

CITY OF PORTLAND, MAINE

PLANNING BOARD

Stuart O'Brien, Chair
Elizabeth Boepple, Vice Chair
Sean Dundon
Bill Hall
Carol Morrissette
Jack Soley
David Eaton

May 1, 2015

The Park Danforth
Home for the Aged- Forest Ave. Property
Attention: Denise Vachon
777 Stevens Avenue
Portland, ME 04103

Mitchell and Associates
Attention: Bob Metcalf
70 Center Street
Portland, ME 04101

Project Name:	The Park Danforth Amendment	Project ID:	2015-061
Address:	777 Stevens Avenue	CBL:	146 C005 001
Applicant:	The Park Danforth- Denise Vachon		
Planner:	Shukria Wiar		

Dear Ms. Vachon:

On April 28, 2015, the Planning Board considered a Level III Amended Subdivision and Site Plan Application for the Park Danforth development located at 777 Stevens Avenue. The proposal includes creating three additional one bedroom residential units, as well as changes to the site plan in the block encompassed by Stevens Avenue, Forest Avenue, Poland Street and Arbor Street. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance, Site Plan Ordinance, and multiple-family housing of the Design Manual. The Planning Board voted unanimously 4-0 (Morrissette and Dundon absent, Eaton abstained) to approve the application with the following conditions as presented below.

DEVELOPMENT REVIEW

On the basis of the application (2015-061), plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for the application relevant to the Subdivision Ordinance, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

1. Subdivision Plat

The Planning Board voted 4-0 (Morrissette and Dundon absent, Eaton abstained), when taken together with the original plan and the conditions, that the plan is in conformance with the subdivision standards of the land use code.

2. Level III Site Plan

The Planning Board voted 4-0 (Morrissette and Dundon absent, Eaton abstained), when taken together with the original plan and the conditions, that the plan is in conformance with the site plan standards and all other applicable provisions of the land use code.

STANDARD CONDITIONS OF APPROVAL

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

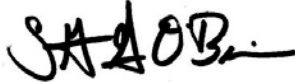
1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **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 the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
3. **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.
4. **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.
5. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
6. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an 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 subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
7. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
8. **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.
9. **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.
10. **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.
11. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in

the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

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

If there are any questions, please contact Shukria Wiar at 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,



Stuart O'Brien, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Approval Letter from Original Project 2014-202

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Lannie Dobson, Administration, Inspections Division
Brad Saucier, 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
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
David Petruccelli, Fire Department
Craig Messinger, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department

Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

Subdivision and Site Plan Amendments
777 Stevens Avenue
Level III Amendment to Subdivision and Site Plan
Project ID #2015-061
The Park Danforth, Applicant

Submitted to: Portland Planning Board Public Hearing Date: April 28, 2015	Prepared by: Shukria Wiar, Planner Date: April 24, 2015
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I. INTRODUCTION

The Park Danforth has submitted a Level III Amendment application for site plan and subdivision review for their property at 777 Stevens Avenue (refer to Applicant’s submission). The property is situated on a city block bounded by Forest and Stevens Avenues and Poland and Arbor Streets. The purpose of this amendment is to create three additional one bedroom residential units, as well as changes to the site plan.

The Planning Board held a public hearing on February 10, 2015 and approved the project with conditions of approval, please see approval letter ([Attachment 1](#)). The original proposal is to construct a new building with fifty-five (55) senior independent living units that will be attached to the existing building with a one-story connector. The new building will be four stories along Arbor Street and Forest Avenue, with a fifth story corner projection and five stories facing a central garden courtyard between the two buildings. As part of the amendment, the applicant now wants to increase the units from fifty-five (55) senior independent living units to fifty-eight (58). These changes have been made in response to budget constraints.

The original subdivision approval with the waivers and conditions still applies. The Planning Board will review the proposed amended plan against the Subdivision and Site Plan Ordinance of Land Use Code. The project will also be reviewed against the multiple-family housing of the Design Manual.

Applicant Name	The Park Danforth at 777 Stevens Avenue, property owner HOME FOR THE AGED - FOREST AVENUE PROPERTIES Denise Vachon, Chief Executive Officer
Consultants	
Agent Representative	Robert Metcalf of Mitchell & Associates
Engineer	Lester Berry, BH2M
Surveyor	Owen Haskell, Inc
Architect	Joan Easgleson, Lavalley/Brensinger Architects
Attorney	Melissa Murphy, Perkin Thompson

II. PROJECT DATA

Existing Zoning	R-6A
Tax Map	CBL: 146 C005 001
Existing Use	Special Needs Independent Living Units and Intermediate Care units
Proposed Use	Independent Senior Housing
Parcel Size	181,100 SF (4.16 acres)

Number of Affordable Units	Existing units- 70 are HUD supported housing and 36 market rate.	The proposed units will be market rate.	
	Existing	Proposed	Total
Residential Data	160 dwelling units in the existing building, three residential homes, one of which is vacant.	58 dwelling units (with the three additional units)	218
Proposed Bedroom Mix		55 One bedroom 4 – Two bedroom	55 One bedroom 4 – Two bedroom
Building Footprint	31,181 SF	21,777 SF	52,958 SF
Building Floor Area	172,567 SF	94,236 SF	266,803 SF
Building Heights	65 along Stevens	43.9' Arbor and Forest 55.9 Stevens/Arbor/ Courtyard 58.9 Forest Ave Corner	
Impervious Surface Area	3.22 AC	3.05 AC	5.05 AC
Parking Spaces	91	55	146 (37 in the garage)
Bicycle Parking Spaces	None	8	8
Condominium Ownership	The property is held within condominium entities, but the individual residential units and special needs independent units are not condominiums.		
Estimated Cost of Project	\$18 Million (Bath Saving Institution)		
Uses in Vicinity	Mixed commercial uses along Arbor Street, across the street on Stevens Avenue is the Maine State Armory and University of New England, on Poland Street there are residential use as well as offices, commercial uses along Forest Avenue.		

III. EXISTING CONDITIONS

The city block contains the existing Park Danforth building and associated parking, the Goodwill retail store on Forest Avenue, and three residential houses on Arbor Street. Park Danforth now owns all the property within this block. The Goodwill site is almost all impervious area (about 95%) with two buildings and paved parking on a lot area of 60,798 SF (1.40 acres).

IV. PROPOSED DEVELOPMENT

As part of the amendment, the applicant now wants to create three additional one bedroom residential units and will increase the units from fifty-five (55) senior independent living units to fifty-eight (58). These additional units will be housed in the new building portion along Arbor Street. In the original approval of the application, this space was intended for a common deck space for the tenants. Due to budget reasons, the space will be converted to residential units. The applicant is also proposing revised façade material as well. The Park Danforth is proposing to replace the manufactured stone finish previously approved by the Planning Board with brick masonry that contrasts with the lighter brick. The only portion of the building that will remain on manufactured stone will be the five-story tower on the corner of Forest Avenue and Arbor Street and on the ground level terrace wall along Forest Avenue.

Figure 1: Elevation showing the façade changes.



The applicant is also proposing to make changes to the site plan as well. The changes consist of the following:

1. The three season dining and mechanical room addition to the existing building will be done in a future phase. They are shown as future improvements and would need to come back for review when they are ready to proceed.
2. To address the future elements identified above, the masonry block enclosure/screen wall around the dumpster area has been changed to an eight (8) foot solid wood fence. This is to allow easier access to construct the future addition.
3. The proposed retaining wall along the southerly side of the service drive has been reduced in length and a set of stairs has been added to address egress requirement from the existing three story wing. The additional section of wall may be constructed in the future.

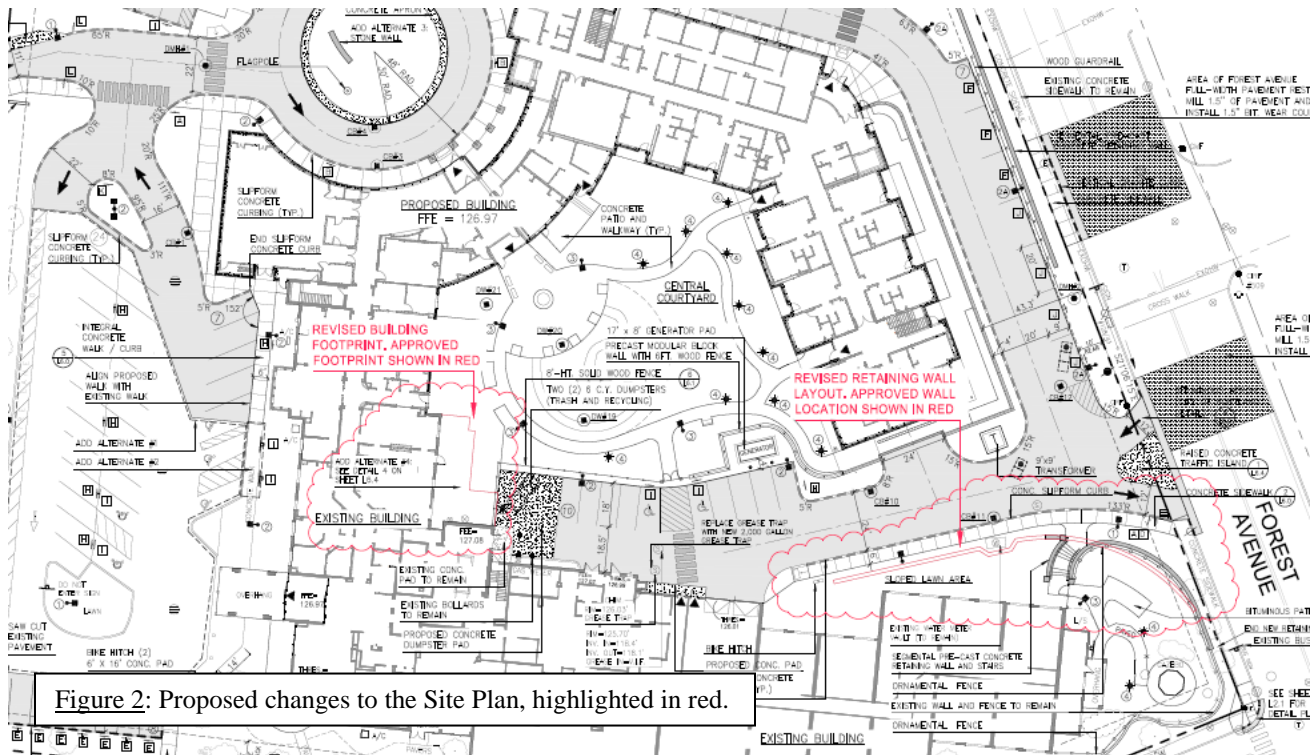


Figure 2: Proposed changes to the Site Plan, highlighted in red.

V. PUBLIC COMMENT

Upon receipt of the subject site plan application, staff noticed property owners within 500 feet of the site and placed a legal ad in the *Portland Press Herald* newspaper in accordance with requirements. Three hundred and thirty-nine (339) notices were sent to area residents. A notice also appeared in the April 20th, 2015 and April 21st, 2015 editions of the *Portland Press Herald*.

The applicant is not required to hold a neighborhood meeting since the amendment is for an amendment to an approved subdivision. As of the date of writing this report, staff has not received any written public communication pertaining to this application.

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

The existing ownership of The Park Danforth property is within a condominium form of ownership. The ownership makeup including the new addition has not been determined. As part of the original application, the applicant had provided a copy of warranty deed, quitclaim deeds, statutory warranty deed, and purchase and sale agreement recorded at the Cumberland County Registry of Deeds which demonstrated their right, title and interest in the property. The applicant is working with Jennifer Thompson, Associate Corporation Counsel, on the appropriate documentation needed on the plat and accompanying declaration or condominium documents for the underlying condominium ownership entities for the existing facility and proposed project.

The estimated cost of the overall development is \$ 18 Million.

VII. ZONING ASSESSMENT

Ann Machado, Interim Zoning Administrator, had reviewed the original plans for the minimum requirements in the R6-A zone and the project met the zoning requirements. The proposed amendments also meet the zoning requirements. The additional three units are housed in the new building, along the Arbor Street side. The maximum height of the zone is still being met.

VIII. DEVELOPMENT REVIEW

A. SUBDIVISION PLAN AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant has submitted a recording plat. The final plat has been revised to reflect the three new units and any waivers and conditions of approval that relate to the subdivision plan. Any waivers granted must be recorded at the Registry of Deeds within 90 days of a Planning Board decision. In addition, the applicant is working with Corporation Counsel on the appropriate documentation needed on the plat and accompanying declaration or condominium documents for the underlying condominium ownership entities for the existing facility and proposed project.

B. SUBDIVISION (Section 14-497)

As an amendment to an approved subdivision, the subject application is subject to conformance with the applicable standards of the subdivision ordinance.

Section 14-496 (c) states:

Alterations to an approved plot. The planning authority may approve alterations to an approved recording plat when all of the following conditions are met; otherwise, a new subdivision plat must be submitted to the Planning Board:

- 1. The rearrangement of lot lines does not increase the number of lots within a block or other subdivision unit or area;*
- 2. The alteration will not affect any street, alley, utility easement or drainage easement;*
- 3. The alteration meets all of the minimum requirements of this article, article III of this chapter on zoning and other applicable state and local codes;*
- 4. The alteration is approved by the public works authority and the fire department.*

Such approved alterations shall be properly recorded in the registry within thirty (30) days thereof or they shall be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S.A. Section 4406.

Based on the application submitted, the project does not meet all of the above standards and therefore this application is before the Planning Board for review. The thirty (30) day recording applies to both Planning Authority and Planning Board review of amended subdivision plans.

As state before, the February 10, 2015 Planning Board approval of this project with all relevant waivers and conditions of approval remain in effect. The proposed amended plan has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) I), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)
As part of the amendment application, there are no proposed increase in site improvements or disturbance, so the Staff finds the proposed project in conformance with this standard.
2. Sufficient Water Available (Section 14-497 (a) 2 and 3)
The applicant has demonstrated in the original proposal that the project had sufficient water available, which can handle the additional three units. The project is currently served by the Portland Water District.
3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)
Tom Errico, P.E. Ty Lin has reviewed the original proposal. The proposed project is not anticipated to cause unreasonable traffic congestion. The staff finds the proposed project is in conformance with this standard.
4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)
The applicant is not proposing any new utilities services as part of this amendment and it is currently served by the City's sewer system. In the original application, the City of Portland has confirmed that the sewer system has sufficient capacity. David Senus, P.E. Woodard and Curran, had reviewed the stormwater management plan finds the proposal to meet city standards. The staff finds the proposal is in conformance with this standard for the additional three units.
5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)
The proposal site is not within an historic district and is in an urban neighborhood surrounded by a variety of residential building types. The proposed building does not impact the natural beauty of the area or adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline. The staff finds the proposal in conformance with this standard.
6. Comprehensive Plan (Section 14-497 (a) 9)
The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:

- ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes;
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respect neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.

Volume 2 Implementation - Housing Initiatives:

- 3. New Senior Citizen Housing: A variety of housing opportunities are needed to assist Portland's senior citizens, including subsidized apartments.

(b) Update zoning to encourage neighborhood livability with higher density multi-family and innovative mixed use projects that are along major public transportation routes, near service areas, in redevelopment (underutilized) or infill area, locations near downtown and in business zones.

C. SITE PLAN STANDARDS (Section 14-526)

The proposed amended plan has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff review and comments are listed below.

1. Transportation Standards

Impact on surrounding street systems, access and circulation, public transit access, and parking were reviewed under the original application by Tom Errico, P.E. TY Lin. The amendments to the site plan for the additional three units do not affect the transportation standards.

2. Environmental Quality Standards

a. *Preservation of Significant Natural Features and Landscaping and Landscape Preservation*
Jeff Tarling, City Arborist, had reviewed the landscaping plan as part of the original application. The amendments to the site plan do not affect the approved landscaping plan.

b. *Water Quality, Storm Water Management and Erosion Control*

David Senus of Woodard and Curran, Consulting Engineer, had reviewed the stormwater management plan as part of the original application. The amendments to the site plan do not affect the stormwater standards.

3. Public Infrastructure and Community Safety Standards

a. *Public Safety and Fire Prevention*

Assistant Chief Keith Gautreau has reviewed the amendment to the plans and does not have any comments.

b. *Availability and Adequate Capacity of Public Utilities*

Please see Paragraph VIII (B) Subdivision, above.

4. Site Design Standards

a. *Zoning Related Design Standards*

On April 2, 2015 a design review according to the City of Portland Design Manual standards was performed for the proposed revisions to the previously approved multi-family dwelling project at 777 Stevens Avenue. The review was performed by Caitlin Cameron, Urban Designer, and Shukria Wiar, Planner, all within the Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *Two-family, Special Needs Independent Living Units, Multiple-family, Lodging Houses, Bed and Breakfasts, and Emergency Shelters Standards* (Section (i) of the Design Manual).

Design Review Comments: The design revisions consist of three additional residential units added to the top floor of the Arbor Street façade and a change in cladding material from manufacturing stone to brick.

Standard 1 – The project uses a mix of building materials which, in combination with the fenestration, the balconies, the varying forms and roof lines, and the strongly articulated cornice elements, provide positive visual interest as stipulated in the Standard. These architectural characteristics are continued in the proposed additional units facing Arbor Street which have bays, balconies, and a roof overhang consistent with the already-approved architecture. The change in façade materials from stone to brick is also consistent with the character of the existing façade materials and their placement. The areas of the building where the brick is proposed include an expression line and change of material color at the 3rd/ 4th floor which serves to provide scale, a visual break in the massing, and visual interest to the project.

Standard 2 – This aspect of the project is unchanged from the approved site plan.

Standard 3 – This aspect of the project is unchanged from the approved site plan.

Standard 4 – Overall the project has a high level of fenestration and the provision of balconies also contributes to residents' access to light and air. These architectural characteristics are continued in the proposed additional units including balconies and fenestration patterns.

Standard 5 – This aspect of the project is unchanged from the approved site plan.

Standard 6 – Not Applicable

IX. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed amendments to the approved Subdivision and Site Plan.

X. PROPOSED MOTIONS

Subdivision Plat

On the basis of the subdivision plat approved on February 10, 2015 with conditions, the application for an amendment, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application 2015-061 relevant to the Subdivision Ordinance and other

regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds that the amended plan, when taken together with the original plan and the conditions contained therein (**is** or **is not**) in conformance with the subdivision standards and all other applicable provisions of the land use code.

Level III Site Plan

On the basis of the site plan approved February 10, 2015 with conditions, the application for an amendment, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application 2015-061 relevant to the Site Plan Ordinance and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds that the amended plan, when taken together with the original plan and the conditions contained therein (**is** or **is not**) in conformance with the site plan standards and all other applicable provisions of the land use code.

ATTACHMENTS:

Staff Review Comments and Background Information

1. February 10, 2015 Approval Letter
2. Urban Designer Review, Caitlin Cameron, dated April 4, 2015

Public comments (none at the time PB Report completed)

Applicant's Submittal

- A. Cover Letter
- B. Application
- C. Project Description

Plans

Civil Plans

- Plan P1 Cover Sheet
- Plan P2 Existing Conditions Plan L1.0
- Plan P3 Boundary and Topo Survey
- Plan P4 Proposed Changes to Site Plan
- Plan P5 Subdivision Plat
- Plan P6 Site Plan L2.0

CITY OF PORTLAND, MAINE

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February 11, 2015

The Park Danforth
Home for the Aged- Forest Ave. Property
Attention: Denise Vachon
777 Stevens Avenue
Portland, ME 04103

Mitchell and Associates
Attention: Bob Metcalf
70 Center Street
Portland, ME 04101

Project Name:	The Park Danforth	Project ID:	2014-202
Address:	777 Stevens Avenue	CBL:	146 C005 001
Applicant:	The Park Danforth- Denise Vachon		
Planner:	Shukria Wiar		

Dear Ms. Vachon:

On February 10, 2015, the Planning Board considered a Level III Site Plan application for the Park Danforth development located at 777 Stevens Avenue. The project includes an addition to the existing Park Danforth facility, which includes building expansions and site work in the block encompassed by Stevens Avenue, Forest Avenue, Poland Street and Arbor Street. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance, Site Plan Ordinance, multiple-family housing of the Design Manual, and Housing Preservation and Replacement. The Planning Board voted unanimously 6-0 (Morrissette absent) to approve the application with the following waivers and conditions as presented below.

WAIVERS

On the basis of the application (2014-202) plans, reports and other information submitted by the applicant, findings, recommendations, contained in the Planning Board Report for The Park Danforth site plan and subdivision, including but not limited to Section VIII Technical Waivers, of the report and the staff reviews relevant to Portland's Technical and Design Standards and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. *Street Trees*

The Planning Board **finds** that the applicant has demonstrated that due to site constraints preventing the planting of required street trees in the right of way, the requirements of Section 14-526(2)(b)(iii) of the Site Plan Ordinance cannot be met; and the Board **finds** that the applicant has satisfied the waiver criteria set out in Section 14-526(2)(b)(iii)(b) with the monetary contribution to the City's tree fund of \$200 per tree for 26 trees for a total of \$5,200. The Planning Board therefore voted 6-0 (Morrissette absent) to **waive** Section 14-526 (b)(2)(b)(iii) *Street Trees* of the Site Plan Ordinance.

2. *Driveway Location*

The Planning Board **finds** that the applicant has demonstrated that extraordinary conditions unique to this property exist including that the existing driveway location on Forest Avenue cannot be relocated to meet the street separation standard of 125 feet contained in the Technical Manual and Mr. Errico has found that the separation of 70 feet is safe with the right-in and right-out change to the driveway; and the Board **finds** that the

public interest and purposes of the land development plan are secured. The Planning Board therefore voted 6-0 (Morrissette absent) to **waive** Technical Manual 1.7.2.7 *Driveway Location* to allow the 70 foot separation.

3. *Number of Driveways*

The Planning Board **finds** that the applicant has demonstrated that extraordinary conditions unique to this property exist, including the demand for emergency services for the elder population that needs two access points off Stevens Avenue, the Forest Avenue curb cut provides access to the service areas for the entire campus and the Arbor Street curb cut provides two-way traffic and that Mr. Errico has found significant coordination has taken place as it relates to providing safe and appropriate access that attempts to meet City Standards, given motorist characteristics, delivery truck circulation, and emergency access requirements. Mr. Errico supports a waiver from the City's Technical Standards for the number of driveways allowable per site. The Board **finds** that the public interest and purposes of the land development plan are secured and therefore voted 6-0 (Morrissette absent) to **waive** Technical Manual 1.7.2.8. *Number of driveways* to allow four curb cuts on-site to permit an emergency access only on Stevens Avenue near Poland Street, a one-way in curb cut on Stevens Avenue to serve the main entrance, a right-in and right-out only on Forest Avenue and two-way curb cut on Arbor Street.

4. *Aisle Width*

The Planning Board **finds** that the applicant has demonstrated that extraordinary conditions unique to this property exist that limit the ability to meet the aisle width standard of 24 feet and Mr. Errico has found that the proposed aisle widths provide safe on-site circulation; and the Board **finds** that the public interest and purposes of the land development plan are secured. The Planning Board therefore voted 6-0 (Morrissette absent) to **waive** Technical Manual 1.7.2.3. *Minimum driveway width (two-way)* to allow a 22 foot aisle width along Arbor Street and 20 feet along Forest Avenue.

5. *Underground Utilities*

The Planning Board **finds** that the applicant has demonstrated that there is insufficient space for an additional riser on the existing pole on Forest Avenue and the pole is required in order to put the electricity underground to feed the transformer and communication pedestals, and the Board **finds** that the public interest and purposes of the land development plan are secured. The Planning Board therefore voted 6-0 (Morrissette absent) to **waive** Section 14-499, *Required Improvements, Subdivision Ordinance, (h)*, which requires all utility lines shall be placed underground, unless otherwise approved by the Planning Board, so that one utility pole may be installed.

6. *Site Lighting*

The Planning Board **finds** that the applicant has demonstrated that extraordinary conditions unique to this property exist with the internal courtyard and due to the need for a safe and well-lit area for the residents, and the Board **finds** that the public interest and purposes of the land development plan are secured. The Planning Board therefore voted 6-0 (Morrissette absent) to **waive** Technical Manual 12.2.6 *Luminaire Types* to allow light pole fixtures and bollards in the courtyard only that are not full cut-off fixtures.

DEVELOPMENT REVIEW

On the basis of the application (2014-202), plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for the application relevant to the Subdivision Ordinance, the MaineDEP Chapter 500 Stormwater Management Standards relative to Stormwater Permits under delegated review, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

1. Subdivision Plat

The Planning Board voted 6-0 (Morrissette absent) that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions:

1. The final plat and/or condominium plat, along with accompanying condominium documents, shall be submitted for review and approval by the Planning Authority, Department of Public Services, and Associate Corporation Counsel prior to recording.
2. The final sidewalk easements to provide public access shall be reviewed and approved by Corporation Counsel prior to the issuance of certificate of occupancy.
3. The recording plat shall depict the utility easement required for Central Maine Power.
4. The recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.

2. Level III Site Plan

The Planning Board voted 6-0 (Morrissette absent) that the plan is in conformance with the site plan standards and all other applicable provisions of the land use code, subject to the following conditions;

1. The proposed housing development meets the criteria of the Preservation of Housing Ordinance subject to submitting the documentation required in Section 14-483 and posting a performance guarantee prior to the issuance of a demolition or building permit.
2. The accompanying plans for the site plan shall be revised to reflect the changes contained in the overall site plan, including the plans for the fully ADA compliant crosswalk and ramps, and the plans shall be reviewed and approved by DPS, Fire, Traffic, and Planning prior to the issuance of a building permit.
3. The Erosion and Sediment Control Plan (L3.2) shall be revised to identify an inlet sediment control device on existing CB# 4.
4. The note on the Snout detail shown on Sheet L6.2 which states “The Snout shall be provided on Proposed Catch Basins #6100, #6101 and #6102”; shall be deleted from the revised plans.
5. The applicant shall obtain a license agreement with the City Council, which articulates the maintenance requirements of the applicant for the raised island in the curb cut on Forest Avenue prior to the issuance of certificate of occupancy.
6. The applicant shall submit an executed contract for snow removal prior to the issuance of a Certificate of Occupancy.
7. The Landscape Plan shall be revised for review and approval by the City Arborist, which address Jeff Tarling, City Arborist’s Feb. 6th review as follows:
 - Tree types & sizes - The minimum tree size shall be 2" caliper. Substitutions of tree types are recommended including shade trees for the parking lots, upright crab apples along Forest Avenue, and substitutions for the proposed Lindens.
 - Shrub Planting sizes - Every effort should be made to upsize the shrub planting sizes due to the scale of the project. The majority of the #3 gallon plants are just too small for this type of project. In most cases #5 gallon plants should be considered the minimum sizes. The proposed plants are more 'residential scale' vs a large complex as proposed.

- Interior Courtyard - The final plans for the interior court should be submitted for final review and approval. The plan notes" 'GARDEN PLANTINGS –TYPICAL SMALL FLOWERING TREES, FRAGRANT & FLOWERING SHRUBS & PERENNIALS', details on the Gazebo garden are also needed.
8. The final signage and wayfinding plan shall be reviewed and approved by the Planning Authority prior to the issuance of a certificate of occupancy.
 9. The proposed specifications for the mechanical equipment shall be reviewed and approved by the Planning Authority and Acting Zoning Administrator prior to the issuance of a building permit.
 10. The applicant shall provide evidence that they have coordinated with METRO on the installation of other bus stop amenities (e.g. bench, trash receptacle, bus shelter pad) and submit revised plans as needed for review and approval by the Planning Authority prior to the issuance of a building permit.

STANDARD CONDITIONS OF APPROVAL

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

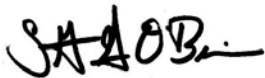
1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **Storm Water Management Condition of Approval** The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted, signed and recorded prior to the issuance of a building permit with a copy to the Department of Public Services.
4. **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 the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
5. **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.
6. **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.

7. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
8. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an 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 subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
9. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. **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.
11. **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.)
12. **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.
13. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

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

If there are any questions, please contact Shukria Wiar at 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,



Stuart O'Brien, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. City Code, Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
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Barbara Barhydt, Development Review Services Manager
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Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
David Petruccelli, Fire Department
Craig Messinger, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File