe this is not required for our operation.

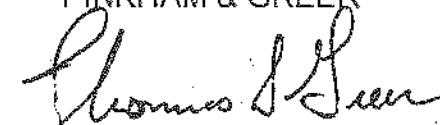
The preferred plan shows some restripping of the existing lot will provide adequate spaces. We have provided drop off zones in the front and rear of the property these will be of better service to our residents than parking spaces. Also attached is a narrative on parking demand.

Please review our information and let me know if I have omitted anything that the Board should know.

Thank you for your assistance with this project.

Sincerely,

PINKHAM & GREER

  
Thomas S. Greer, P.E.

TSG/rlo  
Enclosures  
Cc: Herb Semple, Semple & Drane

4a

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The IRIS Network currently owns the Barker Building located at 189 Park Avenue in Portland. The building currently has 16 SRO units serving visually impaired and blind individuals. IRIS is proposing to redevelop this building and newly construct an addition for a total of 31 new units affordable to tenants at 50% and 60% of area median income. IRIS is proposing to develop 24 1-bedroom units and 6 2-bedroom units. One additional unit will be created to house on-site IRIS staff.

IRIS has been serving their residents at the Barker Building since 1905. The IRIS campus is composed of two three-story brick buildings, one that houses administrative offices and training areas, and the other that houses the Residential Program for blind and multi-disabled adults. The administration building was recently renovated to increase training and classroom space.

This project is designed for and will give preference to people who are blind or visually impaired. The complex will include physical adaptations such as Braille and Large Print signage; highly contrasted flooring for orientation purposes; additional lighting in apartments with contrasted surfaces for orientation; tactile and color-enhanced controls on laundry facilities, ovens, stoves, HVAC controls and other included appliances; a dog-wash area for residents with Guide Dogs; a Reading Room for residents to have mail read to them; and personal computers with speech output and large print software applications for accessibility. Common areas will include a room for dining, social and recreational activities, laundry facilities, and an exercise room with exercise equipment. Space will also be allocated for offices and a one-bedroom apartment for overnight, emergency staff.

The development plan will be sensitive to and will accommodate the needs of the existing tenants by constructing the new addition first and then allowing those tenants to move to the new wing before renovating the existing space.

The primary financing for the project will be provided by the Maine State Housing Authority 2004 Rental Loan Program. IRIS applied for and was successful in receiving an award of tax credits from MSHA in March 2004. Other potential sources of funds include the City of Portland and the Federal Home Loan Bank of Boston. This property will be restricted under MSHA guidelines for a period of 90 years. Restrictions will include operating the property as affordable housing and marketing to individuals with incomes at 50% and 60% of the Area Median Income. 18 of the units will be reserved for persons with incomes at or below 50% AMI and the remaining 12 will be reserved for individuals at or below 60% AMI. The rent levels for an individual at or below 50% AMI is \$548 for a 1-bedroom unit and \$658 for a 2-bedroom unit. The rent levels for an individual at or below 60% AMI will be \$658 for a 1-bedroom unit and \$790 for a 2-bedroom unit. A two person family at 50% AMI would earn no more than \$25,100/year and a two person family at 60% AMI would earn no more than \$30,120/year.

46

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The new ownership entity will be IRIS Park Apartments, LP. IRIS Properties LLC will serve as General Partner. The sole member of IRIS Properties is The IRIS Network, a qualified 501(c)(3) non-profit entity. The initial Limited Partner will be The IRIS Network.

The total development costs are currently estimated at approximately \$4.7M. The plan will renovate the existing structure and newly construct an addition for a total of 31 housing units. IRIS will donate the land to the partnership in the form of a 90 year ground lease with zero annual cost. IRIS will also sell the building at the nominal price of \$100,000. Sources for the project include tax credit equity in the amount of \$2.9M, MSHA subsidy in the amount of \$600,000 (20K/unit), a deferred developer fee in the amount of \$164,000 (26%), \$100,000 at 0% from The IRIS Network, \$300,000 from the FHLBB AHP program and \$250,000 from the City of Portland. A disclosure and certification of total financing is attached as a 15-year Proforma.

The development team to date includes The IRIS Network, Curtis Thaxter Stevens and Micoleau, MacDonald Page Schatz Fletcher CPA's, Peoples Heritage Bank, Maine Bank and Trust, Semple and Drane Architects, Avesta Housing Development Corporation, NNHIF and Avesta Housing Management Corporation.

The IRIS Network will provide a Volunteer/Recreation Coordinator to use the new reading room to assist residents through the programs offered by IRIS. An amount of \$15,729 has been committed by IRIS to fund these services.

IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS

PARKING NEEDS

The Ryan Building currently provides space for 21 people. Thirteen drive and require parking. Eight do not drive and do not use parking, they walk to work, take the bus or are dropped off by ITN or family members.

The 31 unit housing facility will house blind or visually impaired individuals who will not be driving. One of the units or 3% will house a sighted person and need parking. Also there will be four volunteers who drive and there will be one maintenance staff person and one office manager.

The total parking spaces needed would be 59 if every resident and every staff person (including the job share staff) and every volunteer required a parking space. Based on the Wisconsin project, only 7% of the units at that project require parking spaces. If we use 7% of the parking spaces for the 31 unit housing facility then that would require only 3 spaces for the 31 units. The total adjusted parking required would be 35 (including all staff, volunteers, etc. in both buildings and for on site services in the Ryan Building)

The Badger Home in Wisconsin is the only other home in the country like ours (we are modeling our project after theirs). They use four parking spaces for 57 apartments or 7% of the parking spaces due to the fact that, like us, they are giving preference to people who are blind or visually impaired.

The Iris Network is planning to renovate the existing second floor of the Ryan Building to provide more onsite services. The anticipated parking need will be 4 spaces.

APARTMENT NEEDS FOR THE BLIND AND VISUALLY IMPAIRED IN PORTLAND

A market study was conducted and concluded that 21% or 50 persons who are blind or visually impaired, and are income eligible, are very interested in a project like this one in Portland.

**CONDITIONAL ZONE AGREEMENT****THE IRIS NETWORK**

**AGREEMENT** made this \_\_\_ day of \_\_\_\_\_, 2004 by **THE IRIS NETWORK** a not for profit corporation with a principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "**IRIS**").

**WITNESSETH**

**WHEREAS, IRIS** seeks to develop property located at 189- 201 Park Avenue, in the City of Portland and identified on the City of Portland on the Assessor's maps at Map \_\_\_, Block \_\_, Lot(s) \_\_\_ (hereinafter referred to as the "**PROPERTY**"); and

**WHEREAS, IRIS** proposes to renovate the **PROPERTY** from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population; and

**WHEREAS, the PROPERTY** is currently located in the R-5 zoning district; and

**WHEREAS, research** has shown that the parking needs for persons with sight impairments is significantly lower than the residential parking requirements contained within the R-5 zone; and

**WHEREAS, the purpose** of this conditional rezoning is to allow a diminished parking requirement than would otherwise be allowed in the R-5 zone; and

**WHEREAS, the Planning Board** of the City of Portland, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Code §§ 14-60 to 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY**, subject, however, to certain conditions; and

**WHEREAS, the CITY** by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the **CITY'S** comprehensive land use plan and will establish uses that are consistent with the uses in the original zones and the surrounding areas; and

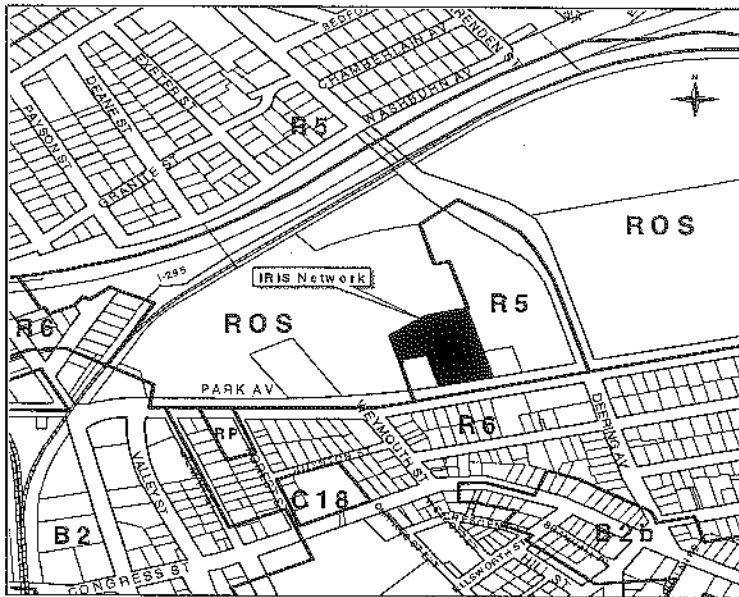
**WHEREAS, the CITY** has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal through the design and implementation of significant public traffic improvements, stormwater drainage improvements, landscaping and buffering; and

WHEREAS, the CITY has determined that because of the unusual nature and unique location of the proposed development and the need for significant public improvements it is necessary and appropriate to have conditions and restrictions which ensure that the rezoning is consistent with the CITY'S comprehensive land use plan; and

WHEREAS, on \_\_\_\_\_, 2004, the CITY authorized amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the CITY's zoning requirements; and

NOW, THEREFORE, in consideration of the rezoning, IRIS covenants and agrees as follows:

1. Effective thirty days from the affirmative vote of the City Council on rezoning the PROPERTY, by Council Order No. \_\_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Portland City Code, by adopting the map change amendment for the PROPERTY shown herein.



**Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7**

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. This rezoning shall apply only while IRIS, or an entity controlled by or affiliated with IRIS, owns the PROPERTY and the housing thereon is reserved for use by sight impaired individuals. Otherwise, the PROPERTY shall revert to the R-5 or any successor zone.

- 3. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone with the exceptions noted herein:
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
- 4. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
- 5. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
- 6. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- 7. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
- 8. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

Dated this \_\_\_ day of \_\_\_\_\_, 2004.

The Iris Network

By: \_\_\_\_\_  
Its: \_\_\_\_\_

State of Maine  
Cumberland, ss.

Date:



5c

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of The Iris Network and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Maine Workforce Housing LLC.

\_\_\_\_\_  
Notary Public



Att. 6

September 27, 2004

Kandi Talbot, Planning & Development  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

Dear Ms. Talbot:

Attached are minutes on the public informational meeting, which was held on Wednesday, September 15, 2004. I am forwarding a copy of the minutes as documented, which is a public record for the City of Portland.

Please feel free to contact me at 774-6273 if you should have any questions or concerns. Thank you for your cooperation.

Sincerely,



Debora Marie Berry  
Assistant to the President

dmb

cc: attachments

*A Statewide Focus on Maine's Visually Impaired Since 1905.*

189 Park Avenue, Portland, Maine 04102  
207.774.6273 • 800.715.0097 • fax 207.774.0679 • [www.TheIris.org](http://www.TheIris.org)

# Iris Network

Public Informational Meeting

September 15, 2004, 6:30 PM

Participant's in Attendance:

Name	Address
1. David Babin	123 Cumberland Ave. Portland, ME 04101
2. MAI MANGO	194 Park Ave Terrano's Market
3. Adam Schif	97 Grand St 2nd Floor
4. Chris Hamilton	205 Park Ave Hamilton Service
5. Wendy Cherubino	City of PTH HNS Division
6. Tom GREEN	Pinkham & GREEN
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

A Statewide Focus on Maine's Visually Impaired Since 1905.

189 Park Avenue, Portland, Maine 04102

207.774.6273 • 800.715.0097 • fax 207.774.0679 • www.TheIris.org

6b

## ***Public Information Meeting***

On Wednesday, September 15, 2004 at 6:30 P.M. the Iris Network will hold a Neighborhood Meeting to review its proposed redevelopment of their building and construction for additional housing. This meeting will be held on site at 189 Park Avenue in Portland.

This project is designed to offer independent living housing for people who are blind or visually impaired. Thirty-one and two-bedroom apartments are planned.

If you wish to attend, please RSVP to Debora at 774-6273. The meeting will be outdoors in the parking lot, so please dress appropriately. Light food and drinks will be served.

60

**THE IRIS NETWORK**  
Public Information Meeting  
Minutes  
September 15, 2004

**Presentors:** Michael Chestnut, Project Architect of Semple & Drane; Tom Greer, Principal Engineer of Pinkham & Greer; Mike Myatt, Senior Development Officer of Avesta Housing, and Steven Obremski, President/CEO of Iris Network. **Guests Present:** David J. Babin, Republican State Senate, District #8; Steven C. Scharf, Republican State Representative, District #119; Mal Mango, Owner of Terroni's; Chris Hamilton, Owner of Hamilton's Gas Station; and Wendy Cherubino, Housing Community Development Manager from the City of Portland. **Recorder:** Debora Berry, Assistant to the President of the Iris Network.

**Introduction of the Iris Network:** Steven Obremski opened the meeting with a brief history of the organization and the rationale for developing affordable housing for people who are blind or visually impaired. He also discussed a needs assessment that was conducted to determine the size of the complex.

**Introduction to Construction of the Iris Park Apartments:** Mike Myatt reported that the proposed construction is designed for one-bedroom and two-bedroom independent living apartments for people who are blind and visually impaired. He identified to qualify for these apartments individuals would have a maximum household income between \$20,000-28,000 a year. Mike Myatt stated that the project has received a reservation of funds from the Maine State Housing Authority and is currently seeking additional funds from the Federal Home Loan Bank of Boston and the City of Portland. The project has also requested housing vouchers from the Portland Housing Authority.

Mike Myatt acknowledged the timeline as follows: we are currently in the process of obtaining a contract zone (approval of site plan) with the City of Portland to be finalized at the end of March 2005, proposed construction to begin next year in the Spring of 2005 with completion anticipated in December 2006.

6d

Public Question: Chris Hamilton raised the question, how will the construction flow on and off the property impact his business?

Mike Myatt stated that Mr. Hamilton would be invited to discussions with the selected builder to ensure interruptions to his business, if any, are kept to a minimum. Iris Network also requires the driveway remain open at all times to give cars access to our rear building, as well as access to RTP that transports many of our current residents.

Overview of the Project from Site Engineer: Tom Greer depicted an aerial overview photograph of the building location and surrounding area, which illustrated the new parking layout design along with the addition of the new proposed building. Tom stated that the plan is to create a three-sided courtyard for the residents; there will be a minor pavement redesign to incorporate a drop-off zone in front on the right-hand side with ramp to the first-floor elevation. He identified that there will be no parking in front of the existing Ryan building, that space will be utilized as a drop-off zone designed as a circular plaza.

Overview of the Project from the Architect: Michael Chestnut reported on the architectural design of the project and that the original facade of the entrance will be replicated as originally depicted years ago. The courtyard will include a sensory garden for the residents. This area will not only serve as recreational and socialization space but also be used to provide educational training for mobility and gardening for the residents. The courtyard will be professionally designed by Mitchell and Associates and will incorporate walking paths with sharp angles and T-intersections to help train individuals to use a white cane. This will be an important part of the services to visually impaired residents and will be hindered if the area currently reserved for the courtyard is reduced.

Michael Chestnut identified at a Planning Board member's request, he met with Deborah Andrews, the Historic Preservation Manager, who had some concerns regarding the placement of the new addition. Michael Chestnut identified moving the addition 4-5 feet will have a major impact on the courtyard. There was consensus by the attendees that moving the building back by five feet would negatively impact the programmatic nature of the courtyard. Mr. Chestnut identified Ms. Andrews's preferred to have the new addition to be flush with the existing building. It was verified that the

6e

existing site is not listed on any state or local historic register and is not a historic building.

A comment regarding the addition being flush with the existing building was made by Republican State Representative, Steve Sharf who stated that the City of Portland's current requirements would require the addition to be closer to the front instead of pushed back to be flush with the existing building. He also reported that the old City of Portland's requirements would require the addition to be set back in accordance with the laws that governed at that time. There was some discussion; the consensus from the group was that there was no problem with the placement of the addition.

Steven Obremski identified that the project will continue offering services to its residents including housekeeping services, home-help services, free transportation, assistance with reading mail and bill paying as well as recreational and socialization activities. He also noted that the agency currently utilizes volunteers on many fronts to assist the residents with reading their mail and poetry, walks, trips to the parks and various events, etc.

Michael Chestnut reported that the agency's building committee has approved having a construction manager to come onboard in lieu of a General Contractor. It was recognized that the Iris Park Apartments will be built with a steel-frame structure. Mal Mango commented on the expense and rising costs of steel-frame construction. Michael Chestnut acknowledged that bringing a construction manager on board early would help alleviate rising costs, help provide cost savings and guarantee a maximum price.

Public Question: The question was asked what is the current budget on the project? Michael Chestnut identified \$4.7 million as the total budget and \$3.1 million as the construction budget.

The overall consensus from the public was favorable and all those present felt it was a great project that they would like to see move forward.

It was announced that the City of Portland would be holding a public hearing on September 28, 2004 at 7:30 PM regarding the Iris Park Apartments.

Lof

Steven Obremski thanked everyone for attending the public informational meeting and expressed his appreciation and their support of this project.

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,  
Debora Marie Berry, Recorder







# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Corporation Counsel  
Gary C. Wood

Associate Counsel  
Elizabeth L. Boynton  
Donna M. Katsiaficas  
Penny Littell

March 15, 2005

Robert S. Hark, Esq.  
Troubh Heisler  
511 Congress Street  
PO Box 9711  
Portland ME 04101

Dear Bob:

Enclosed please find the draft of a Revocable License the City has executed allowing Iris to occupy portions of City property at the Fitzpatrick Stadium site. This License will be released to you upon the City's receipt of proof of insurance noted therein. Feel free to call me with any questions.

Thank you for your attention to this matter.

Sincerely,

Penny Littell  
Associate Corporation Counsel

PL:mma  
Enclosures

cc: Kandi Talbot

O:\OFFICE\PENNY\Letters2005\Hark031505.doc

REVOCABLE LICENSE AGREEMENT  
FOR  
IRIS NETWORK  
RE: LAND IN VICINITY OF FITZPATRICK STADIUM

A revocable license is hereby granted to Iris Network, Park Avenue, Portland, Maine 04101 to occupy a portion of land owned by the City in the vicinity of Fitzpatrick Stadium, as shown on the attached plan, for the purpose of locating accommodating a slight overhang of parking spaces (also as shown on the attached plan) upon the following conditions:

1. Iris Network (hereinafter "Licensee"), shall indemnify the City of Portland, its officers, agents and employees from any and all claims which arise out of its use or the use of others of the City's property in conjunction with activities related to use of said area for the above mentioned purposes.
2. Licensee shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit, covering claims for bodily injury, death and property damage arising out of the activities on said property and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of licensee under the terms of this license.
3. This license may be revoked upon a six (6) month written notice issued by the City Manager.

Iris Network

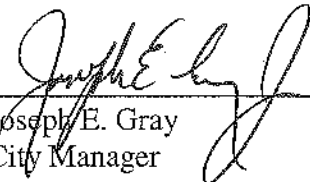
By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_  
Date

3-7-05  
Date

CITY OF PORTLAND

  
\_\_\_\_\_  
Joseph E. Gray  
City Manager

**INDEMNITY AGREEMENT**

Iris Network, a Maine not-for-profit with a place of business at Park Street, Portland, County of Cumberland and State of Maine, its successors and assigns, in exchange for the permission granted by the City of Portland for the use of City land in the vicinity of Fitzpatrick Stadium (to accommodate overhang parking) (as shown on the attached plan), covenants and agrees to indemnify, defend and hold harmless the City of Portland, its agents, employees, officers, attorneys, successors and assigns, and each of them jointly and severally, from any and all damages; actions; causes of action; claims and demands of any nature, whether for property damage or personal injury (including death); and costs, including without limitation costs of attorneys' fees and defense, which Iris Network, its successors and assigns, or which any other person, partnership, corporation, or other entity have or may have on account of the placement, location, maintenance and operation of the sidewalk in the public way.

Iris Network

By: \_\_\_\_\_

\_\_\_\_\_  
Date

Its: \_\_\_\_\_

# CITY OF PORTLAND, MAINE

---

## PLANNING BOARD

Lee Lowry III, Chair  
Kevin Beal, Vice Chair  
John Anton  
Orlando E. Delogu  
Michael Patterson  
David Silk  
Janice E. Tevanian

April 4, 2005

Mr. Steven Obremski  
The IRIS Network  
189 Park Avenue  
Portland, Maine 04102

RE: IRIS Park Apartments, 189 Park Avenue  
ID #2005-0009, CBL #052-C-003

Dear Mr. Obremski:

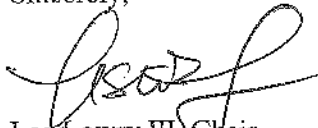
On March 8, 2005 the Portland Planning Board voted unanimously (5-0, Anton and Silk absent) on the following motions regarding the Iris Park Apartments subdivision and site plan:

1. That the Planning Board waives the Technical Standards, which requires "if the estimated post-development peak rate of stormwater runoff from the affected land is calculated to be greater than the pre-development runoff peak rates, in any watershed within the boundaries of the affected land during any phase of development, then a detention basin should be designed and constructed to maintain pre-development runoff peak rates from the site", due to the fact that the applicant is upgrading the receiving infrastructure and improvement post development runoff with the following condition:
  - i. that the applicant contribute \$5,000 towards the cost of completion of the, or upgrade of the stormwater line under Deering Avenue if the subsequent investigations reveal an upgrade is in order. If the City does not complete the work within five (5) years of the contribution date, than the \$5,000 will be returned to the applicant.
2. That the Planning Board waives the landscaping requirement of two (2) trees per residential unit per Sec. 14-506 due to the fact that the landscaping plan provides adequate buffering and landscaping with the following condition:
  - i. that the applicant revise the landscaping plan to replace the existing Catalpa tree with a 2.5" caliper Catalpa tree and to provide additional landscaping in the front of the addition, to be reviewed and approved by the City Arborist.
3. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following conditions:

5. 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.)
6. 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 Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 regarding the Board's actions, please contact Kandice Talbot at 874-8901.

Sincerely,



Lee Lowry III, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
Kandice Talbot, Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections Division  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Fire Prevention  
Assessor's Office  
Approval Letter File



170 U.S. Route One  
 Falmouth, Maine 04105  
 Tel: (207) 781-5242  
 Fax: (207) 781-4245

---

FAX MEMORANDUM

---

TO: See Memo for Names  
 FAX #: 856-2206 774-0152 756-8258  
 FROM: Tom Greer  
 DATE: 06.06.05  
 RE: IRIS Network  
 FILE: 03/81

---

# of Pages (including this one): 6

---

FAKED: 6/7/05  
 FROM: MICHAEL CHESTNUTT  
 SEMPLE & DRANE ARCHITECTS  
 CC: GARY GUERETTE, MIKE MYATT, STEVE OBREMKI,  
 JAY REYNOLDS - DEVELOPMENT REVIEW COORDINATOR



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

---

## MEMORANDUM

---

TO: Jim Seymour - Sebago Technics, Inc.

CC: Kandi Talbot - City of Portland Planning Department  
Michael Chestnutt - Semple & Drane Architects, Inc.

FROM: *Tom Greer*  
Tom Greer

DATE: June 6, 2005

RE: Response to March 3<sup>rd</sup> Memo from Sebago Technics

FILE: 03181

---

Jim:

Attached is Michael Chestnutt's email summarizing the items you agreed to on Friday. I have addressed some of the outstanding issues below.

Item 1-B. The Board has already signed the mylar for recording. Adding the note cannot be done. If the note is required the staff can process a diminuous change and we will record it. I think the existing record is clear on the size of the building; floor plans were provided.

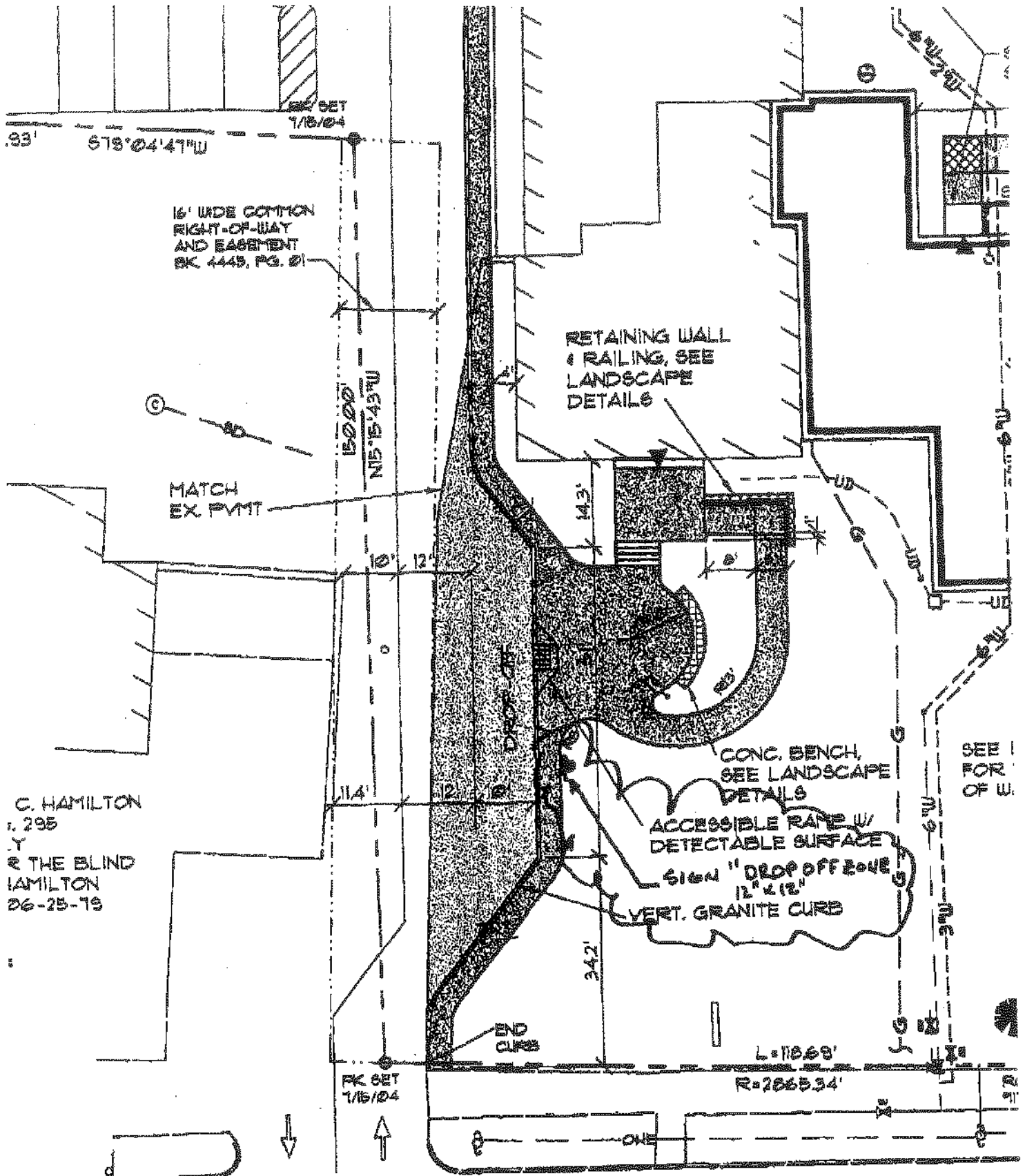
Item 2-A. See Sketch - Future Drain Location

Item 5-B. See Sketch - Sign Location

Item 5-C. The snow will be stockpiled along the west side of the parking lot along the Ice Arena's property. This has worked for the last 20 years.

Item 6-C. See Sketches - Dumpster Location and Dumpster Enclosure

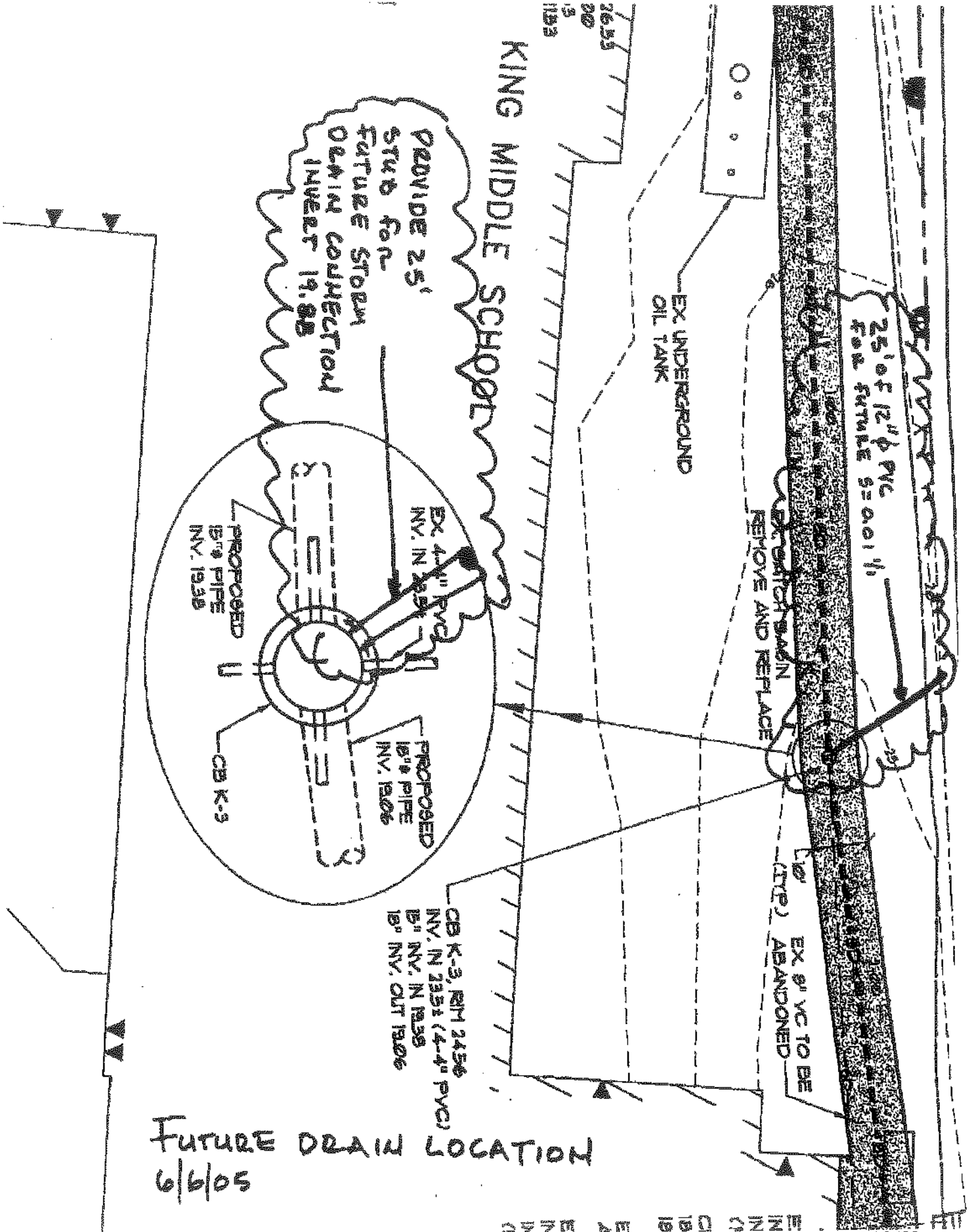




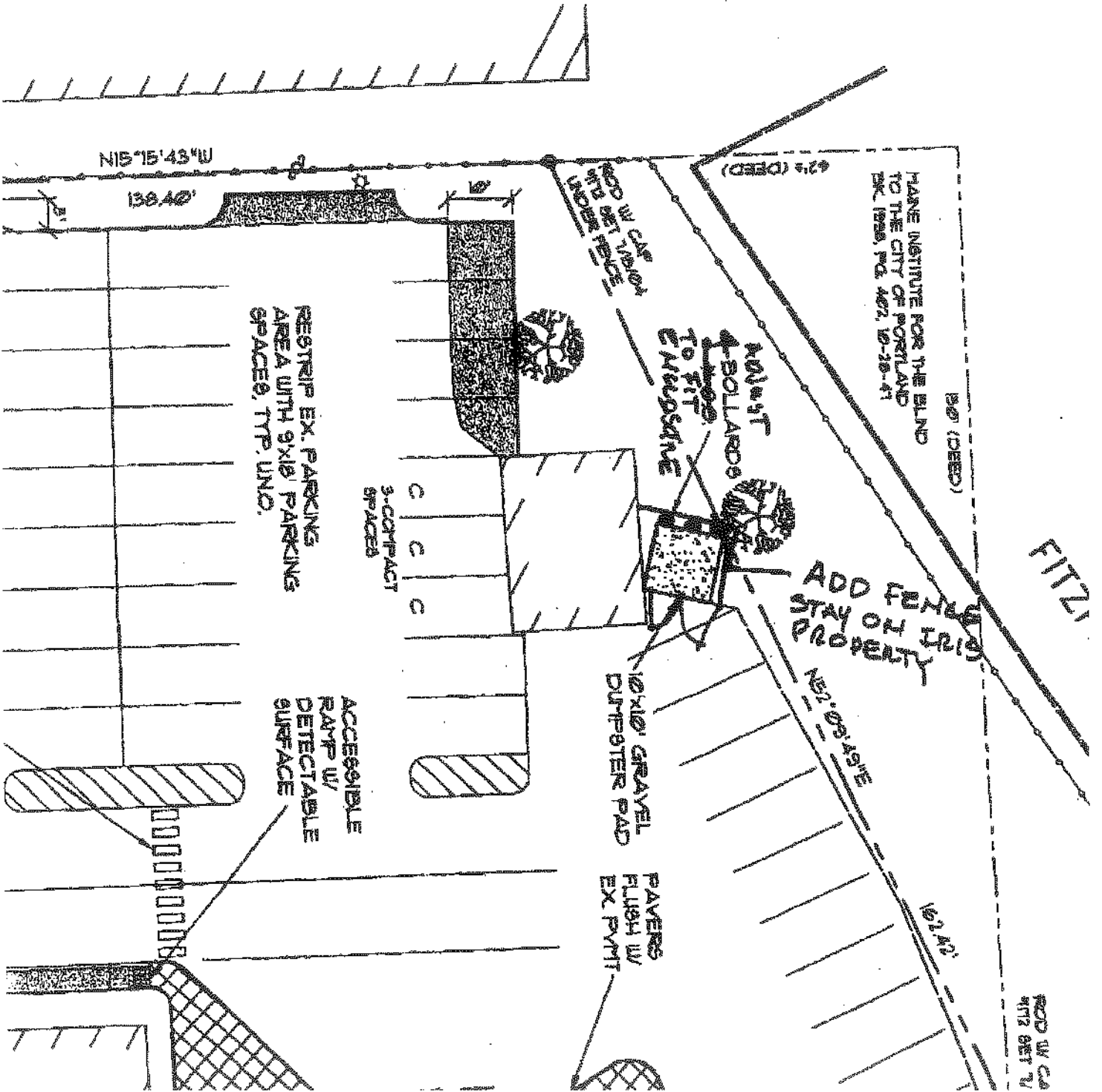
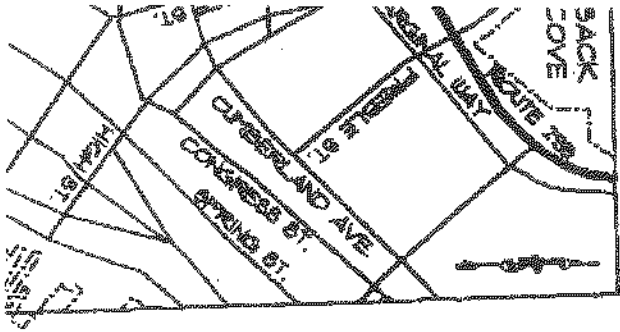
C. HAMILTON  
 1. 295  
 Y  
 R THE BLIND  
 IAMILTON  
 06-25-79

SIGN LOCATION  
 DROP OFF ZONE  
 6/9/05

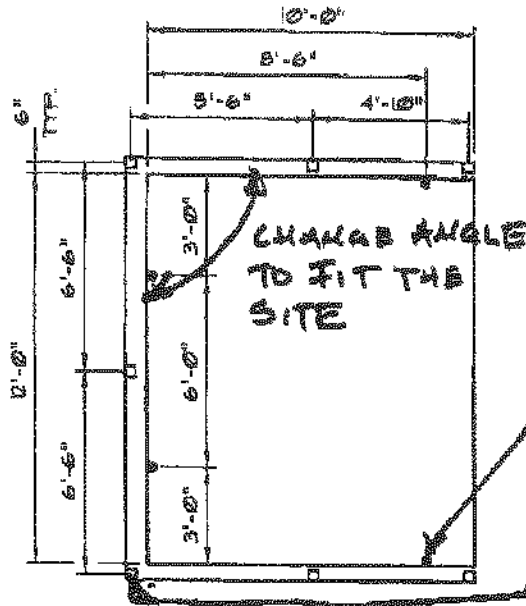
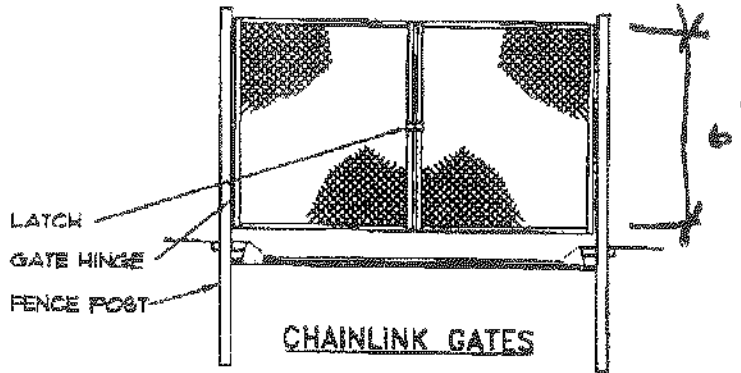




# DUMPSTER LOCATION 6/6/05



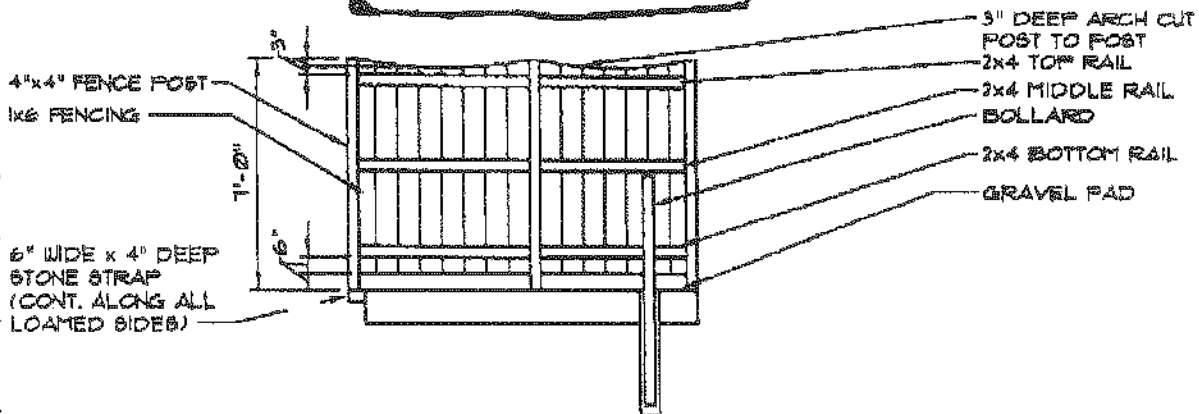
# IRIS DUMPSTER ENCLOSURE 6/4/05



**NOTES:**

1. ALL WOOD TO BE PRESSURE TREATED TO A MIN. NET OF 40 LBS. CCA PER CUBIC FOOT OF WOOD AND EACH PIECE SHALL BEAR THE AMERICAN WOOD PRESERVERS BUREAU QUALITY MARK LP-22 "GROUND CONTACT USE."
2. ALL NAILS AND SCREWS TO BE GALVANIZED.

ADJUST BOLLARD LOCATION  
EXTEND TO GRAVEL



C:\Land Projects 3\Drawing1.dwg, Modif: 06/06/2005 11:29:40 AM, Plotter: 1

## 1 DUMPSTER ENCLOSURE DETAIL

NOT TO SCALE



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: (207) 781-5242  
Fax: (207) 781-4245

---

FAX MEMORANDUM

---

TO: Michael Chestnutt  
 FAX #: 774-0152  
 FROM: Tom Heer  
 DATE: 6/1/05  
 RE: IRIS Network  
 FILE: 03/81

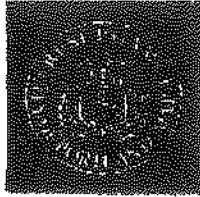
---

# of Pages (including this one): 2

---

FIXED: 6/7/05  
 FROM: MICHAEL CHESTNUTT  
 SEMPLE AND DRANE ARCHITECTS

CC: STEVE OBRZEMSKI, MIKE MYATT, GARY  
 GUDETTE, JAY REYNOLDS-DEVELOPMENT  
 REVIEW COORDINATION



# PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life - [www.portlandmaine.gov](http://www.portlandmaine.gov)

Public Works Department  
Michael J. Bobinsky, Director

12 May 2005

Mr. Thomas S. Greer, P.E.,  
Pinkham & Greer,  
170 U. S. Route One,  
Falmouth, Maine 04105

**RE: The Capacity to Handle the Anticipated Wastewater Flows, From a Proposed Dormitory Conversion and Expansion, at the "Iris Network Serving The Blind," 189 Park Avenue.**

Dear Mr. Greer:

The existing four feet, ten inch, by six feet, three inch, oval-diameter brick sanitary sewer pipe, known now as the "Old Alms House Sewer," and formerly as the "Alms House Valley Sewer," located cross-country, and to the rear of 189 Park Avenue, has adequate capacity to transport, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to treat the anticipated wastewater flows of 5,580 G.P.D., from the proposed dormitory conversion and expansion of the "Barker Building."

<u>Anticipated Wastewater Flows from the Proposed Project:</u>	
24 Proposed One Bedroom Units, @ 180 G.P.D./Unit	= 4,320 G.P.D.
6 Proposed Two Bedroom Units, @ 180 G.P.D./Unit	= 1,080 G.P.D.
1 Proposed One Bedroom Overnight Staff Unit, @ 180 G.P.D./Unit	= 180 G.P.D.
<b>Total Proposed Increase in Wastewater Flows for this Project</b>	<b>= 5,580 G.P.D.</b>

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and with the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, from all projects, in order to offset any increase in sanitary flows. If The City can be of further assistance, please call 874-8832.

Sincerely,

**CITY OF PORTLAND**

Frank J. Brancely, B.A., and M.A.  
Senior Engineering Technician

FJB

cc: Alexander Q. Jaegerman, Director, Department of Planning, and Urban Development, City of Portland  
Candice Talbot, Planner, Department of Planning, and Urban Development, City of Portland  
Eric Labelle, P.E., City Engineer, City of Portland  
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland  
Stephen K. Harris, Assistant Engineer, City of Portland  
Jane Ward, Administrative Assistant, City of Portland  
Desk file

April 4, 2005

Mr. Steven Obremski  
The IRIS Network  
189 Park Avenue  
Portland, Maine 04102

RE: IRIS Park Apartments, 189 Park Avenue  
ID #2005-0009, CBL #052-C-003

Dear Mr. Obremski:

On March 8, 2005 the Portland Planning Board voted unanimously (5-0, Anton and Silk absent) on the following motions regarding the Iris Park Apartments subdivision and site plan:

- IPA
1. That the Planning Board waives the Technical Standards, which requires "if the estimated post-development peak rate of stormwater runoff from the affected land is calculated to be greater than the pre-development runoff peak rates, in any watershed within the boundaries of the affected land during any phase of development, then a detention basin should be designed and constructed to maintain pre-development runoff peak rates from the site", due to the fact that the applicant is upgrading the receiving infrastructure and improvement post development runoff with the following condition:
    - i. that the applicant contribute \$5,000 towards the cost of completion of the, or upgrade of the stormwater line under Deering Avenue if the subsequent investigations reveal an upgrade is in order. If the City does not complete the work within five (5) years of the contribution date, than the \$5,000 will be returned to the applicant. ✓
  2. That the Planning Board waives the landscaping requirement of two (2) trees per residential unit per Sec. 14-506 due to the fact that the landscaping plan provides adequate buffering and landscaping with the following condition:
    - i. that the applicant revise the landscaping plan to replace the existing Catalpa tree with a 2.5" caliper Catalpa tree and to provide additional landscaping in the front of the addition, to be reviewed and approved by the City Arborist. dropped off
  3. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following conditions:
- ?  
MC

BH

i. that a license be issued by the City to the applicant for the parking lot encroachment, prior to issuance of a building permit. In the event of any termination of the license, the applicant will be required to provide a revised site plan showing the relocated parking.

✓

TG

ii. that the applicant provide a capacity letter from the Portland Sewer Department prior to issuance of a building permit.

wait

TG

iii. that the applicant revise the plans to reflect the DRC's comments in the memo dated March 3, 2005 in regards to drainage and other detail issues.

says they may have done,

BH

iv. that the applicant obtain the necessary easements from the City/School Department to tie into and construct the proposed stormdrain system on School property and take action required by the City to appropriately terminate the existing pipe, prior to issuance of a building permit to be reviewed and approved by Corporation Counsel and City staff.

done

TG

3. That the plan is in conformance with the Site Plan Ordinance of the City Land Use Code subject to the four (4) conditions of approval with respect to the subdivision ordinance and the following additional condition:

MC

i. that the applicant provide to staff lighting catalogue cuts, wattage and height of the fixtures and revise the lighting plan to eliminate spillover on the abutting residential property, to be reviewed and approved by staff.

dropped off

The approval is based on the submitted plan and the findings related to subdivision and site plan review standards as contained in Planning Board #15-05, which is attached.

Please note the following provisions and requirements for all subdivision approvals:

TG

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.

IPA

2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.

IPA

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

GG

4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, 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.



66.

5. 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.)

66.

6. 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 Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 regarding the Board's actions, please contact Kandice Talbot at 874-8901.

Sincerely,

Lee Lowry III, Chair  
Portland Planning Board

- cc: Lee D. Urban, Planning and Development Department Director
- Alexander Jaegerman, Planning Division Director
- Sarah Hopkins, Development Review Services Manager
- Kandice Talbot, Planner
- Jay Reynolds, Development Review Coordinator
- Marge Schmuckal, Zoning Administrator
- Inspections Division
- Michael Bobinsky, Public Works Director
- Traffic Division
- Eric Labelle, City Engineer
- Jeff Tarling, City Arborist
- Penny Littell, Associate Corporation Counsel
- Fire Prevention
- Assessor's Office
- Approval Letter File



05P009

**TO:** Jay Reynolds – DRC/Planner  
**FROM:** Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.  
**RE:** 189 Park Avenue – Iris Network Apartments  
**DATE:** June 7, 2005

---

I have reviewed the revised Site Plan and Documents for 189 Park Avenue – Iris Network Apartments dated 5/5/05 and letter dated June 6<sup>th</sup>, from Pinkham & Greer Consulting Engineers and have the following revised comments in italics bold:

**1. Subdivision and Site Plan**

I have reviewed the site/subdivision plan and have a few minor comments regarding some of the drainage provisions and parking lot layout.

- A. Since this is for dwelling units, the plan needs to delineate the number of dwelling units, add the city definition of Subdivision, include metes and bounds on all applicable easements to the survey plat, sealed/stamped by a Maine Licensed Surveyor, with a recording block for the Registry of Deeds.
- B. Square footage of each residence or overall building dimensions shall be labeled. Also actual building setbacks shall be shown in case of future expansion of the structure and general construction layout.

*It is our impression that the staff has forwarded this already to the Planning Board and the mylars and recording plan has been already signed and cannot be altered without major time delays. Looking at the delivered plans it appears that Staff has disregarded these requirements/suggestions and found them not necessary; therefore we have no other comments on this portion.*

**2. Stormwater/Drainage Analysis**

- A. The original attached stormwater calculations imply an addition of peak rate of runoff. We did not receive any watershed maps to verify the stormwater calculations. The applicant has shown that they can meet or nearly meet the runoff rate in the post condition in the 2, 10 and 25-year storms for two study

points (1 and 2). However, the calculations show a substantial increase in all storms for study point #3. (30% to 50% depending on storm value) There appears to be a lengthy run of stormwater runoff extending from the rear of the gas station to the rear northern corner of the parking area. We recommend a catch basin near the new sewer service crossing and tie it into the storm drain line heading northerly on the King Middle School lot. This will collect and reduce shallow flows on the pavement, and extend the pavements lifecycle and improve safety.

*The applicant has supplied the site with a future drain stub in the event that the City requires a catch basin for the abutting area in the future behind the Ice Arena parking lot. We feel that given the drainage improvements proposed on the school property the stub is an acceptable compromise.*

- B. The applicant has designed offsite pipe upgrades to the overall school/city system. We believe it would be in the City's best interest to proceed with their offer. The applicant, has provided plans with a new layout, pipe lengths, invert elevations, and pipe sizes able to handle the entire upgrade as noted in the report. However, the outlet of the last catch basin, which has only an eight-inch pipe crossing Deering Avenue, restricts the eventual discharge point near Deering Avenue. Therefore the pipe proposed will back up and surcharge.

In large storms the surcharge will overflow the last connected basin (DMH-K5) and then by surface flow reach another catch basin on school ground that leads to another separate storm drain collecting the front loop access of King middle School. The surcharge depending on the storm event could also back up in one other basin along the new storm drain layout. Based on discussions with the City Engineer we feel that an overflow pipe from the last basin the King Middle School entrance basin to be installed as high as possible will alleviate overtopping and reduce potential for surface flooding. These two separate storm drain lines in fact discharge to the same eventual combined sewer, but they are of different size and take different course to the same point.

The city requests that the applicant inspect and camera the last 8-inch pipe length that crosses Deering Avenue to assure the pipe is in operable condition without obstructions or breaks. Calculations estimating the actual flow to both pipes in the 2 and 25-year storms will be required to appropriately size future replacement downstream pipes in Deering Avenue. And lastly, it shall be the applicant's responsibility, to assure that no additional wyes or connections to the abandoned storm drain are blocked, or left without outlets, thereby causing flooding or backwater problems.

Has permission or easements to construct on City and School property been obtained?

*The design is complete and preparation of drainage rights along with a schedule has been prepared with assistance from City Legal Counsel and School Department.*

- C. Due to the existing project consisting of parking numbers consistent with the proposed and with a higher degree of delineation, organization, and overall decrease in actual parking surface we feel that stormwater treatment is not necessary.

*Acceptable.*

- D. Letters of approval from the Portland Schools Department or City shall be required to install new drains and construction activity on their property.

*Acceptable.*

3. Utility Plans

- A. Approved letters for electrical and telephone transformers/services are recommended, and a letter of approval shall be forwarded from the developer and involved utility companies.

*The applicant stated that they have attempted to contact CMP for layout and potential easement locations but have not been able to complete any arrangements with CMP. We had asked that the applicant request that this arrangement be coordinated in the field. Though it was not addressed, we have discussed verbally these options and if any further easements are required they can be added to the approved plan via affidavit.*

4. Grading and Erosion Control

- A. The plans shall show the location of the construction lay down or mobilization area.
- B. The erosion controls shall include Silt Sacs, or protection over existing and proposed catch basins during construction, to be noted on the site drawings. Also silt fence shall be shown along the King Middle School property.

*Appropriate drawings have been submitted by Benchmark Construction and are acceptable.*

5. Access and Walks

- A. The sidewalks along the parking entrance and along the access drive are shown with a vertical curb, the details call for granite curbing with sidewalk. Is this true for the entire site? Please indicate on the plans curb types. Please add details for the various sidewalk widths on the site plan.

*This has been prepared and is acceptable.*

- B. The pedestrian crossing signage, drop-off area, and pavement markings are needed at the parking entrance shall be shown along with appropriate signs to stop vehicles prior to Park Avenue exit.

*The submitted (6/6/05) sketch is acceptable.*

- C. The applicant shall indicate snow storage areas or methods for snow removal to assure no loss of parking spaces or creation of visual barriers for vehicular access or egress.

*The submitted (6/6/05) sketch is acceptable.*

- D. Tom Errico P.E. has comments regarding site access onto Park Avenue with the drive alignment. Please see his comments separately through the planner.

*See Planner.*

6. Details

- A. Details for butt joints against existing pavement are needed.

- B. A detail of the typical section for sewer connections/saddles is needed.

- C. Details for enclosed dumpster are needed.

- D. Details such as fencing and bollards are in the detail sheets. Where are they going on the site?

*Appropriate drawings/sketches have been submitted by Pinkham & Greer and are acceptable.*

Please feel free to contact me if you or the design-professional has questions with my comments or concerns. We feel the plan is acceptable for final approval and begin construction as long as the appropriate documents, bonds, and permits have been applied for and are obtained. I will be available to assist you and the applicant if warranted to address any further questions.

JRS:jrs

## CONDITIONAL ZONE AGREEMENT

### THE IRIS NETWORK

**AGREEMENT** made this \_\_\_ day of \_\_\_\_\_, 2004 by **THE IRIS NETWORK** a not for profit corporation with a principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "**TRIS**").

#### WITNESSETH

**WHEREAS, IRIS** seeks to develop property located at 189- 201 Park Avenue, in the City of Portland and identified on the City of Portland on the Assessor's maps at Map \_\_\_\_, Block \_\_\_\_, Lot(s) \_\_\_\_\_ (hereinafter referred to as the "**PROPERTY**"); and

**WHEREAS, IRIS** proposes to renovate the **PROPERTY** from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population; and

**WHEREAS, the PROPERTY** is currently located in the R-5 zoning district; and

**WHEREAS, research** has shown that the parking needs for persons with visual impairments is significantly lower than the residential parking requirements contained within the R-5 zone; and

**WHEREAS, the purpose** of this conditional rezoning is to allow a diminished parking requirement than would otherwise be allowed in the R-5 zone; and

**WHEREAS, the Planning Board** of the City of Portland, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Code §§ 14-60 to 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY**, subject, however, to certain conditions; and

**WHEREAS, the CITY** by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the **CITY'S** comprehensive land use plan and will establish uses that are consistent with the uses in the original zones and the surrounding areas; and

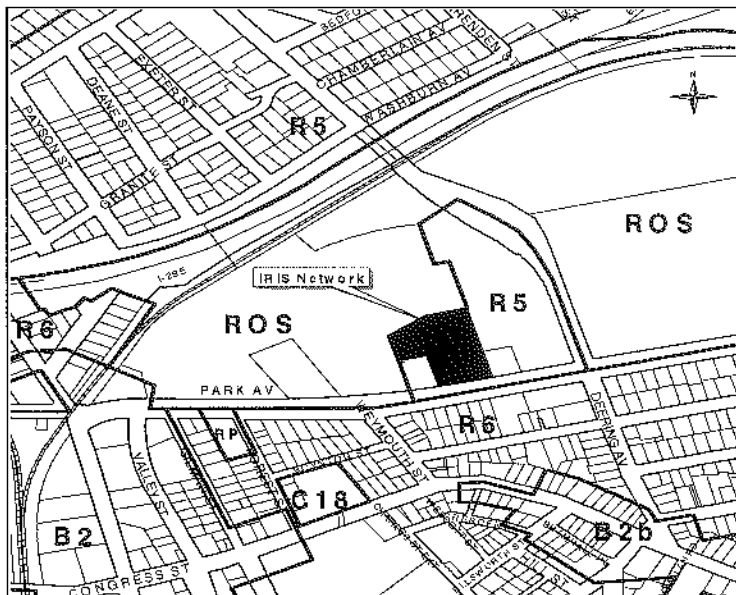
**WHEREAS, the CITY** has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal through the design and implementation of significant public traffic improvements, stormwater drainage improvements, landscaping and buffering; and

**WHEREAS**, the **CITY** has determined that because of the unusual nature and unique location of the proposed development and the need for significant public improvements it is necessary and appropriate to have conditions and restrictions which ensure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

**WHEREAS**, on \_\_\_\_\_, 2004, the **CITY** authorized amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the **CITY'S** zoning requirements; and

**NOW, THEREFORE**, in consideration of the rezoning, **IRIS** covenants and agrees as follows:

1. Effective thirty days from the affirmative vote of the City Council on rezoning the **PROPERTY**, by Council Order No. \_\_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Portland City Code, by adopting the map change amendment for the **PROPERTY** shown herein.



**Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7**

Scale: 1" = 100' (approx.)  
June 2004  
Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY**, the housing thereon is reserved for use by visually impaired individuals, and the 16,800 square feet of office use if primarily related to the operation of **IRIS** or any successor not-for-profit

entity. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.

3. **IRIS** agrees to maintain, for a period of ninety (90) years, the following controls on the residential portion of the development:

Marketing the residential units to visually impaired individuals with incomes at 50% and 60% of the Area Median Income

These affordability restrictions shall be secured by covenants and restrictions and conditions in any deeds conveyed out by **OWNER**.

4. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone with the exceptions noted herein:
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
5. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.
6. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
7. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
8. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
9. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of



the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

Dated this \_\_\_ day of \_\_\_\_\_, 2004.

The Iris Network

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

State of Maine  
Cumberland, ss.

Date:

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of The Iris Network and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Maine Workforce Housing LLC.

\_\_\_\_\_  
Notary Public

Memorandum  
Department of Planning and Development  
Planning Division

---



**To:** Chair Delogu and Members of the Portland Planning Board

**From:** Kandice Talbot, Planner

**Date:** August 19, 2004

**Re:** August 24, 2004 Planning Board Workshop Meeting  
Zone Map Change Request  
R-5 to R-7, Vicinity of 201 Park Avenue  
The IRIS Network, Applicant

---

### **Introduction**

The IRIS Network is requesting a review of a zoning map change for the property located at 201 Park Avenue. Fitzpatrick Stadium, Portland Ice Arena, King Middle School and a gas station bound the site. The zone change request is from an R-5 Residential to R-7 Compact Urban Residential Overlay Zone. The purpose of the zone change request is to allow the applicant to renovate and expand the existing dormitory to house thirty-one (31) one and two bedroom apartments. The administrative offices will remain in the rear building.

The applicant has explored both the R-6 and R-7 zone for this proposal. It appears that this project can work under both zones, with the exception of parking, which would not meet the R-6 requirements. The R-7 zone requires only 1 parking space per unit.

### **Site Plan Proposal**

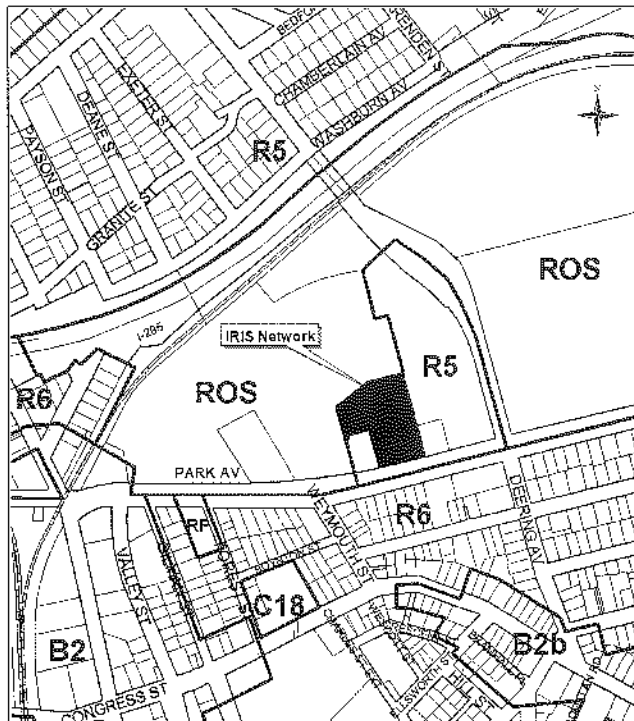
The proposed use of the property will remain consistent with the current use. The IRIS Network administration offices will remain in the rear building. The front building will be expanded in size to accommodate thirty-one (31) one and two bedroom apartments. The expansion will occur on the north side of the existing structure toward King Middle School. Modifications to the Court Yard and drop off area will occur as part of the overall plan.

The plan shows a swap of land between the City and the Maine Center for the Blind. However, the land that was supposed to be conveyed to the Maine Center for the Blind was never recorded. The applicant is currently working to resolve this issue. There is a

small area of the existing parking lot, which goes into that parcel of land. The parcel ownership would need to be resolved, or parking removed from that parcel, or the City could give the applicant a license to for the area encroaching on this parcel.

### Zoning Map Change

The IRIS Network is proposing to rezone its entire parcel as shown below:



**Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7**

Scale: 1" = 100' Feet  
June 2004  
Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

### Zoning Policy Consideration

The purpose of the R-7 Compact Urban Residential Overlay Zone is:

*“To encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown and other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.*”

*Locations for siting the R-7 zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that new development is architecturally appropriate and compatible with the surrounding neighborhood."*

The IRIS Network building has been located on this site since 1909, and has been formerly known as the Maine Center for the Blind. The IRIS Network site is located on Park Avenue, on the peninsula, within walking distance of the downtown, and shopping and community facilities. This area also has transit service. ✓

The expansion would create additional living facilities for individuals who have sight impairments.

The R-7 zone requires only 1 parking space per unit. Based on the office space and residential units, the parking required for this proposal under an R-7 zone would be 73 parking spaces. If the property were rezoned R-6, the proposal would require 104 parking spaces.

The applicant has submitted two site plans. Sheet 1, which is included as Attachment \_\_ shows the layout that the applicant is currently proposing. Sheet 2, which is included as Attachment \_\_, depicts the maximum space available for parking spaces. *How relevant?*

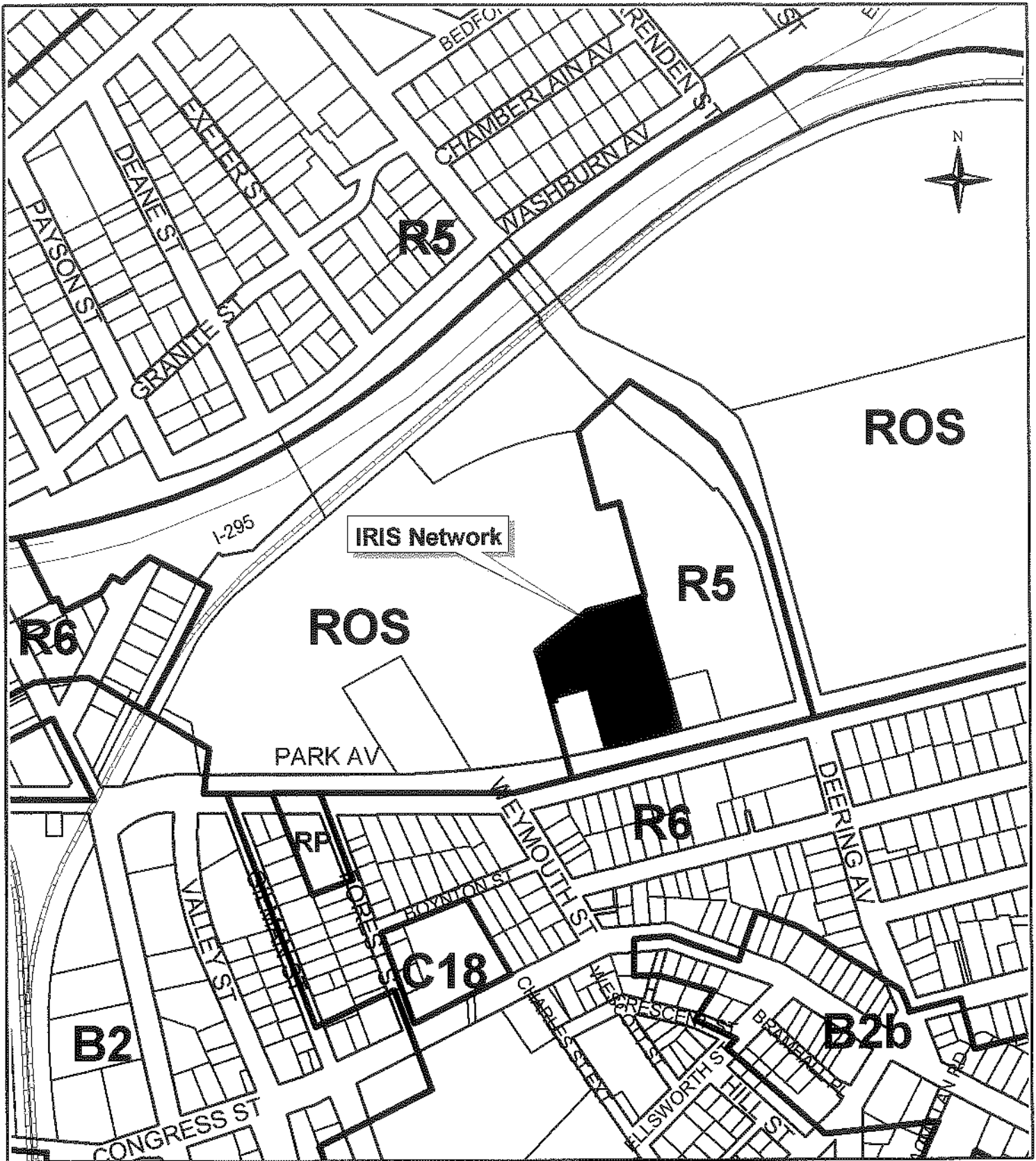
### **Conditional Rezoning**

At the last workshop, a member of the Planning Board wondered if this parcel should be a conditional rezoning so that if the current use is discontinued then the parcel could revert back to the existing zoning. If the use were discontinued, then reverting back to the existing zoning would address parking for any new expansions, however would not require any additional parking for the existing uses on site.

The applicant has drafted a contract and it is included as Attachment \_\_.

### **Advertisement**

The Planning Board will need to give staff guidance on how they would like this project to go forward. The Board should be aware that the applicant's attorney drafted the contract and if the Planning Board wishes to go forward with a conditional rezoning, the contract language shall be reviewed in greater detail.



## Proposed Rezoning for IRIS Network, 189 Park Av., from R5 to R7

50 0 50100150 Feet

June 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

Memorandum  
Department of Planning and Development  
Planning Division

---



**To:** Chair Delogu and Members of the Portland Planning Board

**From:** Kandice Talbot, Planner

**Date:** June 17, 2004

**Re:** June 22, 2004 Planning Board Workshop Meeting  
Zone Map Change Request  
R-5 to R-7, Vicinity of 201 Park Avenue  
The IRIS Network, Applicant

---

### **Introduction**

The IRIS Foundation is requesting a review of a zoning map change for the property located at 201 Park Avenue. The zone change request is from an R-5 Residential to an R-7 Compact Urban Residential Overlay Zone. The purpose of the zone change request is to allow the applicant to renovate and expand the existing dormitory to house thirty-one (31) one and two bedroom apartments. The administrative offices will remain in the rear building.

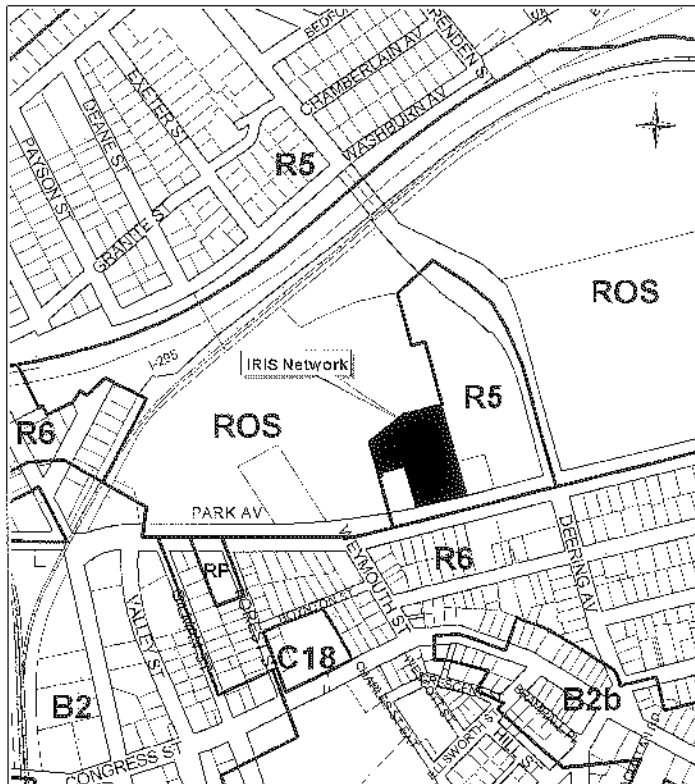
The applicant has explored both the R-6 and R-7 zone for this proposal. It appears that this project can work under both zones, with the exception of parking, which would not meet the R-6 requirements. The R-7 zone requires only 1 parking space per unit.

### **Site Plan Proposal**

The proposed use of the property will remain consistent with the current use. The IRIS Foundation administrative offices will remain in the rear building. The front building will be expanded in size to accommodate thirty-one (31) one and two bedroom apartments. The expansion will occur on the north side of the existing structure toward King Middle School. Modifications to the Court Yard and drop off area will occur as part of the overall plan.

## Zoning Map Change

The IRIS Foundation is proposing to rezone its entire parcel as shown below:



### Proposed Rezoning for IRIS Network, 189 Park Av., from R5 to R7

SC 3 9010055 For

June 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

## Zoning Policy Consideration

The purpose of the R-7 Compact Urban Residential Overlay Zone is:

*“To encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown and other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.*”

*Locations for siting the R-7 zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that new development is architecturally appropriate and compatible with the surrounding neighborhood.”*

The Iris Foundation building has been located on this site since 1909, and has been formerly known as the Maine Center for the Blind. The Iris Foundation site is located on Park Avenue, within walking distant of the downtown, and shopping and community facilities. This area also has transit service.

The expansion would create additional living facilities for individuals who have sight impairments.

#### **Advertisement**

Staff is requesting direction from the Board regarding advertisement of the proposed zone map change.

#### Attachments:

1. Zone Change Application
2. R-6 Zoning Text
3. R-7 Zoning Text





FITZPATRICK STADIUM

PARKING FOR FITZPATRICK STADIUM

MOUNTED PATROL BARN

ICE ARENA

KING MIDDLE SCHOOL

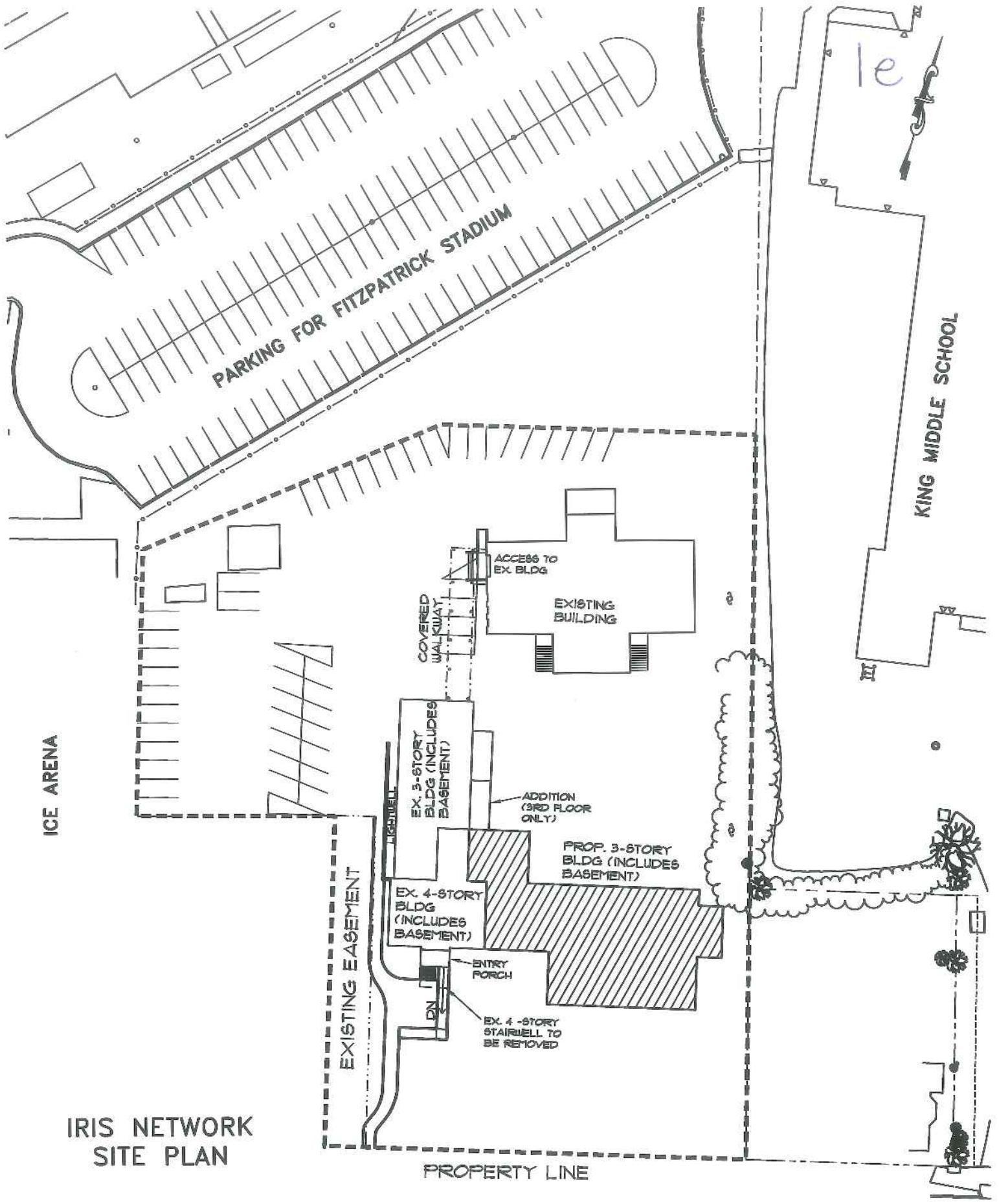
EXISTING EASEMENT

PROPERTY LINE

PARK AVENUE

IRIS NETWORK  
AERIAL  
PHOTOGRAPH

SCALE: 1"=100'  
APRIL 29, 2000



**IRIS NETWORK  
SITE PLAN**

SCALE: 1"=60"  
APRIL 29, 2004

**PARK AVENUE**

IF

See 8564 Book

Page 197

Finney Van Orce

4445  
1  
D

FORM 1321 (Revised) Warranty Deed-Exempt

15766

TUTORIALS AND MORE FORMS BY MAIL OFFICE  
Turley Law Print, Publishers, Rutland, VT

# Know all Men by these Presents

**That** Maine Institution for the Blind

~~COMPANY~~

a corporation organized and existing under the laws of the State of Maine

and located at 189 Park Avenue, Portland,

in the County of Cumberland and State of Maine

in consideration of One Dollar (\$1.00) and other valuable consideration

paid by George F. Hamilton

the receipt whereof it does hereby acknowledge, does hereby

give, grant, bargain, sell and convey unto the said George F. Hamilton,

his heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the North side of Park Avenue (formerly Portland Street) in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the North side line of Park Avenue at the Southeast corner of land of the City of Portland, said point being Westerly 595.61 feet from the intersection of the Westerly side line of Deering Avenue and the North side line of Park Avenue; thence Easterly along the North side line of Park Avenue on a curve to the left, whose radius is 2865.34 feet, 100.00 feet to a point; thence N1°-40'E 150.00 feet to a point; thence N83°-59'-30"W 82.93 feet to a point; thence S2°-06'W 10.47 feet to a point; thence N87°-54'W 16.93 feet to a point; thence S1°-40'W along land of the City of Portland 138.37 feet to the point of beginning; containing 14,796 square feet.

Also conveying a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with the grantor on the East side of the above described parcel, said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel; thence Easterly 7 feet along the North side line of Park Avenue; thence Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the Northeast corner of the above described parcel; thence S1°-40'W 150 feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with with the grantee bounded and described as follows:

Beginning at the Southeast corner of the first parcel described above; thence Westerly 9 feet along the North side line of Park Avenue, thence Northerly 150 feet more or less; thence S83°-59'-30"E 2 feet to the Northeast corner of the first parcel described above; thence S1°-40'W 150 feet to the point of beginning.

Also conveying the perpetual right and easement to use, maintain, repair and replace the existing light, sign and pole on which they are affixed, on the East side of the first parcel described above, said pole being approximately 4 feet North of the street line of Park Avenue and 9 feet East of the Easterly boundary of said first parcel described above.

lg

2

Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, maintain, repair and replace the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1908 and recorded in the Cumberland County Registry of Deeds in Book 821, Page 196.

1h

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said George F. Hamilton

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances: except for easements and restrictions of record

that it has ~~never~~ good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Cathen Gilman and Sidney Schwartz

thereunto duly authorized, this 25<sup>th</sup> day of June in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Delivered in presence of

*Charles S. Hawkins*  
to both:

By *Cathen Gilman*  
Cathen Gilman, Director  
*Sidney Schwartz*  
Sidney Schwartz, Director

Maine Institution for the Blind



State of Maine, Cumberland

June 25 1979

Then personally appeared the above named Cathen Gilman of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS  
CUMBERLAND COUNTY MAINE  
Received JUN 25 1979  
at 12 H 11 M P M, and recorded:  
In BOOK 4445 PAGE 1  
Attest: *Leah S. Dobbins*  
Deputy Register

Before me,  
*Charles S. Hawkins*  
Justice of the Peace  
Notary Public  
Attorney - at - Law

or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

Sec. 14-132. Reserved.

Sec. 14-133. Reserved.

Sec. 14-134. Reserved.

DIVISION 7. R-6 RESIDENTIAL ZONE\*

-----  
\*Editor's note--Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131--14-134, and enacted a new Div. 9, §§ 14-135--14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision has been included as Div. 7.  
-----

Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(Ord. No. 538-84, 5-7-84)

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 residential zone:

(a) *Residential:*

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any

additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with section 14-524 or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a major development pursuant to article V of this chapter.

2. Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987:

- a. Shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and
- b. Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic;
- c. Parking shall be provided as required by division 20 of this article;
- d. No open outside stairways or fire escapes above the ground floor shall be constructed;
- e. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;
- f. Such development shall be subject to article V (site plan) of this chapter for site plan review and approval.

3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.

4. Single-family, multiple-component manufactured

housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:

a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.

b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.

c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.

d. Each unit shall have the long side of the unit



2C

parallel to the street line where the required street frontage is met.

- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) Other:

- 1. Lodging house;
- 2. Cemeteries;
- 3. Parks, and other active and passive noncommercial recreation spaces;
- 4. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 5. Home occupation subject to the provisions of section 14-410 (home occupation) of this article;
- 6. Municipal uses, excluding those specifically set forth in section 14-137 of this division;
- 7. Special needs independent living units, provided

2d

that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

- 8. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with up to four (4) guest rooms, subject to the standards of article V (site plan).

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97)

-----  
\*Editor's note--Ord. No. 85-88, §§ 1, 2, adopted July 19, 1988, amended § 14-136 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88. Ord. No. 95-89, § 2, adopted Sept. 6, 1989, amended subsection (1)a of § 14-136 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."  
-----

**Sec. 14-137. Conditional uses.**

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) Residential:

- 1. Reserved.

2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:

- a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
- b. There shall be no open outside stairways or fire escapes above the ground floor.
- c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.

(c) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a)

(conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2. a. Long-term and extended care facilities;
- b. Intermediate care facility for thirteen (13) or more persons;
3. Intermediate care facility;
4. Church or other place of worship;
5. Private club or fraternal organization;
6. Community Hall provided that:
  - a. The structure was in existence as of date of enactment, March 15, 1999;
  - b. The structure was built for institutional or other non-residential uses;
  - c. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - d. A parking management plan is submitted for review and approval by the Planning Board.
7. Hospital;
8. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing

site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(c) *Other:*

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a

2h

residence on April 18, 1984, or thereafter.

- a. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.
  - b. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.
  - c. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.
  - d. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
  - e. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
  - f. On-site parking shall be required as specified in division 20 (off-street parking) of this article for the combined uses of the site.
3. Chancellery.
  4. Nursery school and kindergarten.
  5. Off-street parking for passenger cars for uses permitted in the R-6 zone.
  6. Day care facilities or home babysitting services

not permitted as a home occupation under section 14-410, subject to the following conditions:

- a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children

shall meet the following additional standards:

- i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
- iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
- v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- vi. Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;
- vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and



2L

6. Church or place of worship: Seventy-five hundred (7,500) square feet for a seating capacity of fifty (50) plus one thousand (1,000) square feet for each additional increment of fifteen (15) seats or major fraction thereof within the principal place of assembly for worship.
7. Fraternal organization:; Ten thousand (10,000) square feet.
8. Municipal use: Forty-five hundred (4,500) square feet.
9. Hospital: Two (2) acres.
10. All other uses: Forty-five hundred (4,500) square feet.
11. Lodging house: Four thousand five hundred (4,500) square feet.
12. Community Hall: None, provided that no existing lot housing a community hall may be reduced to less than four thousand five hundred (4,500) square feet.

Provided that for uses specified in section 14-139(a)3 through 9 above, no minimum lot area shall be required in the following cases:

- a. Uses existing on June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

2m

- d. Expansion onto land other than the lot on which the principal use is located of not more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.
- (b) 1. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.
2. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
3. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.
4. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.
- (c) *Minimum street frontage:* Forty (40) feet.
- (d) *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)
1. *Front yard:*
- Principal or accessory structures: Ten (10) feet.
- A front yard need not exceed the average depth of

2n

front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

2. Rear yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- b. Detached accessory structures with a ground coverage of one hundred (100) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story . . . . .	10 feet
2 stories . . . . .	10 feet
3 stories . . . . .	10 feet
4 stories . . . . .	12 feet
5 stories . . . . .	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to

provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

- b. Detached accessory structures with ground coverage of one hundred (100) square feet or less: Five (5) feet. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

4. *Side yard on side streets:*

- a. Principal or accessory structures: Ten (10) feet.

(e) *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

(f) *Minimum lot width:* Fifty (50) feet.

(g) *Maximum structure height:*

Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

(h) *Open space ratio:*

1. *Uses other than bed and breakfast:* Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

2. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the

lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

- (i) A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.
- (j) *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 232-99; §3, 3-15-99)

-----  
\*Editor's note--Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.  
-----

**Sec. 14-140. Other requirements.**

(a) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article, except that required parking for residential building additions shall be located on the same lot.

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be

Att. 3

City of Portland, Maine  
Code of Ordinances  
Sec 14-140

Land Use  
Chapter 14  
Rev. 2-21-01

subject to the requirements of division 26 and/or division 26.5.  
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11,  
6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No.  
122, 12-20-99)

-----  
\*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended §  
14-145(a) to read as herein set out. See also the editor's note to Art. III of  
this chapter for additional provisions relative to Ord. No. 85-88.  
-----

**DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE**

**Section 14.141. Purpose.**

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

(Ord. No. 122, 12-20-99)

**Sec. 14-142. Permitted Uses.**

Permitted uses in the R-7 Compact Urban Residential Overlay

3a

Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

1. Minimum Lot Size: None
2. Minimum Frontage: None
3. Minimum Yard Dimensions: None, except that on lots or portions of lots which abut a lot under separate ownership with existing residential development, the side or rear setbacks of the R-6 Zone shall apply in areas adjacent to such abutting residential lot. In no case, however, shall this provision require a setback such that the distance between the existing residential building and proposed new residential structure exceed the combined setbacks of the respective zones.
4. Maximum Lot Coverage: 100%
5. Maximum Residential Density: Seven hundred twenty five (725) square feet of land area per dwelling unit is required, except for developments which are located within 500 feet, property line to property line, of a municipal park or playground, the density may be increased to four hundred thirty five (435) square feet of land area per dwelling unit for a portion of the lot which does not exceed the size of such municipal facility.
6. Maximum Building Height: Fifty (50) Feet

(b) Parking shall be provided at the ratio of 1 parking space for each dwelling unit;

(c) Residential development in the R-7 Zone shall be reviewed by the Planning Board for compliance with Article IV, Subdivisions, and Article V, Site Plan;

(d) Any new dwelling unit constructed in the R-7 Zone shall contain a minimum of 400 square feet of habitable floor area;

(e) All other uses in the R-7 Zone shall observe the

requirements of the R-6 Zone.  
(Ord. No. 122, 12-20-99)

**Sec. 14-143. Design Standards.**

Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences should include design elements that enhance the streetscape and address the street.

- a. Porches and bays should face the street.
- b. Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.
- c. The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood;
- d. The facade shall be varied and articulated to provide visual interest to pedestrians;
- e. Reinforce the public realm of the public open space, sidewalks and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details;
- f. Provide visual and acoustical privacy between units;
- g. Maximize natural light and ventilation within units.

(Ord. No. 122, 12-20-99)

**Sec. 14-144. Reserved.**

**Sec. 14-145. Reserved.**



Iris Network 6/22/04 workshop

Rehabilitation and residential in the Community  
Shut down boarding units and provide  
housing for blind or visually impaired

Tom Greer - 61 or 62 pkg spaces - 30 for  
office - 31 for residential

Janice - employment? - a work in  
73% over age of 60

David Silk - contract ~~\$~~ for use and  
if use discontinues - then inadequate  
pkg

Lee - why dense <sup>zone</sup> next to school? low  
income - financial eligibility

---

Public Comments No

One more workshop - financial - low  
income / details

Show comparison of plans

Memorandum  
Department of Planning and Development  
Planning Division

---



**To:** Chair Delogu and Members of the Portland Planning Board

**From:** Kandice Talbot, Planner

**Date:** August 19, 2004

**Re:** August 24, 2004 Planning Board Workshop Meeting  
Zone Map Change Request  
R-5 to R-7, Vicinity of 201 Park Avenue  
The IRIS Network, Applicant

---

**Introduction**

The IRIS Network is requesting a review of a zoning map change for the property located at 201 Park Avenue. Fitzpatrick Stadium, Portland Ice Arena, King Middle School and a gas station bound the site. The site is currently zoned R-5. The purpose of the zone change request is to allow the applicant to renovate and expand the existing dormitory to house thirty-one (31) one and two bedroom apartments. The administrative offices will remain in the rear building. The expansion would create additional living facilities for individuals who have sight impairments.

The applicant has explored both the R-6 and R-7 zone for this proposal. It appears that this project can work under both zones, with the exception of parking, which would not meet the R-6 or R-7 requirements.

At the last workshop, the Planning Board suggested that the applicant might want to explore a conditional rezoning, because although a large amount of parking isn't necessary for the proposed use, in the event the use was discontinued, the property could possibly revert back to the original zone.

The applicant has decided at this time to pursue a conditional rezoning instead of a zone change to the R-6 or R-7 zone, in order to provide a reduced number of parking spaces for the use of the property. Attachment 4 is a discussion of the parking needs necessary for the proposed IRIS Park Apartments. The applicant looked at a similar home in Wisconsin, which has a total of 57 apartments. The Badger Home in Wisconsin uses four parking spaces for 67 apartments due to the fact that their residents are people who are blind or visually impaired. The applicant is proposing a conditional zone with a total of

55 parking spaces. Based on zoning, 42 parking spaces are required for the office use and there would be a remainder of ~~13~~ parking spaces for the residential tenants.

31

The applicant has submitted two site plans. Sheet 1, which is included as Attachment 6 shows the layout that the applicant is currently proposing for the conditional rezoning. Sheet 2, which is included as Attachment 7, depicts the maximum space available for parking spaces, which is a total of 105 parking spaces. Sheet 2 shows additional parking could be provided within the front of the proposed building expansion and a triangle parcel at the rear of the property.

The applicant has stated that a number of years ago, the City and the Maine Institute for the Blind swapped to triangle pieces of property. The parcel conveyed to the City was recorded, however, the parcel conveyed to the Maine Institute for the Blind was never recorded and is still listed as City property. The applicant has requested that the City deed that parcel to them and City staff is reviewing that request. Because the applicant does not have clear title to that parcel, they cannot show additional parking within that area.

While the grassed area in front of the proposed expansion along Park Avenue could be used in the future as parking or to meet the present requirements of the R-7, the applicant would prefer to keep the area in the front of the proposed expansion grassed with landscaping.

Parking Comparison Summary

Existing Parking	47 spaces
Proposed Parking with Addition	54 <del>55</del> spaces
R-6 Required Parking with Addition	104 spaces
R-7 Required Parking with Addition	73 spaces
Potential Future Buildout of Parking	105 spaces

**Site Plan Proposal**

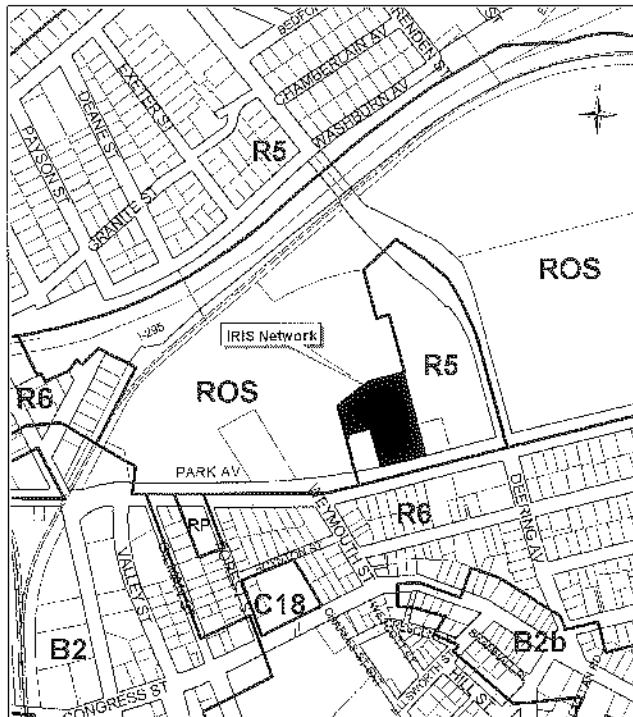
The proposed use of the property will remain consistent with the current use. The IRIS Network administration offices will remain in the rear building. The front building will be expanded in size to accommodate thirty-one (31) one and two bedroom apartments. The expansion will occur on the north side of the existing structure toward King Middle School. Modifications to the court yard and drop off area will occur as part of the overall plan.

As stated previously, the plan shows a swap of land between the City and the Maine Center for the Blind. However, the land that was supposed to be conveyed to the Maine Center for the Blind was never recorded. The applicant is currently working to resolve this issue. There is a small area of the existing parking lot, which goes into that parcel of land. The parcel ownership would need to be resolved, or parking removed from that

parcel, or the City could give the applicant a license to for the area encroaching on this parcel.

### **Zoning Map Change**

The IRIS Network is proposing to rezone its entire parcel as shown below:



**Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7**

June 2004  
Map prepared by the City of Park and's Department of Planning & Development and the CSC Workgroup

### **Zoning Policy Consideration**

#### Conditional Rezoning

At the last workshop, the Planning Board questioned whether this parcel should be conditionally rezoned so that if the current use is discontinued then the parcel could revert back to the existing R-5 zoning. If the use were discontinued, then reverting back to the existing zoning would address parking for any new expansions, however would not require any additional parking for the existing uses on site.

Because of the issue with the parcel at the rear of the property, the applicant is proposing a conditional rezoning with a reduced number of parking spaces. Based on the applicant's research of a similar use, the applicant feels that 55 parking spaces is adequate for the 31 residential units and the existing office space.

The applicant has drafted a contract and it is included as Attachment 5. Corporation Counsel has reviewed the contract, and if the Board wishes to proceed with a conditional rezoning, there are a number of issues within the contract that would need to be clarified.

#### R-7 Rezoning

The purpose of the R-7 Compact Urban Residential Overlay Zone is:

*“To encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown and other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.*

*Locations for siting the R-7 zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that new development is architecturally appropriate and compatible with the surrounding neighborhood.”*

The IRIS Network building has been located on this site since 1909, and has been formerly known as the Maine Center for the Blind. The IRIS Network site is located on Park Avenue, on the peninsula, within walking distance of the downtown, and shopping and community facilities. This area also has transit service.

The expansion would create additional living facilities for individuals who have sight impairments.

The R-7 zone requires only 1 parking space per unit. Based on the office space and residential units, the parking required for this proposal under an R-7 zone would be 73 parking spaces. If the property were rezoned R-6, the proposal would require 104 parking spaces. Given the type of use and the vehicles needs, the parking required under the R-7 zone would be provided on site.

While the needs of the Iris Network residents are unique, and may support the need for a conditional zone, the R-7 appears also to be an appropriate zone for the site. Given the location of the parcel and its proximity to the downtown and its amenities and services, the R-7 may be an appropriate zoning designation to the existing use and any future redevelopment of the site.

### **Advertisement**

The Planning Board will need to give staff guidance on how they would like this project to go forward. The Board should be aware that the applicant's attorney drafted the contract and if the Planning Board wishes to go forward with a conditional rezoning, the contract language shall be reviewed in greater detail.

### Attachments:

1. Zone Change Application
2. R-6 Zoning Text
3. R-7 Zoning Text
4. Letter submitted by Applicant dated August 10, 2004 regarding financial information and parking needs
5. Proposed Language of Contract
6. Proposed Plan
7. Maximum Parking Layout Plan



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

- 
- 1. **Applicant Information:**  
The IRIS Network  
Name  
189 Park Avenue  
Address  
Portland, Maine 04102  
  
207-774-6273      207-774-0679  
Phone                      Fax
  - 2. **Subject Property:**  
201 Park Avenue  
Address  
Portland, Maine 04102  
  
52-C-3  
Assessor's Reference (Chart-Block-Lot)
  - 3. **Property Owner:**     Applicant     Other  
Name  
The IRIS Network  
Address  
189 Park Avenue Portland, ME 04102  
  
207-774-6273      207-774-0679  
Phone                      Fax
  - 4. **Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property:  
Deed Attached: Book 4445 Page 1 dated June 25, 1979  
  
Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)
  - 5. **Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

1a

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R5 to R7

B.  Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (~~example~~), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)




11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<u>  X  </u> Zoning Map Amendment	\$2,000.00
<u>      </u> Zoning Text Amendment	\$2,000.00
<u>      </u> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statue and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

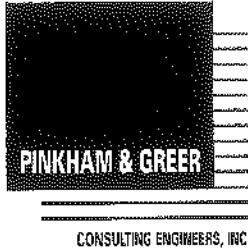
Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

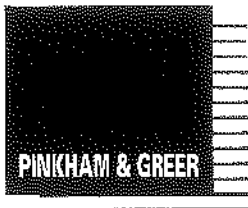
Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



CONSULTING ENGINEERS, INC.

1c

Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER

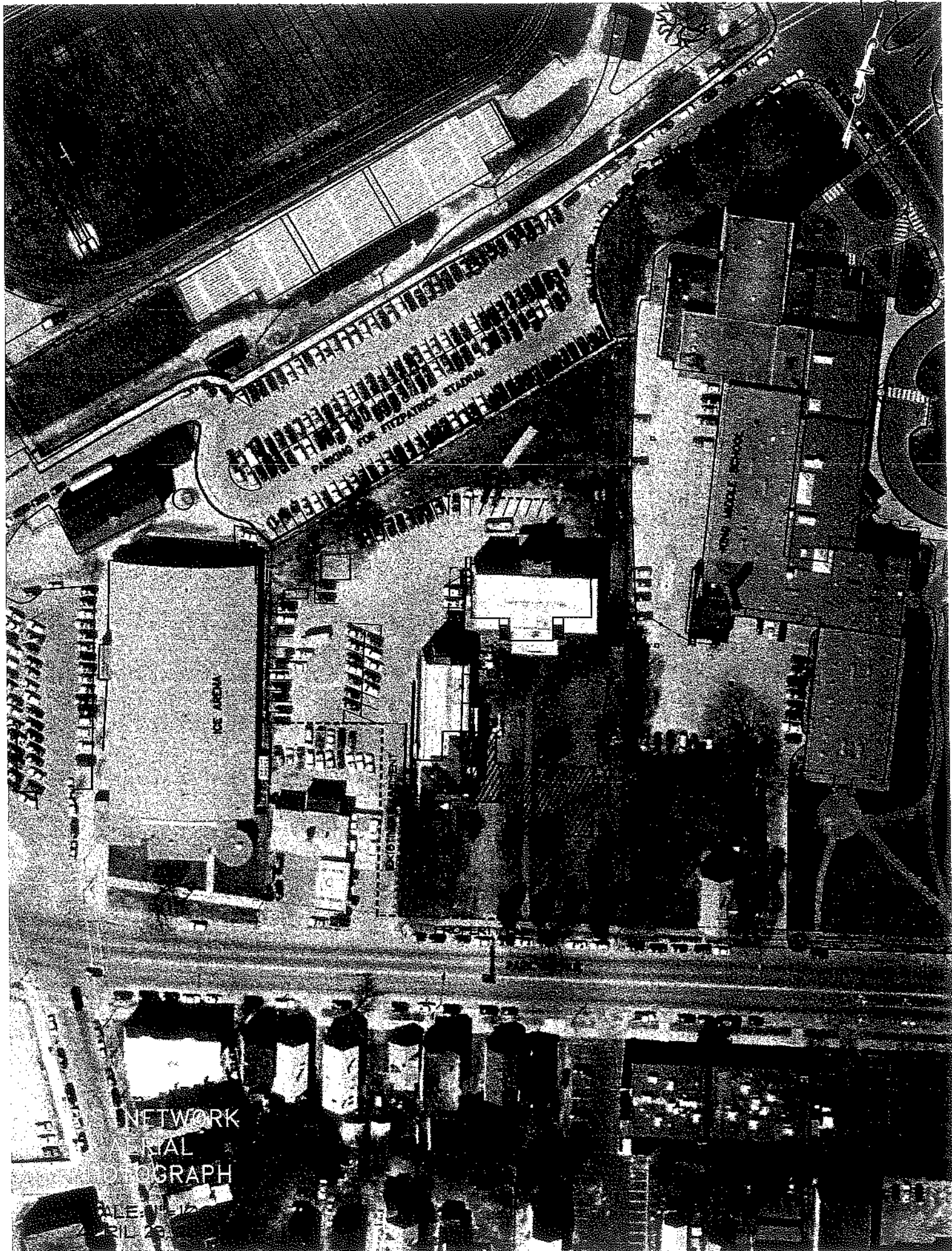
A handwritten signature in black ink, appearing to read "Thomas S. Greer".

Thomas S. Greer, P.E.

TSG/rlo

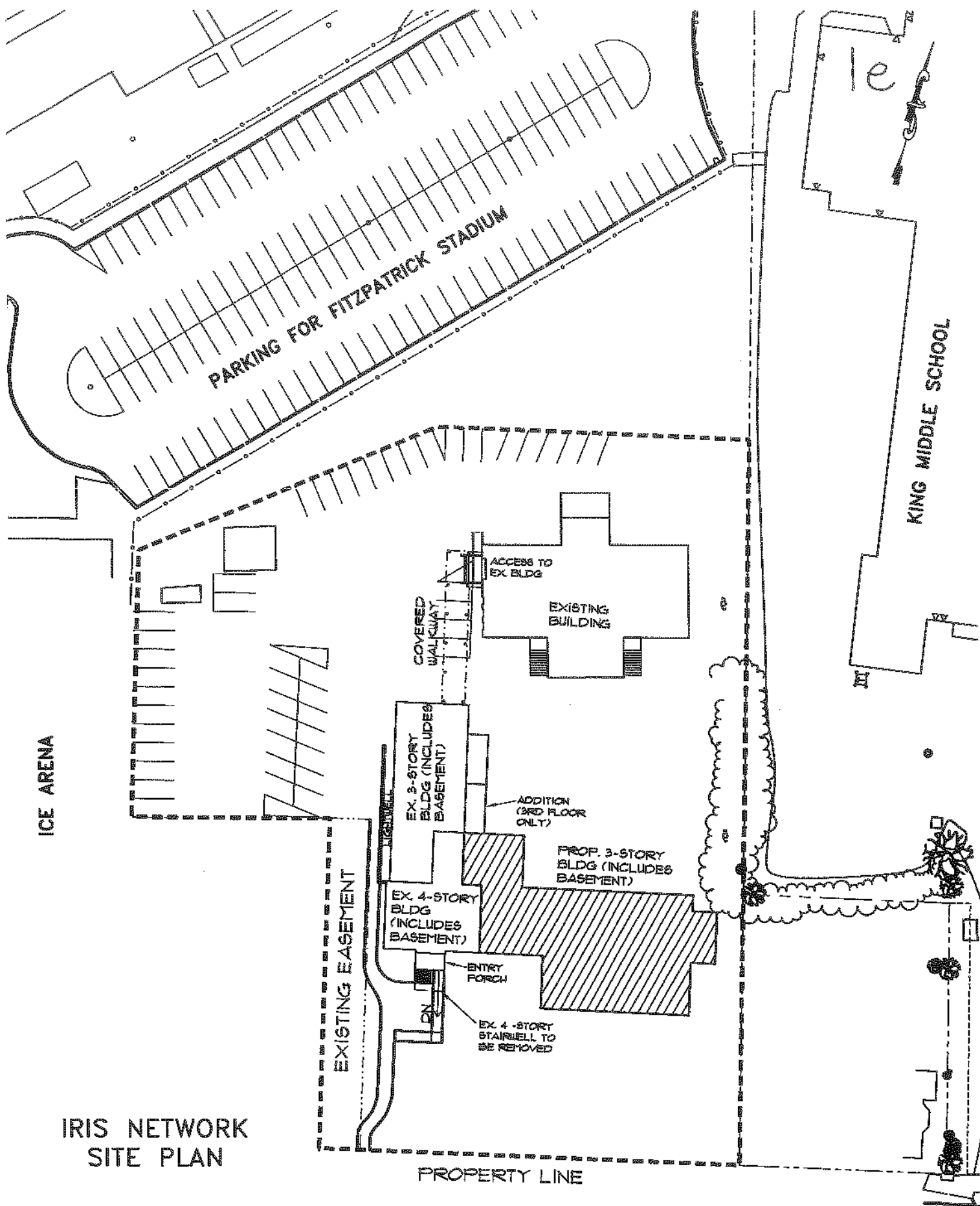
Enclosures

Cc: Herb Semple, Semple & Drane



FBI NETWORK  
SERIAL  
PHOTOGRAPH

DATE 11/12  
2 11 12



**IRIS NETWORK  
SITE PLAN**

SCALE: 1"=60"  
APRIL 29, 2004

**PARK AVENUE**

IF

See 8564 Book Page 197 Spring variance

FORM 1103 PLAINS Warranty Deed—Conveyance

15766

TRUDANE GARLAND & COMPANY  
Title Law Firm, Publishers, Ballroom

# Know all Men by these Presents

**That** Maine Institution for the Blind

~~20063000X~~

a corporation organized and existing under the laws of the State of Maine

and located at 189 Park Avenue, Portland,

in the County of Cumberland and State of Maine

in consideration of One Dollar (\$1.00) and other valuable consideration

paid by George F. Hamilton

the receipt whereof it does hereby acknowledge, does hereby

give, grant, bargain, sell and convey unto the said George F. Hamilton,

his heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the North side of Park Avenue (formerly Portland Street) in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the North side line of Park Avenue at the Southeast corner of land of the City of Portland, said point being Westerly 595.61 feet from the intersection of the Westerly side line of Deering Avenue and the North side line of Park Avenue; thence Easterly along the North side line of Park Avenue on a curve to the left, whose radius is 2865.34 feet, 100.00 feet to a point; thence N1°-46'E 150.00 feet to a point; thence N83°-59'-30"W 82.93 feet to a point; thence S2°-06'W 10.47 feet to a point; thence N87°-54'W 16.93 feet to a point; thence S1°-40'W along land of the City of Portland 138.37 feet to the point of beginning; containing 14,796 square feet.

Also conveying a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with the grantor on the East side of the above described parcel, said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel; thence Easterly 7 feet along the North side line of Park Avenue; thence Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the Northeast corner of the above described parcel; thence S1°-40'W 150 feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with with the grantee bounded and described as follows:

Beginning at the Southeast corner of the first parcel described above; thence Westerly 9 feet along the North side line of Park Avenue, thence Northerly 150 feet more or less; thence S83°-59'-30"E 2 feet to the Northeast corner of the first parcel described above; thence S1°-40'W 150 feet to the point of beginning.

Also conveying the perpetual right and easement to use, maintain, repair and replace the existing light, sign and pole on which they are affixed, on the East side of the first parcel described above, said pole being approximately 4 feet North of the street line of Park Avenue and 9 feet East of the Easterly boundary of said first parcel described above.

4445  
1  
D

19

2

Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, maintain, repair and replace the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1908 and recorded in the Cumberland County Registry of Deeds in Book 821, Page 196.

16

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said George F. Hamilton

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances; except for easements and restrictions of record

that it has ~~XXXX~~ good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Cathen Gilman and Sidney Schwartz

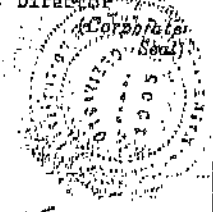
thereunto duly authorized, this 25<sup>th</sup> day of June, its in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Delivered in presence of

*Claude Stearns*  
to both

Maine Institution for the Blind

By *Cathen Gilman*  
Cathen Gilman, Director  
*Sidney Schwartz*  
Sidney Schwartz, Director



State of Maine, Cumberland

} ss.

June 25 1979

Then personally appeared the above named Cathen Gilman

of said Grantor Corporation or aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS CUMBERLAND COUNTY MAINE

Received JUN 25 1979 at 13 H 15 M P M, and recorded: In BOOK 4445 PAGE 1 Attest: *Charles J. Dobbins* Registrar

*Claude Stearns*  
Justice of the Peace  
Notary Public  
Attorney-at-Law



or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

- Sec. 14-132. Reserved.
- Sec. 14-133. Reserved.
- Sec. 14-134. Reserved.

DIVISION 7. R-6 RESIDENTIAL ZONE\*

-----  
\*Editor's note--Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131--14-134, and enacted a new Div. 9, §§ 14-135--14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision has been included as Div. 7.  
-----

Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(Ord. No. 538-84, 5-7-84)

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 residential zone:

(a) Residential:

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any

additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with section 14-524 or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a major development pursuant to article V of this chapter.

2. Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987:

- a. Shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and
- b. Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic;
- c. Parking shall be provided as required by division 20 of this article;
- d. No open outside stairways or fire escapes above the ground floor shall be constructed;
- e. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;
- f. Such development shall be subject to article V (site plan) of this chapter for site plan review and approval.

3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.

4. Single-family, multiple-component manufactured

housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
  - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
  - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
  - c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
  - d. Each unit shall have the long side of the unit

20

parallel to the street line where the required street frontage is met.

- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) Other:

- 1. Lodging house;
- 2. Cemeteries;
- 3. Parks, and other active and passive noncommercial recreation spaces;
- 4. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 5. Home occupation subject to the provisions of section 14-410 (home occupation) of this article;
- 6. Municipal uses, excluding those specifically set forth in section 14-137 of this division;
- 7. Special needs independent living units, provided

that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

8. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with up to four (4) guest rooms, subject to the standards of article V (site plan).

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97)

-----  
\*Editor's note--Ord. No. 85-88, §§ 1, 2, adopted July 19, 1988, amended § 14-136 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88. Ord. No. 95-89, § 2, adopted Sept. 6, 1989, amended subsection (1)a of § 14-136 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."  
-----

#### Sec. 14-137. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) Residential:

1. Reserved.

2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:

- a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
- b. There shall be no open outside stairways or fire escapes above the ground floor.
- c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.

(c) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a)

2f

(conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2. a. Long-term and extended care facilities;  
b. Intermediate care facility for thirteen (13) or more persons;
3. Intermediate care facility;
4. Church or other place of worship;
5. Private club or fraternal organization;
6. Community Hall provided that:
  - a. The structure was in existence as of date of enactment, March 15, 1999;
  - b. The structure was built for institutional or other non-residential uses;
  - c. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - d. A parking management plan is submitted for review and approval by the Planning Board.
7. Hospital;
8. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing

site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(c) Other:

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a



residence on April 18, 1984, or thereafter.

- a. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.
  - b. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.
  - c. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.
  - d. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
  - e. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
  - f. On-site parking shall be required as specified in division 20 (off-street parking) of this article for the combined uses of the site.
3. Chancellery.
  4. Nursery school and kindergarten.
  5. Off-street parking for passenger cars for uses permitted in the R-6 zone.
  6. Day care facilities or home babysitting services

not permitted as a home occupation under section 14-410, subject to the following conditions:

- a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children

shall meet the following additional standards:

- i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
- iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
- v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- vi. Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;
- vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and

2k

viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

7. Community Center, as defined in Section 14-17.

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-1-85; Ord. No. 85-88, § 3, 7-19-88; Ord. No. 235-91, § 13, 2-4-91; Ord. No. 118-93, § 11, 10-18-93; Ord. No. 133-96, § 7, 11-18-96; ; Ord. No. 154-96, § 11, 12-16-96; Ord. No. 125-97, § 3, 3-3-97; Ord. No. 232-99, §2, 3-15-99; Ord. No. 77-02/03, § 2, 10-21-02)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

(a) Minimum lot size:

1. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
2. Reserved.
3. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
4. Intermediate care facility: One (1) acre.
5. School: Thirty thousand (30,000) square feet.

2L

6. Church or place of worship: Seventy-five hundred (7,500) square feet for a seating capacity of fifty (50) plus one thousand (1,000) square feet for each additional increment of fifteen (15) seats or major fraction thereof within the principal place of assembly for worship.
7. Fraternal organization; Ten thousand (10,000) square feet.
8. Municipal use: Forty-five hundred (4,500) square feet.
9. Hospital: Two (2) acres.
10. All other uses: Forty-five hundred (4,500) square feet.
11. Lodging house: Four thousand five hundred (4,500) square feet.
12. Community Hall: None, provided that no existing lot housing a community hall may be reduced to less than four thousand five hundred (4,500) square feet.

Provided that for uses specified in section 14-139(a)3 through 9 above, no minimum lot area shall be required in the following cases:

- a. Uses existing on June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

2m

d. Expansion onto land other than the lot on which the principal use is located of not more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(b) 1. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

2. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.

3. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.

4. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.

(c) *Minimum street frontage:* Forty (40) feet.

(d) *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of

2n

front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

2. Rear yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- b. Detached accessory structures with a ground coverage of one hundred (100) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story . . . . .	10 feet
2 stories . . . . .	10 feet
3 stories . . . . .	10 feet
4 stories . . . . .	12 feet
5 stories . . . . .	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to

PLANNING REPORT #15-05

IRIS PARK APARTMENTS  
VICINITY OF 189-201 PARK AVENUE  
SUBDIVISION AND SITE PLAN REVIEW  
IRIS NETWORK, APPLICANT

Submitted to:  
Portland Planning Board  
Portland, Maine

Submitted by:  
Kandice Talbot, Planner

March 4, 2005



## I. INTRODUCTION

Iris Network is requesting subdivision and site plan approval for an expansion of their existing building located at 189-201 Park Avenue. The applicant is proposing to renovate and expand the existing dormitory to house thirty-one (31) one and two bedroom apartments, with a reduced number of parking spaces. The administrative offices will remain in the rear of the building. The expansion would create additional living facilities for individuals who are blind or have sight impairments. The site is approximately 1.93 acres and zoned R-7 conditional.

## II. FINDINGS

Zoning:	R-7 Conditional Zone
Land Area:	1.93 acres
Existing Use:	Administrative offices and residential dorm rooms
Proposed Use:	Expansion to accommodate 31 one and two bedroom apartments
Parking Spaces:	54 spaces

## III. CONDITIONAL ZONE AGREEMENT

On December 8, 2004, the City Council approved a final Conditional Zone Agreement with the Iris Network to allow for site plan review of the proposed Iris Park Apartments by the Planning Board (see Attachment 1). The Agreement rezones the property from R-5 Residential to R-7 Residential and provides relief from the off-street parking requirements of the R-7 Residential zone, reducing the minimum number of required spaces to forty-one (41) for the office uses on the property and thirteen (13) spaces for the residential use on the property. The Iris Network also agrees that it will market the proposed residential units to visually impaired individuals with incomes of 50% - 60% of the Area Median Income for 90 years, and that these affordability restrictions shall be secured by covenants and restrictions and conditions in any deeds conveyed out by the owner. The Iris Network agrees further that the use of the 16,800 sq. ft. is to be primarily related to the operation of the Iris Network or any successor not-for-profit entity.

The Conditional Zone Agreement became effective on January 7, 2005. The Iris Network has completed registration of the Conditional Zone Agreement in the Cumberland County Registry of Deeds and provision of the required Book and Page numbers to the City prior to the deadline of February 6, 2005, as required by the terms of the Agreement (within 60 days of the rezoning).

#### IV. STAFF REVIEW

This plan has been reviewed by staff for conformance with the applicable review standards of the site plan and subdivision ordinances.

##### SITE PLAN REVIEW

###### 1/2. Traffic

Access to the site is from Park Avenue. The access is also used by the gas station, which abuts the Iris Network property. As stated previously, 41 parking spaces are provided for the office use and 13 parking spaces are being provided for the residential use.

Curb and sidewalk exist along Park Avenue and the applicant is proposing a walkway from Park Avenue into the site.

The Traffic Engineer has reviewed the plans and is recommending that the driveway alignment be modified. The modification will eliminate the lane shift entering and exiting the site and provide greater separation between the Iris Network site and the Exxon Service Station. The change will require the shifting of the easternmost curb by approximately 10 feet and will also require the extension of the curb area/sidewalk in front of the Exxon Station to be shifted by approximately 10 feet. The Traffic Engineer's memo is included as Attachment 12. A potential condition of approval is:

- that the plans be revised to modify the driveway alignment based on the Traffic Engineer's memo dated March 3, 2005, to be reviewed and approved by the Traffic Engineer.

There had been some discussion during the zone change review by the applicant that a number of years ago, the City and the Maine Institute for the Blind swapped two triangle pieces of property. The parcel conveyed to the City was recorded, however, the parcel conveyed to the Maine Institute for the Blind was never recorded and is still listed as City property. The City has researched this issue and cannot find any information suggesting that the City did convey the triangle piece of property to the Maine Institute for the Blind. There is a small area of the existing parking lot, which had been constructed on city land. To address this concern, the City would be willing to issue a license for the parking lot encroachment. The applicant and the City are working to issue a license at this time. A potential condition of approval is:

- that a license be issued by the City to the applicant for the parking lot encroachment, prior to issuance of a building permit.

3. Bulk, location, height of building and proposed uses will not cause health or safety problems

There are no known health or safety issues associated with the plan.

4. Bulk, location, height of buildings minimizes the diminution in value or utility to surrounding structures

Given that this proposal has a strong design, this development should increase the value and utility of surrounding properties.

5. Sewers, water, solid waste disposal

Utility lines in Park Avenue will serve the development. A letter from the Portland Water District is included as Attachment 7. The applicant has requested a capacity letter from the Portland Sewer Division, but has not received it at this time. A potential condition of approval is:

- that the applicant provide a capacity letter from the Portland Water District prior to issuance of a building permit.

A dumpster is located on site for trash.

#### 6/7. Landscaping

A landscaping plan has been submitted and is included as Attachment 3h. The applicant is proposing a number of trees and landscaped areas around the site.

The subdivision ordinance states that with a residential development, two trees per unit shall be required. The applicant is proposing to keep twelve (12) of the existing trees that are on-site currently and are proposing thirty-one (31) new trees for a total of forty-three (43) trees. The subdivision ordinance requires sixty-two (62) trees for the site.

The City Arborist has reviewed the plans and is recommending that the applicant replace the existing Catalpa tree proposed to be removed, with a 2.5" caliper Catalpa tree. The City Arborist is also recommending that the applicant provide additional landscaping along the front of the Barker Building expansion. The applicant may also be able to provide additional trees at the rear of the existing Ryan Building and around the parking area. A potential condition of approval is:

- that the applicant revise the landscaping plan to provide additional trees to meet the subdivision ordinance and replace the existing Catalpa tree with a 2.5" caliper Catalpa tree, to be reviewed and approved by the City Arborist.

#### 8. Soil and Drainage

The applicant has provided a stormwater management plan, which is included as Attachment 6. The Development Review Coordinator has reviewed the plans, and his memo is included as Attachment 13.

The stormwater calculations imply an addition of peak rate of runoff. The applicant has shown that they can meet or nearly meet the runoff rate in the post condition in the 2, 10 and 25-year storms for two study points, however the calculations show a substantial increase in all storms for the third study area. There appears to be a lengthy run of stormwater runoff extending from the rear of the gas station to the rear northern corner of the parking area. The DRC and Public Works is recommending that a catch basin be installed near the new sewer service crossing and tie it into the storm drain line heading northerly on the King Middle School lot. This will collect and reduce shallow flows on the pavement, and extend the pavements lifecycle and improve safety.

The applicant has designed offsite pipe upgrades to the overall school/city system. Public Works and the DRC believe it to be in the City's best interest to proceed with the applicant's offer. The applicant has provided plans with a new layout, pipe lengths, invert elevations, and pipe sizes able to handle the entire upgrade as noted in the stormwater report. However, the eventual discharge point near Deering Avenue is restricted by the outlet of the last catch basin which has only an eight inch pipe crossing Deering Avenue. Therefore, the pipe proposed will back up and surcharge.

In large storms the surcharge will overflow the last connected basin and then by surface flow reach another catch basin on school ground that leads to another separate storm drain collecting the front loop access of King Middle School. The surcharge depending on the storm event could also back up in one other basin along the new storm drain layout. Based on discussions between Public Works and the DRC, they feel that an overflow pipe from the last basin at the King Middle School entrance basin should be installed as high as possible to alleviate overtopping and reduce potential for surface flooding. These two separate storm drain lines in fact discharge to the same eventual combined sewer, but they are of different size and take different course to the same point.

The City is requesting that the applicant inspect and camera the last 8-inch pipe length that crosses Deering Avenue to assure the pipe is in operable condition without obstructions or breaks. Calculations estimating the actual flow to both pipes in the 2 and 25-year storms will be required to approximately size future replacement downstream pipes in Deering Avenue.

And lastly, it shall be the applicant's responsibility to assure that no additional wyes or connections to the abandoned storm drain are blocked, or left without outlets, thereby causing flooding or backwater problems. A potential condition of approval is:

- that the applicant revise the plans to reflect the DRC's comments in the memo dated March 3, 2005 in regards to drainage and other detail issues.

Because there will be an increase in stormwater runoff leaving the site, a waiver of the standards will be necessary to approve this project.

The applicant is currently working with the School Department and City to obtain easements to tie into and construct the stormdrain system on City and School property. A potential condition of approval is:

- that the applicant obtain the necessary easements from the City/School Department to tie into and construct the proposed stormdrain system on School property, prior to issuance of a building permit to be reviewed and approved by Corporation Counsel.

#### 9. Lighting

The applicant is proposing a number of new pole mounted light fixture and building mounted light fixtures. Catalogue cuts of the light fixtures shall be submitted to staff for review and approval, along with the fixture wattage and height. A photometric plan has been submitted and is included as Attachment 3g. It appears that there may be some light spillover onto an abutting residential property to the east of the site. The applicant shall eliminate the spillover in this area to meeting the City's lighting standards. A potential condition of approval is:

- that the applicant provide to staff lighting catalogue cuts, wattage and height of the fixtures and revise the lighting plan to eliminate spillover on the abutting residential property, to be reviewed and approved by staff.

#### 10. Fire

Gaylen McDougall of the Fire Department has reviewed the plan and finds it acceptable.

### **SUBDIVISION REVIEW**

#### 1. Water or Air Pollution

There are no known water or air pollution issues. Public water and sewer serve the development. It is not in a flood plain.

2./3. Water Supply

See Site Plan Review, section #5.

4. Soil Erosion

See Site Plan Review, section #8.

5. Traffic

See Site Plan Review, section #1.

6/7. Sanitary Waste and Storm Water

Existing sanitary waste lines in Park Avenue will be used.

8. Scenic, Natural Beauty, Aesthetics

The project will improve the aesthetic quality of the neighborhood. There are no known natural or manmade resources that will be adversely affected by this proposal.

9. Land Development Plan

The proposal is in conformance with the Comprehensive Plan.

**V. STAFF RECOMMENDATION**

This project, as proposed meets the Subdivision and Site Plan ordinance, along with the R-7 zoning. Staff is recommending that the Planning Board approve this proposal with conditions.

**VI. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #15-05, the Planning Board finds:

- A. That the plan is in conformance with the site plan ordinance of the land use code.

Potential conditions of approval:

1. that the plans be revised to modify the driveway alignment based on the Traffic Engineer's memo dated March 3, 2005, to be reviewed and approved by the Traffic Engineer.

2. that a license be issued by the City to the applicant for the parking lot encroachment, prior to issuance of a building permit.
  3. that the applicant provide a capacity letter from the Portland Water District prior to issuance of a building permit.
  4. that the applicant revise the landscaping plan to provide additional trees to meet the subdivision ordinance and replace the existing Catalpa tree with a 2.5" caliper Catalpa tree, to be reviewed and approved by the City Arborist.
  5. that the applicant revise the plans to reflect the DRC's comments in the memo dated March 3, 2005 in regards to drainage and other detail issues.
  6. that the applicant obtain the necessary easements from the City/School Department to tie into and construct the proposed stormdrain system on School property, prior to issuance of a building permit to be reviewed and approved by Corporation Counsel.
  7. that the applicant provide to staff lighting catalogue cuts, wattage and height of the fixtures and revise the lighting plan to eliminate spillover on the abutting residential property, to be reviewed and approved by staff.
- B. That the plan is in conformance with the subdivision ordinance of the land use code.
- C. That the Planning Board does/does not waive the Technical Standards, which requires "if the estimated post-development peak rate of stormwater runoff from the affected land is calculated to be greater than the pre-development runoff peak rates, in any watershed within the boundaries of the affected land during any phase of development, then a detention basin should be designed and constructed to maintain pre-development runoff peak rates from the site", due to the fact that the applicant is upgrading the receiving infrastructure and improving post development runoff.

Attachments

1. Conditional Zone Agreement
2. Application for Site Plan Review dated January 18, 2005
3. Plans
4. Iris Park Apartments Executive Summary
5. Stamped Boundary Plan, The Iris Network
6. Stormwater Management Plan dated January 14, 2005
7. Portland Water District Capacity Letter
8. Lctter to Portland Sewer Division requesting sewer capacity letter
9. Traffic Engineer's Memo dated February 2, 2005
10. DRC's Memo dated February 2, 2005
11. Fire Department's Memo dated February 15, 2005
12. Traffic Engineer's Memo dated March 3, 2005
13. DRC's Memo dated March 3, 2005



HH. 1

Order 121-04/05  
Given 1<sup>st</sup> reading on 12/8/04  
Passage 12/8/04 9-0

JILL C. DUSON (MAYOR)(A/L)  
PETER O'DONNELL (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)  
JAMES I. COHEN (5)

CONDITIONAL ZONE AGREEMENT  
THE IRIS NETWORK

AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2004 by THE IRIS NETWORK a not for profit corporation with a principal place of business located at Park Avenue, Portland, Maine 04101 (hereinafter sometimes referred to as "IRIS").

WITNESSETH

WHEREAS, IRIS seeks to develop property located at 189- 201 Park Avenue, in the City of Portland and identified on the City of Portland on the Assessor's maps at Map \_\_\_\_, Block \_\_, Lot(s) \_\_\_\_ (hereinafter referred to as the "PROPERTY"); and

WHEREAS, IRIS proposes to renovate the PROPERTY from offices and sixteen (16) SRO units to offices and twenty four (24) 1 bedroom residential units and six (6) 2-bedroom units. The residential units will serve the visually impaired and blind population; and

WHEREAS, the PROPERTY is currently located in the R-5 zoning district; and

WHEREAS, research has shown that the parking needs for persons with visual impairments is significantly lower than the residential parking requirements contained within the R-5 zone; and

WHEREAS, the purpose of this conditional rezoning is to allow a diminished parking requirement than would otherwise be allowed in the R-5 zone; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Code §§ 14-60 to 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the PROPERTY, subject, however, to certain conditions; and

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the CITY'S comprehensive land use plan and will establish uses that are consistent with the uses in the original zones and the surrounding areas; and

WHEREAS, the CITY has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal through the design and implementation of significant public traffic improvements, stormwater drainage improvements, landscaping and buffering; and

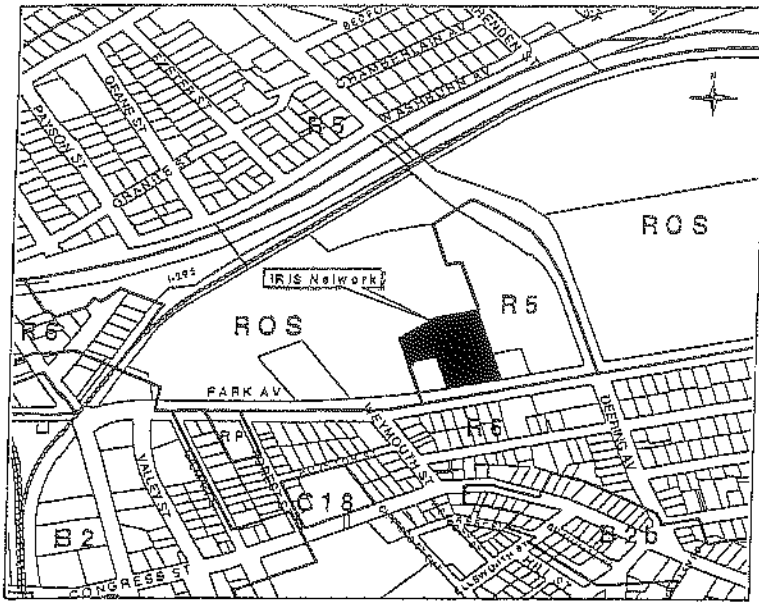
WHEREAS, the CITY has determined that because of the unusual nature and unique location of the proposed development and the need for significant public improvements it is necessary and appropriate to have conditions and restrictions which ensure that the rezoning is consistent with the CITY'S comprehensive land use plan; and

WHEREAS, on \_\_\_\_\_, 2004, the CITY authorized amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the CITY's zoning requirements; and

NOW, THEREFORE, in consideration of the rezoning, IRIS covenants and agrees as follows:

1. Effective thirty days from the affirmative vote of the City Council on rezoning the PROPERTY, by Council Order No. \_\_\_\_\_, the City amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Portland City Code, by adopting the map change amendment for the PROPERTY shown herein.

1b



Proposed Rezoning for  
IRIS Network, 189 Park Av., from R5 to R7

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. This rezoning shall apply only while **IRIS**, or an entity controlled by or affiliated with **IRIS**, owns the **PROPERTY**, the housing thereon is reserved for use by visually impaired individuals, and the 16,800 square feet of office use if primarily related to the operation of **IRIS** or any successor not-for-profit entity. Otherwise, the **PROPERTY** shall revert to the R-5 or any successor zone.
3. **IRIS** agrees to maintain, for a period of ninety (90) years, the following controls on the residential portion of the development:

Marketing the residential units to visually impaired individuals with incomes at 50% and 60% of the Area Median Income

These affordability restrictions shall be secured by covenants and restrictions and conditions in any deeds conveyed out by **OWNER**.

4. The **PROPERTY** shall otherwise conform to the zoning requirements of the R-5 zone with the exceptions noted herein:
  - a. Parking: A total of 54 parking spaces shall be provided as follows:
    - 41 spaces available for office uses on the **PROPERTY**
    - 13 spaces available for residential use on the **PROPERTY**
5. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be reviewed by the Portland Planning Board under the subdivision and site plan provisions of the Portland City Code.

16

- 6. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall bind and benefit **IRIS**, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. Within 60 days of the rezoning by the City Council, **IRIS** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
- 7. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- 8. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
- 9. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and City Ordinance. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **PROPERTY** rezoned.

Dated this \_\_\_ day of \_\_\_\_\_, 2004.

The Iris Network

\_\_\_\_\_  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_

State of Maine  
Cumberland, ss.

Date:

Personally appeared the above-named \_\_\_\_\_, in his capacity as \_\_\_\_\_ of The Iris Network and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Maine Workforce Housing LLC.

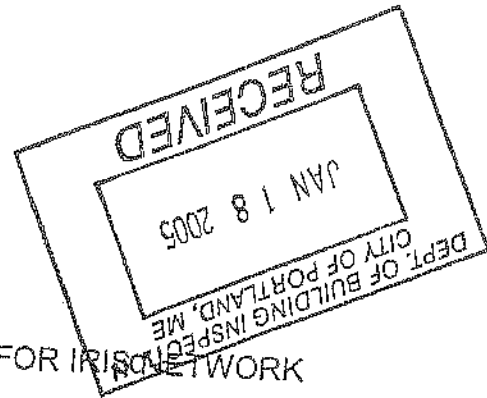
\_\_\_\_\_  
Notary Public



A.H. Z  
170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

January 14, 2005  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503



RE: SITE PLAN AND SUBDIVISION REVIEW FOR IRIS NETWORK

Dear Sarah:

On behalf of the Iris Network we are pleased to submit the enclosed drawings and support documents to the City to begin the review process. The general layout and design of the project is consistent with the project reviewed for the contract zone. The expanded building will include 31, one and two bedroom apartments.

The architectural details have been refined and are included with the submittal. The design has been adjusted to be complimentary to the existing structure.

Attached is a stormwater management report. It recommends upgrading the drain pipes in the King Middle School parking. This will require easements with the City. The Owner will be working out these details over the next few weeks. I suspect the agreements will be contingent on approvals from the Planning Board.

We have included a photometric plan from Allied Engineers. The court yard area is the area that is being lit with new lights.

The drawings also include landscape plans prepared by Mitchell and Associates. They are subject to revision as we move through the process.

The project is currently over budget. We are in the process of reviewing design alternatives that will bring the project in line with the budget. At this time it does not appear that exterior building or site changes are planned.



2a

Ms. Sarah Hopkins  
January 14, 2005  
Page 2 of 2

We would like to be on a February workshop agenda with the Board. Please let me know if there is any further data you require.

Sincerely,

PINKHAM & GREER

A handwritten signature in cursive script, appearing to read "Thomas S. Greer".

Thomas S. Greer, P.E.

TSG/rlo

Enclosures

Cc: Herb Semple, Semple & Drane

CITY OF PORTLAND, MAINE  
 DEVELOPMENT REVIEW APPLICATION  
 PLANNING DEPARTMENT PROCESSING FORM  
 Planning Copy

26

2005-0009  
 Application I. D. Number  
 1/19/2005  
 Application Date  
 Iris Park Apartments  
 Project Name/Description

Maine Center For The Blind &  
 Applicant  
 189 Park Ave, Portland, ME 04102  
 Applicant's Mailing Address

Consultant/Agent  
 Applicant Ph: (207) 774-6273 Applicant Fax: (207) 774-0679  
 Applicant or Agent Daytime Telephone, Fax

189 - 189 Park Ave, Portland, Maine  
 Address of Proposed Site  
 052 C003001  
 Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) \_\_\_\_\_  
 18,670 s.f.

Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ Contract Zoning \_\_\_\_\_

Check Review Required:

- |   |  |  |  |
|---|--|--|--|
| <input checked="" type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Subdivision # of lots _____ | <input type="checkbox"/> PAD Review            | <input type="checkbox"/> 14-403 Streets Review   |
| <input type="checkbox"/> Flood Hazard                       | <input type="checkbox"/> Shoreland                   | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional Use (ZBA/PB)    | <input type="checkbox"/> Zoning Variance             | <input type="checkbox"/> Other _____           |  |

Fees Paid: Site Pla \$500.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 1/19/2005

Planning Approval Status:

Reviewer \_\_\_\_\_

- Approved  Approved w/Conditions See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached

OK to Issue Building Permit \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____ date _____	_____ amount _____	_____ expiration date _____
<input type="checkbox"/> Inspection Fee Paid	_____ date _____	_____ amount _____	
<input type="checkbox"/> Building Permit Issue	_____ date _____		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date _____	_____ remaining balance _____	_____ signature _____
<input type="checkbox"/> Temporary Certificate of Occupancy	_____ date _____	<input type="checkbox"/> Conditions (See Attached)	_____ expiration date _____
<input type="checkbox"/> Final Inspection	_____ date _____	_____ signature _____	
<input type="checkbox"/> Certificate Of Occupancy	_____ date _____		
<input type="checkbox"/> Performance Guarantee Released	_____ date _____	_____ signature _____	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date _____	_____ amount _____	_____ expiration date _____
<input type="checkbox"/> Defect Guarantee Released	_____ date _____	_____ signature _____	

20



# City of Portland Site Plan Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Address of Proposed Development: 189 Park Avenue Portland, ME 04101      Zone: Contract Zone

Total Square Footage of Proposed Structure:  
18,670 square feet

Square Footage of Lot:  
84,705 sq. ft.

Tax Assessor's Chart, Block & Lot:  
Chart# 52    Block# C    Lot# 3

Property owner's mailing address:  
189 Park Avenue  
Portland, ME 04101

Telephone #:  
207-774-6273

Consultant/Agent, mailing address, phone # & contact person:  
Thomas S. Greer, P.E.  
Pinkham & Greer Consulting Engineers, Inc.  
170 US Route One  
Falmouth, ME 04105  
207-781-5242

Applicant's name, mailing address, telephone #/Fax#/Pager#:  
Iris Park Apartments, L.P.  
189 Park Avenue  
Portland, ME 04101  
P: 207-774-6273 F: 207-774-0679

Project name:  
Iris Park Apartments, L.P.

Proposed Development (check all that apply)  
 New Building     Building Addition     Change of Use     Residential     Office     Retail     Manufacturing  
 Warehouse/Distribution     Parking lot  
 Subdivision (\$500.00) + amount of lots \_\_\_\_\_ (\$25.00 per lot) \$ \_\_\_\_\_  
 Site Location of Development (\$3,000.00)  
(except for residential projects which shall be \$200.00 per lot \_\_\_\_\_ )  
 Traffic Movement: (\$1,000.00)     Stormwater Quality (\$250.00)  
 Section 14-403 Review (\$400.00 + \$25.00 per lot)  
 Other \_\_\_\_\_

Major Development (more than 10,000 sq. ft.)  
 Under 50,000 sq. ft. (\$500.00)  
 50,000 - 100,000 sq. ft. (\$1,000.00)  
     Parking Lots over 100 spaces (\$1,000.00)  
 100,000 - 200,000 sq. ft. (\$2,000.00)  
 200,000 - 300,000 sq. ft. (\$3,000.00)  
 Over 300,000 sq. ft. (\$5,000.00)  
 After-the-fact Review (\$1,000.00 + applicable application fee)

Minor Site Plan Review  
 Less than 10,000 sq. ft. (\$400.00)  
 After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments  
 Planning Staff Review (\$250.00)  
 Planning Board Review (\$500.00)

- Please see next page -



2d

Who billing will be sent to: (Company, Contact Person, Address, Phone #)  
Steve Obremski, Iris Park Apartments, L.P. 189 Park Avenue Portland, ME 04101 P: 207-774-6273

- Submittals shall include (9) separate folded packets of the following:
- a. copy of application
  - b. cover letter stating the nature of the project
  - c. site plan containing the information found in the attached sample plans check list

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)  
**ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM**

Section 14-522 of the Zoning Ordinance outlines the process; copies are available at the counter at .50 per page (8.5 x11) you may also visit the web site: [ci.portland.me.us](http://ci.portland.me.us) chapter 14

*I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.*

Signature of applicant: 	Date: 1/14/05
---	---------------

This application is for site review ONLY, a building Permit application and associated fees will be required prior to construction.

## Development in Portland

The City of Portland has instituted the following fees to recover the costs of reviewing development proposals under the Site Plan and Subdivision ordinances: application fee; engineering fee; and inspection fee. Performance and defect guarantees are also required by ordinance to cover all site work proposed.

The Application Fee covers general planning and administrative processing costs, and is paid at the time of application.

The Planning Division is required to send notices to neighbors upon receipt of an application and prior to public meetings. The applicant will be billed for mailing and advertisement costs. Applicants for development will be charged an Engineering Review Fee. This fee is charged by the Planning Division for review of on-site improvements of a civil engineering nature, such as storm water management as well as the engineering analysis of related improvements within the public right-of-way, such as public streets and utility connections, as assessed by the Department of Public Works. The Engineering Review fee must be paid before a building permit can be issued. Monthly invoices are sent out by the Planning Division on a monthly basis to cover engineering costs.

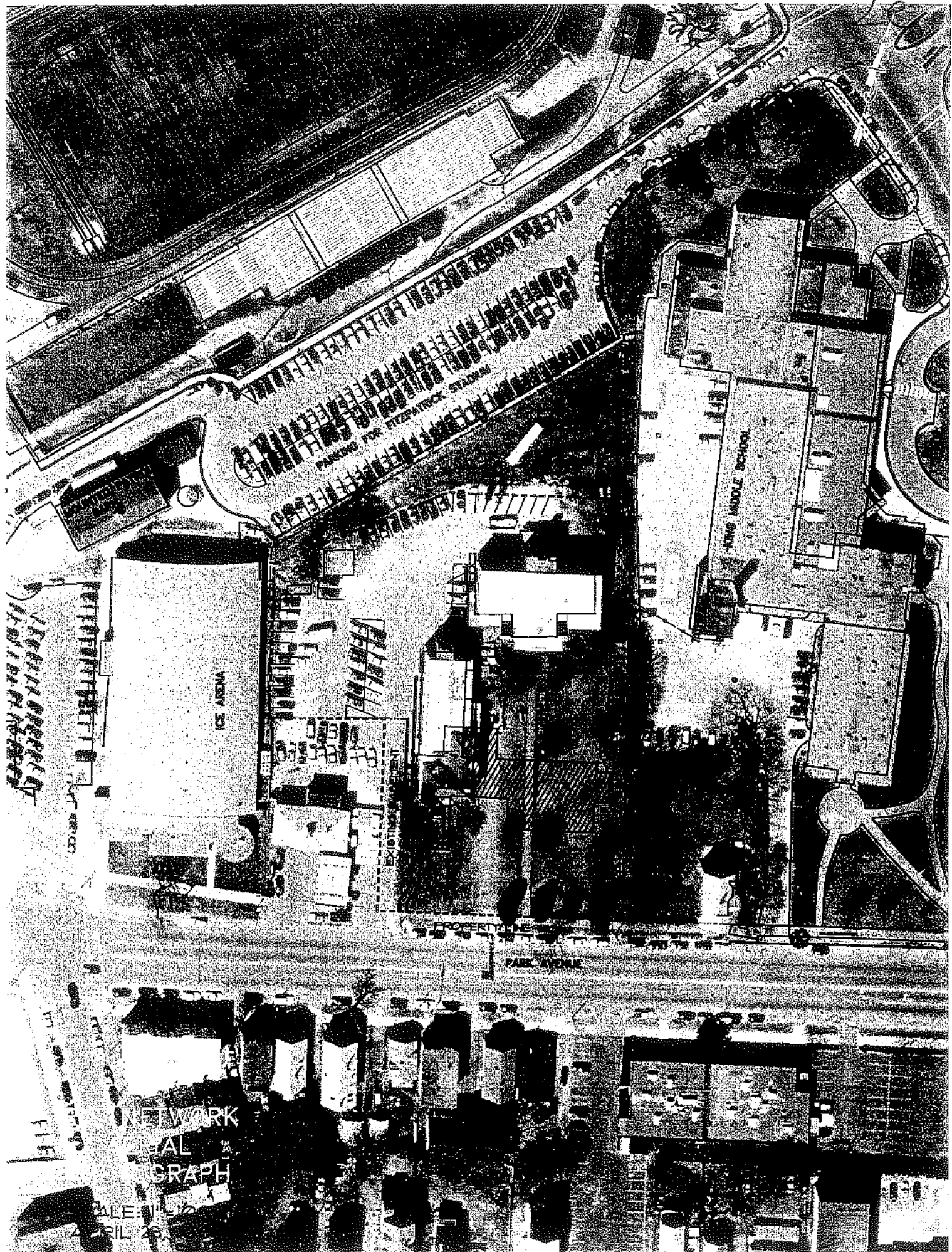
A Performance Guarantee will be required following approval of development plans. This guarantee covers all required improvements within the public right-of-way, plus certain site improvements such as landscaping, paving, and drainage improvements. The Planning Division will provide a cost estimate form for figuring the amount of the performance guarantee, as well as sample form letters to be filled out by a financial institution.

An Inspection Fee must also be submitted to cover inspections to ensure that sites are developed in accordance with the approved plan. The inspection fee is 2.0% of the performance guarantee amount, or as assessed by the planning or public works engineer. The minimum inspection fee is \$300 for development, unless no site improvements are proposed. Public Works inspects work within the City right-of-way and Planning inspects work within the site including pipe-laying and connections. (The contractor must work with inspectors to coordinate timely inspections, and should provide adequate notice before inspections, especially in the case of final inspection.)

Upon completion of a development project, the performance guarantee is released, and a Defect Guarantee in the amount of 10% of the performance guarantee must be provided. The Defect Guarantee will be released after a year.

Other reimbursements to the City include actual or apportioned costs for advertising and mailed notices. All fees shall be paid prior to the issuance of any building permit.

For more information on the fees or review process, please call the Planning Division at 874-8719 or 874-8721.



ICE ARENA  
EXISTING GARAGE  
PROPERTY LINE  
PARK AVENUE  
YONG MIDDLE SCHOOL  
PARKING FOR THEATER STAGING

ICE ARENA

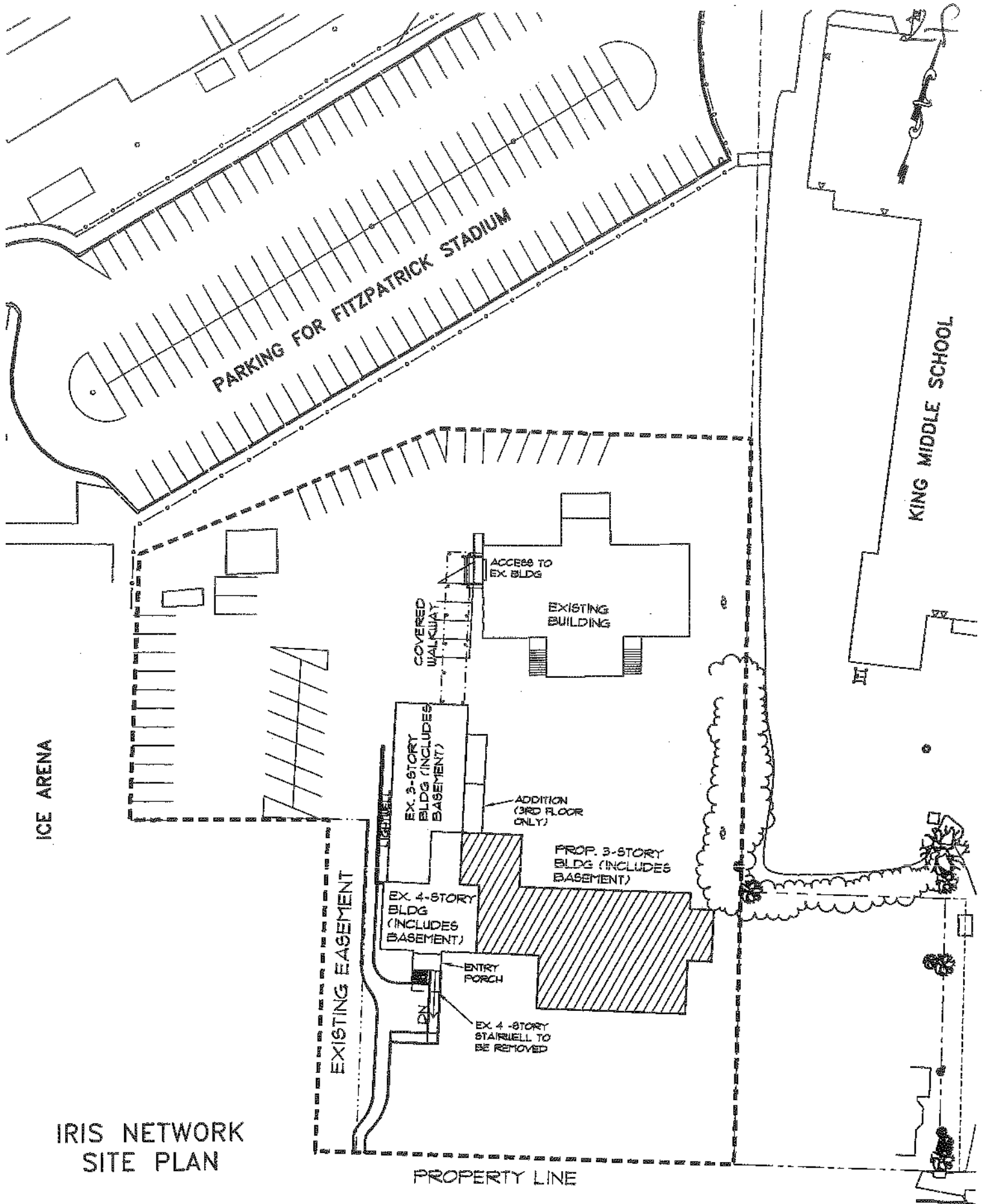
EXISTING GARAGE

PROPERTY LINE

YONG MIDDLE SCHOOL

NETWORK  
PLAN  
GRAPH

DATE: APRIL 29, 1964



IRIS NETWORK  
SITE PLAN

SCALE: 1"=60"  
APRIL 29, 2004

PARK AVENUE

29

See 8564

Book

Page 197

Leasing  
vehicle

FORM 801 MAINE *Worcester Daily Enterprise*

15766

WYBARK REGISTERED & RECYCLED  
PULP LAW PAPER, Publishers, Portland, ME

# Know all Men by these Presents

That **Maine Institution for the Blind**

~~INCORPORATED~~

a corporation organized and existing under the laws of the State of Maine

and located at 189 Park Avenue, Portland,

in the County of Cumberland and State of Maine

in consideration of One Dollar (\$1.00) and other valuable consideration

paid by **George F. Hamilton**

the receipt whereof it does hereby acknowledge, does hereby

give, grant, bargain, sell and convey unto the said George F. Hamilton,

his heirs and assigns forever,

a certain lot or parcel of land with the buildings thereon situated on the North side of Park Avenue (formerly Portland Street) in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the North side line of Park Avenue at the Southeast corner of land of the City of Portland, said point being Westerly 595.61 feet from the intersection of the westerly side line of Deering Avenue and the North side line of Park Avenue; Thence Easterly along the North side line of Park Avenue on a curve to the left, whose radius is 2665.34 feet, 100.00 feet to a point; Thence N1°-40'E 150.00 feet to a point; Thence N83°-59'-30"W 82.93 feet to a point; Thence S2°-06'W 10.47 feet to a point; Thence N87°-54'W 16.93 feet to a point; Thence S1°-40'W along land of the City of Portland 138.37 feet to the point of beginning; containing 14,796 square feet.

Also conveying a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with the grantor on the East side of the above described parcel, said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel; thence Easterly 7 feet along the North side line of Park Avenue; thence Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the Northeast corner of the above described parcel; thence S1°-40'W 150 feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with the grantor bounded and described as follows:

Beginning at the Southeast corner of the first parcel described above; thence Westerly 9 feet along the North side line of Park Avenue, thence Northerly 150 feet more or less; thence S83°-59'-30"E 2 feet to the Northeast corner of the first parcel described above; thence S1°-40'W 150 feet to the point of beginning.

Also conveying the perpetual right and easement to use, maintain, repair and replace the existing light, sign and pole on which they are affixed, on the East side of the first parcel described above, said pole being approximately 4 feet North of the street line of Park Avenue and 9 feet East of the Easterly boundary of said first parcel described above.

441  
1  
V

2h

2

Also conveying the perpetual right and easement to use, maintain, ~~repair and replace~~ the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, ~~maintain, repair and replace~~ the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1908 and recorded in the Cumberland County Registry of Deeds in Book 821, Page 196.

21

Do Have and to Hold the aforesaid and bargained premises with all the privileges and appurtenances thereof to the said George F. Hamilton

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances; except for easements and restrictions of record

that it has ~~none~~ good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Cathen Gilman and Sidney Schwartz

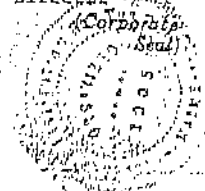
thereunto duly authorized, this 25<sup>th</sup> day of June, its in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Delivered in presence of

*Claude Stenbury*  
to both:

Maine Institution for the Blind

By *Cathen Gilman*  
Cathen Gilman, Director  
*Sidney Schwartz*  
Sidney Schwartz, Director



State of Maine, Cumberland

} ss.

June 25 1979

Then personally appeared the above named Cathen Gilman of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS  
CUMBERLAND COUNTY  
Received JUN 25 1979  
at 10:34 M P M, and recorded  
In BOOK 4445 PAGE 1  
Attest: *Leah S. Dillworth*  
Register

Before me,  
*Claude Stenbury*  
Notary Public  
Attorney at Law

A# 4

**IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY**

The IRIS Network currently owns the Barker Building located at 189 Park Avenue in Portland. The building currently has 16 SRO units serving visually impaired and blind individuals. IRIS is proposing to redevelop this building and newly construct an addition for a total of 31 new units affordable to tenants at 50% and 60% of area median income. IRIS is proposing to develop 24 1-bedroom units and 6 2-bedroom units. One additional unit will be created to house on-site IRIS staff.

IRIS has been serving their residents at the Barker Building since 1905. The IRIS campus is composed of two three-story brick buildings, one that houses administrative offices and training areas, and the other that houses the Residential Program for blind and multi-disabled adults. The administration building was recently renovated to increase training and classroom space.

This project is designed for and will give preference to people who are blind or visually impaired. The complex will include physical adaptations such as Braille and Large Print signage; highly contrasted flooring for orientation purposes; additional lighting in apartments with contrasted surfaces for orientation; tactile and color-enhanced controls on laundry facilities, ovens, stoves, HVAC controls and other included appliances; a dog-wash area for residents with Guide Dogs; a Reading Room for residents to have mail read to them; and personal computers with speech output and large print software applications for accessibility. Common areas will include a room for dining, social and recreational activities, laundry facilities, and an exercise room with exercise equipment. Space will also be allocated for offices and a one-bedroom apartment for overnight, emergency staff.

The development plan will be sensitive to and will accommodate the needs of the existing tenants by constructing the new addition first and then allowing those tenants to move to the new wing before renovating the existing space.

The primary financing for the project will be provided by the Maine State Housing Authority 2004 Rental Loan Program. IRIS applied for and was successful in receiving an award of tax credits from MSHA in March 2004. Other potential sources of funds include the City of Portland and the Federal Home Loan Bank of Boston. This property will be restricted under MSHA guidelines for a period of 90 years. Restrictions will include operating the property as affordable housing and marketing to individuals with incomes at 50% and 60% of the Area Median Income. 18 of the units will be reserved for persons with incomes at or below 50% AMI and the remaining 12 will be reserved for individuals at or below 60% AMI. The rent levels for an individual at or below 50% AMI is \$548 for a 1-bedroom unit and \$658 for a 2-bedroom unit. The rent levels for an individual at or below 60% AMI will be \$658 for a 1-bedroom unit and \$790 for a 2-bedroom unit. A two person family at 50% AMI would earn no more than \$25,100/year and a two person family at 60% AMI would earn no more than \$30,120/year.

IRIS PARK APARTMENTS, LP  
IRIS PARK APARTMENTS  
EXECUTIVE SUMMARY

4a

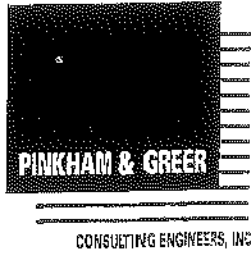
The new ownership entity will be IRIS Park Apartments, LP. IRIS Properties LLC will serve as General Partner. The sole member of IRIS Properties is The IRIS Network, a qualified 501(c)(3) non-profit entity. The initial Limited Partner will be The IRIS Network.

The total development costs are currently estimated at approximately \$4.7M. The plan will renovate the existing structure and newly construct an addition for a total of 31 housing units. IRIS will donate the land to the partnership in the form of a 90 year ground lease with zero annual cost. IRIS will also sell the building at the nominal price of \$100,000. Sources for the project include tax credit equity in the amount of \$2.9M, MSHA subsidy in the amount of \$600,000 (20K/unit), a deferred developer fee in the amount of \$164,000 (26%), \$100,000 at 0% from The IRIS Network, \$300,000 from the FHLBB AHP program and \$250,000 from the City of Portland. A disclosure and certification of total financing is attached as a 15-year Proforma.

The development team to date includes The IRIS Network, Curtis Thaxter Stevens and Micoleau, MacDonald Page Schatz Fletcher CPA's, Peoples Heritage Bank, Maine Bank and Trust, Semple and Drane Architects, Avesta Housing Development Corporation, NNHIF and Avesta Housing Management Corporation.

The IRIS Network will provide a Volunteer/Recreation Coordinator to use the new reading room to assist residents through the programs offered by IRIS. An amount of \$15,729 has been committed by IRIS to fund these services.





77.5

170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

January 26, 2005  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK

Dear Sarah:

To complete our application for the Iris Network I have enclosed a stamped boundary plan.

Sincerely,

PINKHAM & GREER

Thomas S. Greer, P.E.

TSG/rlo

Enclosures



7/17-6  
170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

**STORMWATER MANAGEMENT  
IRIS NETWORK COMPLEX  
PORTLAND, MAINE**

**JANUARY 14, 2005**

***Project Description:***

This project is the construction of a new 31 unit residential apartment complex and related walkway and landscaping on a partial developed 84,505± square foot commercial lot. The present site has 41,500 sq. ft of impervious surface consisting of an office building, a dormitory building and related parking. The proposed improvements consist of a 6,050 sq. ft. building foot print with 10,700± sq.ft. of new pavement and walkways for an increase in the impervious surface to 67,250 sq. ft.

It is located on the south side of Park Avenue approximately 400' west of its intersection with Deering Avenue. The lot fronts on Park Street and abuts the City's Ice Arena, Fitzpatrick Stadium Parking and the King Middle School along with another apartment building. The current access off from Park Street will be modified slightly to provide a drop off zone.

***Surface Water:***

The site drains over the surface from Park Avenue toward Fitzpatrick Stadium and King Middle School. The majority of the runoff from the site is captured in the existing King Middle School parking lot storm drain system which flows into City of Portland's combined stormwater/sewer system on Deering Avenue. The remaining runoff flows within the building's sewer system into the city's combined main north of Fitzpatrick Stadium.

No DEP stormwater permits are required for this development.

***Flooding:***

The site is not within a flood zone as shown on the City of Portland Flood Hazard Boundary Map dated July 17, 1986.

6a

***Topography and Soils:***

The majority of the property is evenly sloping (0-5%) in the northerly and easterly direction toward the King Middle School Parking lot. Presently, the property is developed with approximately 50% used for buildings and paved parking area and the remaining 50% is vegetated. The soils on the property consist of deep excessively drained coarse-textured sandy loam material. A copy of the appropriate map from the Cumberland County Soil Survey to determine the soil groups which were identified as Hinckley and Deerfield soils is attached.

***Alteration of Natural Drainage Ways and Land Cover:***

In its present condition, the surface runoff from the site occurs in sheet flow with stretches of shallow concentrated flow to 3 Points of Analysis (POA's). The runoff from the southwest corner of the parking area and related drainage area, flows into a catch basin and piping which flows easterly toward the Barker building, POA #1. P&G believes it combines with the Barker building roof/sewer drains or has a separate line which outlets on the north side of the building. The roof drains of the Barker and Ryan building combines with the building's sewer and both outlets on the north side of each of the building. Then both of these sewer/storm drain outlets combine together northerly of the Ryan building, POA #2 and flows northerly to the city's combined storm sewer drain north of Fitzpatrick Stadium. The runoff from the remain property and related drainage area flows northeast to 2 separate catch basins and SD system in the westerly side of the King Middle School parking lot. The drainage from these two basins, POA #3 flow north and east into the City's combined storm sewer drain in Deering Avenue. All existing on site and downstream drainage systems have capacity for runoff during the small 24-hour storm event; however during medium to large events on-site ponding and a system backup occurs.

The proposed stormwater management plan keeps the same POA's as in the existing condition. The runoff from the southwest corner of the parking area, related drainage area flows to the same CB and outlet, POA #1. The roof drains from the Ryan building will combine with the building's sewer and flow in a combined sewer/storm system, POA #2 to the City's main north of Fitzpatrick Stadium. The runoff from the new building, the separated roof drains from the Baker building and the southerly and center section of the related drainage area will be captured in a new storm drainage system along the easterly side of the Iris property and tie into the same catch basin in the southwest corner of King Middle School parking lot. The runoff from the northerly section of the property will flow north and east to the same catch basin in the westerly side of the King Middle School parking lot. The drainage from these two basins, POA #3 flow north and east into the City's combined storm sewer drain in Deering Avenue.

6b

The existing storm drain line will be upgraded from the southerly catch basin to the drain manhole on the west side of Deering Avenue. The on-site and downstream drainage systems have then have capacity for proposed runoff during a 24-hour storm event, with only limited possibilities of back-up occurring for a short durations.

**Methodology:**

This analysis utilizes the SCS TR-20 method to model and predict stormwater flows. This method uses cover types, ground slope and hydrologic soil conditions to establish stormwater models and predict runoff conditions. HydroCAD version 7.0 as developed by Applied Microcomputer Systems of Chocura, NH was used to develop the technical report. Peak flows for the 2-year (3.0"), 10-year (4.7"), and 25-year (5.5") rain event in a 24-hour period were analyzed for post developed conditions. Summary copies of this analysis are attached.

**Proposed BMP:**

The construction and site development is scheduled to be completed in such a manner that all disturbed areas will be stabilized using Best Management Practices (BMP). BMP's include the use of catch basins protection and silt fence.

**Results:**

We have reviewed the peak runoff analysis of the storm drain line entering the City's combined system north of Fitzpatrick Stadium and on Deering Avenue during the 2, 10, and 25-year storms. The drainage analysis results are outlined below.

PEAK RATE OF RUNOFF (CFS)						
POINT OF ANALYSIS	EXISTING CONDITION			DEVELOPED CONDITIONS		
	2-YR	10-YR	25-YR	2-YR	10-YR	25-YR
POA #1	0.62	1.07	1.27	0.74	1.18	1.38
POA #2	0.56	0.58	0.56	0.37	0.59	0.56
POA #3	1.65	4.20	5.74	2.48	5.65	7.48

6c

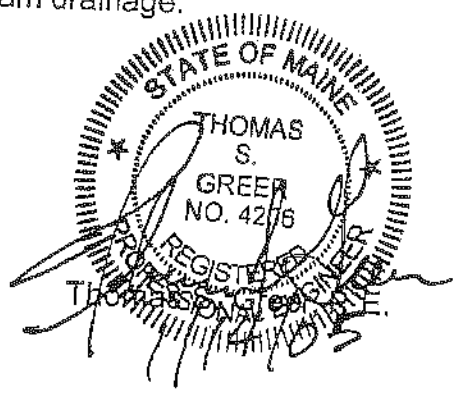
**Water Quality:**

The site is not in a watershed most at risk for development as noted in Chapter 500 of the DEP Stormwater Guidelines, therefore this project does not require the treatment of stormwater.

**Conclusion:**

There is an increase to the peak runoff at each of the POA for the storms modeled. The stormwater management system as proposed will have capacity to handle any proposed increase from the site and related improvements without over burdening the existing combined lines to POA #1&2.

Currently, the existing storm drain line at the King Middle School is under capacity creating a pond at the northwest corner of the school building during large storm events. The Iris Network proposes to make improvement to the storm drain in the parking lot and increase the capacity of the storm drain line from west side of the school, northerly and easterly to the drain manhole at Deering Avenue to handle the existing and proposed increase flows. Therefore, the increase surface runoff from the project with the improvements to the King Middle School line should not have any adverse effect on adjacent properties, existing structures and not overburden downstream drainage.





# Portland Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-35

Customer Service Hotline (207) 761-83

(207) 774-5

FAX (207) 879-5

December 23, 2004

Thomas S. Greer, P.E.  
Pinkham & Greer  
170 US Route One  
Falmouth, Me. 04105

Re: 189 Park Ave.-Iris Network

Tom:

This letter is to confirm there should be an adequate supply of clean and healthful water to serve the needs of the proposed expansion at 189 Park Ave. in Portland. Checking District records, I find there is a 12" CI water main on the south side of Park Ave. as well as a public fire hydrant located in front of the ice arena next door.

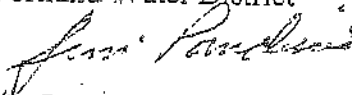
Current records show the property is served with a 6" DI fire service and two 2" domestic water services.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the needs of your proposed project.

Hydrant Location: Park Ave. at Weymouth St.  
Hydrant # 332  
Static pressure = 89 PSI  
Flow = 1321 GPM  
Last Tested = 5/11/2001

If the District can be of further assistance in this matter, please let us know.

Sincerely,  
Portland Water District

  
Jim Pandiscio  
Means Coordinator



AH-8  
170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

December 14, 2004  
File: 03181

Mr. Frank Brancley  
Department of Public Works  
CITY OF PORTLAND  
55 Portland Street  
Portland, ME 04101

RE: IRIS NETWORK ZONE CHANGE

Dear Frank:

The Iris Network is converting the existing dormitory to one and two bedroom apartments and adding space to provide for 31 apartments the expected occupancy will be 1.5 people per apartment for a total population of 47. Based on 50 gallons per day the flow will be 2,350 GPD. There are 16 people currently living in the building so existing usage is 800 gallons per day. These figures do not include the office building at the rear of the site. No changes in the office space is planned as part of this project.

Will you please provide Kandi Talbot with a letter stating the City's ability to serve the project?

Thank you for your assistance with this matter.

Sincerely,

PINKHAM & GREER

Thomas S. Greer, P.E.

TSG/rlo  
Enclosures  
Cc: Herb Semple, Semple & Drane

Att. 9

Sarah Hopkins - Iris Network

---

**From:** "Tom Errico" <terrigo@wilbursmith.com>  
**To:** "Rick Seeley" <rseeley@gpcog.org>  
**Date:** 02/04/2005 8:52 AM  
**Subject:** Iris Network  
**CC:** "Katherine Earley" <KAS@portlandmaine.gov>, "Sarah Hopkins "  
<SH@portlandmaine.gov>

---

Rick--

I have reviewed the site plan and conducted a field review of the project site. I do have concerns about how access and egress will be provided on Park Avenue. The site plan is not clear on what is to be provided for travel lanes entering and exiting the site north of the Exxon driveway opening. There appears to be an abrupt lane shift, but additional detail is necessary. I am also concerned about how the Iris Network traffic and Exxon traffic will interact. Justification for two exiting lanes (a separate left and right lane) should be provided. There also may be some merit in reducing the width of the curb opening to help delineate Exxon and Iris Network driveways. I would suggest that the applicant and I meet to discuss these issues.

If you have any questions please call me.

Thomas A. Errico, P.E.  
Senior Transportation Engineer  
Wilbur Smith Associates  
59 Middle Street  
Portland, Maine 04043  
(207) 871-1785 Phone  
(207) 871-5825 Fax



Att. 10

**Rick Seeley**

---

From: James Seymour [jseymour@sebagotechnics.com]  
Sent: Thursday, February 03, 2005 7:29 PM  
To: Rick Seeley; Marge Schmuckal (E-mail); Jim Seymour (E-mail)  
Cc: Alex Jaegerman (E-mail); Sarah Hopkins (E-mail)  
Subject: RE: Iris Network



05P009mem1.doc

Rick,

Attached is my memo, based on plans and submittals dated Jan 13 & 14. Please check with Marge to see if there are any pavement setbacks for parking in the R-5 or whether that was accepted as part of the Contract Zoning if there is a discrepancy.

<<05P009mem1.doc>>

Good Luck!

Jim Seymour P.E.

> -----Original Message-----

> From: Rick Seeley [SMTP:rseeley@gpcog.org]  
> Sent: Wednesday, February 02, 2005 2:38 PM  
> To: John Pevarada (E-mail); Lt. Gaylen McDougall (E-mail); Marge Schmuckal (E-mail); Jim Seymour (E-mail)  
> Cc: Alex Jaegerman (E-mail); Sarah Hopkins (E-mail)  
> Subject: Iris Network

> Hello to all of you,

> In Kandi's absence, Sarah Hopkins has asked me to draft the Planning Board memo on the Iris Network's site plan and subdivision plan, to go into the PB packet this friday in preparation for a workshop on Tuesday, February 8th.

> I brought the plans and project file to this morning's development review staff meeting, but missed seeing each of you there to find out if you have comments and/or issues with the proposed plan and related submissions. My understanding is that this plan, for which the Council recently approved a conditional rezoning (to allow for a reduction in required parking), is now coming back to the PB for site plan and subdivision review, and that in addition to the PB workshop next week there is a public hearing on the tentative agenda for March 9th.

> Would you please contact me as soon as you can to let me know what materials or questions you have or need and provide any comments, issues, recommendations you may have? Thanks.

> Rick Seeley  
> Senior Planner  
> Greater Portland Council of Governments  
> 68 Marginal Way, 4th floor  
> Portland ME 04101  
> 207-774-9891  
> 1-800-649-1304  
> 207-774-7149 fax  
> rseeley@gpcog.org

10a



05P009

**TO:** Rick Seeley - Planner  
**FROM:** Jim Seymour - Development Review Coordinator, Sebago Technics, Inc.  
**RE:** 189 Park Avenue - Iris Network Apartments  
**DATE:** February 3, 2005

---

I have reviewed the submitted Site Plan and Documents for 189 Park Avenue - Iris Network Apartments and have the following comments:

1. Layout Plan

I have reviewed the Layout Plan and have a few minor comments regarding some of the drainage provisions and parking lot layout.

- A. Since this is for dwelling units, I believe that this is also required to prepare a subdivision plan meeting City Standards for subdivision requirements, including but not limited to a survey plat, sealed/stamped by a Maine Licensed Surveyor, with a recording block for the Registry of Deeds.
- B. All and any applicable easements for drainage, access, or utilities shall be shown on the subdivision drawing. Please show or label rights and easements and have sealed by a Licensed State of Maine Surveyor.
- C. Square footage of each residence or overall building dimensions shall be labeled. Also yard setbacks of the zoning shall be shown in case of future expansion of the structure and general construction layout.

2. Stormwater/Drainage Analysis

- A. The attached stormwater calculations imply an addition of peak rate of runoff. We did not receive any watershed maps to verify the stormwater calculations. The applicant has shown that they can meet or nearly meet the runoff rate in the post condition in the 2, 10 and 25-year storms for two study points (1 and 2). However, the calculations show a substantial increase in all storms for study point #3. (30% to 50% depending on storm value) There appears to be a lengthy run of stormwater runoff extending from the rear of the gas station to the rear northern corner of the parking area. We recommend a catch basin near

10b

the new sewer service crossing and tie it into the storm drain line heading northerly on the King Middle School lot. This will collect and reduce shallow flows on the pavement, and extend the pavements lifecycle and improve safety.

- B. The applicant states that if offsite pipe upgrades are met then the overall city system can be maintained without negative downstream impact. We believe it would be in the City's best interest to proceed with their offer. However, the applicant, shall provide plans with layout, pipe lengths, invert elevations, design flow rates, and pipe sizes able to handle the entire upgrade as noted in the report.
- C. Due to the existing project consisting of parking numbers consistent with the proposed and with a higher degree of delineation, organization, and overall decrease in actual parking surface we feel that stormwater treatment is not necessary.
- D. Letters of approval from the Portland Schools Department or City shall be required to install new drains and pavement cuts on their property.

3. Utility Plans

- A. Approved letters for electrical and telephone transformers/services are recommended, and a letter of approval shall be forwarded from the developer and involved utility companies.
- B. The proposed electrical line has not been shown. The transformer is located, but no main is shown to service the pad. Where will the service originate from, and will an easement for CMP be needed? The new service has to be underground.

4. Grading and Erosion Control

- A. The plans shall show the location of the construction lay down or mobilization area.
- B. The erosion controls shall include Silt Sacs, or protection over existing and proposed catch basins during construction, to be noted on the site drawings. Also silt fence shall be shown along the King Middle School property.

5. Access and Walks

- A. The sidewalks along the parking entrance and along Frederic Street are shown with a vertical curb, however no details for bituminous, concrete, or paver sidewalk, are shown on the plans. Please add details for the sidewalks typical cross section, and add widths and material types on the site plan.

IOC

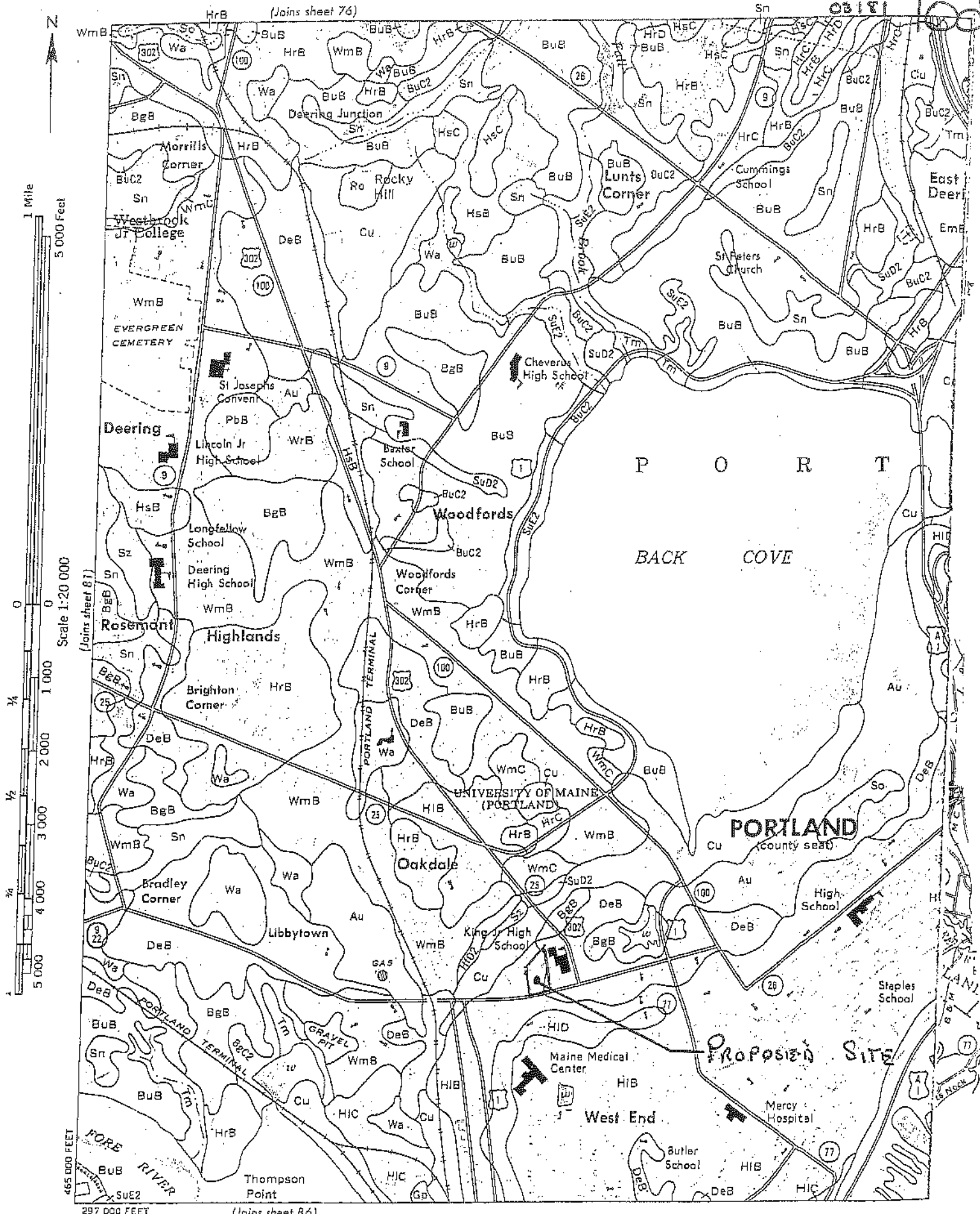
- B. The pedestrian crossing signage, drop-off area, and pavement markings are needed at the parking entrance shall be shown along with appropriate signs to stop vehicles prior to Park Avenue exit.
- C. The applicant shall indicate snow storage areas or methods for snow removal to assure no loss of parking spaces or creation of visual barriers for vehicular access or egress.

6. Details

- A. The details for the new sidewalk section need to be shown.
- B. Details for butt joints against existing pavement are needed.
- C. A detail of the typical section for sewer connections/saddles is needed.
- D. Details for enclosed dumpster are needed.

Please feel free to contact me if you or the design-professional has questions with my comments or concerns. We feel the plan has only some minor areas for concern. I will be available to assist you and the applicant if warranted to address any further questions next week prior to the meeting.

JRS:jrs



APPENDIX D-1: One Day Precipitation Values (SCS) 10e

County	Storm Type	Return Interval or Frequency								
		1-Yr	2-Yr	5-Yr	10-Yr	25-Yr	100-Yr	500-Yr	Annual	
Androscoggin		2.5	3.0	3.9	4.6	5.4	6.5	7.8	45.3	
Aroostook C		2.1	2.1	3.2	3.6	4.2	5.0	5.9	36.1	(Presque Isle Area)
Aroostook N		2.0	2.3	3.0	3.5	4.0	4.8	5.7	36.1	(Fort Kent Area)
Aroostook S	S	2.2	2.5	3.3	3.8	4.4	5.3	6.4	39.0	(Houlton Area)
Cumberland NW	E	2.8	3.3	4.3	5.0	5.8	6.9	8.3	43.4	(NW of St. Route 11)
Cumberland SE	E	2.5	3.0	4.0	4.7	5.5	6.7	8.1	44.4	(SE of St. Route 11)
Franklin		2.4	2.9	3.7	4.2	4.9	5.9	7.0	45.6	
Hancock		2.4	2.7	3.6	4.2	4.9	6.0	7.2	45.2	
Kennebec	N	2.4	3.0	3.8	4.4	5.1	6.1	7.2	41.7	
Knox-Lincoln	O	2.5	2.9	3.8	4.4	5.1	6.2	7.4	46.1	
Oxford E	T	2.5	3.0	4.0	4.6	5.3	6.4	7.6	43.0	(E of St. Route 26)
Oxford W	E	3.0	3.5	4.5	5.2	6.0	7.1	8.4	43.8	(W of St. Route 26)
Penobscot N	S	2.2	2.5	3.3	3.8	4.4	5.4	6.4	41.5	(N of Can.-Atl. Rwy)
Penobscot S		2.4	2.7	3.5	4.1	4.8	5.8	6.9	39.5	(S of Can.-Atl. Rwy)
Piscataquis N	1	2.2	2.5	3.3	3.8	4.4	5.3	6.3	38.5	(N of Can.-Atl. Rwy)
Piscataquis S		2.3	2.6	3.4	4.0	4.6	5.5	6.6	41.0	(S of Can.-Atl. Rwy)
Sagadahoc	A	2.5	3.0	3.9	4.6	5.4	6.5	7.8	45.3	
Somerset N	N	2.2	2.5	3.3	3.8	4.4	5.3	6.3	37.3	(N of Can.-Atl. Rwy)
Somerset S	D	2.4	2.7	3.5	4.1	4.7	5.7	6.8	39.5	(S of Can.-Atl. Rwy)
Waldo		2.5	2.8	3.7	4.3	4.9	6.0	7.1	47.2	
Washington	Z	2.4	2.5	3.4	4.0	4.8	5.9	7.1	44.2	
York		2.5	3.0	4.0	4.6	5.4	6.6	7.8	46.7	

NOTES: REVISED 4/10/92 Lew P. Crosby

24-HR. DURATION RAINFALL

SOURCES: 24-HR. DATA — TP 40

ANNUAL DATA — CDAN

Note 1: <sup>1</sup>Use *Type II* for Oxford County (with the exception of towns listed below) and Penobscot County (with the exception of towns listed below) and all Maine counties not listed below.

Note 2: <sup>2</sup>Use *Type III* for York, Cumberland, Androscoggin, Sagadahoc, Kennebec, Waldo, Knox, Piscataquis, Somerset, Franklin, Aroostook, Lincoln, Hancock, Washington Counties; the following Oxford County Towns: Porter, Brownfield, Hiram, Denmark, Oxford, Hebron, Buckfield, and Hartford; and the following Penobscot County towns: Dixmont, Newburgh, Hampden, Bangor, Veazie, Orono, Bradley, Clifton, Eddington, Holden, Brewer, Orrington, Plymouth, Etna, Carmel, Hermon, Glenburn, Old Town, Milford, and Greenfield.

Table 2-2c Runoff curve numbers for other agricultural lands <sup>1/</sup>

Cover type	Cover description	Hydrologic condition	Curve numbers for hydrologic soil group			
			A	B	C	D
Pasture, grassland, or range—continuous forage for grazing. <sup>2/</sup>		Poor	68	79	86	89
		Fair	49	69	79	84
		Good	39	61	74	80
Meadow—continuous grass, protected from grazing and generally mowed for hay.		—	30	58	71	78
Brush—brush-weed-grass mixture with brush the major element. <sup>3/</sup>		Poor	48	67	77	83
		Fair	36	56	70	77
		Good	30 <sup>4/</sup>	48	65	73
Woods—grass combination (orchard or tree farm). <sup>5/</sup>		Poor	57	73	82	86
		Fair	43	65	76	82
		Good	32	58	72	79
Woods. <sup>6/</sup>		Poor	45	66	77	83
		Fair	36	60	73	79
		Good	30 <sup>4/</sup>	55	70	77
Farmsteads—buildings, lanes, driveways, and surrounding lots.		—	59	74	82	86

<sup>1/</sup> Average runoff condition, and  $I_a = 0.25$ .

<sup>2/</sup> *Poor*: <50% ground cover or heavily grazed with no mulch.

*Fair*: 50 to 75% ground cover and not heavily grazed.

*Good*: > 75% ground cover and lightly or only occasionally grazed.

<sup>3/</sup> *Poor*: <50% ground cover.

*Fair*: 50 to 75% ground cover.

*Good*: >75% ground cover.

<sup>4/</sup> Actual curve number is less than 30; use CN = 30 for runoff computations.

<sup>5/</sup> CN's shown were computed for areas with 50% woods and 50% grass (pasture) cover. Other combinations of conditions may be computed from the CN's for woods and pasture.

<sup>6/</sup> *Poor*: Forest litter, small trees, and brush are destroyed by heavy grazing or regular burning.

*Fair*: Woods are grazed but not burned, and some forest litter covers the soil.

*Good*: Woods are protected from grazing, and litter and brush adequately cover the soil.

10g

# Appendix A2: Runoff Curve Numbers

**Table 2-2a** Runoff curve numbers for urban areas <sup>1/</sup>

Cover description	Average percent impervious area <sup>2/</sup>	Curve numbers for hydrologic soil group			
		A	B	C	D
<i>Fully developed urban areas (vegetation established)</i>					
<u>Open space (lawns, parks, golf courses, cemeteries, etc.) <sup>3/</sup>:</u>					
Poor condition (grass cover < 50%) .....		68	79	86	89
Fair condition (grass cover 50% to 75%) .....		49	69	79	84
Good condition (grass cover > 75%) .....		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way) .....		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way) .....		98	98	98	98
Paved; open ditches (including right-of-way) .....		88	89	92	93
Gravel (including right-of-way) .....		76	85	89	91
Dirt (including right-of-way) .....		72	82	87	89
Western desert urban areas:					
Natural desert landscaping (pervious areas only) <sup>4/</sup> .....		63	77	85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders) .....		96	96	96	96
Urban districts:					
Commercial and business .....	85	89	92	94	96
Industrial .....	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses) .....	65	77	85	90	92
1/4 acre .....	38	61	75	83	87
1/3 acre .....	30	57	72	81	86
1/2 acre .....	25	54	70	80	85
1 acre .....	20	51	68	79	84
2 acres .....	12	46	65	77	82
<i>Developing urban areas</i>					
Newly graded areas (pervious areas only, no vegetation) <sup>5/</sup> .....		77	86	91	94
Idle lands (CN's are determined using cover types similar to those in table 2-2c).					

- <sup>1/</sup> Average runoff condition, and  $I_p = 0.2S$ .
- <sup>2/</sup> The average percent impervious area shown was used to develop the composite CN's. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of conditions may be computed using figure 2-3 or 2-4.
- <sup>3/</sup> CN's shown are equivalent to those of pasture. Composite CN's may be computed for other combinations of open space cover type.
- <sup>4/</sup> Composite CN's for natural desert landscaping should be computed using figures 2-3 or 2-4 based on the impervious area percentage (CN = 98) and the pervious area CN. The pervious area CN's are assumed equivalent to desert shrub in poor hydrologic condition.
- <sup>5/</sup> Composite CN's to use for the design of temporary measures during grading and construction should be computed using figure 2-3 or 2-4 based on the degree of development (impervious area percentage) and the CN's for the newly graded pervious areas.



CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
Fire Copy

Att. 11

2005-0009  
Application I. D. Number  
1/18/2005  
Application Date  
Iris Park Apartments  
Project Name/Description

Maine Center For The Blind &  
Applicant  
189 Park Ave, Portland, ME 04102  
Applicant's Mailing Address

189 - 189 Park Ave, Portland, Maine  
Address of Proposed Site  
052 C003001  
Assessor's Reference: Chart-Block-Lot

Consultant/Agent  
Applicant Ph: (207) 774-6273      Applicant Fax: (207) 774-0679  
Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply):  New Building     Building Addition     Change Of Use     Residential     Office     Retail  
 Manufacturing     Warehouse/Distribution     Parking Lot     Other (specify) \_\_\_\_\_

18,670 s.f.      Contract  
Proposed Building square Feet or # of Units      Acreage of Site      Zoning

**Check Review Required:**

- Site Plan (major/minor)       Subdivision # of lots \_\_\_\_\_       PAD Review       14-403 Streets Review
- Flood Hazard       Shoreland       Historic Preservation       DEP Local Certification
- Zoning Conditional Use (ZBA/PB)       Zoning Variance       Other \_\_\_\_\_

Fees Paid:    Site Plan \$500.00    Subdivision \_\_\_\_\_    Engineer Review \_\_\_\_\_    Date 1/19/2005

**Fire Approval Status:**

Reviewer Lt. MacDougal

- Approved       Approved w/Conditions See Attached       Denied

Approval Date 2/15/2005      Approval Expiration 2/15/2006      Extension to \_\_\_\_\_       Additional Sheets Attached

Condition Compliance      Lt. MacDougal      2/15/2005  
signature      date

Performance Guarantee       Required\*       Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	date	amount	
<input type="checkbox"/> Building Permit Issue	date		
<input type="checkbox"/> Performance Guarantee Reduced	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	date	<input type="checkbox"/> Conditions (See Attached)	expiration date
<input type="checkbox"/> Final Inspection	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	date		
<input type="checkbox"/> Performance Guarantee Released	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	date	signature	

Att. 12

Kandi Talbot - Iris Network

---

**From:** "Tom Errico" <terrigo@wilbursmith.com>  
**To:** "Kandi Talbot" <kcote@portlandmaine.gov>  
**Date:** 03/03/2005 2:40 PM  
**Subject:** Iris Network  
**CC:** "Katherine Earley" <KAS@portlandmaine.gov>

---

Kandi—

Following my review of the most recent site plan layout, it is my suggestion that the driveway alignment from Park Avenue be modified. I would suggest that the easternmost curb line entering the site be located such that it is directly aligned with the pavement marking line separating the 10' drop-off lane and the 12' entry lane. This change will eliminate the lane shift entering and exiting the site and provide greater separation between the Iris Network site and the Exxon Service Station. The change will require the shifting of the easternmost curb by approximately 10 feet. This action will also require the extension of the curb area/sidewalk in front of the Exxon Station to be shifted by approximately 10 feet. Relocation of a utility pole will also be required.

If you have any questions, please call me.

Thomas A. Errico, P.E.  
Senior Transportation Engineer  
Wilbur Smith Associates  
59 Middle Street  
Portland, Maine 04043  
(207) 871-1785 Phone  
(207) 871-5825 Fax



05P009

**TO:** Kandi Talbot - Planner  
**FROM:** Jim Seymour - Development Review Coordinator, Sebago Technics, Inc.  
**RE:** 189 Park Avenue - Iris Network Apartments  
**DATE:** March 3, 2005

---

I have reviewed the revised Site Plan and Documents for 189 Park Avenue - Iris Network Apartments dated February 22<sup>nd</sup> and have the following comments:

**1. Subdivision and Site Plan**

I have reviewed the the site/subdivision plan and have a few minor comments regarding some of the drainage provisions and parking lot layout.

- A. Since this is for dwelling units, the plan needs to delineate the number of dwelling units, add the city definition of Subdivision, include metes and bounds on all applicable easements to the survey plat, sealed/stamped by a Maine Licensed Surveyor, with a recording block for the Registry of Deeds.
- B. Square footage of each residence or overall building dimensions shall be labeled. Also actual building setbacks shall be shown in case of future expansion of the structure and general construction layout.

**2. Stormwater/Drainage Analysis**

- A. The original attached stormwater calculations imply an addition of peak rate of runoff. We did not receive any watershed maps to verify the stormwater calculations. The applicant has shown that they can meet or nearly meet the runoff rate in the post condition in the 2, 10 and 25-year storms for two study points (1 and 2). However, the calculations show a substantial increase in all storms for study point #3. (30% to 50% depending on storm value) There appears to be a lengthy run of stormwater runoff extending from the rear of the gas station to the rear northern corner of the parking area. We recommend a catch basin near the new sewer service crossing and tie it into the storm drain line heading northerly on the King Middle School lot. This will collect and

13A

reduce shallow flows on the pavement, and extend the pavements lifecycle and improve safety.

- B. The applicant has designed offsite pipe upgrades to the overall school/city system. We believe it would be in the City's best interest to proceed with their offer. The applicant, has provided plans with a new layout, pipe lengths, invert elevations, and pipe sizes able to handle the entire upgrade as noted in the report. However, the eventual discharge point near Deering Avenue is restricted by the outlet of the last catch basin which has only an eight inch pipe crossing Deering Avenue. Therefore the pipe proposed will back up and surcharge.

In large storms the surcharge will overflow the last connected basin (DMH-K5) and then by surface flow reach another catch basin on school ground that leads to another separate storm drain collecting the front loop access of King middle School. The surcharge depending on the storm event could also back up in one other basin along the new storm drain layout. Based on discussions with the City Engineer we feel that an overflow pipe from the last basin the King Middle School entrance basin to be installed as high as possible will alleviate overtopping and reduce potential for surface flooding. These two separate storm drain lines in fact discharge to the same eventual combined sewer, but the are of different size and take different course to the same point.

The city requests that the applicant inspect and camera the last 8-inch pipe length that crosses Deering Avenue to assure the pipe is in operable condition without obstructions or breaks. Calculations estimating the actual flow to both pipe in the 2 and 25 year storms will be required to appropriately size future replacement downstream pipes in Deering Avenue. And lastly, it shall be the applicants responsibility, to assure that no additional wyes or connections to the abandoned storm drain are blocked, or left without outlets, thereby causing flooding or backwater problems.

Has permission or easements to construct on City and School property been obtained?

- C. Due to the existing project consisting of parking numbers consistent with the proposed and with a higher degree of delineation, organization, and overall decrease in actual parking surface we feel that stormwater treatment is not necessary.
- D. Letters of approval from the Portland Schools Department or City shall be required to install new drains and construction activity on their property.

3. Utility Plans

136

- A. Approved letters for electrical and telephone transformers/services are recommended, and a letter of approval shall be forwarded from the developer and involved utility companies.

**4. Grading and Erosion Control**

- A. The plans shall show the location of the construction lay down or mobilization area.
- B. The erosion controls shall include Silt Sacs, or protection over existing and proposed catch basins during construction, to be noted on the site drawings. Also silt fence shall be shown along the King Middle School property.

**5. Access and Walks**

- A. The sidewalks along the parking entrance and along the access drive are shown with a vertical curb, the details call for granite curbing with sidewalk. Is this true for the entire site? Please indicate on the plans curb types. Please add details for the various sidewalk widths on the site plan.
- B. The pedestrian crossing signage, drop-off area, and pavement markings are needed at the parking entrance shall be shown along with appropriate signs to stop vehicles prior to Park Avenue exit.
- C. The applicant shall indicate snow storage areas or methods for snow removal to assure no loss of parking spaces or creation of visual barriers for vehicular access or egress.
- D. Tom Errico P.E. has comments regarding site access onto Park Avenue with the drive alignment. Please see his comments separately through the planner.

**6. Details**

- A. Details for butt joints against existing pavement are needed.
- B. A detail of the typical section for sewer connections/saddles is needed.
- C. Details for enclosed dumpster are needed.
- D. Details such as fencing and bollards are in the detail sheets. Where are they going on the site?

Please feel free to contact me if you or the design-professional has questions with my comments or concerns. We feel the plan still has some minor areas for concern. Many of my original comments have not been addressed by the revised plan set I was given. With the exception to the drainage we feel the plans can be conditionally approved. More discussions,

189 Park Avenue.  
Iris Network Apts.

-4-

February 3, 2005

BC

commitments as well as timetable agreements with the applicants to their proposal of drainage upgrades, will need Board or staff input prior to final approval. I will be available to assist you and the applicant if warranted to address any further questions next week prior to the meeting.

JRS:jrs

## Sarah Hopkins - FW: city Planning Notices

---

**From:** "Rick Seeley" <rseeley@gpcog.org>  
**To:** "Sarah Hopkins (E-mail)" <SH@portlandmaine.gov>  
**Date:** 02/07/2005 9:36 AM  
**Subject:** FW: city Planning Notices  
**CC:** "Alex Jaegerman (E-mail)" <AQJ@portlandmaine.gov>

---

Sarah, Here is some public comment relative to MMC, Iris Network and 158 Grant Street that, I am sorry to say, I forgot to pass on to you and the Board in time for the MMC public hearing, but which can still make it to them for their work on the Iris Network and, I hope, 158 Grant Street. Rick

-----Original Message-----


**From:** assunta k [mailto:assuntasensei@hotmail.com]  
**Sent:** Thursday, January 20, 2005 12:43 PM  
**To:** Rick Seeley  
**Subject:** city Planning Notices

I would like to comment on several current planning and development projects in my vicinity:

On Maine Med rezoning and expansion: 1) I opposed the helipad on their inner city building rather than down closer to the airport. This is the most densely populated square mile in Maine and getting denser again. Traffic is already snarled and confusing. So more parking, rather than some sort of shuttle and remote parking along with distractions from helicopters hovering will not help calm traffic along Congress or Deering Avenue.

Also as I remember Life Flight was discontinued partly because of a crash in Casco Bay. I know from Emergency Room Staff that when Maine Med tried having helicopter landings on the garage before, that winds were dangerous to patients, staff and if while landing, would be to many neighbors.

2) What restitution and abatement measures do the builders plan to make for the unsettling of the foundations of all the older homes in the vicinity when they begin pounding in pilings for the planned garage? The most recent garage work shook our houses constantly over the course of several months. And I can see structural damage in my old foundation.

 On the IRIS expansion: I applaud this sort of development. My only question is the perennial question about parking: especially for staff and for any partners/roommates of visually impaired residents. With the new PROP building and the rapid development, in particular along Grant Street, the pressure on parking and street maintenance is becoming oppressive and dangerous. Last night in a mild snowstorm, I watched a cars circled around and around the neighborhood, up and down Deering Avenue--complicating snow removal--as they looked for parking. Please DO not approve housing with 1.5 parking spaces per unit -- which in my observation of rental properties in this area is a conservative number.

158 Grant Street: Planned Misery: I know the city has pledged to increase affordable housing in the city by 4000 units. But at what cost? Small dilapidated capes are being turned into 4-units on substandard lots with inadequate setbacks and narrow steep driveways. On a clear summer day, one must already wait and jig and jog between parked cars to navigate the street. Every little house is being divided into more small apts, remaining trees are cut and the tiny yards paved for parking. Children and young people "hang" in the congested street to get out of crowded noisy apts. The

sidewalks are all paved with only a couple of scrawny trees left and not a blade of grass. As Jeff Tarling and Professor Langley-Turnbaugh will testify some trees help clean the air and cut noise in over crowded areas. Please reconsider pushing/allowing developers to over develop small spaces on already overcrowded narrow streets.

There was an arson car fire recently in the yard of 158 Grant which obviated the fire danger of ignoring property setbacks and of parking cars in back yards. The Fire Dept gained access through the block from Deering Avenue because my neighbors and I happened to be home to move our cars out of the way. I oppose filling every yard on this triangular block with parked cars and the only way to discourage that is to allow some buildings to remain single or 2-family. There is a traffic and/or fire disaster waiting to happen as these conditions snowball.

Thanks for your consideration and for soliciting neighborhood comment.

Dr. Assunta Kent

We find Meaning -- by Learning to tell the Truth,

by Surrendering to our Calling, by having Discipline in our lives,

and, by operating from Faith.



Shmitt Easement4.DMK.i  
11.21.04**DRAINAGE EASEMENT DEED**

**KNOW ALL PERSONS BY THESE PRESENTS**, that the **CITY OF PORTLAND**, a body politic and corporate with a mailing address of 389 Congress Street, in Portland, Maine, for consideration paid, receipt whereof is hereby acknowledged, grants to the **IRIS NETWORK**, a non-profit corporation with a mailing address of 189 Park Avenue, Portland, Maine 04102, an easement described as follows:

The right perpetually to enter at any and all times upon property situated on the \_\_\_\_\_ side of Deering Avenue, Portland, in said County of Cumberland and State of Maine, said property being described in, and as part of Exhibit A, attached hereto and incorporated herein by reference.

Said easement for the purpose of and conveying the right to perpetually maintain through, under and across said property an access way with all necessary fixtures and appurtenances for installing and maintaining to perpetually maintain through, under, and across said property conduits or pipelines with all necessary fixtures and appurtenances for conveying storm water and to lay, relay, repair, maintain, clean and remove said storm water pipe or pipes upon or under said strips, with all necessary fixtures and appurtenances, to improve an existing manhole on land of the Grantor and the replace with a pipe of increased size and capacity the existing drainage line and catch basins leading in a northerly direction from the said manhole, all as required in a certain site plan approval for a project entitled \_\_\_\_\_ issued by the Portland Planning Board on \_\_\_\_\_, 2005 as further shown in Exhibit B, attached hereto and incorporated herein, together with the right at all times to make connections with said conduits or pipelines to land adjoining said drainage easement by means of pipes or other services; to remove debris and deposits of any kind and to alter and regrade the contours of said easement to such extent as in the judgment of the Grantee and with consent of the Grantor, is necessary or appropriate for any of the above purposes; and to enter upon said easement at any and all times for any of the foregoing purposes, reserving to the Grantor and his successors and assigns the use and enjoyment of said strips and for such purposes only as will in no way interfere temporarily or otherwise with the perpetual use thereof by the Grantee, its successors and assigns for the purpose above mentioned, provided that no building or any kind of permanent structure, including, but not limited to, walls and fences,

Shmitt Easement4.DMK.1  
11.21.04

shall be erected on said strip by the Grantor, its successors or assigns; and that the Grantor, its successors and assigns shall not remove earth from said easement without the written permission of the Grantee, its successors and assigns.

**IN WITNESS WHEREOF**, Duane G. Kline, in his capacity as Director of Finance has hereunto set his hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

WITNESS:

GRANTOR -CITY OF PORTLAND

\_\_\_\_\_

By: Duane G. Kline  
Director of Finance

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_, 2005

Personally appeared the above-named Duane G. Kline, in his capacity as Director of Finance and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law

Print Name: \_\_\_\_\_

Beginning at a point marked by an iron rod with cap #1172 at the northeasterly corner of land owned by the Iris Network, and Iris Park Apartments LP thence southeast  $S15^{\circ}15'43''E$  a distance of 150.00 feet; thence  $N32^{\circ}41'26''E$  a distance of 57.81 feet toward King Middle School; thence  $N08^{\circ}55'37''W$  a distance of 215.36 feet; thence  $S81^{\circ}04'23''W$  a distance of 32.45 feet; thence  $N55^{\circ}51'51''W$  a distance of 19.54 feet; thence  $N16^{\circ}58'30''W$  a distance of 63.51 feet; thence  $N09^{\circ}14'46''W$  a distance of 14.08 feet; thence  $N31^{\circ}40'29''E$  a distance of 75.89 feet; thence  $N38^{\circ}33'34''E$  a distance of 124.19 feet to a point on the southwesterly sideline of Deering Avenue; thence northwesterly along said Deering Avenue and along a 1490.53 foot radius curve to the left a distance of 28.56 feet; thence along the property line of the City of Portland land utilized by King Middle School  $S44^{\circ}21'10''W$  a distance of 183.92 feet; thence continuing along the City of Portland land  $S15^{\circ}15'43''E$  a distance of 253.17 feet to a point of beginning. Representing an area encompassing 22,907 square feet.

Structures to be permanently installed by the Iris Network and owned by the City of Portland within the easement are as follows:

Three (3) concrete catch basins  
38 Linear Feet of 12" diameter pipe  
492 Linear Feet of 18" diameter pipe

## I. INTRODUCTION

Iris Network is requesting subdivision and site plan approval for an expansion of their existing building located at 189-201 Park Avenue. The applicant is proposing to renovate and expand the existing dormitory to house **thirty-one (31) one and two bedroom apartments**, with a reduced number of parking spaces. The administrative offices will remain in the rear of the building. The expansion would create additional living facilities for individuals who are blind or have sight impairments. The site is approximately 1.93 acres and zoned R-7 conditional.

## II. FINDINGS

Zoning:	<b>R-7 Conditional Zone</b>
Land Area:	1.93 acres
Existing Use:	Administrative offices and residential dorm rooms
Proposed Use:	Expansion to accommodate 31 one and two bedroom apartments
Parking Spaces:	54 spaces

## III. CONDITIONAL ZONE AGREEMENT

On December 8, 2004, the City Council approved a final Conditional Zone Agreement with the Iris Network to allow for site plan review of the proposed Iris Park Apartments by the Planning Board (see Attachment 1). The Agreement rezones the property from R-5 Residential to R-7 Residential and provides relief from the off-street parking requirements of the R-7 Residential zone, reducing the minimum number of required spaces to **forty-one (41) for the office uses on the property and thirteen (13) spaces for the residential use** on the property. The Iris Network also agrees that it will market the proposed residential units to visually impaired individuals with incomes of 50% - 60% of the Area Median Income for 90 years, and that these affordability restrictions shall be secured by covenants and restrictions and conditions in any deeds conveyed out by the owner. The Iris Network agrees further that the use of the 16,800 sq. ft. is to be primarily related to the operation of the Iris Network or any successor not-for-profit entity.

The Conditional Zone Agreement became effective on January 7, 2005. The Iris Network has completed registration of the Conditional Zone Agreement in the Cumberland County Registry of Deeds and provision of the required Book and Page numbers to the City prior to the deadline of February 6, 2005, as required by the terms of the Agreement (within 60 days of the rezoning).

#### IV. STAFF REVIEW

This plan has been reviewed by staff for conformance with the applicable review standards of the site plan and subdivision ordinances.

##### SITE PLAN REVIEW

###### 1/2. Traffic

Access to the site is from Park Avenue. The access is also used by the gas station, which abuts the Iris Network property. As stated previously, 41 parking spaces are provided for the office use and 13 parking spaces are being provided for the residential use.

Curb and sidewalk exist along Park Avenue and the applicant is proposing a walkway from Park Avenue into the site.

The Traffic Engineer has reviewed the plans and is recommending that the driveway alignment be modified. The modification will eliminate the lane shift entering and exiting the site and provide greater separation between the Iris Network site and the Exxon Service Station. The change will require the shifting of the easternmost curb by approximately 10 feet and will also require the extension of the curb area/sidewalk in front of the Exxon Station to be shifted by approximately 10 feet. The Traffic Engineer's memo is included as Attachment 12. A potential condition of approval is:

- that the plans be revised to modify the driveway alignment based on the Traffic Engineer's memo dated March 3, 2005, to be reviewed and approved by the Traffic Engineer.

There had been some discussion during the zone change review by the applicant that a number of years ago, the City and the Maine Institute for the Blind swapped two triangle pieces of property. The parcel conveyed to the City was recorded, however, the parcel conveyed to the Maine Institute for the Blind was never recorded and is still listed as City property. The City has researched this issue and cannot find any information suggesting that the City did convey the triangle piece of property to the Maine Institute for the Blind. There is a small area of the existing parking lot, which had been constructed on city land. To address this concern, the City would be willing to issue a license for the parking lot encroachment. The applicant and the City are working to issue a license at this time. A potential condition of approval is:

- that a license be issued by the City to the applicant for the parking lot encroachment, prior to issuance of a building permit.

3. Bulk, location, height of building and proposed uses will not cause health or safety problems

There are no known health or safety issues associated with the plan.

4. Bulk, location, height of buildings minimizes the diminution in value or utility to surrounding structures

Given that this proposal has a strong design, this development should increase the value and utility of surrounding properties.

5. Sewers, water, solid waste disposal

Utility lines in Park Avenue will serve the development. A letter from the Portland Water District is included as Attachment 7. The applicant has requested a capacity letter from the Portland Sewer Division, but has not received it at this time. A potential condition of approval is:

- that the applicant provide a capacity letter from the ~~Portland Water District~~ <sup>Sewer Division</sup> prior to issuance of a building permit.

A dumpster is located on site for trash.

#### 6/7. Landscaping

A landscaping plan has been submitted and is included as Attachment 3h. The applicant is proposing a number of trees and landscaped areas around the site.

The subdivision ordinance states that with a residential development, two trees per unit shall be required. The applicant is proposing to keep twelve (12) of the existing trees that are on-site currently and are proposing thirty-one (31) new trees for a total of forty-three (43) trees. The subdivision ordinance requires sixty-two (62) trees for the site.

The City Arborist has reviewed the plans and is recommending that the applicant replace the existing Catalpa tree proposed to be removed, with a 2.5" caliper Catalpa tree. The City Arborist is also recommending that the applicant provide additional landscaping along the front of the Barker Building expansion. The applicant may also be able to provide additional trees at the rear of the existing Ryan Building and around the parking area. A potential condition of approval is:

- that the applicant revise the landscaping plan to provide additional trees to meet the subdivision ordinance and replace the existing Catalpa tree with a 2.5" caliper Catalpa tree, to be reviewed and approved by the City Arborist.

#### 8. Soil and Drainage

The applicant has provided a stormwater management plan, which is included as Attachment 6. The Development Review Coordinator has reviewed the plans, and his memo is included as Attachment 13.

The stormwater calculations imply an addition of peak rate of runoff. The applicant has shown that they can meet or nearly meet the runoff rate in the post condition in the 2, 10 and 25-year storms for two study points, however the calculations show a substantial increase in all storms for the third study area. There appears to be a lengthy run of stormwater runoff extending from the rear of the gas station to the rear northern corner of the parking area. The DRC and Public Works is recommending that a catch basin be installed near the new sewer service crossing and tie it into the storm drain line heading northerly on the King Middle School lot. This will collect and reduce shallow flows on the pavement, and extend the pavements lifecycle and improve safety.

The applicant has designed offsite pipe upgrades to the overall school/city system. Public Works and the DRC believe it to be in the City's best interest to proceed with the applicant's offer. The applicant has provided plans with a new layout, pipe lengths, invert elevations, and pipe sizes able to handle the entire upgrade as noted in the stormwater report. However, the eventual discharge point near Deering Avenue is restricted by the outlet of the last catch basin which has only an eight inch pipe crossing Deering Avenue. Therefore, the pipe proposed will back up and surcharge.

In large storms the surcharge will overflow the last connected basin and then by surface flow reach another catch basin on school ground that leads to another separate storm drain collecting the front loop access of King Middle School. The surcharge depending on the storm event could also back up in one other basin along the new storm drain layout. Based on discussions between Public Works and the DRC, they feel that an overflow pipe from the last basin at the King Middle School entrance basin should be installed as high as possible to alleviate overtopping and reduce potential for surface flooding. These two separate storm drain lines in fact discharge to the same eventual combined sewer, but they are of different size and take different course to the same point.

The City is requesting that the applicant inspect and camera the last 8-inch pipe length that crosses Deering Avenue to assure the pipe is in operable condition without obstructions or breaks. Calculations estimating the actual flow to both pipes in the 2 and 25-year storms will be required to approximately size future replacement downstream pipes in Deering Avenue.

And lastly, it shall be the applicant's responsibility to assure that no additional wyes or connections to the abandoned storm drain are blocked, or left without outlets, thereby causing flooding or backwater problems. A potential condition of approval is:

- that the applicant revise the plans to reflect the DRC's comments in the memo dated March 3, 2005 in regards to drainage and other detail issues.

Because there will be an increase in stormwater runoff leaving the site, a waiver of the standards will be necessary to approve this project.

The applicant is currently working with the School Department and City to obtain easements to tie into and construct the stormdrain system on City and School property. A potential condition of approval is:

- that the applicant obtain the necessary easements from the City/School Department to tie into and construct the proposed stormdrain system on School property, prior to issuance of a building permit to be reviewed and approved by Corporation Counsel.

#### 9. Lighting

The applicant is proposing a number of new pole mounted light fixture and building mounted light fixtures. Catalogue cuts of the light fixtures shall be submitted to staff for review and approval, along with the fixture wattage and height. A photometric plan has been submitted and is included as Attachment 3g. It appears that there may be some light spillover onto an abutting residential property to the east of the site. The applicant shall eliminate the spillover in this area to meeting the City's lighting standards. A potential condition of approval is:

- that the applicant provide to staff lighting catalogue cuts, wattage and height of the fixtures and revise the lighting plan to eliminate spillover on the abutting residential property, to be reviewed and approved by staff.

#### 10. Fire

Gaylen McDougall of the Fire Department has reviewed the plan and finds it acceptable.

### **SUBDIVISION REVIEW**

#### 1. Water or Air Pollution

There are no known water or air pollution issues. Public water and sewer serve the development. It is not in a flood plain.



IRIS Network 3/8/05 PH

Tom Greer - 10-12,000

\$ 15-18,000 to relocate driveway  
upgrading SD under Deering Avenue  
\$ ~~20~~ - 25,000 range

Lee - maybe \$ 5,000 toward Deering Avenue  
pipe replacement

**REVISED MOTIONS FOR THE BOARD TO CONSIDER – MARCH 8, 2005**  
**IRIS NETWORK, 189 PARK AVENUE**

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #15-05, the Planning Board finds:

- A. That the Planning Board [does/does not] waive the Technical Standards, which requires “if the estimated post-development peak rate of stormwater runoff from the affected land is calculated to be greater than the pre-development runoff peak rates, in any watershed within the boundaries of the affected land during any phase of development, then a detention basin should be designed and constructed to maintain pre-development runoff peak rates from the site”, due to the fact that the applicant is upgrading the receiving infrastructure and improving post development runoff.
- B. That the Planning Board [does/does not] waive the landscaping requirement of two (2) trees per residential unit per Sec. 14-506 due to the fact that the landscaping plan provides adequate buffering and landscaping with the following condition:
  - 1. that the applicant revise the landscaping plan to replace the existing Catalpa tree with a 2.5” caliper Catalpa tree and to provide additional landscaping in the front of the addition, to be reviewed and approved by the City Arborist.
- C. That the plan [is/is not] in conformance with the subdivision ordinance of the land use code.

Potential conditions of approval:

- 1. that the plans be revised to modify the driveway alignment based on the Traffic Engineer’s memo dated March 3, 2005, to be reviewed and approved by the Traffic Engineer.
  - 2. that a license be issued by the City to the applicant for the parking lot encroachment, prior to issuance of a building permit.
  - 3. that the applicant provide a capacity letter from the Portland Water District prior to issuance of a building permit.
  - 4. that the applicant revise the plans to reflect the DRC’s comments in the memo dated March 3, 2005 in regards to drainage and other detail issues.
  - 5. that the applicant obtain the necessary easements from the City/School Department to tie into and construct the proposed stormdrain system on School property, prior to issuance of a building permit to be reviewed and approved by Corporation Counsel.
  - 6. that the applicant provide to staff lighting catalogue cuts, wattage and height of the fixtures and revise the lighting plan to eliminate spillover on the abutting residential property, to be reviewed and approved by staff.
- D. That the plan [is/is not] in conformance with the site plan ordinance of the land use code.

~~Next Development~~

Review Meeting is Wednesday, March 2 at 10:00am.

~~1. Exemptions...~~

- ~~a. I got one.....jjr~~

~~2. New Projects...~~

- ~~a. Lots of single family app.s.....jjr~~
- ~~b. Waterview at Bayside Condominiums....bb~~

3. Ongoing...

- a. Iris Network...new plan...public hearing...will need final comments...kt
- b. Beverly extension.....lighting.....jjr
- c. Eastfield rd.....jjr
- d. Harvard Yale issues.....sidewalk connection?...Hammerhead on park land?...ebm
- e. OEI.....ebm
- f. Willow Knoll....bn

4. Revised Plans

- a. Bay Extension.....revisions, subdivision, dimensional req.s'.....jjr

→ Move pole - realignment of driveway  
waiver - not detouring, but  
improving post-development  
runoff

- Look into 1000* ✓
- Double check* [iv.]
- i. that a license be issued by the City to the applicant for the parking lot encroachment, prior to issuance of a building permit. In the event of any termination of the license, the applicant will be required to provide a revised site plan showing the relocated parking.
  - ii. that the applicant provide a capacity letter from the Portland Sewer Department prior to issuance of a building permit.
  - iii. that the applicant revise the plans to reflect the DRC's comments in the memo dated March 3, 2005 in regards to drainage and other detail issues.
  - iv. that the applicant obtain the necessary easements from the City/School Department to tie into and construct the proposed stormdrain system on School property and take action required by the City to appropriately terminate the existing pipe, prior to issuance of a building permit to be reviewed and approved by Corporation Counsel and City staff.
3. That the plan is in conformance with the Site Plan Ordinance of the City Land Use Code subject to the four (4) conditions of approval with respect to the subdivision ordinance and the following additional condition:
- Set to KT*
- i. that the applicant provide to staff lighting catalogue cuts, wattage and height of the fixtures and revise the lighting plan to eliminate spillover on the abutting residential property, to be reviewed and approved by staff.

The approval is based on the submitted plan and the findings related to subdivision and site plan review standards as contained in Planning Board #15-05, which is attached.

Please note the following provisions and requirements for all subdivision approvals:

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, 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.
5. 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.)

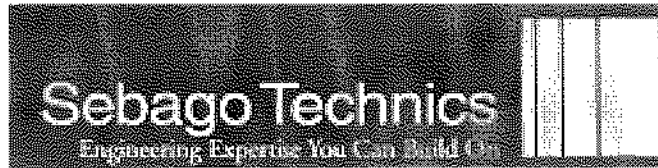
6. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 regarding the Board's actions, please contact Kandice Talbot at 874-8901.

Sincerely,

Lee Lowry III, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
Kandice Talbot, Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections Division  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Fire Prevention  
Assessor's Office  
Approval Letter File



05P009

**TO:** Kandi Talbot - Planner  
**FROM:** Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.  
**RE:** 189 Park Avenue – Iris Network Apartments  
**DATE:** March 3, 2005

---

I have reviewed the revised Site Plan and Documents for 189 Park Avenue – Iris Network Apartments dated February 22<sup>nd</sup> and have the following comments:

**1. Subdivision and Site Plan**

I have reviewed the the site/subdivision plan and have a few minor comments regarding some of the drainage provisions and parking lot layout.

- A. Since this is for dwelling units, the plan needs to delineate the number of dwelling units, add the city definition of Subdivision, include metes and bounds on all applicable easements to the survey plat, sealed/stamped by a Maine Licensed Surveyor, with a recording block for the Registry of Deeds.
- B. Square footage of each residence or overall building dimensions shall be labeled. Also actual building setbacks shall be shown in case of future expansion of the structure and general construction layout.

**2. Stormwater/Drainage Analysis**

- A. The original attached stormwater calculations imply an addition of peak rate of runoff. We did not receive any watershed maps to verify the stormwater calculations. The applicant has shown that they can meet or nearly meet the runoff rate in the post condition in the 2, 10 and 25-year storms for two study points (1 and 2). However, the calculations show a substantial increase in all storms for study point #3. (30% to 50% depending on storm value) There appears to be a lengthy run of stormwater runoff extending from the rear of the gas station to the rear northern corner of the parking area. We recommend a catch basin near the new sewer service crossing and tie it into the storm drain line heading northerly on the King Middle School lot. This will collect and reduce shallow flows on the pavement, and extend the pavements lifecycle and improve safety.

- B. The applicant has designed offsite pipe upgrades to the overall school/city system. We believe it would be in the City's best interest to proceed with their offer. The applicant, has provided plans with a new layout, pipe lengths, invert elevations, and pipe sizes able to handle the entire upgrade as noted in the report. However, the eventual discharge point near Deering Avenue is restricted by the outlet of the last catch basin which has only an eight inch pipe crossing Deering Avenue. Therefore the pipe proposed will back up and surcharge.

In large storms the surcharge will overflow the last connected basin (DMH-K5) and then by surface flow reach another catch basin on school ground that leads to another separate storm drain collecting the front loop access of King middle School. The surcharge depending on the storm event could also back up in one other basin along the new storm drain layout. Based on discussions with the City Engineer we feel that an overflow pipe from the last basin the King Middle School entrance basin to be installed as high as possible will alleviate overtopping and reduce potential for surface flooding. These two separate storm drain lines in fact discharge to the same eventual combined sewer, but they are of different size and take different course to the same point.

The city requests that the applicant inspect and camera the last 8-inch pipe length that crosses Deering Avenue to assure the pipe is in operable condition without obstructions or breaks. Calculations estimating the actual flow to both pipe in the 2 and 25 year storms will be required to appropriately size future replacement downstream pipes in Deering Avenue. And lastly, it shall be the applicant's responsibility, to assure that no additional wyes or connections to the abandoned storm drain are blocked, or left without outlets, thereby causing flooding or backwater problems.

Has permission or easements to construct on City and School property been obtained?

- C. Due to the existing project consisting of parking numbers consistent with the proposed and with a higher degree of delineation, organization, and overall decrease in actual parking surface we feel that stormwater treatment is not necessary.
- D. Letters of approval from the Portland Schools Department or City shall be required to install new drains and construction activity on their property.

### **3. Utility Plans**

- A. Approved letters for electrical and telephone transformers/services are recommended, and a letter of approval shall be forwarded from the developer and involved utility companies.

### **4. Grading and Erosion Control**

- A. The plans shall show the location of the construction lay down or mobilization area.

- B. The erosion controls shall include Silt Sacs, or protection over existing and proposed catch basins during construction, to be noted on the site drawings. Also silt fence shall be shown along the King Middle School property.

**5. Access and Walks**

- A. The sidewalks along the parking entrance and along the access drive are shown with a vertical curb, the details call for granite curbing with sidewalk. Is this true for the entire site? Please indicate on the plans curb types. Please add details for the various sidewalk widths on the site plan.
- B. The pedestrian crossing signage, drop-off area, and pavement markings are needed at the parking entrance shall be shown along with appropriate signs to stop vehicles prior to Park Avenue exit.
- C. The applicant shall indicate snow storage areas or methods for snow removal to assure no loss of parking spaces or creation of visual barriers for vehicular access or egress.
- D. Tom Errico P.E. has comments regarding site access onto Park Avenue with the drive alignment. Please see his comments separately through the planner.

**6. Details**

- A. Details for butt joints against existing pavement are needed.
- B. A detail of the typical section for sewer connections/saddles is needed.
- C. Details for enclosed dumpster are needed.
- D. Details such as fencing and bollards are in the detail sheets. Where are they going on the site?

Please feel free to contact me if you or the design-professional has questions with my comments or concerns. We feel the plan still has some minor areas for concern. Many of my original comments have not been addressed by the revised plan set I was given. With the exception to the drainage we feel the plans can be conditionally approved. More discussions, commitments as well as timetable agreements with the applicants to their proposal of drainage upgrades, will need Board or staff input prior to final approval. I will be available to assist you and the applicant if warranted to address any further questions next week prior to the meeting.

JRS:jrs



ALMSHOUSE SEWER

SEWER MANHOLE  
LATERAL 21' FEET UP



045-1001

IRIS  
NETWORK





Semple & Drane Architects  
496 Congress Street  
Portland, Maine 04101  
www.sempledrane.com

**TRANSMITTAL**

**DATE:** May 23, 2005  
**TO:** Portland Planning Department  
**ATTN:** Kandi Talbot  
**FROM:** Michael Chestnutt  
**RE:** Iris Park Apartments L.P.

Kandi Talbot;

Attached are revised drawings as required by the Portland Planning Board Public hearing motions dated March 8, 2005 and sent to Steven Obremski in letter form, dated April 4, 2005:

Motion 2,i: Revised Planting Plan L-1, dated December 17, 2004 that shows the Catalpa tree and additional landscaping as required by the City Arborist.

Motion 3,i: Revised Site Demo and New Conditions Plan ES-101, Dated April 20, 2005 that shows the revised site lighting photo metrics. Also, enclosed is a copy of the product literature for the light fixture, light pole and specifications.

If you have any questions or comments please call.

Sincerely,

A handwritten signature in blue ink that reads "Michael Chestnutt".

Michael Chestnutt

Cc: file

## DESCRIPTION

EPIC Collection delivers custom luminaire flexibility with the quality and availability expectations of standard specification grade product. Offered in two (2) housing sizes, and hundreds of unique combinations, EPIC Collection can be dressed to suit any application. Recognizing evolving environmental and legislative trends, EPIC Collection delivers world class optical solutions to the decorative luminaire marketplace. EPIC Collection offers targeted solutions for full cutoff compliance, spill light control, and path of egress illumination while integrating the latest lamp technologies into visually comfortable lighting solutions.

Catalog #	Type
Project	
Comments	
Prepared by	Date

## SPECIFICATION FEATURES

### A...Top

Cast aluminum modern top housing maintains a nominal 1/8" sidewall thickness. Top attaches to cast aluminum mounting arm hub with four (4) stainless steel fasteners. One (1) piece silicone gasket between mounting hub and top casting seals out moisture and contaminants.

### B...Midsection

Milky white acrylic lens utilizes continuous silicone gaskets to seal lens to top casting and shade. The following mid section options feature cast aluminum construction and stainless steel assembly hardware: SO Solid, WN Window, LV Louvered, ST Slot, SR Solid Rings. LR Luminous Rings feature clear acrylic rings suspended by stainless steel spacers and hardware. Optional colored luminous rings utilize a colored gel film attached behind luminous mid lens to project color along edges of rings.

### C...Shades

Heavy gauge precision spun aluminum shades offer superior surface finish and consistency in form.

### D...Doorframe Assembly

Used with horizontally lamped segmented optical systems. Die-cast aluminum 1/8" thick door and doorframe seal to underside of shade with a thick wall continuous silicone gasket. Door hinges opens via release of two (2) concealed quick release fasteners. Impact resistant 1/8" thick tempered flat or sag glass lens (clear or frosted finish) seals to door with a one-piece silicone gasket.

### E...Optical Systems

Choice of five (5) high efficiency segmented optical systems constructed of premium 95% reflective anodized aluminum sheet. Optical segments are rigidly mounted inside a thick gauge aluminum housing for superior protection. All segment faces are clean of rivet heads, tabs, or other means of attachment which may cause streaking in the light distribution. All reflector modules feature toolless removal, quick disconnect wiring plugs, and are 360° field rotatable. Optional MA

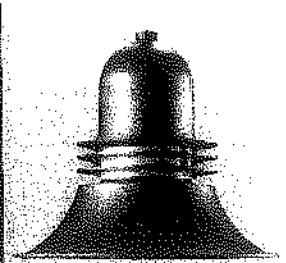
milky white acrylic jar utilizes a vertical lamp orientation. Maximum 100W HID. 3R and 5R options utilize a prismatic clear tempered glass refractor along with a vertical lamp orientation. Vertically lamped optical systems are secured with a die cast retainer collar, stainless steel hardware, and a one-piece silicone gasket, and feature standard high reflectance white powder coat paint finish on underside of shade for optimal fixture efficiency.

### F...Electrical Tray

Ballast and related electrical componentry are mounted to a reinforced one piece tray with integral handle. Quick disconnect wiring plugs allow easy tray removal during routine maintenance.

### G...Finish

Housing finished in a 5 stage premium TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Standard colors include black, bronze, grey, white, dark platinum, graphite metallic, and hartford green. RAL and custom color matches available. Consult your INVUE Lighting Systems Representative for more information.



## EMM EPIC MODERN MEDIUM

42 - 175 W

Metal Halide  
High Pressure Sodium  
Compact Fluorescent  
Electrodeless Fluorescent

DECORATIVE AREA  
COLLECTION

**DARK SKY** **FCO**  
**COMPLIANT** Full Cutoff\*

Wattage Table

	EMM
Metal Halide	50, 70, 100, 175W
High Pressure Sodium	50, 70, 100, 150W
Compact Fluorescent	42, 57W
Electrodeless Fluorescent	85W

Certifications

IP66 Rated	UL 1588 Listed	2G Vibration Tested	<b>FCO</b> Full Cutoff*
CSA Listed	25°C Ambient	ISO 9001	

\*When specified with horizontal lamp and solid mid section

EPA (effected projected area)  
Flat Lens .94  
Sag Lens 1.04

ORDERING INFORMATION

SAMPLE NUMBER: EMM-175-MH-MT-3S-FG-LV-FL-BK-L

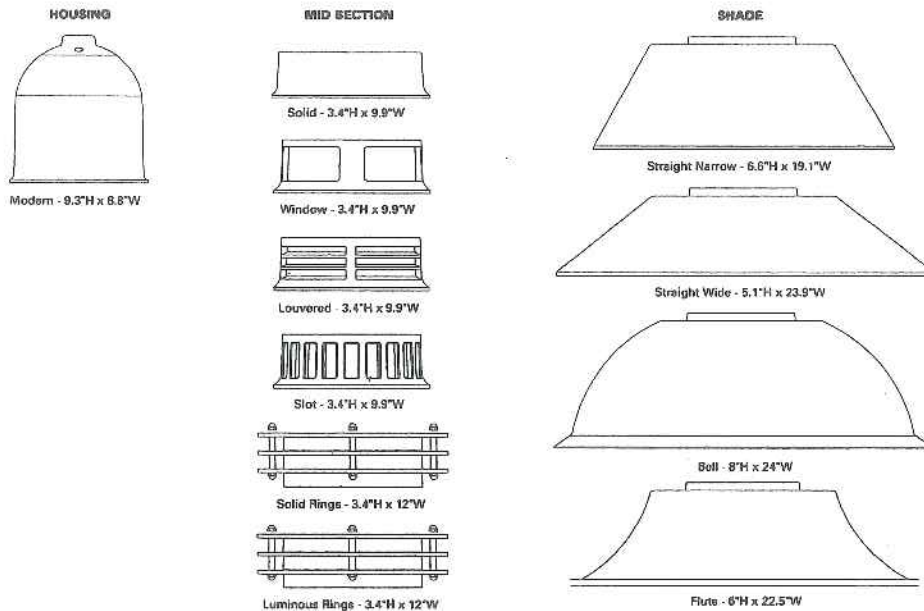
<b>EMM</b>	<b>175</b>	<b>MH</b>	<b>208</b>	<b>2S</b>	<b>FG</b>	<b>ST</b>	<b>BL</b>	<b>GN</b>	<b>HS</b>	<b>VA6105-GN</b>
<b>Product Family</b> EMM=Epic Modern Medium	<b>Lamp Wattage</b> HID <sup>2</sup> 50=50W 70=70W 100=100W 150=150W 175=175W Compact Fluorescent 42=42W <sup>3</sup> 57=57W <sup>3,4</sup> Electrodeless Fluorescent 85=85W <sup>4</sup>	<b>Voltage</b> 120=120V 208=208V 240=240V 277=277V 347=347V 480=480V DT=Dual-Tap Wired 277V <sup>6</sup> MT=Multi-Tap Wired 277V <sup>6</sup> TT=Triple-Tap Wired 347V <sup>6</sup>	<b>Lens Type</b> FG=Flat Glass (Horizontal Lamp Only) FR=Frosted Flat Glass (Horizontal Lamp Only) SG=Sag Glass (Horizontal Lamp Only) FRS=Frosted Sag Glass (Horizontal Lamp Only) VS=Polycarbonate Vandal Shield X=None (Specify for Vertical Lamp Options)	<b>Shade Type</b> SN=Straight Narrow SW=Straight Wide BL=Bell FL=Flute	<b>Colors</b> (add as suffix/must specify) <sup>11</sup> BK=Black AP=Grey SZ=Bronze WH=White DP=Dark Platinum GM=Graphite Metallic GN=Hartford Green	<b>Options</b> (add as suffix) F=Single Fuse (120, 277, or 347V) Specify Voltage FF=Double Fuse (208, 240 or 480V) Specify Voltage Q=Quartz Restrike <sup>10</sup> EM=Quartz Restrike with Delay (Also Strikes at Cold Start) <sup>10</sup> EM/SC=Quartz Emergency Separate Circuit <sup>10</sup> HS=House Side Shield <sup>10</sup> WG=Wire Guard L=Lamp Included	<b>Accessories</b> (order separately / replace XX with color suffix) VA6101-XX=Bishop Wall Mount Arm VA6102-XX=Bishop Wall Mount Arm with Cross Rod VA6103-XX=Traditional Wall Mount Arm VA6104-XX=Traditional Wall Mount Arm with 45° Strap VA6105-XX=Bishop Single Pole Mount Arm VA6106-XX=Bishop Single Pole Mount Arm with Cross Rod VA6107-XX=Bishop Twin Pole Mount Arm VA6108-XX=Bishop Twin Pole Mount Arm with Cross Rods VA6109-XX=Traditional Single Pole Mount Arm VA6110-XX=Traditional Single Pole Mount Arm with Rounded Upper Bar VA6111-XX=Traditional Single Pole Mount Arm with Rounded Lower Bar VA6112-XX=Traditional Single Pole Mount Arm with 45° Upper Bar VA6113-XX=Traditional Single Pole Mount Arm with 45° Lower Bar VA6114-XX=Traditional Single Pole Mount Arm with 45° Upper Strap VA6116-XX=Traditional Twin Pole Mount Arm VA6117-XX=Traditional Twin Pole Mount Arm with Rounded Upper Bars VA6118-XX=Traditional Twin Pole Mount Arm with Rounded Lower Bars VA6119-XX=Traditional Twin Pole Mount Arm with 45° Upper Bars VA6120-XX=Traditional Twin Pole Mount Arm with 45° Lower Bars VA6121-XX=Traditional Twin Pole Mount Arm with 45° Upper Straps OA/RA1016=NEMA Photocontrol—Multi-Tap OA/RA1027=NEMA Photocontrol—480V OA/RA1201=NEMA Photocontrol— Multi-Tap (347V)			
<b>Lamp Type</b> MH=Metal Halide HPS=High Pressure Sodium CF=Compact Fluorescent <sup>5</sup> QL=Electrodeless Fluorescent	<b>Optical System</b> <b>Horizontal Lamp</b> Options 2S=Type II 3S=Type III 4S=Type IV 5S=Type V SL=Forward Throw Spill Light Eliminator <b>Vertical Lamp</b> Options MA=Milky White Acrylic Jar <sup>7</sup> 3R=Type III Glass Refractor 5R=Type V Glass Refractor	<b>Mid Section Type</b> SO=Solid WN=Window LV=Louvered ST=Slot SR=Solid Rings LR=Luminous Rings Optional <b>Mid Section Type</b> LRR=Luminous Rings - Red LRB=Luminous Rings - Bright Blue LRG=Luminous Rings - Deep Green LRO=Luminous Rings - Warm Orange	<b>Notes:</b> 1 Arms not included. See accessories. 2 All HID lamps are medium-base on EMM. 3 Compact Fluorescent lamp only. Available in Type 3S, 4S, 5S, and all vertical optical systems only. 4 Nominal M.O.L. lamp length of 57W CFL not to exceed 7". 5 Electrodeless Fluorescent QL lamp only. Available in vertically lamped optical systems only. 120V only. 6 Compact Fluorescent ballasts contain internal fusing. No supplemental fusing is necessary. CF ballasts are 120 through 277V. 7 Products also available in non-US voltages and 50Hz for international markets. Consult factory for availability and ordering information. 8 Dual-Tap is 120/277V wired 277V. Multi-Tap is 120/208/240/277V wired 277V. Triple-Tap is 120/277/347V wired 347V. 9 Maximum wattage of 100W HID. 10 Custom and RAL color matching available upon request. Consult your InVue Lighting Systems Representative for further information. 11 Quartz options not available on SL optic, or vertical lamped optical systems. 12 House side shield available on horizontally lamped 2S, 3S, and 4S optical systems only.							

- NOTES: 1 Arms not included. See accessories.  
 2 All HID lamps are medium-base on EMM.  
 3 Compact Fluorescent lamp only. Available in Type 3S, 4S, 5S, and all vertical optical systems only.  
 4 Nominal M.O.L. lamp length of 57W CFL not to exceed 7".  
 5 Electrodeless Fluorescent QL lamp only. Available in vertically lamped optical systems only. 120V only.  
 6 Compact Fluorescent ballasts contain internal fusing. No supplemental fusing is necessary. CF ballasts are 120 through 277V.  
 7 Products also available in non-US voltages and 50Hz for international markets. Consult factory for availability and ordering information.  
 8 Dual-Tap is 120/277V wired 277V. Multi-Tap is 120/208/240/277V wired 277V. Triple-Tap is 120/277/347V wired 347V.  
 9 Maximum wattage of 100W HID.  
 10 Custom and RAL color matching available upon request. Consult your InVue Lighting Systems Representative for further information.  
 11 Quartz options not available on SL optic, or vertical lamped optical systems.  
 12 House side shield available on horizontally lamped 2S, 3S, and 4S optical systems only.

Accessory Options (add as suffix to accessory  
 (example: VA6109-BK-R))

(Finials compatible with Traditional Arms only)  
 V=Victorian finial  
 M=Modern finial  
 A=Architectural finial  
 N=Nostalgic finial  
 R=NEMA Twistlock Photocell Receptacle (not  
 compatible with finials or wall mount bishop  
 arms)

PRODUCT CONFIGURATOR

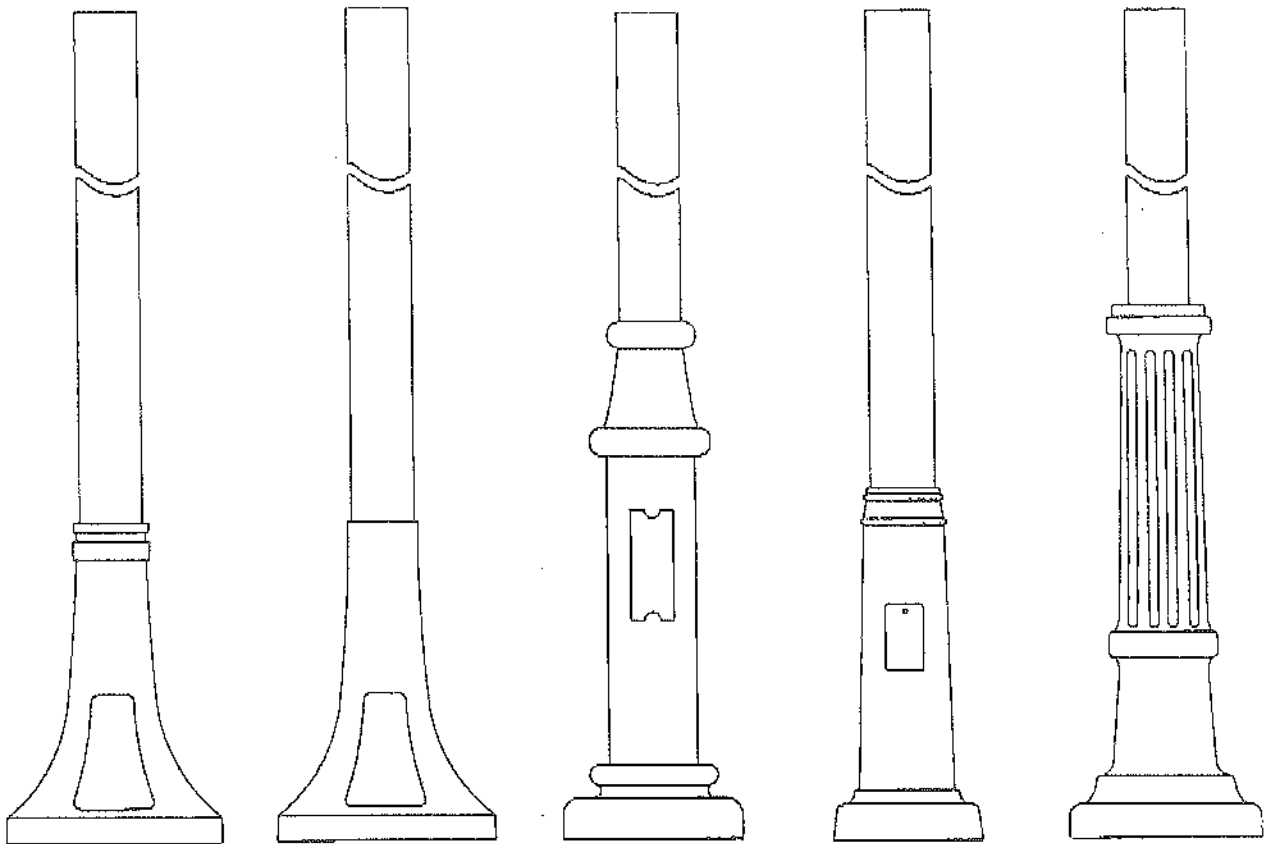


INVUE POLES

# INVUE™

## DECORATIVE POLE DETAILS

Decorative pole bases are manufactured of 358.2 cooper free cast aluminum. Bases maintain a minimal wall thickness of .250 inches. Extruded smooth or fluted shafts are manufactured of 6063 aluminum and are circumferentially welded to the base. Anchor bolt locations are cast within the base. Anchor bolts are hot dip galvanized steel. Poles are finished in a premium TGIC polyester Powder coat for superior weatherability characteristics.



**STL**

See also  
Base Height: 23"  
Bolt Circle: 8"

Shaft Diameter	Pole Height
4"	8', 10', 12', 14', 16'

**TAM**

Tampa  
Base Height: 30"  
Bolt Circle: 11"

Shaft Diameter	Pole Height
5"	8', 10', 12', 14', 16' (Round Tapered Aluminum Only)

**BWR**

Broadway  
Base Height: 42"  
Bolt Circle: 12"

Shaft Diameter	Pole Height
8" x 4"	8', 10', 12', 14', 16', 18', 20'

**ASP**

Aspen  
Base Height: 40"  
Bolt Circle: 15"

Shaft Diameter	Pole Height
6" x 4"	10', 12', 14', 16', 18' (Steel Only)

**SHR**

Sheridan  
Base Height: 36"  
Bolt Circle: 9"

Shaft Diameter	Pole Height
4"	8', 10', 12'

April 4, 2005

Mr. Steven Obremski  
The IRIS Network  
189 Park Avenue  
Portland, Maine 04102

RE: IRIS Park Apartments, 189 Park Avenue  
ID #2005-0009, CBL #052-C-003

Dear Mr. Obremski:

On March 8, 2005 the Portland Planning Board voted unanimously (5-0, Anton and Silk absent) on the following motions regarding the Iris Park Apartments subdivision and site plan:

1. That the Planning Board waives the Technical Standards, which requires "if the estimated post-development peak rate of stormwater runoff from the affected land is calculated to be greater than the pre-development runoff peak rates, in any watershed within the boundaries of the affected land during any phase of development, then a detention basin should be designed and constructed to maintain pre-development runoff peak rates from the site", due to the fact that the applicant is upgrading the receiving infrastructure and improvement post development runoff with the following condition:
  - i. that the applicant contribute \$5,000 towards the cost of completion of the, or upgrade of the stormwater line under Deering Avenue if the subsequent investigations reveal an upgrade is in order. If the City does not complete the work within five (5) years of the contribution date, than the \$5,000 will be returned to the applicant.
2. That the Planning Board waives the landscaping requirement of two (2) trees per residential unit per Sec. 14-506 due to the fact that the landscaping plan provides adequate buffering and landscaping with the following condition:
  - i. that the applicant revise the landscaping plan to replace the existing Catalpa tree with a 2.5" caliper Catalpa tree and to provide additional landscaping in the front of the addition, to be reviewed and approved by the City Arborist.
3. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following conditions:

*For  
the  
Board Desk*

*Sent to Mr.  
Emery*

# BENCHMARK

34 Thomas Drive  
Westbrook, ME 04092  
207.591.7600  
Fax 207.591.7604

[gary@benchmarkconstruction.org](mailto:gary@benchmarkconstruction.org)

## TRANSMITTAL

Project: Iris Park Apartments  
189 Park Avenue  
Portland, Maine

Project No.:

To: ~~Michael Nugent~~  
~~Inspections Services Manager~~  
~~389 Congress Street~~  
~~Portland, Maine 04101~~

DATE:  
12May05

*JAY REYNOLDS, 25 May 05 FAX # 756-8258*

We Transmit:

- herewith
- in accordance with your request:
- under separate cover via:

For your:

- approval
- Review and Comment
- use
- distribution to parties
- record
- Quoting
- information

The following:

- Drawings
- Specifications
- Change Order
- Shop Drawings Prints
- Shop Drawings Reproducibles
- Minutes
- Samples
- Product Literature

Pages	Date	Rev. No.	Description	Action
3			Cost Estimate of Improvements to be Covered by Performance Guarantee	

Action Codes:

- A. Action indicated on item transmittal.
- B. No action required.
- C. For signature and return to this office.
- D. For signature and forwarding as noted below under Remarks.
- E. See Remarks below.

REMARKS:

Copies to:

(with enclosures)

By: **Gary R. Guerette, P.E.**  
Vice President

Planning and Development Department  
 SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: MAY 11, 2005

Name of Project: IRIS PARK APARTMENTS ADDITION  
 Address/Location: 189 PARK AVENUE, PORTLAND, ME 04101  
 Developer: \_\_\_\_\_  
 Form of Performance Guarantee: \_\_\_\_\_  
 Type of Development: Subdivision \_\_\_\_\_ Site Plan (Major/Minor) \_\_\_\_\_

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas				615 <sup>sq</sup>	12. <sup>50</sup>	7,687. <sup>50</sup>
Curbing				230 <sup>LF</sup>	25. <sup>00</sup>	5,750. <sup>00</sup>
Sidewalks				795 <sup>LF</sup>	15. <sup>00</sup>	11,925. <sup>00</sup>
Esplanades						
Monuments						
Street Lighting						
Street Opening Repairs						
Other						
2. EARTH WORK						
Cut				1500 <sup>sq</sup>	8. <sup>00</sup>	12,000. <sup>00</sup>
Fill						
3. SANITARY SEWER						
Manholes				4 <sup>EA</sup>	2250. <sup>00</sup>	9,000. <sup>00</sup>
Piping				370 <sup>LF</sup>	28. <sup>00</sup>	8,960. <sup>00</sup>
Connections				1 <sup>EA</sup>	500. <sup>00</sup>	500. <sup>00</sup>
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other						
4. WATER MAINS						
				270 <sup>LF</sup>	30. <sup>00</sup>	8,100. <sup>00</sup>
5. STORM DRAINAGE						
Manholes				6 <sup>EA</sup>	1850. <sup>00</sup>	11,100. <sup>00</sup>
Catchbasins				816 <sup>LF</sup>	30. <sup>00</sup>	24,480. <sup>00</sup>
Piping						
Detention Basin						
Stormwater Quality Units						
Other						



6. SITE LIGHTING	_____	_____	_____	_____	_____	_____
7. EROSION CONTROL	_____	_____	_____	200.00	3.00	600.00
Silt Fences	_____	_____	_____	_____	_____	_____
Check Dams	_____	_____	_____	_____	_____	_____
Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
Level Lip Spreader	_____	_____	_____	_____	_____	_____
Slope Stabilization	_____	_____	_____	_____	_____	_____
Geotextile	_____	_____	_____	_____	_____	_____
Hay Bale Barriers	_____	_____	_____	_____	_____	_____
Catch Basin Inlet Protection	_____	_____	_____	_____	_____	_____
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	1.00	1.50	17,275.00
10. MISCELLANEOUS	_____	_____	_____	_____	_____	_____
TOTAL:	_____	_____	_____	<u>\$ 117,377.50</u>		
GRAND TOTAL:	_____	_____	_____			

OK  
5-26-05  
J.R.

INSPECTION FEE (to be filled out by the City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 2.0% of totals:	_____	_____	<u>2,347.55</u>
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	<u>J.R.</u>
	(name)	(name)	

**TO:** Duane Kline, Finance Department  
**FROM:** Alexander Jaegerman, Planning Division Director  
**DATE:** January 31, 2007  
**SUBJECT:** Request for Reduction in Performance Guarantee  
Iris Apartments/189 Park Avenue  
(ID# 2005-0009      Lead CBL#052-C-003)

Please reduce the letter of credit #73822 for the Iris Apartments at 189 Park Avenue.

Original Balance      \$ 117,377.50

**Reduction Amount      \$ 101,377.50**

Remaining Sum      \$ 16,000.00

This is the first reduction. It is a reduction to include the 10% defect guarantee and \$4,262.25 for any replacement of landscaping lost due to late season planting.

**Approved:** \_\_\_\_\_  
Alexander Jaegerman  
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager  
file

TO: Inspections Department  
FROM: Jay Reynolds, Development Review Coordinator  
DATE: February 24, 2006  
RE: C. of O. for #189 Park Avenue, Iris Park Apartments  
(Id#2005-0009)(CBL 052C003)

---

After visiting the site, I have the following comments:

Site work incomplete:

Final Grading, paving, loam and seed, landscaping.

I anticipate this work can be completed by July 1, 2006.

At this time, **I recommend issuing a temporary Certificate of Occupancy.**

Cc: Sarah Hopkins, Development Review Services Manager  
Mike Nugent, Inspection Services Manager  
File: Urban Insight

File: O:\plan\drc\iris2.doc

**From:** Barbara Barhydt  
**To:** Scott Hanson  
**Date:** 2/1/2007 9:51:00 AM  
**Subject:** Fwd: Re: Iris Apartments

Hi Scott:

I just got this from Penny. As you pursue this, check with Jenn and also look if \$5000 was reserved in the PG.

Thanks.

Barbara

>>> Penny Littell 2/1/2007 9:47:34 AM >>>

we did provide a license for the drainage work. it has been recorded @ CCRD Bk 22764 Pg 81. I'll ship a copy up.

>>> Barbara Barhydt 1/29/2007 11:47:42 AM >>>

Penny:

I need your institutional memory again. Jennifer does not have an account, but Jay has a letter in the file saying all conditions were met for this. The account was to be set up before a building permit was issued. Also, easements were supposed to be created to allow the storm drain work to be done on the school property. Do you have any records on this one?

Thanks.

Barbara

>>> Jennifer Dorr 1/29/2007 10:47:50 AM >>>

Hello,

I do not have an infrastructure account set up for them for \$5,000.00

Jen

>>> Barbara Barhydt 1/29/2007 10:23:40 AM >>>

Good morning:

Jennifer, do we have \$5,000 from Iris to upgrade a stormwater line?

Thanks.

Barbara

**From:** Jennifer Dorr  
**To:** Barbara Barhydt  
**Date:** 1/29/2007 10:47:50 AM  
**Subject:** Re: Iris Apartments

Hello,

I do not have an infrastructure account set up for them for \$5,000.00

Jen

>>> Barbara Barhydt 1/29/2007 10:23:40 AM >>>  
Good morning:

Jennifer, do we have \$5,000 from Iris to upgrade a stormwater line?

Thanks.

Barbara



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

The IRIS Network  
Name

189 Park Avenue  
Address

Portland, Maine 04102

207-774-6273                      207-774-0679  
Phone                                      Fax

2. Subject Property:

201 Park Avenue  
Address

Portland, Maine 04102

52-C-3  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:    X Applicant                      \_\_\_\_\_ Other

Name

The IRIS Network  
Address

189 Park Avenue Portland, ME 04102

207-774-6273                      207-774-0679  
Phone                                      Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Deed Attached: Book 4445 Page 1 dated June 25, 1979

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

1a

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R5 to R7

B.  Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<u>  X  </u> Zoning Map Amendment	\$2,000.00
<u>      </u> Zoning Text Amendment	\$2,000.00
<u>      </u> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statue and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

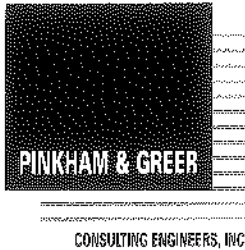
Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998





170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207 781.5242  
Fax: 207 781 4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

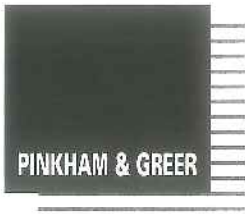
Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



CONSULTING ENGINEERS, INC.

1c

Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER

A handwritten signature in blue ink, appearing to read "Thomas S. Greer", is written over the printed name. The signature is fluid and cursive.

Thomas S. Greer, P.E.

TSG/rlo

Enclosures

Cc: Herb Semple, Semple & Drane



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



PINKHAM & GREER

CONSULTING ENGINEERS, INC.

Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER



Thomas S. Greer, P.E.

TSG/rlo

Enclosures

Cc: Herb Semple, Semple & Drane



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

The IRIS Network  
Name

189 Park Avenue  
Address

Portland, Maine 04102

207-774-6273      207-774-0679  
Phone                      Fax

2. Subject Property:

201 Park Avenue  
Address

Portland, Maine 04102

52-C-3  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:     Applicant     Other

Name

The IRIS Network  
Address

189 Park Avenue Portland, ME 04102

207-774-6273      207-774-0679  
Phone                      Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Deed Attached: Book 4445 Page 1 dated June 25, 1979

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R5 to R7

B.  Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)


11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<u>  X  </u> Zoning Map Amendment	\$2,000.00
<u>      </u> Zoning Text Amendment	\$2,000.00
<u>      </u> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statute and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

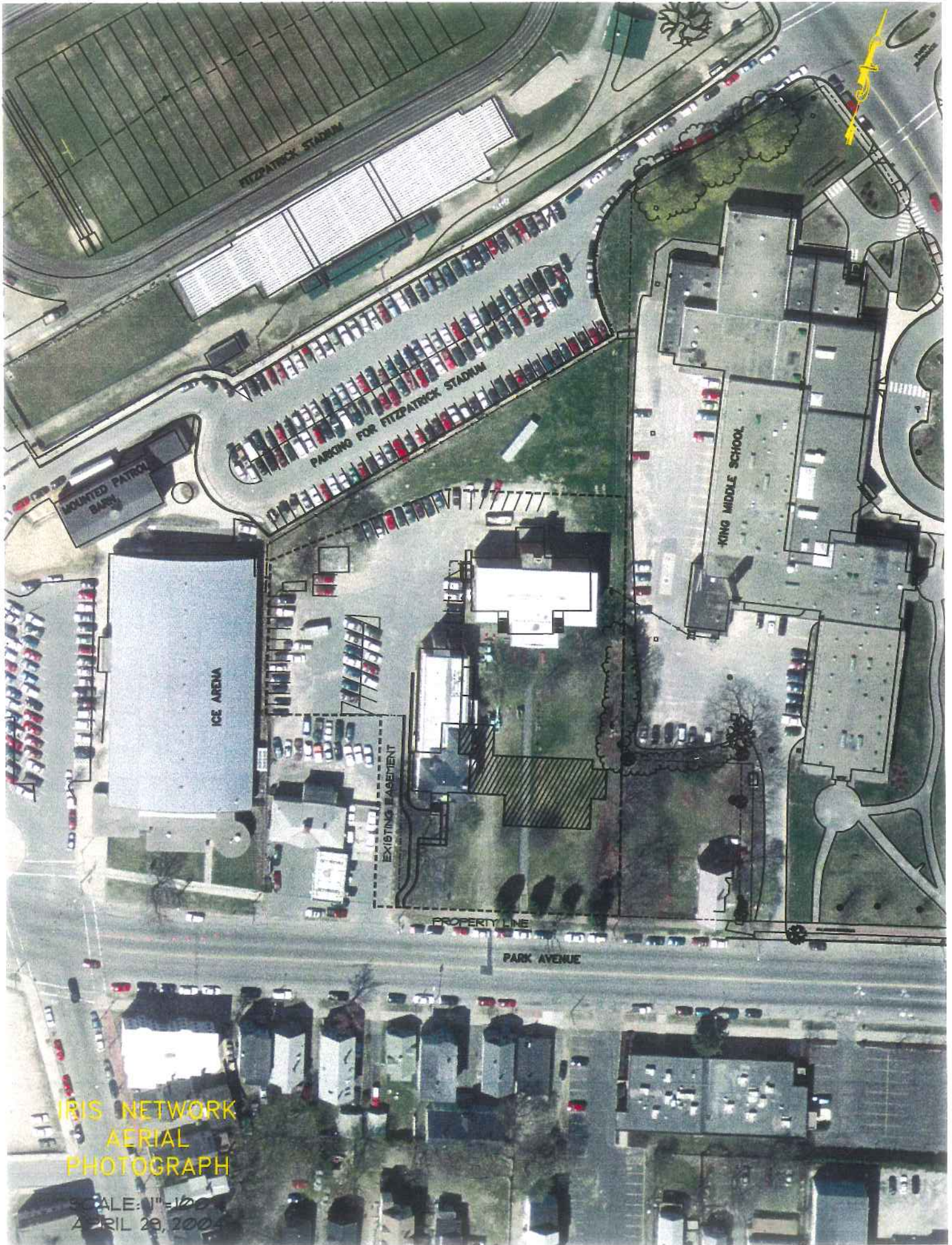
Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

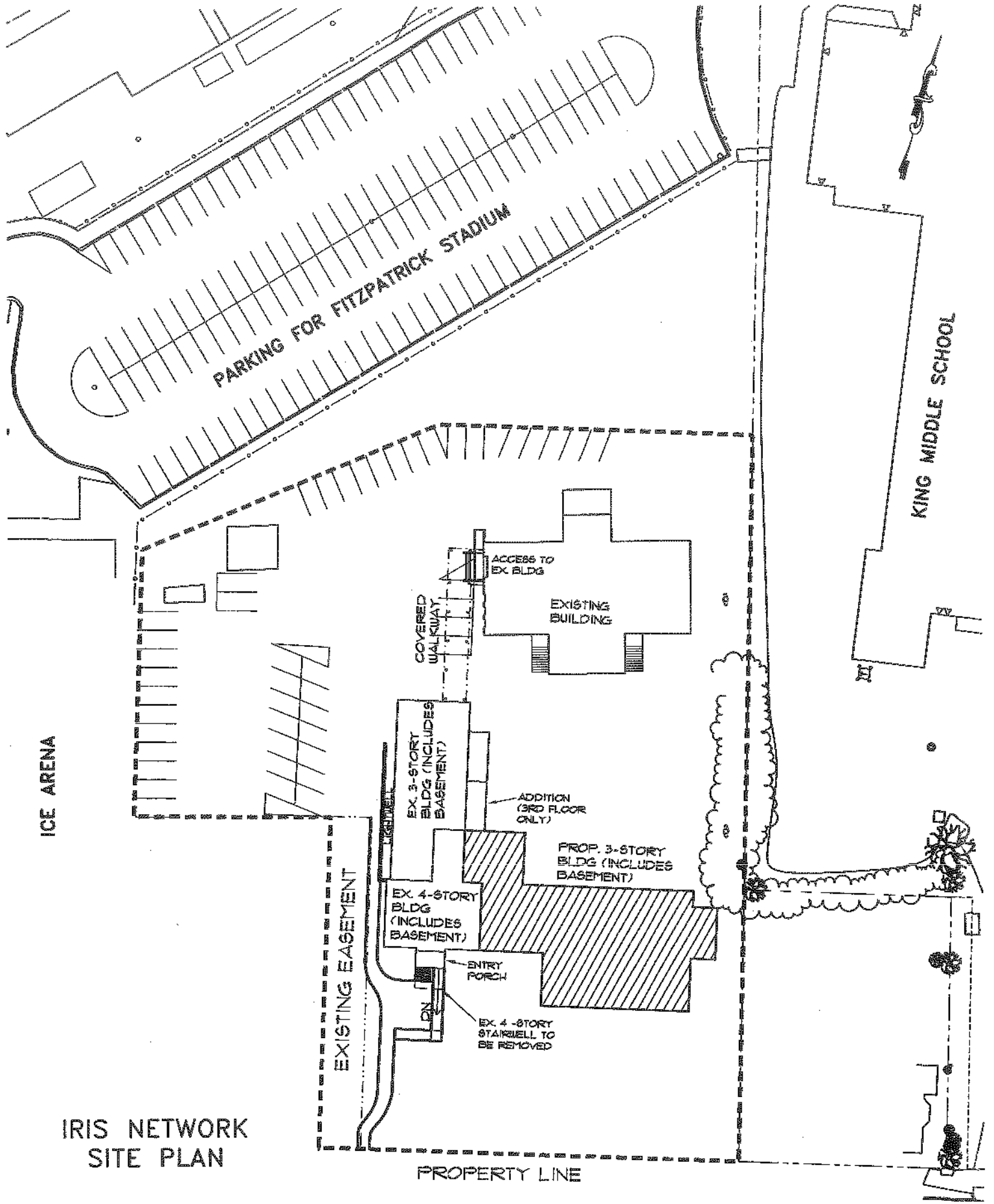
Effective: July 6, 1998



IRIS NETWORK  
AERIAL  
PHOTOGRAPH

SCALE: 1"=100'  
APRIL 29, 2004





IRIS NETWORK  
SITE PLAN

SCALE: 1"=60"  
APRIL 29, 2004

PARK AVENUE

FORM 1501 02/15/03

15766

YORKLAND REGISTERED PROFESSIONAL  
TITLE COMPANY, PORTLAND, MAINE

# Know all Men by these Presents

See 8564  
Book  
Page 197  
Fisher  
Vanace

**Grant** Maine Institution for the Blind

~~CONVEYANCE~~

a corporation organized and existing under the laws of the State of Maine

and located at 189 Park Avenue, Portland,

in the County of Cumberland and State of Maine

in consideration of One Dollar (\$1.00) and other valuable consideration

paid by George F. Hamilton

the receipt whereof it does hereby acknowledge, does hereby

give, grant, bargain, sell and run away unto the said George F. Hamilton,

his heirs and assigns forever.

a certain lot or parcel of land with the buildings thereon situated on the North side of Park Avenue (formerly Portland Street) in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the North side line of Park Avenue at the Southeast corner of land of the City of Portland, said point being Westerly 595.61 feet from the intersection of the Westerly side line of Deering Avenue and the North side line of Park Avenue; Thence Easterly along the North side line of Park Avenue on a curve to the left, whose radius is 2865.34 feet, 100.00 feet to a point; Thence N1°-40'E 150.00 feet to a point; Thence N83°-59'-30"W 82.93 feet to a point; Thence S2°-06'W 10.47 feet to a point; Thence N87°-54'W 16.93 feet to a point; Thence S1°-40'W along land of the City of Portland 138.37 feet to the point of beginning; containing 14,796 square feet.

Also conveying a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with the grantor on the East side of the above described parcel, said right of way being bounded and described as follows:

Beginning at the Southeast corner of the above described parcel; thence Easterly 7 feet along the North side line of Park Avenue; thence Northerly 150 feet more or less; thence N83°-59'-30"W 14 feet to the Northeast corner of the above described parcel; thence S1°-40'W 150 feet to the point of beginning.

Reserving to the grantor a perpetual right of way and easement for ingress and egress by foot or by vehicle, but not for parking vehicles, in common with with the grantee bounded and described as follows:

Beginning at the Southeast corner of the first parcel described above; thence Westerly 9 feet along the North side line of Park Avenue, thence Northerly 150 feet more or less; thence S83°-59'-30"E 2 feet to the Northeast corner of the first parcel described above; thence S1°-40'W 150 feet to the point of beginning.

Also conveying the perpetual right and easement to use, maintain, repair and replace the existing light, sign and pole on which they are affixed, on the East side of the first parcel described above, said pole being approximately 4 feet North of the street line of Park Avenue and 9 feet East of the Easterly boundary of said first parcel described above.

4445  
7

2

Also conveying the perpetual right and easement to use, maintain, repair and replace the drain from the existing catch basin on the first parcel described above, which drain apparently crosses the remaining land of the grantor.

Reserving to the grantor the perpetual right and easement to use, maintain, repair and replace the existing catch basin hereinabove described, for the purpose of draining remaining adjacent land of the grantor herein.

Being a portion of the premises conveyed to Maine Institution for the Blind by the City of Portland by deed dated April 4, 1909 and recorded in the Cumberland County Registry of Deeds in Book 821, Page 196.

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said **George F. Hamilton**

his heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantee, his heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances: except for easements and restrictions of record

that it has ~~never~~ good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns will WARRANT and DEFEND the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Maine Institution for the Blind has caused this instrument to be sealed with its corporate seal and signed in its corporate name by **Cathen Gilman and Sidney Schwartz**

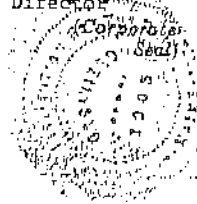
themselves duly authorized, this 25<sup>th</sup> day of June, its in the year one thousand nine hundred and seventy-nine

Signed, Sealed and Written in presence of

*Claude Stearns*  
to both:

Maine Institution for the Blind

By *Cathen Gilman*  
Cathen Gilman, Director  
*Sidney Schwartz*  
Sidney Schwartz, Director



State of Maine,  
Cumberland

} at

June 25 1979

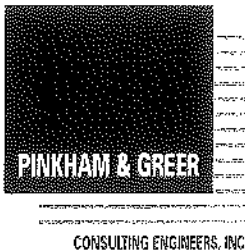
Then personally appeared the above named **Cathen Gilman**

of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

REGISTRY OF DEEDS  
CUMBERLAND COUNTY MAINE  
Received JUN 25 1979  
at 13 H 10 M P M, and recorded:  
In BOOK 4445 PAGE 1  
Attest: *Paul S. Dobbins*  
Deputy Register

Before me,

*Claude Stearns*  
Justice of the Peace  
Notary Public  
Attorney-at-Law



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

April 30, 2004  
File: 03181

Ms. Sarah Hopkins  
Planning Department  
CITY OF PORTLAND  
389 Congress Street  
Portland, ME 04101-3503

RE: IRIS NETWORK ZONE CHANGE REQUEST

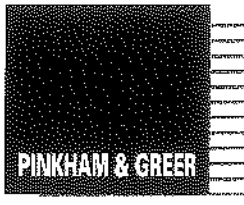
Dear Sarah:

Enclosed is the application for Zoning Amendment with the support data and fee for the IRIS Network. This project will renovate and expand the existing dormitory to house 31 one and two bedroom apartments. The administrative offices will remain in the rear building.

We have reviewed the City's R-6 and R-7 zones for possible options. It appears that this project can fit under each zone except for the parking. We think the project needs to be an R7 in order to make the parking work. The current data on the site includes:

- Tax Map Property Size	1.94 acres
- Area of Buildings	11,544 sq ft
- Area of Paving	28,500 sq ft
- Number of Existing Parking Spaces	47
- Percent Impervious	46%
- Allowable Density R-5	11
- Proposed Units Parking	31
- Office Parking	30
- Density R-6 Allowable	72 units
- Density R-7 Allowable	115 units

It is my understanding the City will review the data and determine which zone may be appropriate for this project.



CONSULTING ENGINEERS, INC.

Ms. Sarah Hopkins  
April 30, 2004  
Page 2 of 2

We are in the process of completing the boundary and topographic surveys that are required for the Site Plan review process. As soon as we refine the design we will provide you with copies.

Please let me know if you require any additional information.

Sincerely,

PINKHAM & GREER

A handwritten signature in black ink, appearing to read "Thomas S. Greer", is written over the typed name.

Thomas S. Greer, P.E.

TSG/rfo

Enclosures

Cc: Herb Semple, Semple & Drane



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

The IRIS Network  
Name

189 Park Avenue  
Address

Portland, Maine 04102

207-774-6273      207-774-0679  
Phone                      Fax

2. Subject Property:

201 Park Avenue  
Address

Portland, Maine 04102

52-C-3  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:     Applicant     Other

Name

The IRIS Network  
Address

189 Park Avenue Portland, ME 04102

207-774-6273      207-774-0679  
Phone                      Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Deed Attached: Book 4445 Page 1 dated June 25, 1979

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

This property is currently used by the IRIS Network for administrative office space and is also residential dorm rooms.

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The proposed use of the property will remain consistent with the current use. The IRIS administrative offices will remain in the rear building. The front building will be expanded in size to accommodate 31 one and two bedroom apartments. The expansion will occur on the North side of the existing structure, toward King Middle School. See attached Site Plan.

Modifications to the Court Yard and drop off area will occur as part of the overall project.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R5 to R7

B.  Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)




11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<u>  X  </u>	Zoning Map Amendment	\$2,000.00
<u>      </u>	Zoning Text Amendment	\$2,000.00
<u>      </u>	Contract/Conditional Rezoning	
	Under 5,000 sq. ft.	\$1,000.00
	5,000 sq. ft. and over	\$3,000.00
	Legal Advertisements	percent of total bill
	Notices	.55 cents each
	(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statute and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

April 30, 2004  
Date of Filing

  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998