

CITY OF PORTLAND, MAINE

PLANNING BOARD

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April 3, 2017

Denis Lachman
55 Hamblet Avenue
Portland ME 04103

Pat Carroll, Carroll Associates
217 Commercial Street, Suite 200
Portland ME, 04101

Project Name: **502 Deering Center: 6-unit residential development plus 1 commercial space**
Project ID: #2016-290 (Subdivision & Site Plan)
Address: 502 Stevens Avenue CBL: 135-E-9
Applicant: Denis Lachman
Planner: Matthew Grooms

Dear Mr. Lachman and Mr. Carroll:

On March 28, 2017, the Planning Board considered a proposal for a new 3 story building comprising 6 residential units, and one commercial unit, totaling approximately 7,767 sq ft, located at 502 Stevens Avenue. Two parking spaces per residential unit is proposed, with ten (10) parking spaces being located on-site, and two (2) additional parking spaces being leased off-site at 229 Pleasant Avenue. This project also includes a landscaped amenity area. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision, Site Plan and B-1b Zone.

The Planning Board voted 6-0 (Morrissette absent) to approve the application with the following waiver and conditions as presented below:

A. 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 the public hearing on March 28, 2017 for application 2016-290 (502 Deering Center) relevant to Portland's technical and design standards and other regulations; and the testimony presented at the planning board hearing:

- i. The Planning Board voted 6-0, based upon the consulting transportation engineer's review (Attachment 1), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per Figure I-27. The Planning Board waives the Technical Manual standard (*Section 1.14*) to allow a 21-foot-wide aisle within the proposed surface parking lot;

- ii. The Planning Board voted 6-0 (Morrisette absent), based upon the consulting transportation engineer's review (Attachment 1), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual standard (Section 1.7.2.3) which requires that a two-way driveway width be a minimum of 20 feet per Figure I-27. The Planning Board waives the Technical Manual standard (*Section 1.7.2.3*) to allow an 18 foot-wide two-way driveway.
- iii. The Planning Board voted 6-0 (Morrisette absent), based upon the consulting stormwater engineer's review (Attachment 3), that extraordinary conditions exist or undue hardship may result from strict compliance with the Maine Stormwater Best Management Practices Manual, as referenced by Maine DEP Chapter 500, as referenced by Section 5 of the Technical, which requires that a 25-foot separation be provided between a subsurface stormwater infiltration system and an adjacent property boundary. The Planning Board waives the Technical Manual standard (*Section 5*) to allow a reduction of the minimum separation requirement for a stormwater infiltration system.

B. SUBDIVISION

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 March 28, 2017 for application 2016-290 relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the Planning Board voted 6-0 (Morrisette absent) that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

- i. Requiring that the revised recording plat be submitted for review and approval by the Planning Authority, Department of Public Works and Associate Corporation Counsel.
- ii. The applicant shall provide finalized easements for shared site access for review and approval by Planning Authority, Department of Public Works and Associate Corporation Counsel.

C. DEVELOPMENT 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 March 28, 2017 for application 2016-290 relevant to the site plan regulations; and the testimony presented at the planning board hearing, the Planning Board voted 6-0 (Morrisette absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide a revised construction management plan, including the details regarding safe pedestrian access along the west side of Stevens Avenue adjacent to the proposed development as requested by the city's consulting traffic engineer;
2. The applicant shall provide either a monetary contribution to the City's Tree fund in an amount determined by the City Arborist or shall be responsible for the planting of required trees at a nearby location in order to meet the City's Street Tree standards.
3. The applicant shall provide a maintenance agreement for the stormwater drainage system, shall be submitted, signed and recorded prior to the issuance of a building permit with a copy to the Department of Public Works.
4. The sidewalk ramp design detail at the southeast corner of Hartley Street shall be revised to be in compliance with City Standards (less than 2 percent slope). The revised detail shall be submitted for review and approval by the Planning Authority.

5. The applicant shall provide a revised stormwater plan to address the stormwater engineer's Comment 2 from the review memo dated March 23, 2017 (Attachment 3). This plan shall be reviewed and approved by the Planning Authority and the Department of Public Works prior to the issuance of a building permit.
6. The applicant shall provide an approval letter from the Department of Public Works in regards to their wastewater capacity application prior to the issuance of a building permit.

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 MRSA 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 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 Permitting and 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, inspection fee payment of 2.0% of the guarantee amount and six (6) 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 Registry 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 Work'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 Department prior to the issuance of a certificate of occupancy.

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 Matthew Grooms at (207) 874- 8725.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Development Review Comments dated January 31, 2017
2. Development Review Comments dated March 6, 2017
3. Woodard and Curran Review Memo dated March 23, 2017
4. Ty Lin Email Correspondence dated March 24, 2017
5. B-1b Design Review Memo dated March 24, 2017
6. Planning Board Report
7. Sample Stormwater Maintenance Agreement
8. Performance Guarantee Packet

Electronic Distribution: cc.

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Matthew Grooms, Planner
Philip DiPiero, Development Review Coordinator, Planning
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Inspections Division
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Chris Branch, Director of Public Works
Katherine Earley, Engineering Services Manager, Public Works
Bill Clark, Project Engineer, Public Works

Doug Roncarati, Stormwater Coordinator, Public Works
Greg Vining, Associate Engineer, Public Works
Michelle Sweeney, Associate Engineer, Public Works
John Low, Associate Engineer, Public Works
Rhonda Zazzara, Field Inspection Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Public Works
Keith Gautreau, Fire Department
Danielle West-Chuhata, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File