

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrisette, Chair
Stuart O'Brien, Vice Chair
Timothy Dean
Bill Hall
David Silk
Sean Dundon
Elizabeth Boepple

February 13, 2013

Shawn Frank
Sebago Technics
75 John Roberts Road, Suite 1A
South Portland, ME 04106

Unity Lodge #3
Independent Order of Odd Fellows
Two Monument Square, Suite 901
Portland, ME 04101

Project Name: Unity Lodge #3
Address: 970 Forest Avenue
Applicant: Unity Lodge #3, Independent Order of Odd Fellows
Planner: Nell Donaldson

Project ID: 2012-654
CBL: 143 B001001

Dear Mr. Frank:

On February 12, 2013, the Planning Board considered your conditional use and Level I site plan for the redevelopment of an existing, developed site at 970 Forest Avenue. The Planning Board reviewed the proposal for conformance with the conditional use and site plan standards of the city's land use code and voted to approve the application with the waivers and conditions as presented below:

CONDITIONAL USE

The Planning Board voted (6-0, O'Brien absent) that the proposed plans are in conformance with the conditional use standards of Sections 14-474, 14-147.5, and 14-118(b) of the city's land use code.

WAIVERS

The Planning Board voted (6-0, O'Brien absent) to grant a waiver from the technical standard (*Figure I-27*) regarding the minimum parking lot aisle width to allow a 23' aisle as depicted in the final plans.

SITE PLAN REVIEW

The Planning Board voted (6-0, O'Brien absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following condition of approval which must be met prior to the release of a certificate of occupancy:

1. The applicant must replace in kind the existing wooden stockade fence for review and

approval by the city's Planning Authority.

The approval is based on the submitted plans and findings related to site plan review standards as contained in the Planning Board Report for application 2012-654, which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for 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. Separate building permits are required for signage and HVAC units.
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.
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.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Carol Morissette, Chair
Portland Planning Board

Attachments:

1. Planning Board Report

Electronic Distribution:

cc: Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

Unity Lodge #3, Independent Order of Odd Fellows
970 Forest Avenue
Conditional Use Review
2012-654

Unity Lodge #3, Independent Order of Odd Fellows, Applicant

Submitted to: Portland Planning Board	Prepared by: Nell Donaldson, Planner
Public Hearing Date: February 12, 2013	Date: February 8, 2013
Planning Board Report Number: #3-13	CBL: 143 B001001

I. INTRODUCTION

Unity Lodge #3, of the Independent Order of Odd Fellows, is requesting a conditional use and Level I site plan review for the redevelopment of an existing site at 970 Forest Avenue. The site lies in a Residence-Professional zone that abuts an R-5 zone, where places of assembly are permitted as conditional uses. Currently, the site houses a two-story medical office building, parking area, landscaped areas, and two driveways. The current proposal would renovate portions of the existing building, add parking, and close one of the two curb cuts. The application is being referred to the Planning Board for conditional use review under the R-P zone and for compliance with the site plan standards for a Level I: Site Alteration.

The Board was previously slated to review this proposal at its January 22 hearing. However, due to outstanding zoning concerns, the Planning Authority recommended that the Planning Board table this agenda item to the February 12 hearing. A new submittal, revised to address zoning issues, is presented here. A total of 77 notices were sent to property owners within 500 feet of the site and to interested parties. A legal ad ran on January 14 and January 15, 2013.

Applicant: Unity Lodge #3, Independent Order of Odd Fellows
Consultants: Shawn Frank, Sebago Technics

II. REQUIRED REVIEWS

<i>Review</i>	<i>Applicable Standards</i>
Conditional Use	14-474; 14-147.5; 14-118(b)
Level I Site Alteration	14-526
<i>Waiver</i>	<i>Applicable Standards</i>
Parking lot aisle width, to allow a 23' aisle at the site's southeast corner	<i>Technical Manual, Figure I-27.</i> Standard parking lot aisle width of 24' for right angle parking. Supported by consulting traffic engineer.

III. PROJECT DATA

Existing Zoning	R-P (Residence-Professional)
Existing Use	Medical office building
Proposed Use	Place of assembly of under 2,250 square feet
Parcel Size	.41 acres

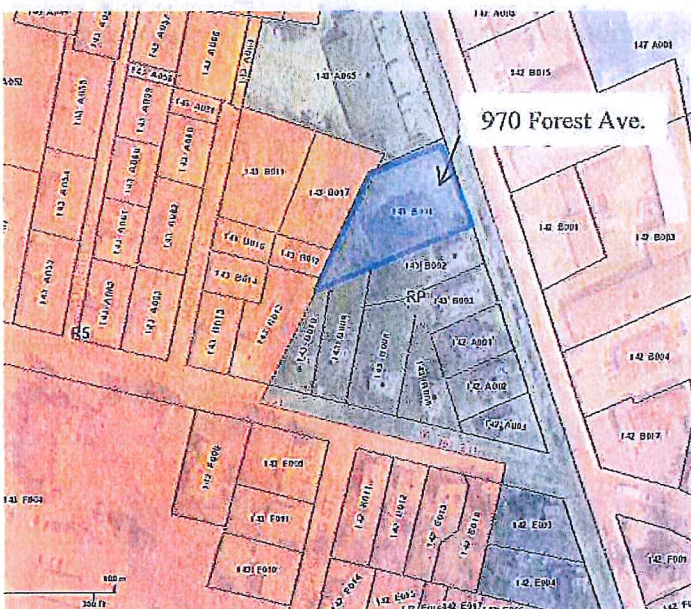
	Existing	Proposed	Net Change
Building Footprint	3,264 SF	3,264 SF	0 SF
Building Floor Area	6,400 SF	5,842 SF	-558 SF
Impervious Surface Area	15,218 SF	14,900 SF	-318 SF
Parking Spaces	10	17 (meets standard)	7
Bicycle Parking Spaces	0	4 (meets standard)	4



IV. BACKGROUND & EXISTING CONDITIONS

The building at 970 Forest Avenue was built in the mid 1980s and has housed various enterprises in the intervening years. Since the early 1990s, it has been used as a medical office building. The building is surrounded by a sizable paved parking lot with two curb cuts onto Forest Avenue. Some landscaping fronts the east side of the building. There is also landscaping along the perimeter of the site, including the site's Forest Avenue frontage (See Figure 1).

The site sits in a stretch of the western side of Forest Avenue, around the area of Walton Street, which is zoned Residence-Professional, or R-P. On the south, the site is bordered by a number of single and multi-family residences. On the north, it is bordered by a large two-story office building. The properties directly across the street are zoned B-2. The properties directly behind the site are zoned R-5 (See Figure 2).



V. PROPOSED DEVELOPMENT

The proposed project includes both interior and site level improvements. The building renovation involves the conversion of portions of the office building into gathering, dining, and recreation spaces. The most significant renovation is slated for the back of the existing building, where portions of the second floor would be removed in order to create a formal assembly area with a vaulted ceiling. Altogether, these changes result in a reduction of the square footage in the building from 6,400 SF to 5,842 SF. The total assembly space, as proposed, is 2,086 square feet.

Figures 1 and 2: Existing conditions (top) and zoning (bottom), 970 Forest Avenue

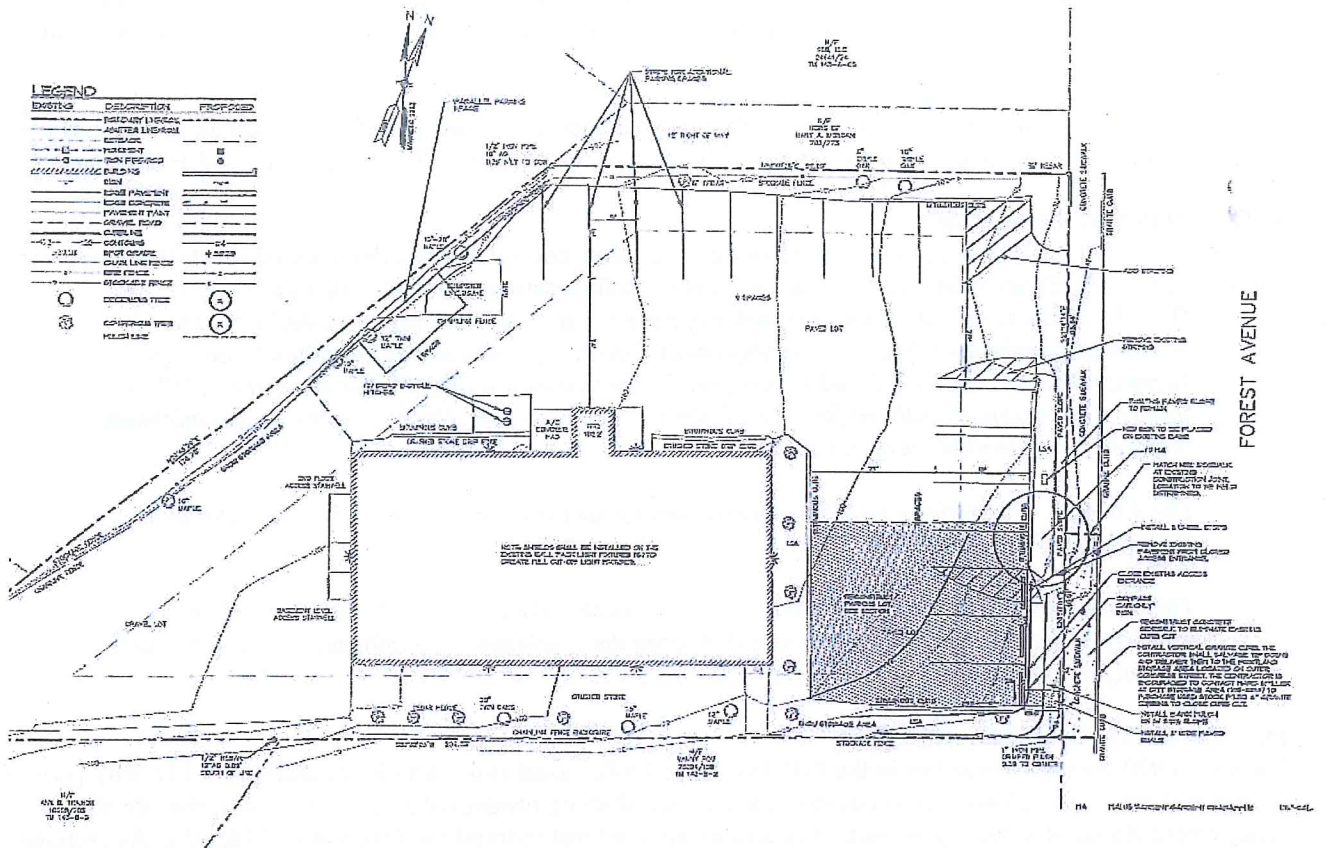


Figure 3: Proposed site plan

At the site level, the applicant proposes several changes (See Figure 3). First and most significantly, the applicant proposes to close the southernmost of the site’s two curb cuts onto Forest Avenue and extend the existing concrete sidewalk and granite curbing on Forest Avenue southward to the adjacent lot. This change would allow the addition of several right-angle parking spaces and a small landscaped area on the southeast corner of the site. Additional right-angle parking is also proposed for the northwest corner of the lot. An existing dumpster in this area would be removed, creating space for one parallel parking space. Altogether, seven additional parking spaces are proposed, bringing the site total to 17. One additional street tree is proposed as well.

Details of the proposed development are outlined in the applicant’s cover letters (Attachments A and H) and shown in the attached plans.

VI. PUBLIC COMMENT

The Planning Division received no public comments on the proposal.

VII. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The current owner of the property is Planned Parenthood of Northern New England. The applicant has provided a copy of Planned Parenthood’s existing deed, recorded at the Cumberland County Registry of Deeds (Book 10794, Page

322), in *Attachment E*. The applicant has entered into a purchase and sale agreement with Planned Parenthood, with the property transfer contingent upon approval of the proposed conditional use. A copy of this agreement is included in *Attachment E* as well.

The applicant has submitted a letter from H.M. Payson & Company, investment advisors, indicating that they have sufficient capital to complete both the proposed purchase and renovations. This letter is included as *Attachment F*.

VIII. ZONING ANALYSIS

Marge Schmuckal, Zoning Administrator, submitted comments confirming that the proposal meets the requirements of the R-P zone. Ms. Schmuckal's review comments are as follows and are included as *Attachment I*:

On 1/31/2013 I received yet another series of floor plans. They have been tweaked more than I originally thought to reduce the assembly areas. I do accept the calculations given by Sebago Technics (Shawn Frank) at 2,086 square feet for the assembly areas. That is under the 2,250 square foot maximum outlined for a small place of assembly use. The lot size is over the minimum required for a small place of assembly.

The 2,086 sq. ft. translates into 17 required parking spaces for their use. The revised plot plan shows 17 parking spaces.

This small place of assembly for a fraternal organization (Odd Fellows Lodge) is meeting the requirements of the underlying zoning (R-P using the conditional use allowances of the R-5 zone abutting the property).

IX. CONDITIONAL USE REVIEW

The site at 970 Forest Avenue lies in the R-P Residence-Professional zone, which, per section 14-147.5(b), permits any conditional use that is allowed as a conditional use in any abutting residential zone. In this case, the site abuts an R-5 zone, where places of assembly are permitted as a conditional institutional use (Section 14-118(b)3). As proposed, the use would qualify as a small place of assembly with a square footage of less than 2,250 SF (14-120.15). The application states that the use would entail intermittent meetings, most of which would occur at night and consist of no more than 30 people.

Per the city's land use ordinance (Section 14-474(c)2), conditional use permits shall be granted unless the Board determines that:

- a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use.*
The proposed use would involve relatively few people at a small assembly site. There is no known reason why the effects of this use would be considered particularly unique or distinctive.
- b. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.*
As a small place of assembly, it is assumed that the use will not generate significant amounts of noise, traffic, waste, or other negatively-perceived effects. There are no known reasons why the proposed use would adversely impact the health, safety, or welfare of the surrounding neighborhood.
- c. *Such impact differs substantially from the impact which would occur normally from such a use in that zone.*
There is no known reason why this conditional use as a small place of assembly would have any impacts which differ substantially from those which would normally occur in the zone. The Residence-

Professional zone permits professional offices, which can generate high levels of traffic, substantially more than is anticipated at the proposed small place of assembly.

In addition, for conditional institutional uses in the R-5 zone (Section 14-118(b)), the applicant is subject to the following conditions and standards:

- a. *In the case of expansion onto land of existing such uses 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.*
The conditional use is not proposed as an expansion onto another lot.
- b. *The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter.*
The proposed use as a small place of assembly would not cause any displacement or conversion of residential uses.
- c. *In the case of a use or use expansion which constitutes a combination of the above-listed [conditional] uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.*
The proposed use does not constitute a combination of other uses or operations; thus the cumulative lot size does not apply.
- 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.*
See below.
- e. *[Refers to community halls, and as such does not apply.]*
- 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.*
The application states that the Unity Lodge does not serve alcoholic beverages and is not in possession of a license for serving alcoholic beverages. As such, the use must not be located on a large lot.
- g. *[Refers to colleges, universities, or trade schools, and as such does not apply.]*

X. SITE PLAN REVIEW (Section 14-526)

The site plan has been reviewed in accordance with the following Level I site plan standards:

I. Transportation Standards

a. Impact on Street System

According to the submittal, the proposed renovation and change of use would result in approximately 13 vehicles visiting the site on an intermittent basis, and largely during the evenings. Thus the trip generation is not anticipated to present any major impacts for Forest Avenue.

b. Access and Circulation

The site currently has two access points from Forest Avenue. The southerly of these two curb cuts is approximately 10 feet from the curb cut on the adjacent lot. The applicant proposes to eliminate this

southernmost driveway. From an access management perspective, the elimination of this curb cut is perceived as a benefit, especially considering its proximity to that on the adjacent lot. Tom Errico, consulting traffic engineer, whose comments are included in their entirety in *Attachment 2*, writes,

I would note that the project is closing one driveway and therefore positive access management benefits will result.

Note that the plans presented here have addressed Mr. Errico's additional comments as included in *Attachment 2*.

c. *Parking*

The parking calculation for a place of assembly is based on the square footage of the assembly area only, as defined in the city's land use ordinance. The ordinance requires "one parking space for each one hundred and twenty-five (125) square feet, or major fraction thereof, of floor area use for assembly area not including bathrooms, bulk storage, stairways, closets, or other non-assembly areas" (14-332(k))." Altogether, the building is proposed with 2,086 square feet of assembly space, and the applicant proposes to stripe seven additional parking spaces on the site, bringing the total to 17. As noted above, Ms. Schmuckal, the zoning administrator, has determined that the application meets the parking requirement.

The parking design does not meet city standards with respect to parking lot aisle width, as in some locations the aisles are less than 24'. The applicant has provided a formal waiver request, noting that the spaces will not be used frequently (See *Attachment H*). Mr. Errico writes,

In respect to site conditions, circulation aisles do not meet City standards for width. Given that it is an existing site and that parking spaces will be low turnover spaces, I support a waiver from our technical standards.

Per the site plan ordinance, bike parking is required at a calculation of two bike spaces per each 10 required vehicular spaces for non-residential structures (14-526(a)4,b). At this rate, with 17 required car spaces, four bike parking spaces are required. The applicant proposes placing two bike hitches to the west side of the building's main entrance and thus meets the bike parking requirement.

2. *Environmental Quality Standards*

a. *Preservation of Significant Natural Features*

There are no known significant natural features on the site.

b. *Landscaping and Landscape Preservation*

Currently, the site contains mature landscaping, including large deciduous trees, on the northerly, southerly, and westerly sides. The front of the lot between the existing curb cuts is also landscaped with some small shrubs. Shrubs are located along portions of the easterly and northerly sides of the building as well. On the recommendation of the city's arborist, Jeff Tarling, a Sargent Crabapple tree is proposed for the Forest Avenue frontage. Mr. Tarling has reviewed the plans presented here and has approved them as submitted (See *Attachment 3*).

c. Water Quality/Stormwater Management/Erosion Control

Given the elimination of the southerly curb cut, the proposed project actually results in a loss of approximately 320 SF of impervious area. Drainage from the site would generally flow to the area of the former curb cut, as this area is the lowest portion of the site. David Senus, consulting civil engineer, requested that the parking in this area not be curbed in order to eliminate the potential for ponding. In conjunction with this recommendation, he suggested and that a 3' paved swale be provided from the parking pavement to the sidewalk in order to avoid erosion on this corner of the lot. Mr. Senus has indicated his approval with the arrangement, as well as other stormwater-related aspects of the project, as currently proposed (See *Attachment 4*). David Margolis-Pineo, of the city's Department of Public Services, has also indicated his approval (*Attachment 5*).

3. Public Infrastructure and Community Safety Standards

a. Consistency with Master Plans

The proposed project is generally consistent with the city's comprehensive plan.

4. Site Design Standards

a. Historic Resources

Not applicable.

b. Exterior Lighting

The applicant proposes to retain six existing wall-mounted lights on the perimeter of the building. The site plan indicates that shields would be added to these fixtures in order to convert them to full cutoff in compliance with the city's site plan ordinance.

c. Signage and Wayfinding

The applicant proposes to place a new sign on the existing base on Forest Avenue. Separate sign permits will be required.

d. Zoning Related Design Standards

There are design guidelines for the Residence-Professional zone, in the case that there is a consistent, established architectural style in the immediate vicinity. However, given that this redevelopment project involves an existing building with no exterior changes, these design standards have not been applied.

XI. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed development.

XII. 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 Planning Board Report #3-13 for application 2012-654 relevant to the conditional use application and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the conditional use as a small place of assembly is/is not in conformance with the conditional use standards of the Land Use Code.

B. 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 # 3-13 for application 2012-654 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board waives/does not waive the Technical Standard (Section 1, Figure I-27) regarding the minimum parking lot aisle width for perpendicular parking to allow an aisle width of 23' on site.

C. 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 #3-13 for application 2012-654 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 the site plan standards of the land use code.

XIII. ATTACHMENTS

A. PLANNING BOARD REPORT ATTACHMENTS

1. Zoning Administrator review, 1-31-13 (email from Marge Schmuckal)
2. Traffic Engineer review, 1-10-13 (email from Tom Errico)
3. City Arborist review, 2-5-13(email from Jeff Tarling)
4. Civil Engineer review, 2-5-13 (email from David Senus)
5. Department of Public Services review, 2-6-13 (email from David Margolis-Pineo)

B. APPLICANT'S SUBMITTALS

- A. Cover letter from Shawn Frank, 12-21-12 (regarding Level I Site Alteration application)
- B. Cover letter from Shawn Frank, 12-21-12 (regarding Conditional Use application)
- C. Level I Site Alteration application
- D. Conditional use application
- E. Evidence of right, title, and interest (deed and purchase & sale agreement)
- F. Evidence of financial capacity, 12-19-12 (letter from IIM Payson)
- G. Building photos
- H. Cover letter from Shawn Frank, 2-5-13 (regarding supplemental information to Level I Site Alteration application)

C. PLANS

- Plan 1 Boundary Survey
- Plan 2 Site Plan
- Plan 3 First Floor Plan - Existing
- Plan 4 Second Floor Plan - Existing
- Plan 5 First Floor Plan - Proposed
- Plan 6 Second Floor Plan - Proposed

AH.1

Helen Donaldson - 970 Forest Ave - Odd Fellows

From: Marge Schmuckal
To: Barbara Barhydt ; Helen Donaldson
Date: 1/31/2013 3:07 PM
Subject: 970 Forest Ave - Odd Fellows

On 1/31/2013 I received yet another series of floor plans. They have been tweaked more than I originally thought to reduce the assembly areas. I do accept the calculations given by Sebago Technics (Shawn Frank) at 2,086 square feet for the assembly areas. That is under the 2250 square foot maximum outlined for a small place of assembly use. The lot size is over the minimum required for a small place of assembly.

The 2,086 sq. ft. translates into 17 required parking spaces for their use. The revised plot plan shows 17 parking spaces.

This small place of assembly for a fraternal organization (Odd Fellows Lodge) is meeting the requirements of the underlying zoning (R-P using the conditional use allowances of the R-5 zone abutting the property).

Marge Schmuckal
Zoning Administrator

Att. 2

Helen Donaldson - 970 Forest Avenue

From: Tom Errico <thomas.errico@tylin.com>
To: Helen Donaldson <HCD@portlandmaine.gov>
Date: 1/10/2013 3:35 PM
Subject: 970 Forest Avenue
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...

Hi Nell – I have reviewed the project and find conditions to be generally acceptable from a traffic perspective. I would note that the project is closing one driveway and therefore positive access management benefits will result. In respect to site conditions, circulation aisles do not meet City standards for width. Given that it is an existing site and that parking spaces will be low turnover spaces, I support a waiver from our technical standards. I am concerned about the driveway entrance, particularly the proximity of parking in the “throat” of the entrance. While the driveway width is about 20 feet at the back of sidewalk, it is only 13 feet wide where on-site parking begins. I’d like to discuss this with DPS staff before rendering a final decision.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TY-LIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

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Please consider the environment before printing.

Att. 3

Helen Donaldson - Fwd: Re: 970 Forest Avenue

From: Jeff Tarling
To: Helen Donaldson
Date: 2/5/2013 12:34 PM
Subject: Fwd: Re: 970 Forest Avenue

The "MA" ; I had the plan in a small scale and didn't see it.

So, we are good !

Thanks,

Jeff

>>> Helen Donaldson 2/5/2013 11:57 AM >>>
It's just south of the sign...right? Am I seeing things?

>>> Jeff Tarling 2/5/2013 11:36 AM >>>
No, just didn't see it on the attached plan, is it in their notes?

>>> Helen Donaldson 2/5/2013 11:28 AM >>>
I think in your original comment you said either near the sign or near the driveway (see below). Do you want them to change it?

- a) Street trees** - the landscape would benefit from the planting of one street-tree along the revised Forest Avenue frontage, either near the existing sign or the right or northern property boundary as the curb cut driveway entrance is adjusted. Recommendation on tree types: a 'Sargent' Crabapple 1.75" caliper size for the Forest Avenue planter.
- b) Parking lot trees & landscape** - the existing parking lot at the back of the building should meet the applicable Section 14-526 standard with the existing trees along the property line, the project should acknowledge snow storage areas.
- c) Screening of dumpsters / utility structures** - these features would need to have the appropriate level of screening, either fencing with slats or landscape.

>>> Jeff Tarling 2/5/2013 11:25 AM >>>
Hi Nel -

I thought they were including a new tree either to the right or left of the northern driveway?

Jeff

>>> Helen Donaldson 2/5/2013 11:05 AM >>>
Jeff,

You're okay with this tree, I assume? Again, let me know!

Neil

Att. 4

From: "David Senus" <dsenus@woodardcurran.com>
To: "Helen Donaldson" <HCD@portlandmaine.gov>
CC: "David Margolis-Pineo" <DMP@portlandmaine.gov>
Date: 2/5/2013 12:26 PM
Subject: RE: FW: 970 Forest, Odd Fellows Hall

I'm okay with this.

-----Original Message-----

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Tuesday, February 05, 2013 11:04 AM
To: David Senus
Cc: David Margolis-Pineo
Subject: Re: FW: 970 Forest, Odd Fellows Hall

Dave and David,

Here's a new site plan for the Odd Fellows Hall, showing a 'paved' swale in the SE corner. Let me know if it works from your end?

Nell

>>> "David Senus" <dsenus@woodardcurran.com> 2/1/2013 8:48 AM >>>
Hi Nell.

Here's an email response I received from Dave M-P. Sounds like he is good with asking them to have a hardened "swale" (for lack of a better term). If they have an alternate idea, that's fine too.

Thanks
Dave

-----Original Message-----

From: David Margolis-Pineo [mailto:DMP@portlandmaine.gov]
Sent: Friday, February 01, 2013 8:09 AM
To: David Senus
Subject: RE: 970 Forest, Odd Fellows Hall

Perfectly acceptable to me.

>>> "David Senus" <dsenus@woodardcurran.com> 1/31/2013 10:58 AM >>>

The bark mulch proposed on the 3:1 slope is likely to wash out onto the new sidewalk and Forest Ave. Dave, would you be amenable to a 3' wide hardened (concrete or paved) swale from the low spot at the corner of the parking lot onto the sidewalk? It's not ideal, but I picture the bark-mulch scenario lasting only until the first rainstorm, then you'll have mulch in the road and a slope with exposed soil.

Thanks
Dave

-----Original Message-----

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Thursday, January 31, 2013 10:25 AM
To: David Senus
Cc: David Margolis-Pineo
Subject: RE: 970 Forest, Odd Fellows Hall

Dave,

Can you let me know if this adequately addresses your comments? They've taken out the curbing in the low area and added wheel stops instead. Not necessarily the most elegant solution, but it'll work?

Thanks,
Neil

>>> "David Senus" <dsenus@woodardcurran.com> 1/10/2013 11:55 AM >>>
Hi Neil.

Please see the attached memo for our comments.

Thanks
Dave

David Senus, PE (Maine), Project Manager
Woodard & Curran, Inc.
41 Hutchins Drive
Portland, ME 04102
Phone: (800) 426-4262 x3241
Fax: (207) 774-6635

Woodard & Curran
www.woodardcurran.com
Commitment & Integrity Drive Results

-----Original Message-----

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Wednesday, January 09, 2013 1:08 PM
To: Chris Pirone; David Margolis-Pineo; Jeff Tarling; Marge Schmuckal;
thomas.errico@tylin.com; David Senus
Subject: 970 Forest, Odd Fellows Hall

All,

Apologies that I didn't realize this this morning, but if we're going to shoot for a Board hearing on the 22nd for the Odd Fellows project, I need any comments by the end of this week. This will leave time for the applicant to revise and for you all to comment again, as necessary, before the hearing date.

Sorry for the quick turnaround. At least this seems like it should be a pretty straightforward case...

Neil

p.s. Marge, I asked Shawn Frank for better floor plans. He said he'd get them to me tomorrow.

AH.5

Helen Donaldson - RE: FW: 970 Forest, Odd Fellows Hall

From: David Margolis-Pineo
To: David Senus; Helen Donaldson
Date: 2/6/2013 8:37 AM
Subject: RE: FW: 970 Forest, Odd Fellows Hall

Same here

>>> "David Senus" <dsenus@woodardcurran.com> 2/5/2013 12:27 PM >>>
I'm okay with this.

-----Original Message-----

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Tuesday, February 05, 2013 11:04 AM
To: David Senus
Cc: David Margolis-Pineo
Subject: Re: FW: 970 Forest, Odd Fellows Hall

Dave and David,

Here's a new site plan for the Odd Fellows Hall, showing a 'paved' swale in the SE corner. Let me know if it works from your end?

Nell

>>> "David Senus" <dsenus@woodardcurran.com> 2/1/2013 8:48 AM >>>
Hi Nell.

Here's an email response I received from Dave M-P. Sounds like he is good with asking them to have a hardened "swale" (for lack of a better term). If they have an alternate idea, that's fine too.

Thanks
Dave

-----Original Message-----

From: David Margolis-Pineo [mailto:DMP@portlandmaine.gov]
Sent: Friday, February 01, 2013 8:09 AM
To: David Senus
Subject: RE: 970 Forest, Odd Fellows Hall

Perfectly acceptable to me.

>>> "David Senus" <dsenus@woodardcurran.com> 1/31/2013 10:58 AM >>>
The bark mulch proposed on the 3:1 slope is likely to wash out onto the new sidewalk and Forest Ave. Dave, would you be amenable to a 3' wide hardened (concrete or paved) swale from the low spot at the corner of the parking lot onto the sidewalk? It's not ideal, but I picture the

bark-mulch scenario lasting only until the first rainstorm, then you'll have mulch in the road and a slope with exposed soil.

Thanks
Dave

-----Original Message-----

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Thursday, January 31, 2013 10:25 AM
To: David Senus
Cc: David Margolis-Pineo
Subject: RE: 970 Forest, Odd Fellows Hall

Dave,

Can you let me know if this adequately addresses your comments? They've taken out the curbing in the low area and added wheel stops instead. Not necessarily the most elegant solution, but it'll work?

Thanks,
Nell

>>> "David Senus" <dsenus@woodardcurran.com> 1/10/2013 11:55 AM >>>
Hi Nell.

Please see the attached memo for our comments.

Thanks
Dave

David Senus, PE (Maine), Project Manager
Woodard & Curran, Inc.
41 Hutchins Drive
Portland, ME 04102
Phone: (800) 426-4262 x3241
Fax: (207) 774-6635

Woodard & Curran
www.woodardcurran.com
Commitment & Integrity Drive Results

-----Original Message-----

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Wednesday, January 09, 2013 1:08 PM
To: Chris Pirone; David Margolis-Pineo; Jeff Tarling; Marge Schmuckal;
thomas.errico@tylin.com; David Senus

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrissette, Chair
Stuart O'Brien, Vice Chair
Timothy Dean
Bill Hall
David Silk
Sean Dundon
Elizabeth Boepple

February 13, 2013

Shawn Frank
Sebago Technics
75 John Roberts Road, Suite 1A
South Portland, ME 04106

Unity Lodge #3
Independent Order of Odd Fellows
Two Monument Square, Suite 901
Portland, ME 04101

Project Name:	Unity Lodge #3	Project ID:	2012-654
Address:	970 Forest Avenue	CBL:	143 B001001
Applicant:	Unity Lodge #3, Independent Order of Odd Fellows		
Planner:	Nell Donaldson		

Dear Mr. Frank:

On February 12, 2013, the Planning Board considered your conditional use and Level I site plan for the redevelopment of an existing, developed site at 970 Forest Avenue. The Planning Board reviewed the proposal for conformance with the conditional use and site plan standards of the city's land use code and voted to approve the application with the waivers and conditions as presented below:

CONDITIONAL USE

The Planning Board voted (6-0, O'Brien absent) that the proposed plans are in conformance with the conditional use standards of Sections 14-474, 14-147.5, and 14-118(b) of the city's land use code.

WAIVERS

The Planning Board voted (6-0, O'Brien absent) to grant a waiver from the technical standard (*Figure I-27*) regarding the minimum parking lot aisle width to allow a 23' aisle as depicted in the final plans.

SITE PLAN REVIEW

The Planning Board voted (6-0, O'Brien absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following condition of approval which must be met prior to the release of a certificate of occupancy:

1. The applicant must replace in kind the existing wooden stockade fence for review and

approval by the city's Planning Authority.

The approval is based on the submitted plans and findings related to site plan review standards as contained in the Planning Board Report for application 2012-654, which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for 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. Separate building permits are required for signage and HVAC units.
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.
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.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Carol Morissette, Chair
Portland Planning Board

Attachments:

1. Planning Board Report

Electronic Distribution:

cc: Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

Unity Lodge #3, Independent Order of Odd Fellows
970 Forest Avenue
Conditional Use Review
2012-654

Unity Lodge #3, Independent Order of Odd Fellows, Applicant

Submitted to: Portland Planning Board	Prepared by: Nell Donaldson, Planner
Public Hearing Date: February 12, 2013	Date: February 8, 2013
Planning Board Report Number: #3-13	CBL: 143 B001001

I. INTRODUCTION

Unity Lodge #3, of the Independent Order of Odd Fellows, is requesting a conditional use and Level I site plan review for the redevelopment of an existing site at 970 Forest Avenue. The site lies in a Residence-Professional zone that abuts an R-5 zone, where places of assembly are permitted as conditional uses. Currently, the site houses a two-story medical office building, parking area, landscaped areas, and two driveways. The current proposal would renovate portions of the existing building, add parking, and close one of the two curb cuts. The application is being referred to the Planning Board for conditional use review under the R-P zone and for compliance with the site plan standards for a Level I: Site Alteration.

The Board was previously slated to review this proposal at its January 22 hearing. However, due to outstanding zoning concerns, the Planning Authority recommended that the Planning Board table this agenda item to the February 12 hearing. A new submittal, revised to address zoning issues, is presented here. A total of 77 notices were sent to property owners within 500 feet of the site and to interested parties. A legal ad ran on January 14 and January 15, 2013.

Applicant: Unity Lodge #3, Independent Order of Odd Fellows

Consultants: Shawn Frank, Sebago Technics

II. REQUIRED REVIEWS

<i>Review</i>	<i>Applicable Standards</i>
Conditional Use	14-474; 14-147.5; 14-118(b)
Level I Site Alteration	14-526
<i>Waiver</i>	<i>Applicable Standards</i>
Parking lot aisle width, to allow a 23' aisle at the site's southeast corner	<i>Technical Manual, Figure I-27.</i> Standard parking lot aisle width of 24' for right angle parking. Supported by consulting traffic engineer.

III. PROJECT DATA

Existing Zoning	R-P (Residence-Professional)
Existing Use	Medical office building
Proposed Use	Place of assembly of under 2,250 square feet
Parcel Size	.41 acres

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	3,264 SF	3,264 SF	0 SF
Building Floor Area	6,400 SF	5,842 SF	-558 SF
Impervious Surface Area	15,218 SF	14,900 SF	-318 SF
Parking Spaces	10	17 (<i>meets standard</i>)	7
Bicycle Parking Spaces	0	4 (<i>meets standard</i>)	4



IV. BACKGROUND & EXISTING CONDITIONS

The building at 970 Forest Avenue was built in the mid 1980s and has housed various enterprises in the intervening years. Since the early 1990s, it has been used as a medical office building. The building is surrounded by a sizable paved parking lot with two curb cuts onto Forest Avenue. Some landscaping fronts the east side of the building. There is also landscaping along the perimeter of the site, including the site's Forest Avenue frontage (*See Figure 1*).

The site sits in a stretch of the western side of Forest Avenue, around the area of Walton Street, which is zoned Residence-Professional, or R-P. On the south, the site is bordered by a number of single and multi-family residences. On the north, it is bordered by a large two-story office building. The properties directly across the street are zoned B-2. The properties directly behind the site are zoned R-5 (*See Figure 2*).



V. PROPOSED DEVELOPMENT

The proposed project includes both interior and site level improvements. The building renovation involves the conversion of portions of the office building into gathering, dining, and recreation spaces. The most significant renovation is slated for the back of the existing building, where portions of the second floor would be removed in order to create a formal assembly area with a vaulted ceiling. Altogether, these changes result in a reduction of the square footage in the building from 6,400 SF to 5,842 SF. The total assembly space, as proposed, is 2,086 square feet.

Figures 1 and 2: Existing conditions (top) and zoning (bottom), 970 Forest Avenue

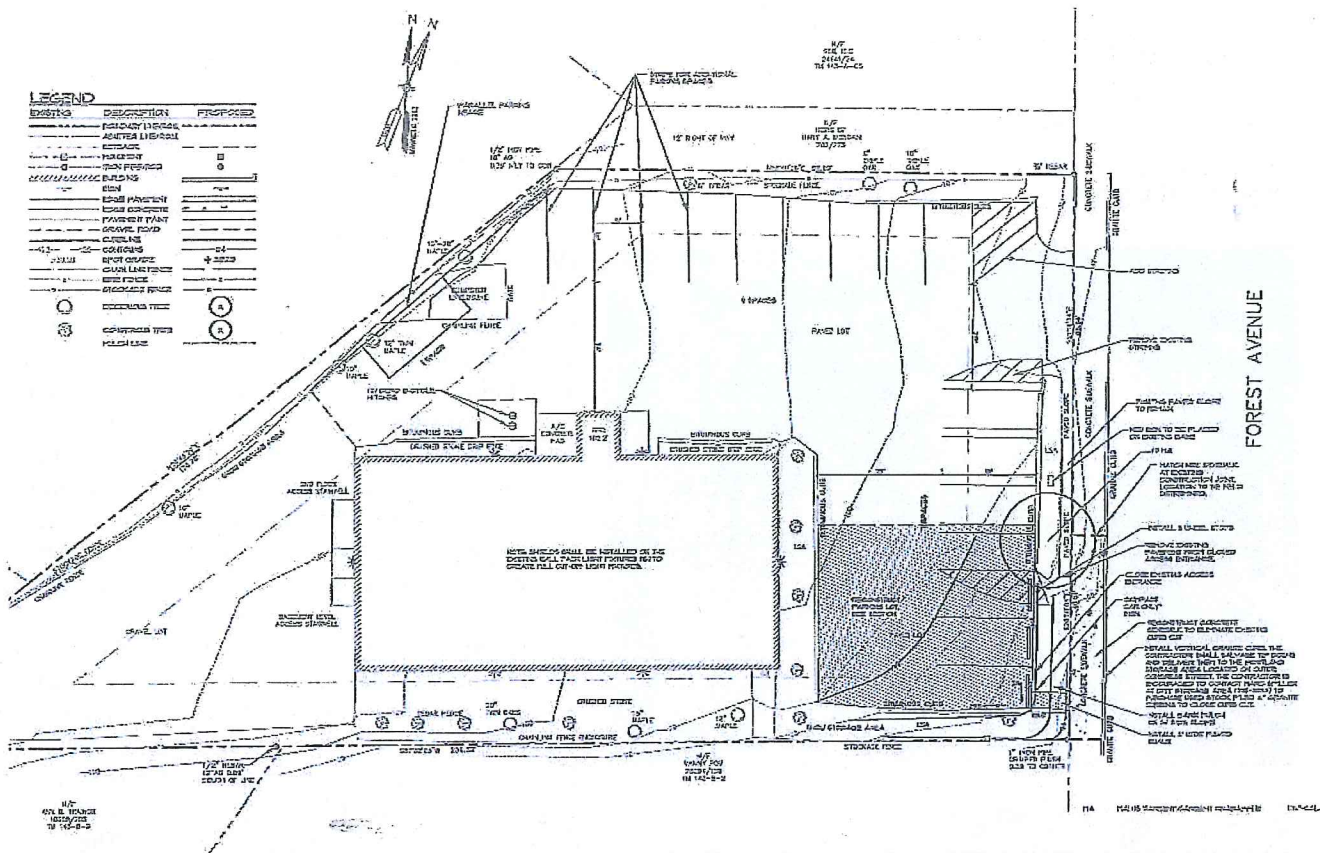


Figure 3: Proposed site plan

At the site level, the applicant proposes several changes (See Figure 3). First and most significantly, the applicant proposes to close the southernmost of the site's two curb cuts onto Forest Avenue and extend the existing concrete sidewalk and granite curbing on Forest Avenue southward to the adjacent lot. This change would allow the addition of several right-angle parking spaces and a small landscaped area on the southeast corner of the site. Additional right-angle parking is also proposed for the northwest corner of the lot. An existing dumpster in this area would be removed, creating space for one parallel parking space. Altogether, seven additional parking spaces are proposed, bringing the site total to 17. One additional street tree is proposed as well.

Details of the proposed development are outlined in the applicant's cover letters (Attachments A and H) and shown in the attached plans.

VI. PUBLIC COMMENT

The Planning Division received no public comments on the proposal.

VII. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The current owner of the property is Planned Parenthood of Northern New England. The applicant has provided a copy of Planned Parenthood's existing deed, recorded at the Cumberland County Registry of Deeds (Book 10794, Page

322), in *Attachment E*. The applicant has entered into a purchase and sale agreement with Planned Parenthood, with the property transfer contingent upon approval of the proposed conditional use. A copy of this agreement is included in *Attachment E* as well.

The applicant has submitted a letter from H.M. Payson & Company, investment advisors, indicating that they have sufficient capital to complete both the proposed purchase and renovations. This letter is included as *Attachment F*.

VIII. ZONING ANALYSIS

Marge Schmuckal, Zoning Administrator, submitted comments confirming that the proposal meets the requirements of the R-P zone. Ms. Schmuckal's review comments are as follows and are included as *Attachment 1*:

On 1/31/2013 I received yet another series of floor plans. They have been tweaked more than I originally thought to reduce the assembly areas. I do accept the calculations given by Sebago Technics (Shawn Frank) at 2,086 square feet for the assembly areas. That is under the 2,250 square foot maximum outlined for a small place of assembly use. The lot size is over the minimum required for a small place of assembly.

The 2,086 sq. ft. translates into 17 required parking spaces for their use. The revised plot plan shows 17 parking spaces.

This small place of assembly for a fraternal organization (Odd Fellows Lodge) is meeting the requirements of the underlying zoning (R-P using the conditional use allowances of the R-5 zone abutting the property).

IX. CONDITIONAL USE REVIEW

The site at 970 Forest Avenue lies in the R-P Residence-Professional zone, which, per section 14-147.5(b), permits any conditional use that is allowed as a conditional use in any abutting residential zone. In this case, the site abuts an R-5 zone, where places of assembly are permitted as a conditional institutional use (Section 14-118(b)3). As proposed, the use would qualify as a small place of assembly with a square footage of less than 2,250 SF (14-120.15). The application states that the use would entail intermittent meetings, most of which would occur at night and consist of no more than 30 people.

Per the city's land use ordinance (Section 14-474(c)2), conditional use permits shall be granted unless the Board determines that:

- a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use.*
The proposed use would involve relatively few people at a small assembly site. There is no known reason why the effects of this use would be considered particularly unique or distinctive.
- b. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.*
As a small place of assembly, it is assumed that the use will not generate significant amounts of noise, traffic, waste, or other negatively-perceived effects. There are no known reasons why the proposed use would adversely impact the health, safety, or welfare of the surrounding neighborhood.
- c. *Such impact differs substantially from the impact which would occur normally from such a use in that zone.*
There is no known reason why this conditional use as a small place of assembly would have any impacts which differ substantially from those which would normally occur in the zone. The Residence-

Professional zone permits professional offices, which can generate high levels of traffic, substantially more than is anticipated at the proposed small place of assembly.

In addition, for conditional institutional uses in the R-5 zone (Section 14-118(b)), the applicant is subject to the following conditions and standards:

- a. *In the case of expansion onto land of existing such uses 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.*
The conditional use is not proposed as an expansion onto another lot.
- b. *The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter.*
The proposed use as a small place of assembly would not cause any displacement or conversion of residential uses.
- c. *In the case of a use or use expansion which constitutes a combination of the above-listed [conditional] uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.*
The proposed use does not constitute a combination of other uses or operations; thus the cumulative lot size does not apply.
- 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.*
See below.
- e. *[Refers to community halls, and as such does not apply.]*
- 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.*
The application states that the Unity Lodge does not serve alcoholic beverages and is not in possession of a license for serving alcoholic beverages. As such, the use must not be located on a large lot.
- g. *[Refers to colleges, universities, or trade schools, and as such does not apply.]*

X. SITE PLAN REVIEW (Section 14-526)

The site plan has been reviewed in accordance with the following Level I site plan standards:

I. Transportation Standards

a. Impact on Street System

According to the submittal, the proposed renovation and change of use would result in approximately 13 vehicles visiting the site on an intermittent basis, and largely during the evenings. Thus the trip generation is not anticipated to present any major impacts for Forest Avenue.

b. Access and Circulation

The site currently has two access points from Forest Avenue. The southerly of these two curb cuts is approximately 10 feet from the curb cut on the adjacent lot. The applicant proposes to eliminate this

southernmost driveway. From an access management perspective, the elimination of this curb cut is perceived as a benefit, especially considering its proximity to that on the adjacent lot. Tom Errico, consulting traffic engineer, whose comments are included in their entirety in *Attachment 2*, writes,

I would note that the project is closing one driveway and therefore positive access management benefits will result.

Note that the plans presented here have addressed Mr. Errico's additional comments as included in *Attachment 2*.

c. *Parking*

The parking calculation for a place of assembly is based on the square footage of the assembly area only, as defined in the city's land use ordinance. The ordinance requires "one parking space for each one hundred and twenty-five (125) square feet, or major fraction thereof, of floor area use for assembly area not including bathrooms, bulk storage, stairways, closets, or other non-assembly areas" (14-332(k))." Altogether, the building is proposed with 2,086 square feet of assembly space, and the applicant proposes to stripe seven additional parking spaces on the site, bringing the total to 17. As noted above, Ms. Schmuckal, the zoning administrator, has determined that the application meets the parking requirement.

The parking design does not meet city standards with respect to parking lot aisle width, as in some locations the aisles are less than 24'. The applicant has provided a formal waiver request, noting that the spaces will not be used frequently (*See Attachment H*). Mr. Errico writes,

In respect to site conditions, circulation aisles do not meet City standards for width. Given that it is an existing site and that parking spaces will be low turnover spaces, I support a waiver from our technical standards.

Per the site plan ordinance, bike parking is required at a calculation of two bike spaces per each 10 required vehicular spaces for non-residential structures (14-526(a)4.b). At this rate, with 17 required car spaces, four bike parking spaces are required. The applicant proposes placing two bike hitches to the west side of the building's main entrance and thus meets the bike parking requirement.

2. *Environmental Quality Standards*

a. *Preservation of Significant Natural Features*

There are no known significant natural features on the site.

b. *Landscaping and Landscape Preservation*

Currently, the site contains mature landscaping, including large deciduous trees, on the northerly, southerly, and westerly sides. The front of the lot between the existing curb cuts is also landscaped with some small shrubs. Shrubs are located along portions of the easterly and northerly sides of the building as well. On the recommendation of the city's arborist, Jeff Tarling, a Sargent Crabapple tree is proposed for the Forest Avenue frontage. Mr. Tarling has reviewed the plans presented here and has approved them as submitted (*See Attachment 3*).

c. Water Quality/Stormwater Management/Erosion Control

Given the elimination of the southerly curb cut, the proposed project actually results in a loss of approximately 320 SF of impervious area. Drainage from the site would generally flow to the area of the former curb cut, as this area is the lowest portion of the site. David Senus, consulting civil engineer, requested that the parking in this area not be curbed in order to eliminate the potential for ponding. In conjunction with this recommendation, he suggested and that a 3' paved swale be provided from the parking pavement to the sidewalk in order to avoid erosion on this corner of the lot. Mr. Senus has indicated his approval with the arrangement, as well as other stormwater-related aspects of the project, as currently proposed (See *Attachment 4*). David Margolis-Pineo, of the city's Department of Public Services, has also indicated his approval (*Attachment 5*).

3. Public Infrastructure and Community Safety Standards

a. Consistency with Master Plans

The proposed project is generally consistent with the city's comprehensive plan.

4. Site Design Standards

a. Historic Resources

Not applicable.

b. Exterior Lighting

The applicant proposes to retain six existing wall-mounted lights on the perimeter of the building. The site plan indicates that shields would be added to these fixtures in order to convert them to full cutoff in compliance with the city's site plan ordinance.

c. Signage and Wayfinding

The applicant proposes to place a new sign on the existing base on Forest Avenue. Separate sign permits will be required.

d. Zoning Related Design Standards

There are design guidelines for the Residence-Professional zone, in the case that there is a consistent, established architectural style in the immediate vicinity. However, given that this redevelopment project involves an existing building with no exterior changes, these design standards have not been applied.

XI. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed development.

XII. 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 Planning Board Report #3-13 for application 2012-654 relevant to the conditional use application and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the conditional use as a small place of assembly is/is not in conformance with the conditional use standards of the Land Use Code.

B. 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 # 3-13 for application 2012-654 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board waives/does not waive the Technical Standard (Section 1, Figure I-27) regarding the minimum parking lot aisle width for perpendicular parking to allow an aisle width of 23' on site.

C. 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 #3-13 for application 2012-654 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 the site plan standards of the land use code.

XIII. ATTACHMENTS

A. PLANNING BOARD REPORT ATTACHMENTS

1. Zoning Administrator review, 1-31-13 (email from Marge Schmuckal)
2. Traffic Engineer review, 1-10-13 (email from Tom Eriico)
3. City Arborist review, 2-5-13(email from Jeff Tarling)
4. Civil Enginccr review, 2-5-13 (email from David Senus)
5. Department of Public Services review, 2-6-13 (email from David Margolis-Pineo)

B. APPLICANT'S SUBMITTALS

- A. Cover letter from Shawn Frank, 12-21-12 (regarding Level I Site Alteration application)
- B. Cover letter from Shawn Frank, 12-21-12 (regarding Conditional Use application)
- C. Level I Site Alteration application
- D. Conditional use application
- E. Evidence of right, title, and interest (deed and purchase & sale agreement)
- F. Evidence of financial capacity, 12-19-12 (letter from HIM Payson)
- G. Building photos
- H. Cover letter from Shawn Frank, 2-5-13 (regarding supplemental information to Level I Site Alteration application)

C. PLANS

- Plan 1 Boundary Survey
- Plan 2 Site Plan
- Plan 3 First Floor Plan - Existing
- Plan 4 Second Floor Plan - Existing
- Plan 5 First Floor Plan - Proposed
- Plan 6 Second Floor Plan - Proposed

AH.1

Helen Donaldson - 970 Forest Ave - Odd Fellows

From: Marge Schmuckal
To: Barbara Barhydt; Helen Donaldson
Date: 1/31/2013 3:07 PM
Subject: 970 Forest Ave - Odd Fellows

On 1/31/2013 I received yet another series of floor plans. They have been tweaked more than I originally thought to reduce the assembly areas. I do accept the calculations given by Sebago Technics (Shawn Frank) at 2,086 square feet for the assembly areas. That is under the 2250 square foot maximum outlined for a small place of assembly use. The lot size is over the minimum required for a small place of assembly.

The 2,086 sq. ft. translates into 17 required parking spaces for their use. The revised plot plan shows 17 parking spaces.

This small place of assembly for a fraternal organization (Odd Fellows Lodge) is meeting the requirements of the underlying zoning (R-P using the conditional use allowances of the R-5 zone abutting the property).

Marge Schmuckal
Zoning Administrator

Att. 2

Helen Donaldson - 970 Forest Avenue

From: Tom Errico <thomas.errico@tylin.com>
To: Helen Donaldson <HCD@portlandmaine.gov>
Date: 1/10/2013 3:35 PM
Subject: 970 Forest Avenue
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...

Hi Nell – I have reviewed the project and find conditions to be generally acceptable from a traffic perspective. I would note that the project is closing one driveway and therefore positive access management benefits will result. In respect to site conditions, circulation aisles do not meet City standards for width. Given that it is an existing site and that parking spaces will be low turnover spaces, I support a waiver from our technical standards. I am concerned about the driveway entrance, particularly the proximity of parking in the “throat” of the entrance. While the driveway width is about 20 feet at the back of sidewalk, it is only 13 feet wide where on-site parking begins. I’d like to discuss this with DPS staff before rendering a final decision.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL

12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax

thomas.errico@tylin.com

Visit us online at www.tylin.com

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Please consider the environment before printing.

Att. 3

Helen Donaldson - Fwd: Re: 970 Forest Avenue

From: Jeff Tarling
To: Helen Donaldson
Date: 2/5/2013 12:34 PM
Subject: Fwd: Re: 970 Forest Avenue

The "MA" ; I had the plan in a small scale and didn't see it.

So, we are good !

Thanks,

Jeff

>>> Helen Donaldson 2/5/2013 11:57 AM >>>
It's just south of the sign...right? Am I seeing things?

>>> Jeff Tarling 2/5/2013 11:36 AM >>>
No, just didn't see it on the attached plan, is it in their notes?

>>> Helen Donaldson 2/5/2013 11:28 AM >>>
I think in your original comment you said either near the sign or near the driveway (see below). Do you want them to change it?

a) Street trees - the landscape would benefit from the planting of one street-tree along the revised Forest Avenue frontage, either near the existing sign or the right or northern property boundary as the curb cut driveway entrance is adjusted. Recommendation on tree types: a 'Sargent' Crabapple 1.75" caliper size for the Forest Avenue planter.

b) Parking lot trees & landscape - the existing parking lot at the back of the building should meet the applicable Section 14-526 standard with the existing trees along the property line, the project should acknowledge snow storage areas.

c) Screening of dumpsters / utility structures - these features would need to have the appropriate level of screening, either fencing with slats or landscape.

>>> Jeff Tarling 2/5/2013 11:25 AM >>>
Hi Nel -

I thought they were including a new tree either to the right or left of the northern driveway?

Jeff

>>> Helen Donaldson 2/5/2013 11:05 AM >>>
Jeff,

You're okay with this tree, I assume? Again, let me know!

Nell

AH.4

From: "David Senus" <dsenus@woodardcurran.com>
To: "Helen Donaldson" <HCD@portlandmaine.gov>
CC: "David Margolis-Pineo" <DMP@portlandmaine.gov>
Date: 2/5/2013 12:26 PM
Subject: RE: FW: 970 Forest, Odd Fellows Hall

I'm okay with this.

-----Original Message-----

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Tuesday, February 05, 2013 11:04 AM
To: David Senus
Cc: David Margolis-Pineo
Subject: Re: FW: 970 Forest, Odd Fellows Hall

Dave and David,

Here's a new site plan for the Odd Fellows Hall, showing a 'paved' swale in the SE corner. Let me know if it works from your end?

Nell

>>> "David Senus" <dsenus@woodardcurran.com> 2/1/2013 8:48 AM >>>
Hi Nell.

Here's an email response I received from Dave M-P. Sounds like he is good with asking them to have a hardened "swale" (for lack of a better term). If they have an alternate idea, that's fine too.

Thanks
Dave

-----Original Message-----

From: David Margolis-Pineo [mailto:DMP@portlandmaine.gov]
Sent: Friday, February 01, 2013 8:09 AM
To: David Senus
Subject: RE: 970 Forest, Odd Fellows Hall

Perfectly acceptable to me.

>>> "David Senus" <dsenus@woodardcurran.com> 1/31/2013 10:58 AM >>>

The bark mulch proposed on the 3:1 slope is likely to wash out onto the new sidewalk and Forest Ave. Dave, would you be amenable to a 3' wide hardened (concrete or paved) swale from the low spot at the corner of the parking lot onto the sidewalk? It's not ideal, but I picture the bark-mulch scenario lasting only until the first rainstorm, then you'll have mulch in the road and a slope with exposed soil.

Thanks
Dave

-----Original Message-----

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Thursday, January 31, 2013 10:25 AM
To: David Senus
Cc: David Margolis-Pineo
Subject: RE: 970 Forest, Odd Fellows Hall

Dave,

Can you let me know if this adequately addresses your comments? They've taken out the curbing in the low area and added wheel stops instead. Not necessarily the most elegant solution, but it'll work?

Thanks,
Neil

>>> "David Senus" <dsenus@woodardcurran.com> 1/10/2013 11:55 AM >>>
Hi Neil.

Please see the attached memo for our comments.

Thanks
Dave

David Senus, PE (Maine), Project Manager
Woodard & Curran, Inc.
41 Hutchins Drive
Portland, ME 04102
Phone: (800) 426-4262 x3241
Fax: (207) 774-6635

Woodard & Curran
www.woodardcurran.com
Commitment & Integrity Drive Results

-----Original Message-----

From: Helen Donaldson [mailto:HCD@portlandmaine.gov]
Sent: Wednesday, January 09, 2013 1:08 PM
To: Chris Pirone; David Margolis-Pineo; Jeff Tarling; Marge Schmuckal;
thomas.errico@tylin.com; David Senus
Subject: 970 Forest, Odd Fellows Hall

All,

Apologies that I didn't realize this this morning, but if we're going to shooi for a Board hearing on the 22nd for the Odd Fellows project, I need any comments by the end of this week. This will leave time for the applicant to revise and for you all to comment again, as necessary, before the hearing date.

Sorry for the quick turnaround. At least this seems like it should be a pretty straightforward case...

Neil

p.s. Marge, I asked Shawn Frank for better floor plans. He said, he'd get them to me tomorrow.

AHS

Helen Donaldson - RE: FW: 970 Forest, Odd Fellows Hall

From: David Margolis-Pineo
To: David Senus; Helen Donaldson
Date: 2/6/2013 8:37 AM
Subject: RE: FW: 970 Forest, Odd Fellows Hall

Same here

>>> "David Senus" <dsenus@woodardcurran.com> 2/5/2013 12:27 PM >>>
I'm okay with this.

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