

CITY OF PORTLAND, MAINE

PLANNING BOARD

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July 22, 2015

Wendy Durrah
Bangor Savings Bank
99 Franklin Street
Bangor, ME 04401

David Latulippe
C J Developers, Inc
35 Primrose Lane
Freeport, ME 04032

Gorrill-Palmer
PO Box 1237
Gray, ME 04039

Project Name: **Bangor Savings Bank Bank/Office building with two lane drive-through**
Project ID: #2015-080
Address: 20 Marginal Way CBL: 113 A 025001
Applicant: Wendy Durrah, Bangor Savings Bank
Planner: Jean Fraser

Dear Ms Durrah:

On July 14, 2015, the Planning Board considered your application for a three story bank and office development with a two lane drive through at 20 Marginal Way. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review and Site Plan Ordinances of the Land Use Code. The Planning Board voted 7-0 to approve the application with the following waivers and conditions as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report for the public hearing on July 14, 2015 for application #2015-080 (20 Marginal Way) relevant to Portland's Technical and Design Standards, the B7 Design Guidelines and Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. Driveway Separation
The Planning Board voted 7-0 to waive Technical Design Standard Section 1.7.1.7 *Location and spacing of driveways* to allow the proposed driveway to be located as shown on Site Plan Plan 4.
2. Bicycle parking dimensional standards
The Planning Board voted 7-0 to waive Technical Design Standard Section 1.15.2 which specifies a minimum of 24 inches between the bike rack and the building wall, to allow a separation of 12 inches, subject to the required bicycle parking being met on the non-building side of the rack.
3. Building Signage:
The Planning Board voted 7-0 to waive *B7 Mixed Use Urban District Zone Design Principles and Standard E-16: Signage* to allow a total of two signs at the pedestrian level and three signs at upper levels, and to allow illuminated individual plastic letters, to address the unique circumstances of the site and the user.

CONDITIONAL USE

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 July 14, 2015 for application #2015-080 (Conditional Use and Site Plan) (20 Marginal Way), relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 7-0 that the proposed conditional use for a bank drive-through associated with the new Bangor Savings Bank at 20 Marginal Way in the B-7 zone does meet the standards of §14-474 and the standards of §14-296(a)1(c) for the B-7 zone.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in Planning Board Report for the public hearing on July 14, 2015 for application #2015-080 (Conditional Use and Site Plan) (20 Marginal Way), relevant to the site plan regulations; and the testimony presented at the Planning Board hearing; the Planning Board voted 7-0 that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

- i. That this approval is subject to the Zoning Text Amendments relating the bank drive-throughs in the B7 zone, as recently approved by the City Council, taking effect without delays such as an appeal; and
- ii. That the Planning Board has established that the maximum level of parking is 24 parking spaces; and
- iii. That the applicant shall reconsider the window design, including transparency, color, and size, in consultation with the City's Urban Designer, to meet the intent of the B-7 Design Principles and Standards. The final design to be reviewed and approved by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant shall submit a revised Landscape Plan, for review and approval by the City Arborist and the Planning Authority prior to the issuance of a building permit, that adds one tree to be planted in the rear right side traffic island and adds vegetation to the proposed rear curbing area to address the City Arborist comments dated 7.2.2015; and
- v. That the developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan submitted May 2015 based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements; and
- vi. That the applicant shall submit a copy of the ability to serve (water supply and wastewater) letters prior to the issuance of a building permit; and
- vii. That the applicant shall address the Department of Public Services comments dated 7.2.2015 to revise the notes on the Site Plan prior to the issuance of a building permit; and
- viii. That the applicant shall submit, for review and approval by the Planning Authority prior to the issuance of a building permit, a revised photometric plan for the rear parking lot area that includes the lighting fixture specification, reduces trespass along the eastern boundary to meet Technical Standards, and increases the lighting levels in the vicinity of the drive-through; and
- ix. That separate permits are also required for all new signs, including those on the building, and for HVAC systems, which require submission of dBA levels to confirm compliance with the maximum sound limits of the ordinance.

The approval is based on the submitted plans and the findings related to conditional use and site plan review standards as contained in Planning Report for application #2015-080 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **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.

3. **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.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a 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.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **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. (If applicable)
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **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.

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

If there are any questions, please contact Jean Fraser at (207) 874-8728 and via jf@portlandmaine.gov .

Sincerely,

Stuart O'Brien, Chair
Portland Planning Board

Attachments:

1. City Arborist Review comments dated 7.2.2015
2. DPS comments dated 7.2.2015
3. B7 Design Review comments 7.8.2015
4. Planning Board Report
5. City Code Chapter 32
6. Sample Stormwater Maintenance Agreement
7. Performance Guarantee Packet

(continued)

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Caitlin Cameron, Urban Designer, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
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Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
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Greg Vining, Associate Engineer, Public Services
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John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
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: Jeff Tarling
To: Errico Thomas; Jean Fraser
CC: Barbara Barhydt; Caitlin Cameron; David Margolis-Pineo
Date: 7/2/2015 4:09 PM
Subject: Re: Fwd: 2970 Bangor Savings - Marginal Way
Attachments: Beachgrass.JPG; BGisland.JPG

Jean -

The proposed 2970 Bangor Savings Bank landscape plan for Marginal Way is acceptable with the condition that ONE tree is planted in the rear right side traffic island and vegetation is added to the proposed rear curbing area.

The attached photos demonstrate that ornamental grasses can grow in restricted spaces, this is an MDOT project called Hags Parkway / Route One in Scarborough where they successfully use beach grass in a high salt area with good results. The overall Bangor Savings Bank project has much less than average landscape percentage due to lot orientation and circulation patterns, however a simple planting of low maintenance beach grass would work, thus is a recommended condition of approval.

Thanks,

Jeff Tarling
City Arborist

From: David Margolis-Pineo
To: Jean Fraser
CC: Barbara Barhydt; Tom Errico
Date: 7/2/2015 11:48 AM
Subject: 20 Marginal Way

Jean,

July 2, 2015

To: Jean Fraser
Barbara Barhydt
From: David Margolis-Pineo
Re: 20 Marginal Way (2015-080) – Bangor Savings Drive Thru

The Department of Public Services has the following final comments on the proposed project mentioned above.

1. Revise note on Sheet C101 which currently states “Plug or remove existing san sewer” to read, “Remove or grout fill sewer to be abandoned within the road right of way.”

We have no further comments.

Planning and Urban Development Department Planning Division



Subject: B7 Design Review – 20 Marginal Way

Written by: Caitlin Cameron, Urban Designer

Date of Review : Wednesday, July 8, 2015

On Wednesday, July 8, a design review according to the *City of Portland Design Manual* Standards was performed for the new construction proposal for redevelopment at 20 Marginal Way. The revisions were reviewed by Caitlin Cameron, Urban Designer, and Jean Fraser, Planner, Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *B-7 Mixed Use Urban District Zone Design Principles & Standards* (Appendix 4 of the Design Manual).

Design Review Criteria:

The project must meet all *B-7 Design Principles & Standards*.

Findings of the Design Review:

Overall the proposal meets the B-7 Design Guidelines with the exception of the signage guidelines for which the applicant is seeking waivers. The building is of a scale and orientation conducive to an urban, multi-modal, and on-peninsula site. The ground level provides an active frontage with storefront and street-facing entries. The project also provides a sustainable design employing solar panels.

The proposed design currently **does not pass** all of the criteria of the *B7 Design Guidelines*. Refer to comments below regarding **waiver requests** and design elements which do not meet the standards - Staff recommends **condition of approval** wherein the window design issues including transparency, color, and size, be resolved with City staff including the Urban Designer to meet the intent of the B-7 Design Principles and Standards.

Principle A: Urban Design

A-5: Pedestrian Environment – *Development on public streets or public spaces shall . . . enhance the pedestrian environment through the use of elements at the first floor such as fully functioning entries oriented to the street; active windows and storefronts; awnings and weather protection; appropriately scaled streetlights; trees and landscaping; . . .*

- The project places an **active door and storefront** facing Marginal Way and **contributes to the street wall. The sidewalk is placed adjacent to the building** as recommended by staff. The applicant recessed the entries in order to accommodate the outward door swing into the public right-of-way. **A canopy is used to emphasize the entry** points of the building.

A-7: Building Orientation – *The primary facades and entrances of buildings shall be oriented to streets, major pedestrian routes, or open spaces in order enhance the pedestrian-oriented environment. The primary facades and entrances of buildings shall not be oriented toward parking lots.*

- The project is **oriented towards the street creating a street wall** and includes **street-facing entries** at the sidewalk.

Principle C: Parking, Loading and Service Areas

C-6: Surface Lots – *Areas devoted to surface parking shall be screened from public rights of way and significant views through the use of design elements such as plantings, fencing, grade changes, and/or walls. A landscaped border shall be created around all surface parking lots. Any parking lot containing ten (10) or more parking spaces shall include one (1) or more landscaped islands within the interior of the lot. There shall be at least one (1) island for every twenty (20) spaces.*

- Staff suggests landscaping choices that are tall enough to **provide adequate screening from neighboring properties and views of parking from the street. Staff does not support a waiver request** from the landscaping requirement from an urban design standpoint.

Principle E: Architectural Design

E-12: Materials – *Facades visible from public rights of way shall use natural and authentic building materials that are expected to last at least 50 years. Predominant materials shall be brick, stone, precast concrete and other masonry products, wood, glass, and high quality metals such as steel, titanium and copper. . . . Materials such as thin gauge metal panels, exterior insulation and finish systems (EIFS), panelized “thin brick,” vinyl siding, or stucco on Styrofoam or a similar backing shall not be used on facades visible from the public rights of way. Fiber-cement clapboard and shingles may be used. Fiber cement panels shall only be used on portions of the building not visible from public rights of way. Public spaces shall be constructed of permanent, durable materials such as concrete, brick or stone.*

- **The building material palette** is similar to the recent commercial buildings on Marginal Way and **meets the design standard** – brick, composite panels, and storefront.

E-7: Windows – *The first floor transparency (minimum visible transmittance (VT) of .7 or greater) along public streets and the trail shall be equal to at least 50% of the wall area between the height of 2 and 9 feet. The first floor windows and storefronts shall be transparent with active uses visible behind them. Opaque glass shall not be allowed at the first floor level [See Standard E-13 Transparency]. Upper floors of all new buildings shall have at least 15% to 40% transparency of wall surface requirements. If it can be demonstrated that the building program precludes windows along first floor street frontages, then other surface details shall be used in accordance with Standard E-4 Articulation.*

- **Proposed glass has a VLT of .56 which is lower than the allowed .7. A sample is required** before staff can assess whether the transparency is adequate.
- **Spandrel glass (opaque) is proposed** for the upper portion of the ground floor storefront which is **not allowed by the Standard. See comments below.**

E-8: Storefronts - *Storefront glass shall be transparent in accordance with Standard E-13: Transparency, and shall not be blocked with opaque glass, or other means.*

- **Proposed transparency does not meet the Standard.**
- **Spandrel glass (opaque) is proposed** for the upper portion of the ground floor storefront which is **not allowed by the Standard**. **Staff does not support the use of spandrel glass in this project. Staff recommends that the ground floor windows be reduced in height** (and the canopy subsequently lowered) and the area where spandrel glass is proposed be eliminated. Reducing the amount of glazing will also reduce the solar gain in the façade.

E-13: Transparency – *Windows that have daylighting application on all levels of the façade shall use glass with a visible transmittance (VT) value of .7 or greater, which looks clear. . . . Opaque, heavily tinted or reflective glass shall not be used at the pedestrian level unless it can be demonstrated that the building program precludes the use of transparent glass.*

- **Proposed glass has a VLT of .56 which is lower than the allowed .7. A sample is required** before staff can assess whether the transparency is adequate.
- **Proposed glass has a green tint** which is not allowed by the Standard. **Glazing should look clear. A sample is required** before staff can assess whether the color is adequate.
- **Spandrel glass (opaque) is proposed** for the upper portion of the ground floor storefront which is **not allowed by the Standard**. **See comments above.**

E-16: Signage – *A master signage plan shall be required for all new construction as part of the site plan review process. Signage on new buildings shall be related to, and an integral part of, the design of the building. The master sign plan shall allow adaptability for changing tenants and uses over time. See Appendix 4 for additional signage standards.*

- **Applicant is proposing a signage master plan that does not meet the Design Standards and will require waivers for the following:**
 - **Illuminated plastic sign letters** - Given the precedent of waivers granted in B-7 for plastic illuminated letters, **staff supports the waiver request** for allowing this sign design.
 - **Number of upper level signs** - The guidelines limit the number of upper story signs to two (2) and the applicant is requesting three (3). **Staff defers to the Planning Board** on the appropriateness of additional signs. If the Planning Board does not support the waiver request, staff recommends the two upper level signs on the building's short faces which will be visible to vehicular traffic.
 - **Number of pedestrian level signs** – The guidelines limit the number of pedestrian level signs to one (1) and the applicant is requesting two (2). **Staff defers to the Planning Board** on the appropriateness of additional signs. If the Planning Board does not support the waiver request, staff recommends the pedestrian level sign facing Marginal Way.