140-9-9 235 Ocean Aue. 5, te Alteration Cheverus High School

2016-030

City of Portland

Development Review Application Planning Division Transmittal Form

Application Number:	2016-030	Application Date:	02/08/2016
CBL:	140 G009001	Application Type:	Level I Site Alteration
Applicant:	Cheverus High School /Rev	v. George Collins	
Project Name:	Cheverus HS Admin. Offic	es	
Address:	235 OCEAN AVE	5	
Project Description:			
Zoning:	R3		
Other Required Revie	ws:		The state of the s
☐ Traffic Movemen	nt 14-403 Streets	☐ Housing R	Replacement
☐ Storm Water	# Units	☐ Historic P	reservation
☐ Subdivision	☐ Flood Plain	☐ Other:	
# Lots	☐ Shoreland		
☐ Site Location	☐ Design Review		
# Unit	u-444.1		

Distribution List:

Planner	Barbara Barhydt	Parking	John Peverada
Zoning	Ann Machado	Design Review	Caitlin Cameron
Traffic Engineer	Tom Errico	Corporation Counsel	Jennifer Thompson
Civil Engineer	David Senus	Sanitary Sewer	John Emerson
Fire Department	Keith Gautreau	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by 2/16/2016

Jeff Levine, AICP, Director Planning & Urban Development Department

Room 315.

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a *legal signature* per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be

	I payment of appropriate application fees are <i>paid in full</i> ne by method noted below:	to the Inspections Office, City of
	Within 24-48 hours, once my complete application and c electronically delivered, I intend to call the Inspections to an administrative representative and provide a credit/debit of	Office at 207-874-8703 and speak
	Within 24-48 hours, once my application and corresponding delivered, I intend to call the Inspections Office at administrative representative and provide a credit/debit card o	207-874-8703 and speak to an
X	I intend to deliver a payment method through the U.S. Posta paperwork has been electronically delivered.	1 Service mail once my application
	rge & Collins Sq. it Signature:	1 29 20 1 p Date:
I have pr	ovided digital copies and sent them on:	Date:
NOTE:	All electronic paperwork must be delivered to <u>buildinging</u> by physical means i.e. a thumb drive or CD to the Inspec	

*	
PROJECT NAME: Acquisition and use of 235 Ocean A	venue
PROPOSED DEVELOPMENT ADDRESS:	
There is no proposed development. The applicant inter	nds to maintain the property as is.
PROJECT DESCRIPTION:	
Cheverus High School has purchased the property at	235 Ocean Avenue. The property is a single
family residence. Cheverus is proposing to change the	e use to school administrative offices.
	·
440/0/0	±
CHART/BLOCK/LOT: 140/G/9	
	N &
CONTACT INFORMATION:	1
Applicant – must be owner, Lessee or Buyer	Applicant Contact Information
Name: Rev. George E Collins, SJ	Work# 207-774-6238 ext 101
Business Name, if applicable: Cheverus High School	Home#
Address: 267 Ocean Avenue	Cell # Fax# 207-828-207
City/State : Portland, ME Zip Code: 04103	e-mail: collins.george@cheverus.org
Owner – (if different from Applicant)	Owner Contact Information
Name: Cheverus High School	Work# Same As Above
Address: 267 Ocean Avenue	Home#
City/State : Portland, ME Zip Code: 04103	Cell # Fax#
	e-mail:
Agent/ Representative	Agent/Representative Contact information
Name: Same As Above	Work# Same As Above
Address:	Cell #
City/State : Zip Code:	e-mail:
Billing Information	Billing Information
Name: Same As Above	Work# Same As Above

Cell#

e-mail:

Fax#

Zip Code:

Address:

City/State :

Site Plan Standards for Review of Level I: Site Alteration

Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

- (a) Transportation standards:
 - 1. Impact on surrounding street systems,
 - 2. Access and circulation, and
 - 4. Parking
- (b) Environmental quality standards
 - 1. Preservation of significant natural features,
 - 2. Landscaping and landscape preservation, and
 - 3. Water quality, stormwater management and erosion control.
- (c) Public infrastructure and community safety standards.
 - 1. Consistency with city master plans.
- (d) Site design standards
 - 5. Historic resources,
 - 6. Exterior lighting,
 - 8. Signage and wayfinding, and
 - 9. Zoning related design standards.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

- 1. Name, address, telephone number of applicant.
- 2. Name address, telephone number of architect
- 3. Proposed uses of any structures [NFPA and IBC classification]
- 4. Square footage of all structures [total and per story]
- Elevation of all structures
- 6. Proposed fire protection of all structures
 - As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)

Updated: September, 2013

APPLICATION SUBMISSION:

- 1. All site plans and written application materials <u>must be submitted electronically on a CD or thumb drive</u> with each plan and each document submitted as separate files. Naming conventions for the individual files 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.

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:
 - Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-527 (c), including evidence of right, title and interest.
- A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
- 4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- 5. One (1) set of plans reduced to 11 x 17.

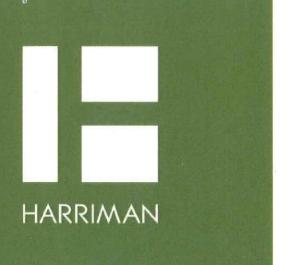
Please refer to the application checklist (attached) for a detailed list of submission requirements.

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 Level II Site Plan 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:	Date:
Deorge E. Collins S.J.	429/2016



CHEVERUS HIGH SCHOOL
235 Ocean Avenue Conditional Use Application
Portland, ME
PROJECT #15619

February 4, 2016

Conditional Use Application Narrative

46 HARRIMAN DRIVE AUBURN, ME 04210 207.784.5100

123 MIDDLE STREET PORTLAND, ME 04101 207.775.0053

ONE PERIMETER ROAD MANCHESTER, NH 03103 603.626.1242

www.harriman.com



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Return to:

Cheverus High School
235 Ocean Avenue
Portland, ME 04103

Date/Time: 12 | 23 | 5 | 1/05 pm

Book: 32818

Page: 158

Initial: 4

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That we, Terence P. MacDonald and Karen F. MacDonald, husband and wife, of 235 Ocean Avenue, Portland, ME 04103, for consideration paid, grant to Cheverus High School, a Maine corporation whose mailing address is 267 Ocean Avenue, Portland, ME 04103, with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises conveyed to the grantors herein by deed of James R. Cavallaro and Ilean R. Cavallaro dated 10/26/1988 and recorded in Book 8533, Page 86 at the Cumberland County Registry of Deeds.

Executed this 21st day of December, 2015.

euss

Terence P. MacDonald

Karen F. MacDonald

State of Maine County of Cumberland

121 21/20 15

Then personally appeared before me the said Terence P. MacDonald and Karen F. MacDonald and acknowledged the foregoing to be their voluntary act and deed.

Notary Public/Attorney at Law Blanchard Commission expiration: Attorney at Law



CHEVERUS HIGH SCHOOL 235 OCEAN AVENUE CONDITIONAL USE PERMIT

INTRODUCTION

The 235 Ocean Avenue property is currently a single family residence in the R-3 Residential Use Zone (Section 14-86 City of Portland Land Use Code). The Lot size is 0.312 acres and abuts the Cheverus High School campus on the corner of Ocean Avenue and Pya Road. Cheverus is proposing to relocate administrative department offices from the main campus to the property. These offices (up to a maximum of 6 employees) are currently housed in spaces originally designed for storage or maintenance related functions. The relocation of these offices in the building will constitute an "institutional expansion" and require Conditional Use Approval. *Institutional Conditional Use in R-3: elementary, middle, secondary school (Portland Land Use Code Section 14-88).* Cheverus is not planning any changes to the exterior of the residence including building footprint, driveway, landscaping, or exterior building features. Employees relocated to the building would continue to park in lots on the adjacent main campus. The existing driveway would act as parking for department guests.

Lot Dimension

	235 Ocean Avenue Actual	City of Portland Requirement (14-90)
Minimum Lot Size	13,249 Sq ft	No minimum
Street Frontage	233 ft	50 ft
Front Yard Setback	31.28 ft	25 ft
Rear Yard Setback	26.35 ft	25 ft
Side Yard Setback	43.71 ft	20 ft
Max Lot Coverage	13%	35%

CONDITIONAL USE STANDARDS (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 significantly greater than would normally occur at surrounding uses or other allowable uses in the same zone.

Traffic

The analysis below indicates a substantial reduction in the number of vehicle trips generated.

Current Residential use trip generation (Institute of Transportation Engineers-Single Family Detached

Housing)

Weekday:

9.57 vehicle trips

Saturday:

10.08 vehicle trips

Sunday:

8.77 vehicle trips



Proposed use trip generation (Institute of Transportation Engineers-Office Building, Guests Only)

Weekday:

1.17 vehicle trips

Saturday:

1.01 vehicle trips

Sunday:

0.43 vehicle trips

Hours of Operation

The proposed use will operate between the hours of 8 am to 5 pm Monday through Friday. Weekend use would be minimal.

Expanse of Pavement

There are no planned changes to the existing expanse of pavement which includes a 21' wide by 76' long driveway and a 48 SF brick patio.

Required Parking

Per proposed Cheverus High School policy, the employees working at 235 Ocean Avenue will continue to park at the main campus parking as they do now. The existing driveway would be used for off-street guest parking only. Currently, the departments being considered for relocation to the property receive on average a cumulative total of 2 guests per day for a period of 90 minutes each.

Offices; professional and public buildings: 1 parking space per 400 SF [14-332 (j)] 1794 SF/400 SF=5 spaces.

C.2.b The proposed use will not create unsanitary or City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-474 Rev.5-5-2014 14-649 harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

Noise

The proposed office use will be limited to interior use of the premise with ordinary office activity and noise generation during normal business hours of operation. No adverse or harmful noise conditions will be generated by the proposed conditional use.

Glare

There are no proposed changes to the lighting that exists at the property. It is anticipated that there will be limited or no evening activity. No adverse or harmful glare conditions will be generated by the proposed conditional use.

Dust

The proposed office use will be limited to interior use of the premise with ordinary office activity. No dust will be generated by the proposed conditional use.



Sewage Disposal

The current facility is connected to city water and sewer. The analysis below indicates a significant reduction in the estimated quantity of sewage.

Estimated current residential use (State of Maine Subsurface Wastewater Disposal Rules 10-144 Chapter 241)

270 gallons per day (GPD)

Proposed Office use

72 gallons per day (GPD)

Air emissions

The facility is heated by an oil fired furnace. There is a fireplace in the living room. The EPA estimates approximately 1 metric ton of CO2 emissions for each 100 gallons of fuel burned. Utilizing the house as an office will burn less fuel than as a residence as it will not be occupied at night when the heating demands are greater. We estimate the residential use at approximately 1000 gallons of oil per year with 10 metric tons of CO2. This is greater than the projected 900 gallons of oil per year with 9 metric tons of CO2 if the property is converted to office use.

Odor

The proposed office use will be limited to interior use of the premise with ordinary office activity. No adverse or harmful odors will be generated by the proposed conditional use.

Lighting

There are no proposed changes to the lighting that exists at the property. It is anticipated that there will be limited or no evening activity. No adverse or harmful lighting conditions will be generated by the proposed conditional use.

Litter

The proposed office use will not create conditions that would produce litter. Trash will be stored within the building and removed on a routine basis by school maintenance staff.

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.

There are no proposed changes to the structure or grounds of the property. The landscaping including screen hedges, foundation plantings and mature trees will be maintained.



CONDITIONAL USE STANDARDS R-3 ZONE (14-88)

(c)a In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas

Cheverus High School is efficiently utilizing its existing site and buildings as demonstrated below. The 70% site utilization is considerably high in the R-3 zone. The school has been sensitive to maintain appropriate buffers at abutting residential neighborhoods. In this spirit, the school is proposing to relocate department office uses that will be compatible in the context of the property at 235 Ocean Avenue and not impact or encroach into the adjacent residential areas. These administrative offices are interior functions with limited guest traffic.

There will be no physical encroachment into established residential area as there will be no changes to building footprint, driveway, landscaping, and exterior building features.

Site Utilization

The Cheverus main campus accommodates 590 students on 24 acres with the following utilization:

	Area (SF)	Area (Acres)
Main Campus Lot Size	1,048,700	24.07
Buildings	62,200	1.43
Athletic Fields	478,700	10.99
Parking and Drives	186,200	4.27
Stormwater Treatment	7,600	0.17

Coverage:

70%

Stream Protection Zone:

75 Ft

Setback from High Water Line from Berry Bk

Shoreland Protection Zone:

250 Ft

Setback from High Water Line

Maine Department of Education Secondary School Site Size Guideline: 30 acres plus 1 acre for every 100 students.



Building Utilization

Photos submitted with the initial application demonstrate the need for space that cannot be accommodated in existing spaces. As with the site, Cheverus has a high building utilization. The need for spaces that directly serve students has necessitated finding available room to accommodate various administrative departments. This has led to the condition of converting storage and support spaces into offices. These spaces do not have access to natural light or ventilation. Upon relocation of these offices to 235 Ocean Avenue, the existing rooms will be reconverted back to storage, utility and support functions.

- (c)b The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter
 - The use of 235 Ocean Avenue for office functions does not constitute a significant displacement or conversion of a residential use. This is a single residence on a property that is bordered on two sides by public streets and one side by the Cheverus main campus.
- (c)c In the case of a use or use expansion which constitutes a combination of the above listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative
 - Not Applicable
- (c)d Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly the proposed use shall be subject to the requirements of article V (site plan) of this chapter

Not Applicable



Introduction: Cheverus High School is currently under contract with the owners of 235 Ocean Avenue in Portland with the sale pending approval of the School's Board of Trustees scheduled to close on November 30, 2015. Both the School and 235 Ocean Avenue are situated in an R-3 zone. A portion of the garage for the residence and the driveway (for which an easement has been granted) sits on School property adjacent to the south auxiliary parking entrance to the School.

Given the Planning Board's calendar for conditional use review, we are submitting a contingent (upon successful closing) application for two (2) possible future uses:

- 1) **Use 1:** As an "as is" single family residence that would be used to house in the future: a Jesuit (priest) President, a lay President and Family (if applicable) a lay Principal and Family (if applicable), or to rent to a single family and
- 2) **Use 2:** As an "as is" single family residence for office space for departments under space constraints on campus.

Location: at the corner of Pya Road and Ocean Avenue adjoining the south auxiliary entrance to the campus



HEVERUS

Academic Excellence in the Jesuit Tradition

Features and statistics:



General Information

SubType: Single Family Sqft Fin Abv Grd+/-:

1,794

Rooms:

7

Sqft Fin Blw Grd+/-:

Beds:

3 Baths: 1/1

Sqft Fin Total+/-

1.794

Source of Sqft: **Public Record**

Style: Color: Bungalow

Sqft Other

Source:

Lot Size+/-:

0.312 acres

Year Built: Surveyed:

1925 No

Source of Lot

Public Record

Size:

Road Frontage+/-:

Zoning:

RES

Tax/Deed/Community Information

Bank Owned

REO:

Water

Information

No

Waterfront: Wtr Frontage

Amt+/-: Waterfront Owned+/-: Waterfront

Shared+/-:

Book/Page/Deed:8533/86/ Map/Block/Lot: 140/G/91

Full Tax

Amt/Yr:

\$4,278/2014 PTLD-000140-

Tax ID:

000000-G009001

Interior Information

Room Type	Lvl Din	nensions Room Features
Bedroom	2	Closet
Bedroom	2	Closet
Dining	1	Dining Area
Family	1	•
Living	1	Wood burning Fireplace
Master Bedroom	2	Closet

Kitchen Appliances:

1/32

Eat In Kitchen, Pantry

Dishwasher, Dryer, Microwave, Range-Electric, Refrigerator, Washer



The interior layout of the residence is:

Living room for possible future use 1; reception area for possible future use 2.



Dining room for possible future use 1; office space for possible future use 2.





Den for possible future use 1; office space for possible future use 2.



Kitchen for possible future use 1; break area for possible future use 2.





Kitchen for possible future use 1; break area for possible future use 2.



Full bath for possible future use 1; full bath for possible future use 2.





2nd floor bedrooms for possible future use 1; 2nd floor offices for possible future use 2.







Exterior photos.

Back yard future use 1; social and meeting space for possible future use 2



Feature data and photos courtesy of Maine Listings website.

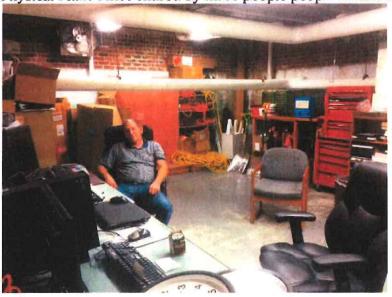
The following is support for possible future use 2 and illustrate current office conditions at Cheverus High School.

Campus Ministry Office shared by two people former storage room; windowless





Physical Plant Office shared by three people people former storage room; windowless; subterreaneon



Varsity Football Office shared by multiple people former storage room; windowless; subterranean.





Admissions Assistant Office former auxiliary kitchen



<u>Conclusions</u>: After conversations with City Planning staff, we understand that **use 1** would not require any City approval as the use would continue as single family residence.

With respect to **use 2** we anticipate **no** exterior changes (change in building(s) footprint(s), landscaping, lighting, parking) to the residence other than required maintenance and upkeep (landscaping and exterior painting for example). Potential department use candidates would be Admissions and Institutional Advancement, and the President's Office. Employees would rearrange furniture as necessary, walk to work from the main campus, and utilize the existing driveway for department guest parking. We look forward to receiving a date for the Planning Board workshop **at your earliest convenience** calendar. Any questions may be addressed to:

Michael S. Komich, Business Manager (207)774-6238 ext. 29

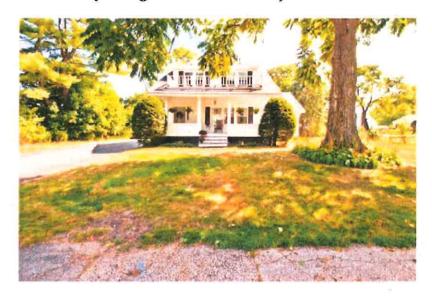


Conditional Site Review Application Proposed future use of 235 Ocean Avenue Residence

Side view (portion of driveway & garage on campus land)



Front view (looking from Ocean Avenue)







Street view: driveway entrance on Ocean Ave.



Street view: Property line at Cheverus High School entrance drive





Street view: Corner of Ocean Ave. and Pia Road

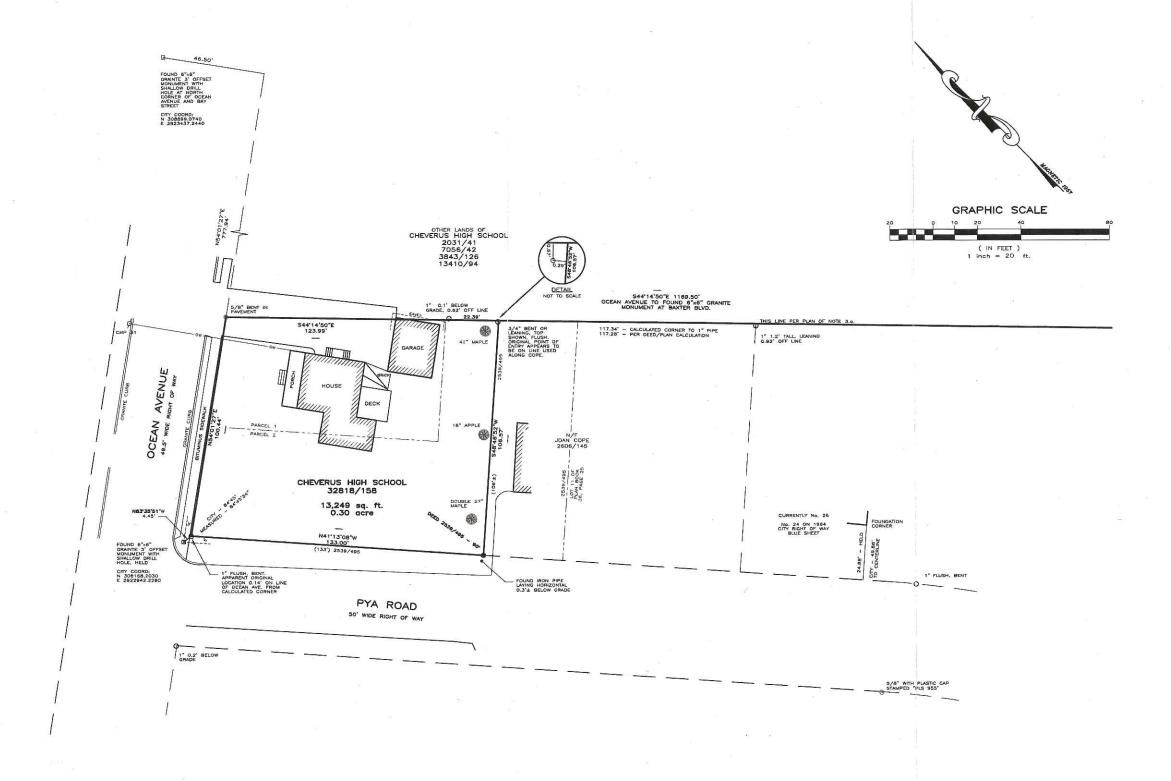


Street view: Property line on Pia Road





Street view: Property line at Pia Road abutter



NOTES

- 1. THE BASIS OF BEARING IS MAGNETIC NORTH 1957 AS SHOWN ON THE PLAN OF NOTE 3.d.

LEGEND

SET 5/8 INCH REBAR WITH CAP STAMPED LEWIS & WASINA, INC. PLS 2114" FOUND REBAR
FOUND MONUMENT FOUND IRON PIPE (SIZE AS NOTED) ABUTTER OR RIGHT-OF-WAY LINE BOUNDARY LINE APPROX. DEED OR PARCEL LINE NOW OR FORMERLY OWNED BY 2031/41 DEED RECORDED IN BOOK/PAGE

OVERHEAD WIRES

STATE OF MAINE

PLAN BOOK_ _ PAGE _

BRUCE E. LEWIS PLS 2114

Lewis & Wasina, Inc.

PROFESSIONAL LAND SURVEYORS

1 | Highmeadow Drive Gorham, ME 04038 Tel (207) 892-0959 Fax (207) 892-0956

		Security Control of the Control of t
BY	DATE	STATUS
BEL	BY:	BOUNDARY SURVEY
BEL BEL	ED BY:	235 OCEAN AVENUE ON

2 BEL 1/8/2016 MINOR CHANGES, CITY COORDINATES

OCEAN AVENUE and PYA ROAD, PORTLAND, CUMBERLAND COUNTY, STATE OF MAINE

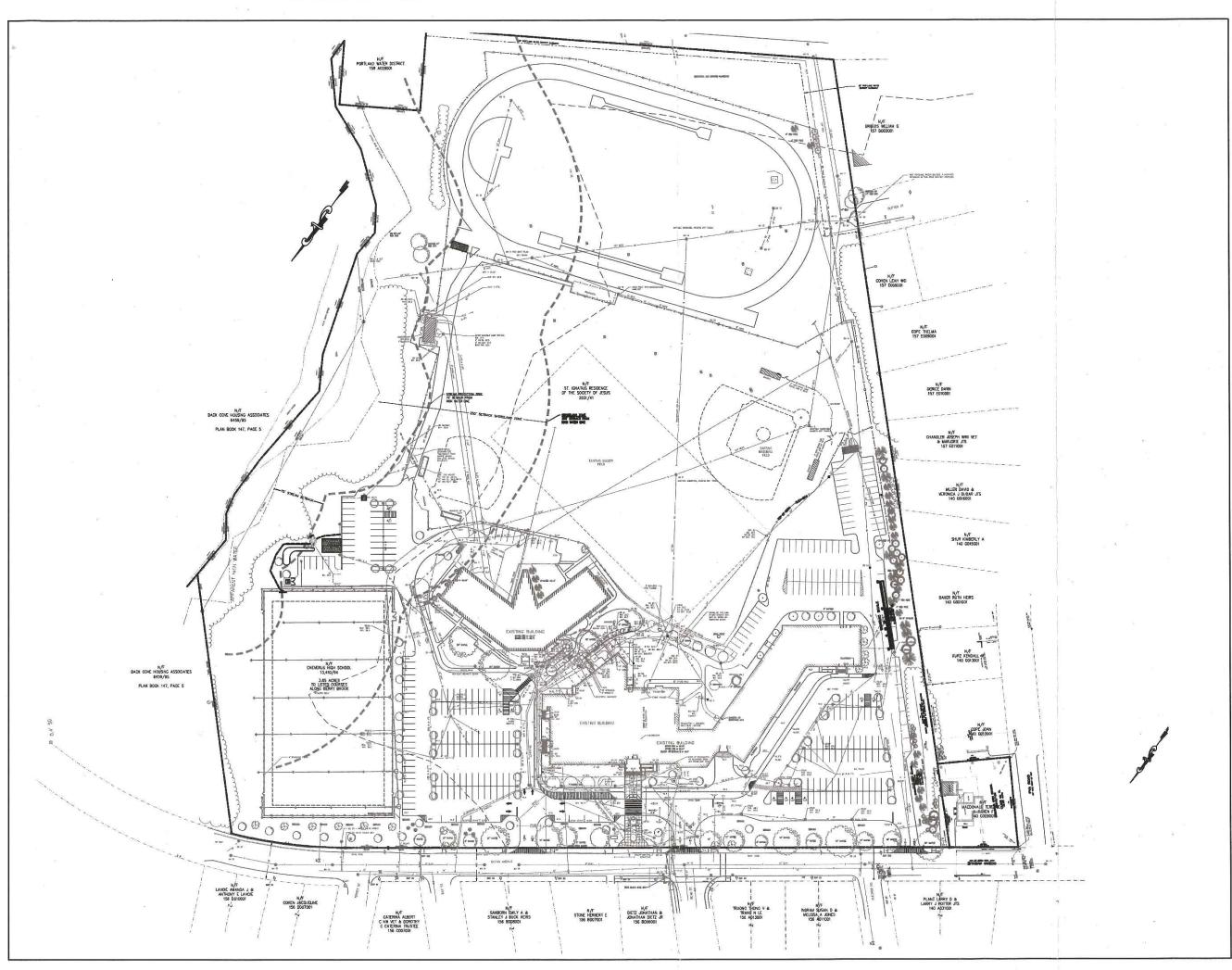
CHEVERUS HIGH SCHOOL 267 Ocean Avenue Portland, ME 04103

BEL

DATE:
1/2/2016

SCALE:
1"-20'
PROJECT NO.
99055

FILENAME
99055 PO Box 515 Walerboro, ME 04087-0515 Tell (207) 329-1958 Fax (207) 247-4688 SHEET 1 OF

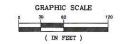




CHEVERUS HIGH SCHOOL PROPERTY

235 OCEAN AVENUE PORTLAND, MAINE

Harriman Project No.	15619
HILLIAND PARTY LINE CONTROL	3440-1103



Vlark	Date	Description	
	DATE	REVISION	
_			
			8

PRELIMINARY NOT FOR CONSTRUCTION PROGRESS SET 02-03-16

Drawing Scales	
18	
	- 6
PA/PE: FLC	© 2016
Drawn By: PLS	Harriman Associates

SITE **OVERVIEW PLAN**

C00.1

City of Portland Code of Ordinances Sec. 14-88

- h. Parking shall be provided as required by division 20 of this article;
- i. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.
- j. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.
- (b) Commercial:
 - 1. Reserved.
- (c) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:
 - 1. Elementary, middle, and secondary school;
 - 2. a. Long-term and extended care facilities;
 - b. Intermediate care facility for thirteen (13) or more persons;
 - Places of assembly;
 - 4. Hospital.

City of Portland Code of Ordinances Sec. 14-88

board; and

f. In the case of private club or fraternal organizations: any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

(d) Other:

- 1. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residence zones) of this article;
- 2. Utility substations, including sewage treatment plants, sewage and water pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
- 3. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:
 - The facility shall be located in a structure a. in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care use, babysitting use, nursery school kindergarten, or in a nonresidential structure accessory to the principal nonresidential use.
 - b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection

PLANNING BOARD REPORT PORTLAND, MAINE



Cheverus High School 235 Ocean Avenue Conditional Use and Level I Site Plan 2016-029 and 2016-030 Cheverus High School, Applicant

Submitted to: Portland Planning Board: Prepared by: Shukria Wiar, Planner Public Hearing Date: March 22, 2016 Date: March 18, 2016

I. INTRODUCTION

Cheverus High School has requested Level I site plan and conditional use review and approval to convert a single family home to office spaces for the school at 235 Ocean Avenue. The site is zoned Residential R-3. Cheverus High School is proposing to relocate department administrative offices from the main campus to the property. No changes are proposed to the exterior of the structures or to the site. The proposed institutional use and associated works will be reviewed by the Planning Board as a Conditional Use in the R-3 zone for conformance with the Land Use Code Section 14-88 (R-3 Conditional Uses) and 14-474 (Conditional Uses).

Applicant Name	Cheverus High School
Agent Representative	Mark Lee of Harriman Architects

II. REQUIRED REVIEWS

Applicant's Proposal	Applicable Standards
House to Administrative Offices	Level I Site Plan
Institutional Use	Level III Conditional Use in the R-3 zone (§14-88)

III. SUMMARY OF FINDINGS:

Total Land Area of Main Campus:

1,045,440 s.f. (24 +/- acres)

Zone:

R-3 Residential

Existing Use:

Single-family House

Proposed Use:

Secondary School

Lot Size:

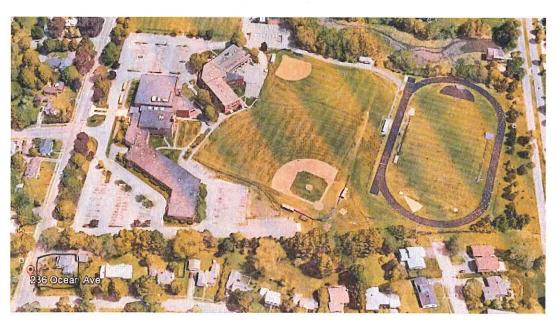
13, 249 square foot

Building Area:

1,794 square foot

IV. SITE **DESCRIPTION:**

Cheverus High School is located at 267 Ocean Avenue on a 24 acres site. The campus includes two school buildings known as the Residence Building (also called Loyola Hall), built in 1967, and the Classroom building. built in 1952. There are currently five (5) parking areas dispersed



1989 Planning Board Review

In 1989, Cheverus sought approval for a major expansion of their athletic facilities. The proposal included the following:

- Football/soccer field
- Track and field areas
- · One baseball game field
- One baseball practice field
- Bleachers

This proposal represented a significant change to the Baxter Boulevard side of the campus. The expansion plans were approved by the Planning Board on January 24, 1989. According to the Planning Board report, the proposal generated considerable public interest.

1997 Planning Board Review

In 1997, Cheverus requested a modification to the 1989 approval. The modifications received conditional and site plan approval by the Planning Board on June 10, 1997 and included the following:

- Allowed varsity football games
- Expand the football bleacher seating capacity
- Provide a permanent scoreboard and public address system
- Allow non-Cheverus events to take place at their athletic facilities and to charge admission
- Construct concession/bathroom facilities near the athletic facility

2000 Planning Board Review

In 2000, in order to address a projected growth in the student population from 395 students to up to 700 students, Cheverus requested approval of a variety of campus improvements, referred to as the Cheverus Campus Master Plan. Cheverus received conditional use and site plan approval on August 8, 2000 for the following:

- New gymnasium and cafeteria addition
- Expanded parking, primarily on Ocean Avenue side of the property
- New soccer field on Ocean Avenue side on the site of the former Roaks Greenhouse
- Miscellaneous improvements from the 1997 approval that were never built, therefore their approval had lapsed. These include a concession stand, bleachers and press box.

2003 Planning Board Review

In 2003, Cheverus requested re-approval of the proposed gymnasium/cafeteria building because the 2000 site plan approval had lapsed. Conditional use and site plan approval was granted by the Planning Board on October 14, 2003.

2005 Planning Board Review

In 2005, Cheverus returned to the Planning Board to request an amendment to their 1989 conditional use approval to allow for greater flexibility in their use of the baseball field. Use of the field had been limited to regular games only in the 1989 approval. Cheverus wanted to use the field for both games and practices. Approval was granted by the Planning Board on April 12, 2005.

2008 Exemption from Site Plan Review

In April, 2008 Cheverus submitted an application for exemption from site plan review for baseball backstop and fencing improvements. The proposal was to extend the existing baseball field chain link fence to connect to the existing dugouts on each side of home plate and adding fencing behind the dugout and running parallel to the third base line. These improvements were triggered by concern from abutters over the potential for property damage or injury from foul-tipped baseballs leaving the facility. An exemption from site plan review was granted in April, 2008.

b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and

<u>Staff Comments:</u> There is a loss of a single family home, but the applicant proposes no exterior or interior changes because they want to retain the integrity of the house and remain consistent with the surrounding neighborhood. Cheverus also wants to keep the option open to revert the house back to residential use for a staff member.

c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and

<u>Staff Comments:</u> The lot size for Cheverus' main campus is about 24 acres. The single family home's lot is 13,249 square feet. The minimum lot size in the R-3 zone for a school is two acres and for residential is 6,500 square feet. Therefor this standard is being met.

Sec. 14-474:

The following standards 14-474 apply to all conditional uses:

- 2. Standards. The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds 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

<u>Staff comment</u>: According to the applicant, the employees that will have office spaces in the building will continue to use the parking spaces on the main campus. There are no plans to change the existing driveway and it will be used to supply two parking spaces for guests to the departments. The applicant states that the employees will "receive on average a cumulative total of two guests per day for a period of 90 minutes each".

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

Staff comment: The proposal would not create harmful conditions.

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.

VIII. PROPOSED MOTIONS

A. 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 March 22, 2016 for application #2016-029 (Conditional Use), relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Roard finds that the proposed conditional use for an institutional use at 235 Ocean Avenue in the R-3 zone **does/does not** meet the standards of § 14-474 and the standards of §14-88 (c)(1) for the R-3 zone, subject to the following condition:

to such a wtit To grevent

1. That the building shall not be altered to a prevent conversion back to a residential unit.

7-0

B. DEVELOPMENT 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 March 22, 2016 for application #2016-030 (Site Plan), relevant to the site plan regulations; and the testimony presented at the Planning Board hearing; the Planning Board finds that the plan [is is not] in conformance with the site plan standards of the land use code.

ATTACHMENTS

APPLICANT'S SUBMITTAL

- A. Application, dated 02.14.2016
- B. Warranty Deed
- C. Photos
- D. Supplemental Information, dated March 12, 2016
- E. Neighborhood Meeting

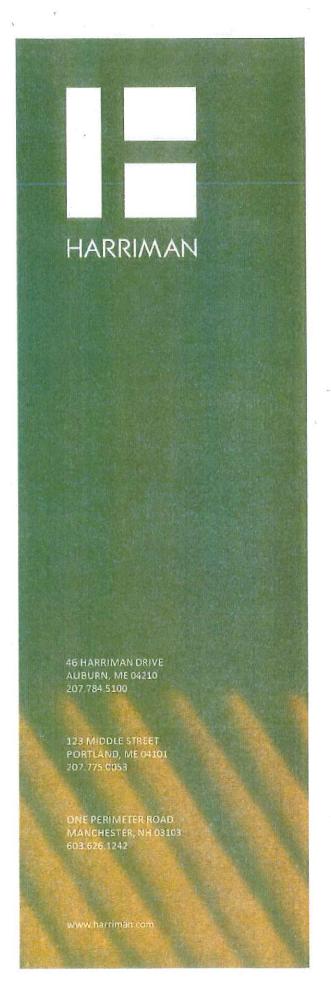
PLANS

Plan1 Boundary Survey

Plan2 Site Plan

Plan3 Site Overview Plan

Plan4 Floor Plans for Main Campus Buildings



CHEVERUS HIGH SCHOOL
235 Ocean Avenue Conditional Use Application
Portland, ME
PROJECT #15619

February 4, 2016

Conditional Use Application Narrative



CHEVERUS HIGH SCHOOL 235 OCEAN AVENUE CONDITIONAL USE PERMIT

INTRODUCTION

The 235 Ocean Avenue property is currently a single family residence in the R-3 Residential Use Zone (Section 14-86 City of Portland Land Use Code). The Lot size is 0.312 acres and abuts the Cheverus High School campus on the corner of Ocean Avenue and Pya Road. Cheverus is proposing to relocate administrative department offices from the main campus to the property. These offices (up to a maximum of 6 employees) are currently housed in spaces originally designed for storage or maintenance related functions. The relocation of these offices in the building will constitute an "institutional expansion" and require Conditional Use Approval. Institutional Conditional Use in R-3: elementary, middle, secondary school (Portland Land Use Code Section 14-88). Cheverus is not planning any changes to the exterior of the residence including building footprint, driveway, landscaping, or exterior building features. Employees relocated to the building would continue to park in lots on the adjacent main campus. The existing driveway would act as parking for department guests.

Lot Dimension

	235 Ocean Avenue Actual	City of Portland Requirement (14-90)	
Minimum Lot Size	13,249 Sq ft	No minimum	
Street Frontage	233 ft	50 ft	
Front Yard Setback	31.28 ft	25 ft	
Rear Yard Setback	26.35 ft	25 ft	
Side Yard Setback	43.71 ft	20 ft	
Max Lot Coverage	13%	35%	

CONDITIONAL USE STANDARDS (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 significantly greater than would normally occur at surrounding uses or other allowable uses in the same zone.

Traffic

The analysis below indicates a substantial reduction in the number of vehicle trips generated.

Current Residential use trip generation (Institute of Transportation Engineers-Single Family Detached

Housing) Weekday:

9.57 vehicle trips

Saturday:

10.08 vehicle trips

Sunday

8.77 vehicle trips



Sewage Disposal

The current facility is connected to city water and sewer. The analysis below indicates a significant reduction in the estimated quantity of sewage.

Estimated current residential use (State of Maine Subsurface Wastewater Disposal Rules 10-144 Chapter 241)

270 gallons per day (GPD)

Proposed Office use

72 gallons per day (GPD)

Air emissions

The facility is heated by an oil fired furnace. There is a fireplace in the living room. The EPA estimates approximately 1 metric ton of CO2 emissions for each 100 gallons of fuel burned. Utilizing the house as an office will burn less fuel than as a residence as it will not be occupied at night when the heating demands are greater. We estimate the residential use at approximately 1000 gallons of oil per year with 10 metric tons of CO2. This is greater than the projected 900 gallons of oil per year with 9 metric tons of CO2 if the property is converted to office use.

Odor

The proposed office use will be limited to interior use of the premise with ordinary office activity. No adverse or harmful odors will be generated by the proposed conditional use.

Lighting

There are no proposed changes to the lighting that exists at the property. It is anticipated that there will be limited or no evening activity. No adverse or harmful lighting conditions will be generated by the proposed conditional use.

Litter

The proposed office use will not create conditions that would produce litter. Trash will be stored within the building and removed on a routine basis by school maintenance staff.

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.

There are no proposed changes to the structure or grounds of the property. The landscaping including screen hedges, foundation plantings and mature trees will be maintained.



Building Utilization

Photos submitted with the initial application demonstrate the need for space that cannot be accommodated in existing spaces. As with the site, Cheverus has a high building utilization. The need for spaces that directly serve students has necessitated finding available room to accommodate various administrative departments. This has led to the condition of converting storage and support spaces into offices. These spaces do not have access to natural light or ventilation. Upon relocation of these offices to 235 Ocean Avenue, the existing rooms will be reconverted back to storage, utility and support functions.

(c)b The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter

The use of 235 Ocean Avenue for office functions does not constitute a significant displacement or conversion of a residential use. This is a single residence on a property that is bordered on two sides by public streets and one side by the Cheverus main campus.

(c)c In the case of a use or use expansion which constitutes a combination of the above listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative

Not Applicable

(c)d Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly the proposed use shall be subject to the requirements of article V (site plan) of this chapter

Not Applicable

Return to:

Cheverus High School 235 Ocean Avenue Portland, ME 04103

Date/Time:

Books

Page:

Initial:

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That we, Terence P. MacDonald and Karen F. MacDonald, husband and wife, of 235 Ocean Avenue, Portland, ME 04103, for consideration paid, grant to Cheverus High School, a Maine corporation whose mailing address is 267 Ocean Avenue, Portland, ME 04103, with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises conveyed to the grantors herein by deed of James R. Cavallaro and Ilean R. Cavallaro dated 10/26/1988 and recorded in Book 8533, Page 86 at the Cumberland County Registry of Deeds.

Executed this

Terence P. MacDonald

Karen F. MacDonald

State of Maine

County of Cumberland

21/20/5

Then personally appeared before me the said Terence P. MacDonald and Karen F. MacDonald and acknowledged the foregoing to be their voluntary act and deed.

> Notary Public/Attorney at Law, Blanchard Commission expiration:



The interior layout of the residence is:

Living room for possible future use 1; reception area for possible future use 2.



Dining room for possible future use 1; office space for possible future use 2.





Kitchen for possible future use 1; break area for possible future use 2.



Full bath for possible future use 1; full bath for possible future use 2.





Exterior photos.

Back yard future use 1; social and meeting space for possible future use 2



Feature data and photos courtesy of Maine Listings website.

The following is support for possible future use 2 and illustrate current office conditions at Cheverus High School.

Campus Ministry Office shared by two people former storage room; windowless





Admissions Assistant Office former auxiliary kitchen



<u>Conclusions</u>: After conversations with City Planning staff, we understand that **use 1** would not require any City approval as the use would continue as single family residence.

With respect to **use 2** we anticipate **no** exterior changes (change in building(s) footprint(s), landscaping, lighting, parking) to the residence other than required maintenance and upkeep (landscaping and exterior painting for example). Potential department use candidates would be Admissions and Institutional Advancement, and the President's Office. Employees would rearrange furniture as necessary, walk to work from the main campus, and utilize the existing driveway for department guest parking. We look forward to receiving a date for the Planning Board workshop **at your earliest convenience** calendar. Any questions may be addressed to:

Michael S. Komich, Business Manager (207)774-6238 ext. 29



Street view: driveway entrance on Ocean Ave.



Street view: Property line at Cheverus High School entrance drive





Street view: Property line at Pia Road abutter



- The move is not being considered because of any anticipated increase in staff. It would address the current location of staff in spaces that do not have adequate environmental conditions-rooms originally designed as storage and utility spaces lacking windows and adequate ventilation.
- As seen on the enclosed colored Site Overview Plan C00.1, the layout of the floor plan does
 not allow for an addition to the existing facilities without blocking or disrupting educational
 spaces, offices, necessary components of egress, existing site utilities, parking, parent or bus
 drop-off locations, playfields or violating current shoreland zone setback requirements.
- The areas colored orange on the Site Overview Plan identify additions proposed in the Cheverus High School Master Plan that was developed and approved through the City of Portland Planning Board in 2000. These proposed additions carefully utilized the limited land available to accommodate a new cafeteria and kitchen and connecting corridor between the two buildings.
- We have provided existing floor plans that further illustrate the lack of any existing areas to accommodate the offices being considered for relocation.

I hope this provides helpful information to your department and the City of Portland Planning Board. We look forward to meeting with neighbors on March 15, 2016 and the Planning Board on March 22, 2016.

Sincerely, Harriman

Mark D. Lee, AIA, LEED AP

Principal

mlee@harriman.com

ksfli

Enclosures:

Colored Site Plan CO1

Current Floor Plans

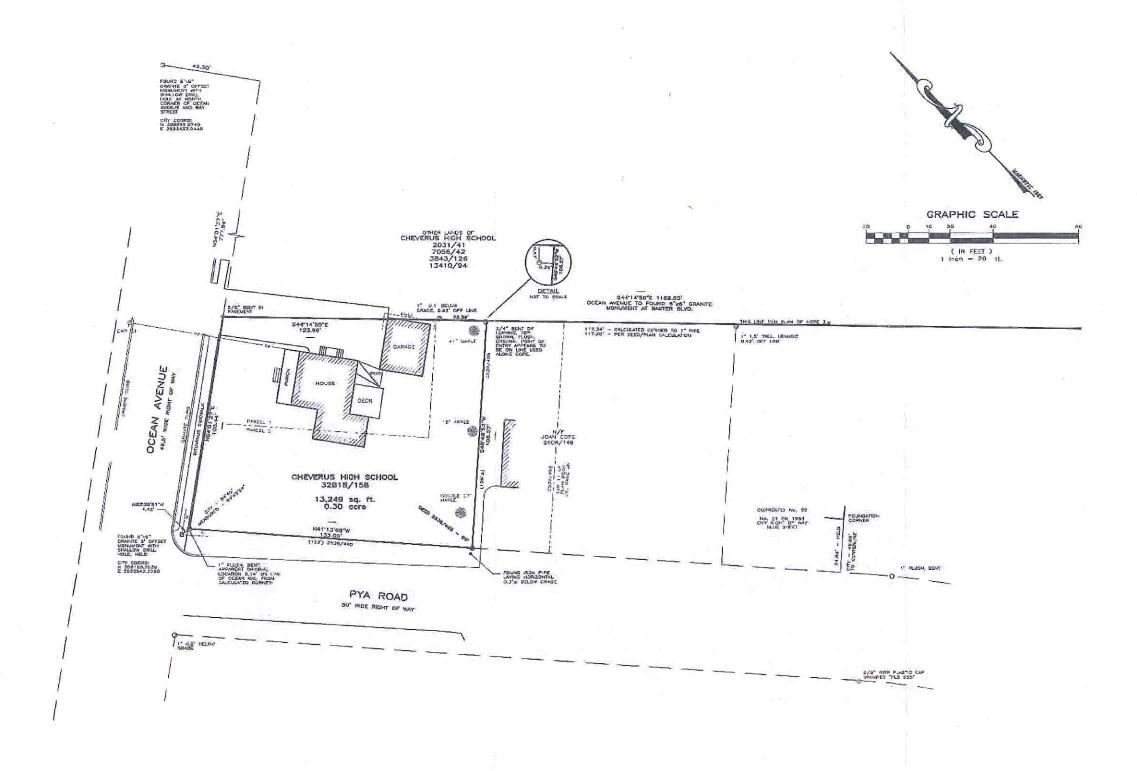
Cc w/encs: Michael Komich

Frank Crabtree

<u>CHEVERUS HIGH SCHOOL - NEIGHBORHOOD MEETING</u> <u>ATTENDANCE LIST</u>

MARCH 15, 2016

NAME		ADDRESS	PHONE NO.
- Susan	Ingram	260 Ocean Ave.	
Khona			wich to have guestion
M Helen Susar	Chardler V	93 Rya Roac Steckles	Rd Rd
<u> </u>	8		· · · · · · · · · · · · · · · · · · ·
			· · · · · · · · · · · · · · · · · · ·
A	The Mark Market	Market Committee	



NOTES

- THE BASIS OF BEARING IS MAGNETIC NORTH 1957 AS SHOWN ON THE PLAN OF NOTE 3.6. RECORD OWNERSHIP OF THE PARCEL SURVEYED CAN BE FOUND IN THE DEED FROM TERRINGE P, MACDONALD AND KAREN F. MACDONALD TO CHEVERUS HIGH SCHOOL DATED DEDEMHER 21, 2019 AND RECORDED IN BOOK 32818, PAGE 155.
- 4. THE PARCEL SURVEYED IS SHOWN ON THE CITY ASSESSOR'S MAP 140, BLOCK B AS LOT 8
- 5. SEE DEED OF NOTE 2. FOR RESTRICTIONS.

LEGEND

0	SET 5/8 INCH REBAR WITH CAP STAMPED LEWIS & WASINA, INC. PLS 2114"
E	FOUND REBAR
□ □	FOUND MONUVENT
0	FOUND IRON PIPE (SIZE AS NOTED)
d	UTILITY POLE
	ABLITTER OR RIGHT-OF-WAY LINE
	BOUNDARY LINE
	APPROX. DEED OR PARCEL LINE
HATT	NOW OR FORMERLY OWNED BY
2031/41	DEED RECORDED IN BOOK/PAGE
OW-	OVERHEAD WIRES

STATE OF MAINE

COUNTY SS REGISTRY OF DEEDS RECEIVED ... PAGE ___ PLAN BOOK PLAN ATTEST _ REGISTER



Lewis & Wasina, Inc.

PROFESSIONAL LAND SURVEYORS II Highmendow Drive Conjum, ME 04038 Tel (207) \$72-0957 Fox (207) \$92-0953

HO Boy 515 Worerson, ME 04087-0515 Tul (207) 329-1955 For (207) 347-4688

	2 110	1/5/2018	MINICH CHARGES, CRY CONROBATES	
	♦ J BE.	1/7/2018	SUBMITTED FOR CLIENT REVIEW	
	REV. BY	DATE	STATUS	
	DRAWN	84:	BOUNDARY SURVEY	
e	CHECKED BY: BEL DATE: 1/2/2018		235 OCEAN AVENUE ON	
			GCEAN AVENUE and PYA ROAD, PORTLAND, CUI/BERLAND COUNTY, STATE OF MAINE	
	SCALE 1"-2			
	PROJE 9908	CT NO.	the factory could be controlled	
	98055 FILENAME 98055		CHÉVERUS HIGH SCHOOL	
	SHEET	1 OF 1	Persond, ME 04103	

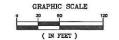




CHEVERUS HIGH SCHOOL PROPERTY

235 OCEAN AVENUE PORTLAND, MAINE

Harriman Project No.	1561
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Mark	Date	Description	
	DATE	REVISION	

PRELIMINARY NOT FOR CONSTRUCTION

PROGRESS SET 02-03-16

Drawing Sca	les	
PA/PE:	FLC	© 2016
Drawn By:	PLS	Harriman Associates

SITE OVERVIEW PLAN

C00.1

