

May 13, 2015

Barbara Barhydt  
Development Review Manager  
City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101

**Subject: Bangor Savings Bank**  
**Applicant: Bangor Savings Bank**  
**Conditional Use Application**

Dear Barbara,

On behalf of Bangor Savings Bank we are pleased to submit the enclosed Conditional Use Application for the proposed construction of a three story, 2,100 sf footprint bank/office building with a double drive thru at 20 Marginal Way in Portland. On April 14, 2015 the Planning Board voted to send a text change application from the Applicant to the City Council for review. The change would allow a bank drive thru in a building less than 20,000 sf as a conditional use. This application is for the proposed double drive thru at 20 Marginal Way which would be considered a conditional use subsequent to the text change.

Enclosed you will find a Conditional Use Application package and set of plans illustrating the proposal. We appreciate the Planning Authority's consideration of our proposal and look forward to meeting with City staff, as necessary, and with the Planning Board to present the proposal and address any questions. If you require any additional information, please don't hesitate to contact our office.

Sincerely,

Gorrill Palmer



Douglas Reynolds, PE  
Project Manager

Enclosures: Conditional Use Application  
Site Plans

cc: David Latulippe, Jason Donovan

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## Conditional Use for Planning Board Review Development Review Application Portland, Maine

Planning and Urban Development Department  
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Conditional Use where the Planning Board is listed as the reviewing authority rather than the Zoning Board of Appeals. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

### A. Conditional Use: Standards and Criteria – Section 14-474 and Zone Related Criteria

Conditional uses are listed in the Zoning Ordinance for each zone and these proposed uses must address the criteria contained in Section 14-474 in the written application. In addition to the criteria in Section 14-474, each application must address any applicable conditional use standards contained in the applicable zone and the proposed specific use. The Zoning Ordinance specifies when the Planning Board is designated as the reviewing authority rather than the Zoning Board of Appeals. This application is for Planning Board reviews only.

Upon showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

### B. Site Plan Application: Please submit the Conditional Use Application in addition to the applicable Site Plan Application.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

**Planning Division**  
Fourth Floor, City Hall  
389 Congress Street  
(207) 874-8719

**Office Hours**  
Monday thru Friday  
8:00 a.m. – 4:30 p.m.

**PROJECT NAME:** Bangor Savings Bank

**PROPOSED DEVELOPMENT ADDRESS:**

20 Marginal Way

**ASSESSOR'S CHART/BLOCK/LOT (s):** 113-A-25

**Applicable Zone:** B-7

**CONTACT INFORMATION:**

<b>Applicant – must be owner, Lessee or Buyer</b> Name: Wendy Durrah Business Name, if applicable: Bangor Savings Bank Address: 99 Franklin Street City/State : Bangor, Me      Zip Code: 04401	<b>Applicant Contact Information</b> Work # 207-541-2715 Home# Cell #                              Fax# e-mail: wendy.durrah@bangor.com
<b>Owner – (if different from Applicant)</b> Name: Northern Pride Auto Wash Address: P.O. Box 2147 City/State : So. Portland, Me      Zip Code: 04116	<b>Owner Contact Information</b> Work # 207-776-5565 Home# Cell #                              Fax# e-mail: wdesena@maine.rr.com
<b>Billing Information</b> Name: Jason Donovan, Bangor Savings Bank Address: 99 Franklin Street City/State : Bangor, Me      Zip Code: 04401	<b>Billing Information</b> Work # Cell #                              Fax# e-mail: jason.donovan@bangor.com

**RIGHT, TITLE OR INTEREST:**

Lease, see narrative

(Please identify the status provide documentary evidence, attached to this application, of the applicant's right, title, or interest in the subject property (ex: deed, option or contract to purchase or lease the property.)

**VICINITY MAP:** (Please attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.)

**EXISTING USE:** Describe the existing use of the subject property.

Car Wash

**PROPOSED USE:** Describe the proposed use of the subject property

Bank with double drive thru and office space

**TYPE OF CONDITIONAL USE PROPOSED (Refer To Specific Provisions Of Land Use Code Authorizing The Proposed Conditional Use).**

Banking with drive thru, Chapter 14, Division 17, Section 14-296

See narrative for discussion of zoning text change to allow drive through for building less than 20,000 sf

**SITE PLAN:** Submit a separate site plan application for the proposal that provides a site plan for the property, showing existing and proposed improvements, which meets the submission requirements of the applicable level of site plan review.

**CONDITIONAL USE STANDARDS AND CONDITIONS – 14-474**

Address the following criteria in your written application and any applicable conditional use standards contained in the zoning code for the specific use. Upon showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

**CONDITIONAL USE AUTHORIZED BY:** SECTION 14- 296

Address any specific conditional use standards for the specific use contained in the zoning code in the written submission.

**APPLICATION FEES:**

**(Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)**

<p><input checked="" type="checkbox"/> Conditional Use Review (\$100.00)</p> <p>(Please submit a separate application for the applicable site plan review. Fees and charges are listed within the application)</p>	<p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> <li>• Notices (\$.75 each)</li> <li>• Legal Ad (% of total Ad)</li> <li>• Planning Review (\$40.00 hour)</li> <li>• Legal Review (\$75.00 hour)</li> </ul> <p>Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.</p>
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**APPLICATION SUBMISSION:**

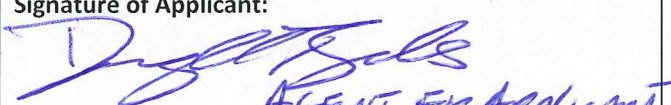
1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the Electronic Plan and Document Submittal page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.
3. The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:
  1. One (1) full size site plans that must be folded.
  2. One (1) copy of all written materials or as follows, unless otherwise noted:

Applicant Checklist	Planner Checklist	# of Copies	
x		1	Application form that is completed and signed.
x		1	Cover letter stating the nature of the project.
x		1	Evidence of right, title and interest.
x		1	Written Submittals that address the conditional use standards of Sec. 14-474.
x		1	Written submittals that address any applicable standards of review contained in the zoning code for the specific use.
x		1	A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet and containing the information required for the applicable level of site plan review.
x		1	An accompanying site plan application, as applicable.

**APPLICANT SIGNATURE:**

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 Planning Authority and Code Enforcement'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.

**This application is for a Conditional Use Review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.**

Signature of Applicant:  AGENT FOR APPLICANT	Date: 5-13-15
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**Bangor**  
Savings Bank

You matter more.

April 20, 2015

Re: Bangor Savings Bank  
20 Marginal Way  
Portland, Maine

To Whom It May Concern:

Jason Donovan authorizes Gorrill Palmer to execute land development permit applications on behalf of Bangor Savings Bank for the referenced project.

If you have any questions or if I can be of any further assistance, please contact me at 207-949-4027.

Very truly yours,



Jason Donovan  
VP, Facilities Manager  
Bangor Savings Bank



## Conditional Use Narrative

The following narrative presents the information required for the Preliminary Level III Site plan application.

### Applicable Standards:

Section 14-296.1.C.ii of the Land Use Code states that a drive up attached to a bank requires a minimum floor area of 20,000 sf. in the B7 zone and is considered a conditional use. A text change application has been submitted to the City and is under review of the City Council for a change to the Land Use Ordinance allowing a bank with less than 20,000 sf to have drive up windows as a conditional use in the B7 zone.

The applicable standards of review in the B7 zone and the project's conformance are as follows.

*14-296.1.C.i - The drive-up is accessory to a banking service occupying a minimum floor area of 4,000 sf.*

The total proposed floor area is 7,708 sf.

*14-296.1.C.ii - The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet.*

A proposed text change has been filed which will allow a bank use with less than 20,000 sf to be approved as a conditional use.

*14-296.1.C.iii - All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line*

The proposed drive-up is located a minimum of 31 feet from the street right-of-way line.

*14-296.1.C.iv - The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets.*

The site has stacking capacity within the parking lot to adequately handle the anticipated usage without impeding vehicular or pedestrian circulation on adjoining streets.

*14-296.1.C.v - Drive-up vehicle circulation shall not be located between the building and any adjacent public streets.*

The drive-up circulation is behind the building and therefore not adjacent to public streets.

*14-296.1.C.vi - The drive-up shall be limited to two vehicle drive-up lanes.*

Two vehicle lanes are proposed.

*14-296.1.C.vii - The location of any drive-up shall be limited to the geographic area between Somerset Street/I-295/Franklin Arterial/Forest Avenue.*

The proposed project is within the required geographic area.

### Conditional Use Standards Section 14-474:

The following addresses the conditional use standards contained in Section 14-474 of the Land Use Code.

14-474.C.2.a – *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.*

The traffic generated will be consistent with other banks in the area. Section 7 of the site plan application contains a traffic report for the project. The site contains the required parking spaces and has utilized compact spaces in order to reduce the expanse of pavement.

14-474.C.2.b - *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.*

The proposed bank is not anticipated to create noise, glare, dust, emissions to the air, or odor greater than other banks in the area. A letter has been sent to the Portland Public Services as part of the site plan application requesting their ability to serve the project for sewage disposal. A lighting plan will be submitted in the final site plan application depicting full cut off lighting to avoid impacting abutting properties. A letter has been sent to Pine Tree Waste requesting their ability to serve the project for waste disposal. The dumpster will be stored within a fenced enclosure which will reduce the possibility of litter.

14-474.C.2.c - The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

The parking and dumpster enclosure are at the rear of the building and will not have an adverse impact on surrounding properties. Signage will conform to City sign regulations and will be submitted for review as part of the final site plan application. No material storage is anticipated.



CJ Developers, Inc.  
35 Primrose Lane  
Freeport, Maine 04032

September 30, 2014

Northern Pride Auto Wash  
c/o Joe Malone  
Malone Commercial Brokers  
5 Moulton Street  
Portland, ME 04101

RE: Letter of Intent re Lease of Property Located at  
20 Marginal Way, Portland, ME

Dear Joe:

This Letter of Intent sets forth the terms and conditions under which CJ Developers, Inc. on behalf of Bangor Savings Bank and/or assigns ("Tenant") is willing to enter into a lease with Northern Pride Car Wash ("Landlord") for the 0.41 ± acre parcel with improvements thereon located at 20 Marginal Way (the "Leased Premises").

Tenant: Bangor Savings Banks

Landlord: Northern Pride Car Wash

Leased Premises: 0.41 +/- acre parcel with improvements thereon located at 20 Marginal Way Portland, Maine. The Leased Premises includes the carwash building located thereon (the "Building") and any improvements.

Initial Term: Twenty (20) years from Rent Commencement Date (as hereinafter defined).

Renewal Terms: Three (3), ten (10) year renewal terms.

NNN Rent: 

Delivery Condition: Tenant will accept the Leased Premises in AS-IS condition without any work by Landlord. Landlord shall remove all chemicals associated with the car wash operation and deliver the Lease Premises free site being clean environmentally under State of Maine General.

**Rent**  
**Commencement**  
**Date:**

Five months after all permits and approvals are received for the construction of a branch bank with drive through..

**Real Estate Taxes**  
**and Utilities:**

Tenant shall be responsible for all real estate taxes and utilities with respect to the Leased Premises.

**Repair and**  
**Maintenance**  
**Obligations:**

Tenant shall be responsible for repairing and maintaining all interior, exterior and structural portions of the Building, including without limitation all electric, plumbing, and mechanical systems serving the Leased Premises.

**Insurance:**

Tenant shall be responsible for maintaining property and casualty insurance on the Building. Tenant shall maintain commercially reasonable liability insurance on Leased Premises indemnifying Landlord from all harm.

**Security Deposit:**

No security deposit.

**Brokerage**  
**Commission:**

Landlord shall be responsible for all brokerage commissions relate to the Lease.

**Contingencies:**

Tenant's obligations under the Lease will be contingent upon the following:

- (i) Tenant being satisfied with its due diligence investigation of the Leased Premises, such due diligence investigation to be completed within 75 days from signing of this Letter of Intent.
- (ii) Tenant obtaining approval to enter into a Lease Agreement from the Bangor Savings Bank Board of Directors within 75 days from signing of this Letter of Intent.
- (iii) Tenant obtaining all necessary state and local permits and approvals for the construction of a new building including a drive thru no later than [REDACTED] from execution of the Lease Agreement. Tenant to diligently pursue such permits and approvals in good faith;

**Lease Agreement:**

Parties shall negotiate in good faith to execute a Lease Agreement within

██████ of the full execution of this Letter of Intent.

**Offer Expiration**

This Letter of Intent will expire on October 8, 2014 at 5:00 p.m. if not executed by Landlord prior to then.

**Exclusivity:**

Upon acceptance of this Non-Binding Letter of Intent, Landlord agrees to take the Leased Premises off the market and not enter into any discussions with other third parties regarding the acquisition or leasing of its property. Notwithstanding anything contained herein to the contrary, this provisions shall be binding on the Landlord.

**Binding Effect:**

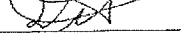
This Letter is intended to be confirmation of interest between the parties in pursuing negotiations for a definitive agreement based on the terms hereof and, shall not constitute a binding agreement between the parties hereto. No agreement shall be binding unless and until each party has reviewed and approved (in its sole discretion) a definitive written agreement incorporating all the terms, conditions, and obligations of the parties, and has duly executed and delivered such agreement.

CJ Developers, Inc.

By: David Catalipso

SEEN & AGREED

Northern Pride Auto Wash, Landlord

By:   
Its: \_\_\_\_\_  
Print  
Name: William De Sena