



# PORTLAND MAINE

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

**Planning and Development Department**  
Lee D. Urban, Director

**Planning Division**  
Alexander Jaegerman, Director

July 1, 2005

Mr. Fred Forsley  
Island Acquisition, LLC  
86 Newbury Street  
Portland, Maine 04101

84-L-007

RE: Proposed Amendment to an Approved Site Plan  
Inn on Peaks – 33 Island Avenue – Walkway and Ground Leveling  
Application #2005-0134

Dear Mr. Forsley:

The Portland Planning Division has received the above referenced application for an amendment to an approved site plan. The Portland Planning Board originally granted approval of the Inn project to Mr. Ric Weinschenk on July 24, 2001. On November 1, 2004, you applied for and were granted an administrative amendment to the approved site plan. The 2004 amendment was to for a change of use from a hardware store to a restaurant/bar in a 1,030 square foot portion of the Inn as well as the expansion of an innkeeper's unit in the attic from 608 to 3,040 square feet.

Staff has conducted a comprehensive project review of your current application based on materials submitted to date including a site plan submitted by Pinkham & Greer Engineers and a memo from you dated June 21, 2005. This letter is to summarize the results of that review and to provide you with a clear and comprehensive picture of what will be required for you application to be found complete and approvable.

## 1. Application Completeness

Generally, staff has noted that the application contains conflicting and confusing information. Moreover, certain relevant information required under the site plan ordinance has not been submitted. Please provide a comprehensive project narrative detailing the complete scope the proposed site plan amendment. Please also revise the site plan to accurately depict existing and proposed conditions. For your convenience, I have attached a copy of the site plan application checklist.

- A. The application submitted May 13, 2005 is for "Walkway and Ground Leveling", however the site plan submitted June 2, 2005 shows no changes to grades and no proposed walkway is identified.
- B. The application form and site plan make no reference to the 3,200 square foot tent, which is detailed in your June 21, 2005 memo. Please provide elevations and specifications of the proposed tent as may be found in vendor's catalog cuts. Please also indicate on the site plan where the tent is proposed to be sited.
- C. Please provide a detailed description of the intended use of the proposed tent including anticipated number of occupants, hours of operation, frequency of use, etc. Please also describe how the project will conform with the City's Noise Ordinance. Will there be amplified music or a public address system used on the proposed tent?
- D. Please provide evidence of right, title, and interest in the subject property.
- E. Please describe any proposed exterior lighting.
- F. Please provide a detailed drainage plan showing existing and proposed conditions.
- G. Please provide a landscape plan including all vegetation and screening, existing and proposed.

## 2. Engineering

The City's consulting civil engineer, Jim Seymour P.E. of Sebago Technics, Inc., has reviewed the proposed plans and issued comments on June 30, 2005 as follow:

- **Grading/Erosion Control**

- A. The surface conditions under the proposed canopy are brick, but the plans call for stone dust. Will the surface be regarded and reworked under the canopy? Appropriate BMPs will need to be shown installed on the plan. Also the applicant shall be responsible for sweeping and clearing the parking area and all access from tracked soils, and or dust from tracked materials.

- B. Drainage from the canopy will drain under and through the covered area as shown. Please provide means of directing drainage towards the existing catch basin in Island Ave. We recommend a French Drain type of installation along the drip edge and tying it to the street drainage. Due to seasonal use freezing will not be a problem or concern.
- C. The gravel surface between proposed gravel pads on the northeast corner of the building will be problematic unless a drain is installed or unless the entire driveway is capped in concrete or bituminous. Runoff will saturate the gravel and the difference in materials will create ruts along the edges and will further pond water and deteriorate both concrete and gravel surfaces. If the area was paved or installed with concrete both the maintenance conditions and life expectancy will be enhanced.

- **Utility Information**

- A. Will electrical services originally placed underground for the lighting, in the canopy area still be utilized, or will a new service be set in place for lighting or general use?

- **General**

- A. Please be advised that the site previously had contaminated soils (some removed offsite, some disposed on-site). All excavated soils will be tested and disposed of either on or off-site in accordance with MeDEP requirements for Special Waste. Please add notes referencing this concern.
- B. We feel if the applicant submits new drawings that the site work would be easier to follow if the pre-existing conditions were removed so that only current conditions were shown on the drawing. If staff does not have other concerns then the plans could be conditionally approved, per the items above. Please contact our office with any questions.

The project plan and narrative should be revised so as to adequately address these engineering comments and concerns.

### **3. Zoning**

The City's Zoning Administrator reviewed the proposed site plan and offered some preliminary comment and observations on a June 29, 2005 as follows:

- A. Different plans had different dimensions for figuring the size of the existing building.
- B. This project is in an I-B zone where restaurant uses are permitted. The given analysis is inaccurate. It states that the original approval did not require any

parking at that time. That is untrue. Four parking spaces were required. More than four spaces were shown so it was not a zoning issue.

- C. The project would require 10 parking spaces. Currently six (6) on site spaces are being provided. Off site at the Lionel Plante Associates site, five (5) additional spaces are being provided. The submitted information says that they are about 100 feet away. However, my recollection places those spaces much more than 100 feet away. Section 14-334 requires business off-site parking to be within 100' of the business use. We will need an accurately scaled plan to show exactly where these spaces are located. If, as I suspect, the parking is over 100 feet away, they will need to go to the ZBA of PB for approval. The board would need to determine that the off-site parking is within a "reasonable" distance.
- D. The site plan given to determine zoning is inaccurate. The tent hangs over an existing porch in order to meet the setback requirements (ten feet to the side property line). In real space on the face of the earth, that can only mean that the 40' x 80' tent cannot meet the setbacks when placed on site. Perhaps a narrower tent should be considered.
- E. I have also computed the lot coverage. I differ from what has been submitted. The project has only 80 square feet to spare. I would like to confirm building dimensions since different plans scale to different dimensions. Because they are almost right on their maximum lot coverage requirements, I want to be absolutely accurate on my calculations. I would want accurate scaleable plans submitted confirming the current dimensions of the existing building.
- F. Assurances of meeting the City's noise requirements will be a condition of approval.

Please work with your project team to revise the application to address each of the above listed issues. As always, if I can be of assistance, please do not hesitate to contact me at 756-8083 or [ebm@portlandmaine.gov](mailto:ebm@portlandmaine.gov).

Sincerely,



Ethan Boxer-Macomber, AICP  
Planner

CC: Sarah Hopkins, Development Review Services Manager

Alex Jaegerman, Planning Division Director  
Marge Schmuckal, Zoning Administrator  
Mike Nugent, Building Inspections

