

CITY OF PORTLAND, MAINE

PLANNING BOARD

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December 10, 2015

Professor Frank Monsour
32 Thomas Street, LLC
32 Thomas Street
Portland, ME 04101

Matthew Winch, Architect
Garrison Consulting
41 Edgewood Ave
Portland, ME 04103

Project Name: **Conversion of Parish House into 5 residential units**
Project ID: #2015-131
Address: 26-32 Thomas Street CBL: 62 E Parcel 5
Applicant: Professor Frank Monsour, 32 Thomas Street, LLC
Planner: Jean Fraser

Dear Professor Monsour:

On December 8, 2015, the Planning Board considered the Level III Subdivision and Site Plan application for the conversion of the Williston West Parish House at 26-32 Thomas Street into 5 residential units, not including the part of the ground floor which is currently subject to the conditions set out in Conditional Zoning Agreement No C57. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted 6-0 to approve the application with the following waiver and conditions as presented below.

WAIVER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report for application on December 8, 2015 for application #2015-131 (26-32 Thomas Street) relevant to Portland’s Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 to waive the Technical Manual Standard *Section 1.14. Parking Lot and Parking Space Design*, which requires a drive aisle of 24 feet width for 90 degree parking, to allow a parking aisle of 21 feet as supported by the Traffic Engineering Reviewer.

SUBDIVISION REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on December 8, 2015 for application #2015-131 (26-32 Thomas Street) relevant to the Subdivision regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 to find that the plan is in conformance with the subdivision standards of the land use code and to approve the application, subject to the following condition of approval:

- i. The applicant shall finalize the subdivision plat to address Planning Board and staff comments, and to confirm that the 4 on-site parking spaces are for the use of the occupants of the proposed residential units only; the final plat to be submitted for review and approval by Corporation Counsel, Department of Public Works, and the Planning Authority prior to signature by the Planning Board.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 8, 2015 for application #2015-131 (26-32 Thomas Street) relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 to find that the plan is in conformance with the site plan standards of the land use code and to approve the application, subject to the following conditions of approval:

- i. That the applicant shall submit a copy of the final Historic Preservation Board Certificate of Appropriateness to the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall revise and submit the plans to show the final CMP connection and underground service to the Parish House, to show that all the existing overhead lines on the site will be removed, and to clarify regarding snow removal, for review and approval by the Planning Authority and the Department of Public Works prior to the issuance of a building permit; and
- iii. That the applicant shall submit a plan showing the design and location of a bicycle rack to accommodate two bicycles, meeting the specifications in the City's Technical Manual, for review and approval by the Planning Authority and Historic Preservation Program Manager prior to the issuance of a building permit; and
- iv. That the applicant shall submit a revised plan to address the comments of the Traffic Engineering Reviewer Tom Errico dated 12.4.2015 regarding the sidewalk (crosswalk) ramps, and slopes within the relocated sidewalk apron, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- v. That the applicant shall plant a street tree in the existing empty tree well in the Carroll Street ROW instead of filling the tree well in with brick; the size and species of the new street tree to be agreed with the City Arborist and it shall be planted prior to the issuance of a Certificate of Occupancy; and
- vi. That the applicant shall submit a revised on-street parking layout that takes account of the revised curb cut for review and approval by the Planning Authority prior to the issuance of a Certificate of Occupancy. It should be noted that any changes to on-street parking will require City Council action prior to the issuance of a Certificate of Occupancy, and the applicant would be required to assist in preparing council meeting materials; and
- vii. That the Portland Water District capacity letter, that includes information on the flows and pressure of the water supply, shall be submitted to the Planning Authority prior to the issuance of a building permit; and
- viii. That the applicant shall submit additional lighting information regarding the floodlights and bollards to confirm that they comply with the City's Site Lighting Standards in Section 12 of the Technical Manual, with the final lighting proposals subject to further discussion and approval by the Planning Authority and Historic Preservation Program Manager prior to installation.

It should be noted that if the residential units are converted to condominiums, the City's Ordinance currently entitled *Article VII. Condominium Conversion* should be addressed where applicable.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application #2015-131.

STANDARD CONDITIONS OF APPROVAL

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

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.

2. **Subdivision Waivers** Pursuant to 30-A MRS section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
10. **Department of Public Works Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Works Dept. prior to the issuance of a certificate of occupancy.

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


The site plan ordinance includes a provision regarding appeals of an Planning Board decision, as follows:

Sec. 14-529. Appeals.

(b) When the planning board has finally approved, approved with conditions, or disapproved a site plan, any person aggrieved or the City may appeal the decision to the superior court, pursuant to Rule 80B of the Maine Rules of Civil Procedure within thirty (30) days of the vote on the original decision by the planning board.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,

DocuSigned by:

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Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Traffic Engineering Reviewer Tom Errico comments dated 12.4.2015
2. Planning Board Report
3. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Brad Saucier, Administration, Inspections Division
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
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Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
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John Low, Associate Engineer, Public Services
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Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, "JeremiahBartlett" <JBartlett@portlandmaine.gov>
Date: 12/4/2015 9:55 AM
Subject: Williston West - Final Traffic Comments

Jean - I have reviewed the final site plan and I find conditions to be acceptable with the following specific comments.

* I support a waiver from the City's Technical Standards for the parking lot aisle width given site constraints. The applicant has provided vehicle turning template information that illustrates vehicles will be able to access and egress parking spaces. Backing maneuvers onto Thomas Street will likely be required, but given low traffic volume and speed, I find this condition to be acceptable.

* In addition to providing detectible warning panels on the sidewalk ramps, the applicant should replace the brick material to meet City standards.

* The site plan notes that the driveway will have a cross-slope of 5%. The plans should be revised so that a 2% cross-slope is provided along the accessible pedestrian route along the sidewalk.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
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