

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM**

19990060

I. D. Number

**Rainbow United Methodist Churc**

Applicant

**618 Washington Ave, Portland, ME 04103**

Applicant's Mailing Address

**William Nemmers**

Consultant/Agent

**774-3683 761-2836**

Applicant or Agent Daytime Telephone, Fax

**5/19/99**

Application Date

**Washington Ave**

Project Name/Description

**618 Washington Ave**

Address of Proposed Site

**167-F-013**

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  
 Office  Retail  Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) \_\_\_\_\_

**4,142 sq. ft.**

**15,399 sq. ft.**

**R-5**

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

**Check Review Required:**

- Site Plan (major/minor)  Subdivision # of lots \_\_\_\_\_  PAD Review  14-403 Streets Review  
 Flood Hazard  Shoreland  Historic Preservation  DEP Local Certification  
 Zoning Conditional Use (ZBA/PB)  Zoning Variance  Other \_\_\_\_\_

Fees Paid: Site Plan **\$400.00** Subdivisio \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date **5/19/99**

**Planning Approval Status:**

Reviewer **Kandi Talbot**

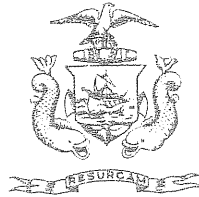
- Approved  **Approved w/Conditions** See Attached  Denied

Approval Date **6/27/00** Approval Expiration **6/27/01** Extension to \_\_\_\_\_  Additional Sheets Attached  
 OK to Issue Building Permi **kandi talbot** **10/25/00**  
signature date

**Performance Guarantee**  **Required\***  **Not Required**

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input checked="" type="checkbox"/> Performance Guarantee Accepted	<u>10/25/00</u> date	<u>\$7,340.00</u> amount	<u>9/15/01</u> expiration date
<input checked="" type="checkbox"/> Inspection Fee Paid	<u>10/24/00</u> date	<u>\$300.00</u> amount	
<input type="checkbox"/> Building Permit Issue	_____ date		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____ date	<input type="checkbox"/> Conditions (See Attached)	
<input type="checkbox"/> Final Inspection	_____ date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____ date	signature	



## CITY OF PORTLAND

November 2, 2001

Ms. Frances Johnson  
27 Byfield Road  
Portland, ME 041013

RE: Rainbow United Methodist Church, 618 Washington Avenue  
ID #1999-0060, CBL #167-F-013

Dear Ms. Johnson:

Jeff Tarling, City Arborist and myself went out the site recently to review the proposed landscape revisions to your approved site plan dated June 27, 2000.

Following is a list of approved landscaping, your revision request, and the City's recommendation. A plan showing the City's recommendations is attached for your review.

A. Arborvitae. The applicant does not wish to change the approved plan. The applicant shall plant five (5) arborvitae instead of the seven (7) proposed. In the southwesterly corner of the property, the applicant shall install three (3) arborvitae or two (2) white pine for screening purposes.

B. White Pine. The applicant wishes to eliminate the two (2) white pine originally approved at the northwesterly corner of the building. The applicant shall plant two (2) arborvitae in this located instead of the white pine.

C. Lilacs. The applicant wishes to eliminate the three (3) lilacs originally approved at the northeasterly corner of the building. The applicant shall plant one (1) "Miss Kim" or "Korean" lilac, 3-4 ft. tall, at the northeasterly corner of the building and plant two (2) "Miss Kim" or "Korean" lilac, 3-4 ft. tall, at the easterly edge of the building.

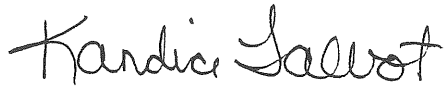
D. Juniper Hedge. The applicant is not sure where the juniper hedge was required. The City is not concerned with the juniper hedge.

E. Sugar Maples. The applicant wishes to change the approved sugar maples to flowering crab or plum. The applicant shall plant one (1) sugar maple, 2-inch caliper at the northeasterly corner of the property. The sugar maple proposed near the sign may be eliminated.

G. Burning Bush. The applicant has installed the burning bush as approved.

If you have any questions concerning the landscape revisions, please do not hesitate to contact me at 874-8901.

Sincerely,

A handwritten signature in black ink that reads "Kandice Talbot". The signature is written in a cursive, flowing style.

Kandice Talbot  
Planner

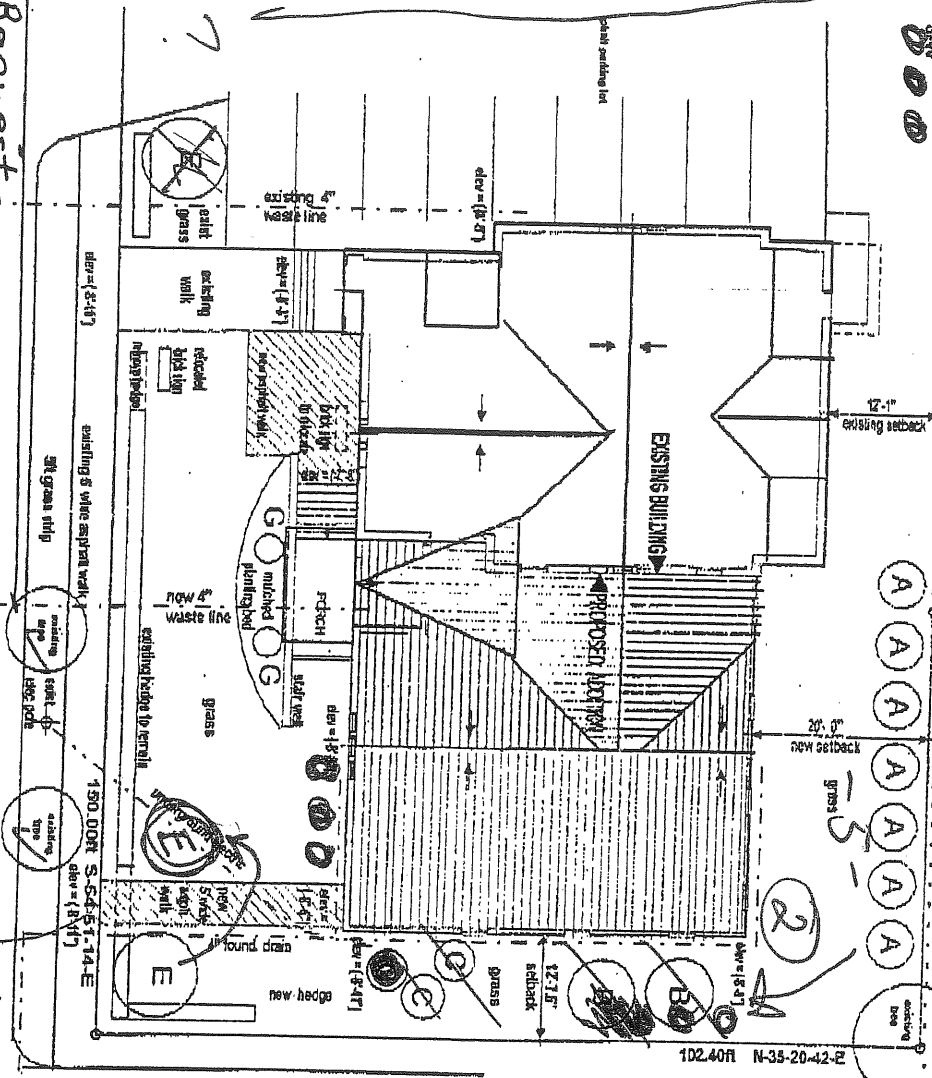
CC: Sarah Hopkins, Development Review Services Manager  
✓ Jay Reynolds, Development Review Coordinator  
Jeff Tarling, City Arborist

*3 Arb or like Pine*  
*Space to include 3*

**PLANTING SCHEDULE**

REV	NAME	COMMON NAME	SIZE	NUMBER
A	Arbor vitae	Arbor Vitae	40ft high	7
B	Ferns Sarcas	White Pine	5ft high	2
C	Syringa vulgaris	Common Lilac	5.0ft high 3.5' high	3
D	Andromeda Compacta	Juniper Hedge	10' high	19
E	Acer Saccharum	Sugar Maple	2" 3" caliper	3
F	Eunonymus Alatus Compacta	Dwarf Burning Bush	2.5ft high	2
G				

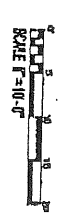
*4: Mrs Kim or Karen Like*



- Revision Request -**
- A- Arborvitae
  - B- White Pine
  - C- Lilacs
  - D- Juniper Hedge
  - E- Sugar Maples
  - G- Burning Bush

- Revision**
- OK
  - Cancel
  - Cancel
  - Flowering Cherry, Plum
  - OK

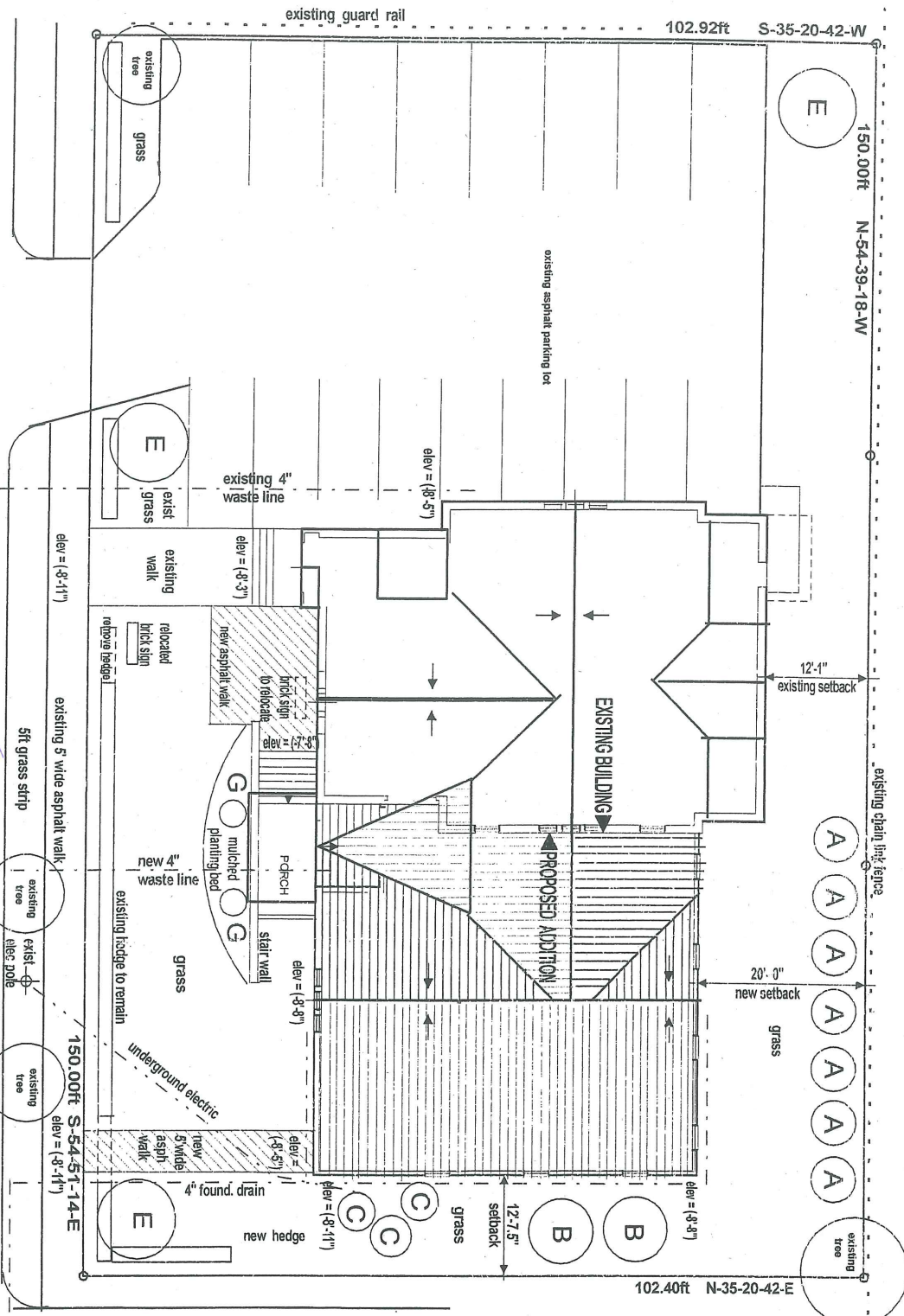
**CITY OF PORTLAND**  
**APPROVED SITE PLAN**  
 SUBJECT TO DEPARTMENTAL CONDITIONS  
 DATE OF APPROVAL 6/27/00  
 per ITR.



William Kemmers Associates, Architects  
 424 Fore Street Portland, Me 04101

**PLANTING**

KEY	NAME
A	Arbor vitae
B	Pinus Strobus
C	Syringa vulgaris
D	Ancora Compacta
E	Acer Saccharum
F	
G	Euonymus Alatus



*Washington Ave*

*Proposed to be removed to meet RUC standards*

adjacent parking lot

existing guard rail

102.92ft S-35-20-42-W

150.00ft N-54-39-18-W

existing chain link fence

20'-0" new setback

grass

102.40ft N-35-20-42-E

150.00ft S-54-51-14-E

elev = (-8'-11")

elev = (-8'-11")

existing 4" waste line

existing grass

existing tree

grass

existing asphalt parking lot

existing tree

grass

existing tree

existing tree

existing tree

existing tree

existing tree

existing tree

existing tree

existing tree

# DRAFT

November 14, 2001

Rev. Seok Hwan Hong, Pastor  
618 Washington Ave.  
Portland, ME 04101

RE: Minor Site Plan/Rainbow United Methodist Church

Dear Rev. Hong:

In response to your letter dated October 8, 2001, I have the following comments:

1. The relocation of the drain for the foundation was not approved by planning board or by planning staff.
2. The drain was not inspected before being covered. This however, is not a required inspection.
3. I am unaware of the elevation of the storm drain (catch basin) invert at the intended structure. This information is not shown on the plan. At this time, I cannot determine that it is not deep enough to accept your drain.
4. The necessary inspections did occur during construction. This has been confirmed through the inspections department.

Please contact me if you have any questions.  
Thank You.

Sincerely,

Jay Reynolds  
Development Review Coordinator

cc: Mike Nugent, Inspections Services Manager  
Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Kandi Talbot, Planner  
Penny Littell, Corporation Counsel  
File

# **RAINBOW UNITED METHODIST CHURCH**

## **WRITTEN STATEMENT for SITE PLAN REVIEW**

May 6, 1999

- 1) **OWNER:** Rainbow United Methodist Church, 618 Washington Ave, Portland, Maine 04101
- 2) **DESCRIPTION OF USE:** The existing use is a church with incidental parking. This proposed addition will add Sunday School space for the Church, while keeping the size and the seating in the sanctuary constant, and keeping the size of the parking lot constant. The addition will also bring the structure into compliance with the ADA regulations.
- 3) **TOTAL AREA OF SITE:** Area of existing lot: 150' X 102.7ft(+/-) = 15,399 sf
- 4) **TOTAL AREA OF BUILDING GROUND COVER:**

existing building	2,047	proposed building	4,142
existing parking	4,760	proposed parking	4,760
existing vegetated	8,592 (55.8%)	proposed vegetated	6,518 (42.3%)
total	15,399	total	15,399
- 5) **EASEMENTS:** The lot is subjected to no easements
- 6) **SOLID WASTE GENERATION:** The solid waste generated by the Sunday School use will be removed by a contract service as is the current waste.
- 7) **EVIDENCE OF SEWER AND WATER ACCESS:** Existing water and sewer connections to the Washington Avenue sewer and water will be utilized
- 8) **DRAINAGE SITUATION:** Currently the existing church sits at the high spot on a very flat site. Currently, most water from the parking lot sheet flows across the lot to the Washington Ave gutter, though some does flow to the neighbors to the South and to the convenience store lot to the East. The lawn area on the East drains very gradually to the East, the North (toward Washington Ave. and South to the neighboring properties.  
  
The construction of the proposed addition will increase the area of hard surface on the site but, the proposed addition will not alter the the general water flows as the site grading will remain constant.
- 9) **CONSTRUCTION SCHEDULE:**  
The Construction would start this Summer and be complete by Christmas (1999)

- 10) **COMMENT REGARDING FEDERAL OR STATE PERMITS:** There are no Federal or State Permits required for this development.
- 11) **EVIDENCE OF THE APPLICANTS TITLE:** The applicant owns the property and will supply a copy of the deed under separate cover.
- 12) **COMMENT REGARDING NATURAL PRESERVATION AREAS** There are no natural preservation areas on the site

**SITE INFORMATION:**

- 1) **MAPN 167, BLOCK F, LOTS 13,14,15**
  - 2) **ZONE R-5**
  - 3) **AREA OF SITE; 150' X 102.7ft(+/-) = 15,399 sf**  
Minimum lot size = 6,000sf
  - 4) **LOT COVERAGE (maximum)**                      40% required                      42.3% proposed
  - 5) **SETBACKS**
    - a) **Front yard setback:**                      20'-0" required                      35'-7" proposed
    - b) **Side yard setback ;**                      12'-0" required                      17'-7.5" proposed
    - c) **Rear yard setback:**                      12'-1" required                      12'-1" proposed
  - 6) **HEIGHT (maximum)**                      35ft required                      28.5 ft proposed
  - 7) **PARKING (1/25sf in sanctuary)\***    17 cars required                      17 proposed
- \*existing lot is grandfathered and since the size of the sanctuary is not changing, the size of the parking lot will remain the same.
-



Washington Ave  
M E Church  
to  
Board of Home Mis-  
sions & Church  
Extension of  
the M E  
Church  
Mort

TRUST BOND AND MORTGAGE

THIS INDENTURE, made the (5th) Fifth day of January in the year of our Lord One Thousand Nine Hundred (31), Thirty One between Washington Avenue Methodist Episcopal Church, a corporation under the laws of the State of Maine of Portland, in the County of Cumberland and State of Maine connected with the Maine Annual Conference of the Methodist Episcopal Church, by its Executive Officers, party of the first part, and the "Board of Home Missions and Church Extension of the Methodist Episcopal Church," incorporated by the Legislature of the State of Pennsylvania, party of the second part:

WHEREAS, the said party of the second part has granted aid to the amount of Two Hundred and Fifty (250.00) Dollars.

NOW, THEREFORE, THIS INDENTURE WITNESSETH that the said party of the first part, in consideration of the above amount, does for itself and its successors, here- by covenant, grant, promise, and agree to and with the said party of the second part, and does hereby become bound unto said second party as follows: that, in case the said party of the first part shall cease to be connected with the Methodist Epis- copal Church, or the corporate existence of the said party of the first part shall cease, or the house of worship is alienated, or the premises herein described is alienated, then, and in such case, the said party of the first part, shall and will forthwith refund to the said party of the second part, the successors or assigns thereof, the said amount with interest thereon at five per cent. from the time of receiving it.

THIS INDENTURE FURTHER WITNESSETH that the said party of the first part for the better securing the performance by it of the covenant and obligation above men- tioned, and the repayment of the said amount with interest thereon from the time of receiving it, to the said party of the second part, in any of the cases above men- tioned, and in consideration of One Dollar paid to said first party, by said party of the second part, the receipt of which is hereby acknowledged, has granted, sold, conveyed and confirmed, and by these presents doth grant, sell, convey and confirm unto the party of the second part, and to its successors and assigns forever, ALL the following described Real Estate, lying and being situate in the County of Cum- berland and State of Maine, to wit:

The building and furnishings known as Washington Avenue Methodist Episcopal Church, on One lot of land situated on the southerly side of Washington Avenue in said Portland formerley East Deering bounded and described as follows

Beginning at a point two hundred (200) feet westerly from northwestern corner of Presumpscot Street and Washington Avenue, Thence Southerley one hundred (100) feet to the rear of lot Thirty Nine (39) on Illsley Street, Thence Westerly paral- lel with Washington Avenue, fifty (50) feet, Thence Northerly one hundred (100) feet to said Washington Avenue to the point of beginning. Hereby conveying Lot number 20 on said Avenue according to the plan of Lemuel W. Dyer, recorded in Cum-

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berland Registry of Deeds, Plan Book 7, Page 2.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; AND ALSO, all the estate, right, title and interest whatsoever, as well in law as in equity, of the party of the first part, of, in, and to the same, and every part thereof, with the appurtenances: TO HAVE AND TO HOLD the above granted and described premises, with the appurtenances, unto the party of the second part, its successors and assigns, to its own proper use, benefit and behoof, forever. PROVIDED, ALWAYS, and these presents are upon this express condition, that the party of the first part, its successors or assigns, shall well and truly keep, perform, and fulfill the covenant and obligation hereinabove contained, and shall, in the cases hereinabove provided, well and truly refund unto the said party of the second part the said amount, with interest thereon from the time of receiving it, then these presents and the Estate hereby granted shall cease, determine and be void. AND the party of the first part, for itself, its successors and assigns, doth covenant and agree to and with the said party of the second part, that, in case the said party of the first part, or its successors, shall cease to be connected with the Methodist Episcopal Church, or the corporate existence of the said party of the first part shall cease, or the house of worship be alienated, or the premises described is alienated, that then it shall be lawful for the party of the second part, its successors or assigns, to enter into and upon all and singular the premises hereby granted, or intended so to be, and to sell and dispose of the same, and all benefit and equity of redemption of the party of the first part, its successors or assigns therein, at public auction, according to the act in such cases made and provided. AND as the attorney of the party of the first part, for that purpose by these presents duly, authorized, constituted and appointed, to make and deliver to the purchaser, or purchasers thereof a good and sufficient deed or deeds of conveyance in the law for the same, in fee simple, and out of the money arising from such sale to retain the said amount herein first above mentioned, and interest thereon as hereinabove provided, together with the costs and charges of advertisement and sale of the said premises, rendering the overplus of the purchase money (if any there shall be) unto the party of the first part, its successors or assigns; which sale so to be made, shall forever be a perpetual bar, both in law and equity against the party of the first part, its successors and assigns, and all other persons claiming or to claim the premises or any part thereof, by , through, or under it. AND the said party of the first part further agrees to keep the buildings insured in and by some incorporated Company in good standing against loss or damage by fire in at least the sum of Eight Thousand (\$8000.00) Dollars, and will at any time, when required so to do, assign the policy of such insurance to said party of the second part.

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IN WITNESS WHEREOF, the said party of the first part has caused its corporate seal to be hereunto subscribed and its adopted corporate seal to be attached by its trustees, on the day and year first hereinabove written.

WASHINGTON AVENUE METHODIST EPISCOPAL CHURCH Seal

(We require the signatures of two witnesses. Abraham Breitbard to C.H.A. Anches to C.H.A.

Charles H. Aaskov Mrs. Charles H. Aaskov Mrs. George A. Dingley Andrew Hanson Ralph J. Morash Daniel A. Todd Lincoln B. Farrar Trustees

Notary of Maine County of Cumberland s.s.

On this 13th day of January in the year 1931, before me Abraham Breitbard personally appeared Charles H. Aaskov known to me to be one of the trustees of the corporation that he executed the within instrument and acknowledged to me that the same was his free act and deed in his said capacity and the free act and deed of said corporation.

IN WITNESS my hand and official seal the day and year aforesaid.

Abraham Breitbard Name and title of officer. Notary Public Notarial Seal

Received January 14, 1931, at 2h,45m, P.M., and recorded according to the original.

Federal Loan and Building Association to Hincley Disch

KNOW ALL MEN BY THESE PRESENTS, That the Federal Loan and Building Association, a corporation established by law and having its office and principal place of business at Portland in the County of Cumberland and State of Maine, owner of a certain mortgage given by Frederick W. Hincley of South Portland in said County and State, and said Federal Loan and Building Association dated September 26, A. D. 1930, and recorded in Cumberland County Registry of Deeds, Book 1357, Page 106, does hereby acknowledge that it has received full payment and satisfaction of the same, and of the mortgage thereby secured, and in consideration thereof it does hereby cancel and discharge said mortgage, and release unto the said Frederick W. Hincley, his heirs and assigns forever the premises therein described.

IN WITNESS WHEREOF, it the said Federal Loan and Building Association has caused these presents to be subscribed by its Assistant Treasurer thereunto duly authorized and also its corporate seal to be affixed this fourteenth day of January A. D. 1931.

Signed, Sealed and Delivered in presence of

Keith

FEDERAL LOAN AND BUILDING ASSOCIATION CORPORATE SEAL By Thomas A. Sanders Ass't Treas.

Notary of Maine County of Cumberland ss.

Portland, January 14th, 1931.

Then personally appeared the above named Thomas A. Sanders, Assistant Treasurer of said corporation and acknowledged the foregoing instrument to be his free

act and Building

Receive

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full payment in consideration release therein

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January A. Signed, E. C. I

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**From:** Anthony Lombardo  
**To:** Kandi Talbot  
**Date:** Mon, Jun 7, 1999 9:41 AM  
**Subject:** 618 Washington Ave..... Rainbow United Methodist Church

Kandi,  
There are no Public Works issues related this project.

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair Carroll and Members of the Portland Planning Board  
**FROM:** Kandice Talbot, Planner  
**DATE:** July 13, 1999  
**SUBJECT:** Rainbow United Methodist Church, 618 Washington Avenue

**Introduction**

Rainbow United Methodist Church has requested conditional and site plan approval for a 4,142 sq. ft. addition to the existing building located at 618 Washington Avenue. This development would be reviewed for conditional use as an institutional use in the R-5 zone and site plan review. The standards for the institutional conditional use and the regular conditional use standards are attached.

The site currently has an existing 2,047 sq. ft. building which consists of the church. The proposed addition will add sunday school space for the church and will also bring the structure into compliance with the ADA regulations. The site is approximately 0.35 acres and is zoned R-5.

**Access/Circulation**

Access to the site will be from the existing driveway along Washington Avenue. The applicant is proposing 17 parking spaces.

There are currently sidewalk and granite curb along Washington Avenue. Public Works has reviewed the plan and has no issues with the site.

**Utilities**

The applicant is proposing to utilize the existing water and sewer connections to Washington Avenue. These utilities include sanitary sewer and water. The applicant will need to provide capacity letters to staff.

**Drainage**

Currently drainage from the parking lot sheet flows across the lot to Washington Avenue. The lawn area drains to Washington Avenue and toward the neighboring properties. Staff has requested that the applicant submit spot grades of the site. The applicant just recently provided that information. Staff is currently reviewing the drainage.

The applicant is proposing to construct a 4,142 sq. ft. addition to match the existing building. The facade will consist of painted brick on the lower portion of the building, with aluminum siding on the upper portion. Elevations drawings are included as Attachment 6.

The applicant will need to submit additional information regarding lighting, landscaping, financial capability, etc.

Attachments:

1. Written Statement
2. R-5 Zoning Text
3. Conditional Use Text
4. Site Plan
5. Survey
6. Elevations

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM**

19990060

I. D. Number

**Rainbow United Methodist Churc**

Applicant

**618 Washington Ave, Portland, ME 04103**

Applicant's Mailing Address

**William Nemmers**

Consultant/Agent

**774-3683 761-2836**

Applicant or Agent Daytime Telephone, Fax

**5/19/99**

Application Date

**Washington Ave**

Project Name/Description

**618 Washington Ave**

Address of Proposed Site

**167-F-013**

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  
 Office  Retail  Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) \_\_\_\_\_

**4,142 sq. ft.**

**15,399 sq. ft.**

**R-5**

Proposed Building square Feet or # of Units

Acreeage of Site

Zoning

**Check Review Required:**

- |  |   |  |  |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan<br>(major/minor)         | <input type="checkbox"/> Subdivision<br># of lots _____ | <input type="checkbox"/> PAD Review            | <input type="checkbox"/> 14-403 Streets Review   |
| <input type="checkbox"/> Flood Hazard                                  | <input type="checkbox"/> Shoreland                      | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input checked="" type="checkbox"/> Zoning Conditional<br>Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance                |  | <input type="checkbox"/> Other _____             |

Fees Paid: Site Plan **\$400.00** Subdivision \_\_\_\_\_ Engineer Revie \_\_\_\_\_ Date: **5/19/99**

**DRC Approval Status:**

Reviewer **steve bushey**

- Approved  Approved w/Conditions  
see attache  Denied

Approval Date **6/27/00** Approval Expiration **6/27/01** Extension to \_\_\_\_\_  Additional Sheets  
Attached

Condition Compliance **kandi talbot for steve bushey** **10/25/00**  
signature date

Performance Guarantee  Required\*  Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input checked="" type="checkbox"/> Performance Guarantee Accepted	<b>10/25/00</b> date	<b>\$7,340.00</b> amount	<b>9/15/01</b> expiration date
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<input type="checkbox"/> Final Inspection	_____ date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____ date	signature	

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

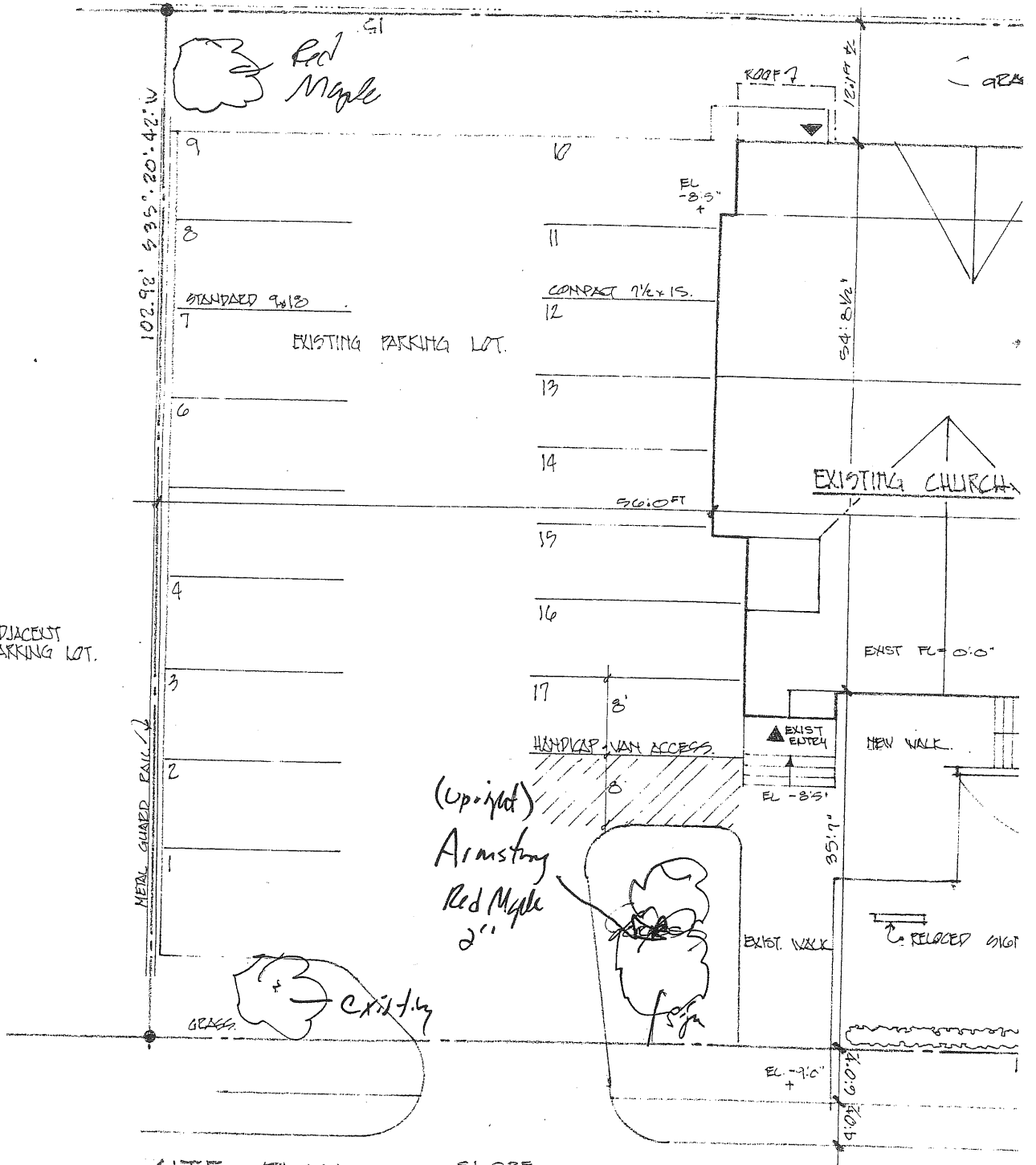
**TO:** Kandi Talbot, Planner  
**FROM:** Jeff Tarling, City Arborist  
**DATE:** June 27, 2000  
**RE:** Rainbow Methodist Church, 618 Washington Avenue

I have reviewed the landscape plan for the Rainbow Methodist Church located on Washington Avenue. Below are my comments:

1. That the applicant plant an Armstrong Red Maple, 2" caliper on the westerly side of the entrance and a Red Maple, 2" caliper at the southeasterly corner of the site.

Attached is a copy of a marked up plan showing location of additional landscaping that I feel is necessary. Thank you.





SITE PLAN 1" = 10'

**DRAFT**

November 14, 2001

Rev. Seok Hwan Hong, Pastor  
618 Washington Ave.  
Portland, ME 04101

RE: Minor Site Plan/Rainbow United Methodist Church

Dear Rev. Hong:

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3. I am unaware of the elevation of the storm drain (catch basin) invert at the intended structure. This information is not shown on the plan. At this time, I cannot determine that it is not deep enough to accept your drain.
4. The necessary inspections did occur during construction. This has been confirmed through the inspections department.

Please contact me if you have any questions.  
Thank You.

Sincerely,

Jay Reynolds  
Development Review Coordinator

cc: Mike Nugent, Inspections Services Manager  
Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Kandi Talbot, Planner  
Penny Littell, Corporation Counsel  
File

cc Bill Nunn

JP

Because your build out does not conform to the Planning Board's approved plan you must (and assuming you want to) apply to the City for an amend to your sight plan. Otherwise, the City will unfortunately be required to take action to require conformance with the approved plan.

However, it does appear as if the drainage system which was installed was not approved by the City of Portland.

Because the installed drainage system was never approved nor inspected, I do not know whether the structure Perf guarantee expires @ No C/O.



# Rainbow United Methodist Church

618 Washington Avenue  
PORTLAND, MAINE 04103

SEOK HWAN HONG, Pastor

Telephone (207) 799-0290

To: Mr. Michael. A Collins  
The City of Portland (Inspection Department)  
389 Congress Street  
Portland Maine, 04101

October 8, 2001

Dear Mr. Collins:

This letter is about the question of the change of drainage in the building expansion project of the Rainbow United Methodist Church. We discovered that there is a change of our drainage, different from the blue-print of the project. Our Architect explained to us about the change of drainage as follows:

*The matter of the drain line relocation: At the time of the bid the contractor included in his bid an outlet for the foundation drain which was to be directed 150 feet in the grass area between the sidewalk and the street, to an existing catch basin. This was a requirement of and approved by the planning board. This work consisted of running a 4 plastic drain line approximately 3 deep. Because the water level in the catch basin was to high to accommodate the drain as drawn, the City agreed to allow us to exit the drain line in a swale which already exists at the rear of the building, a distance of approximately 80ft. The difference in the cost of these two objectives is about 70 feet of pipe installation, a few hundred dollars. At the end of October, a new City Ordinance went into effect, which increased the definition of Street Opening from only the paved area to all areas between the property lines. This new definition would have included the drain file work, if performed, and would have added many additional fees to the work. Since these fees were not included in the contract, the Building Owner would be responsible for the payment of these additional fees. As it worked out, the Contractor was blindsided by this ordinance change a short while later when he went across the sidewalk to hook up the electric feed. The City inspector just happened to be there when the Contractor started the work and shut him down for not having the new permit. Getting the permit required having to bring in a new contractor, as the small, lower cost one under contract was not registered with the City. Atlantic Coast Inc., brought in the new contractor, negotiated the penalties and fees, kept the increase in cost reasonable, and did not charge the Church for the extra work.*

My questions to the Inspection Department of the City of Portland are:

- 1) Was the drain for the foundation relocation with Planning Board approval?
- 2) Was the drain inspected before being covered?
- 3) What is the elevation of the storm drain(catch basin?) invert at the intended structure? Our architect claimed it is not deep enough to accept our drain.
- 4) Did the necessary inspections occur during construction, i.e., electrical rough in, plumbing rough in, framing, foundation prior to the Pour-Foundation prior backfill, insulation, and other required by the City of Portland?

This information is very important to us. The Rainbow United Methodist Church hopes to hear from you as soon as possible.

Sincerely yours,

Rev. Seok Hwan Hong, Pastor  
618 Washington Avenue  
Portland, Maine 04103  
774-1617 (shong2@maine.rr.com)



*State of Maine*  
*Department of Public Safety*  
**Construction Permit**



Not  
Reviewed  
for Barrier  
Free

Not Sprinkled

# 11155

**RAINBOW UNITED METHODIST CHURCH**

Located at: 638 WASHINGTON AVENUE

**PORTLAND**

Occupancy/Use: ASSEMBLY CLASS C

Permission is hereby given to:

**RAINBOW UNITED METHODIST CHURCH**

**638 WASHINGTON AVENUE  
PORTLAND, ME 04103**

to construct or alter the afore referenced building according to the plans hitherto filed with the Commissioner and now approved.  
no departure from application form/plans shall be made without prior approval in writing. This permit is issued under the provision  
of Title 25, Chapter 317, Section 2448 .

Nothing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or  
other pertinent legal restrictions. Each permit issued shall be displayed/available at the site of construction.

*This permit will expire at midnight on the 13th of March 2001*

Dated the 14th day of September A.D. 2000

Commissioner

Fee: \$150.00

**Copy-2 Architect**

Comments:

**WILLIAM NEMMERS, ARCHITECT**

**424 FORE STREET  
PORTLAND, ME 04101**



April 14, 2000

Reverend Seok Hwan Hong  
Rainbow United Methodist Church  
162 Alfred Street  
South Portland, Maine 04106

RE: Rainbow United Methodist Church  
South Portland, Maine

Dear Reverend Hong:

I am pleased to report that the Directors of the General Board of Global Ministries (GBGM) at its meeting on April 6, 2000 approved the application of Rainbow United Methodist Church for a loan in the amount of \$200,000 to assist with building expansion. The Board acted on April 6, 2000 to lend your church \$200,000 at 7% per annum for 12 years.

Payments of interest will begin as soon as the funds have been paid out. The loan will amortize within 30 days after disbursement of all funds to the church. The exact dates will be determined and statements mailed to the church when final payout has been completed.

Loan funds cannot be released until all legal requirements have been complied with including submission of the required performance bond. A list of these requirements is enclosed and by reference made part of this commitment. When the church is ready to proceed with the preparation of loan documents, please inform me at least 60 days prior to the day when it is anticipated that the first draw will be made on the GBGM Loan Fund. Preparation of the required legal work may take up to 60 days and funds cannot be released until this process is complete.

This loan commitment is conditional upon the total cost of the project remaining within ten percent of the estimated cost shown on your application which is \$360,000.



**CITY OF PORTLAND**

15 September 2000

Mr. William Nemmers,  
William Nemmers Associates Architects,  
424 Fore Street,  
Portland, Maine 04101.

**RE: The Capacity to Transport and Treat an Anticipated Increase in Wastewater Flows from the Proposed Addition to 613 Washington Avenue, The Rainbow United Methodist Church.**

Dear Mr. Nemmers:

The existing twelve-inch diameter vitrified clay sanitary sewer pipe located in Washington Avenue has adequate capacity to transport the anticipated increase in wastewater flows of 620 GPD, from your proposed Sunday school/social hall addition, to the church. The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to treat the anticipated wastewater flows of 620 GPD, from your proposed Sunday school/social hall addition.

**Anticipated Wastewater Flows from the Proposed Church Addition**

60 Proposed Sunday school seats, at 7 GPD/seat	= 420 GPD
100 Proposed social hall assembly seats, at 2 GPD/seat	= 200 GPD
<b>Total Proposed Increase in Wastewater Flows for this Project</b>	<b>= 620 GPD</b>

If I can be of further assistance, please call me at 874-8832.

Sincerely,  
**CITY OF PORTLAND**  
*Frank Brancely*  
Frank J. Brancely, BA, MA  
Senior Engineering Technician

FJB

- cc: Joseph E. Gray, Director, Department of Planning, & Urban Development, City of Portland
- ✓ Kandi Talbot, Planner, Department of Planning & Urban Development, City of Portland
- Katherine A. Staples, PE, City Engineer, City of Portland
- Bradley Roland, PE, Environmental Projects Engineer, City of Portland
- Anthony W. Lombardo, PE, Project Engineer, City of Portland
- Stephen K. Harris, Assistant Engineer, City of Portland
- Desk File



# Portland Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

(207) 774-5961  
FAX (207) 761-8307  
[www.pwd.org](http://www.pwd.org)

September 18, 2000

Ms. Kandi Talbot  
City of Portland Planning Department  
389 Congress Street  
Portland, Maine 04101

Re: Rainbow United Methodist Church  
618 Washington Ave, Portland, Me.

Dear Kandi:

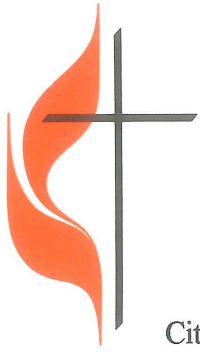
The Portland Water District has an 8" water main in Washington Avenue, Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 96 psi; residual pressure 68 psi; with a flow of 1387 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands. **Please notify your plumber of these results so that they can design your system to best fit the available pressure.**

Sincerely,

PORTLAND WATER DISTRICT

David W. Coffin, PLS  
Engineering Supervisor

Cc: William Nemmers Associates Architects



# Rainbow United Methodist Church

618 Washington Avenue  
PORTLAND, MAINE 04103

SEOK HWAN HONG, Pastor

City of Portland  
Planning Department  
389 Congress Street  
Portland, Maine 04101

Telephone (207) ~~798-0290~~  
Tel. 774-1617

Re: Rainbow United Methodist Church, 618 Washington Ave., Portland, ME 04103  
Site Plan dated June 25, 2000

Dear Members:

This letter is in regard to your approval of the architect's site plan dated 6/25/00 at the Rainbow United Methodist Church, 618 Washington Avenue. It is now over a year later and the work is still not completed due to many problems with architect and contractor. We are finishing the work ourselves and hope to be done soon.

I have been talking with Mr. Jay Reynolds of the site inspection department and he came out to inspect our landscaping last week. He informed me that it did not pass because it did not look like the drawing. We did not know that we had to plant our property exactly as the drawing indicates. Mr. Reynolds suggested the Planning Board might be willing to accept a different planting than what was originally proposed. We are, therefore, asking your approval of a change in the plantings and feel we are justified. (Please see attached letter.)

We would agree to the seven (7) Arborvitae and the placement thereof. The two dwarf Burning Bushes are also acceptable. The hedges in front of the church along the sidewalk were devastated by the construction people and those that were salvaged were relocated along the edge of the property next to our neighbors driveway on the north side of the church. According to the drawing there are two white pines and three lilac bushes in a space approximately 12 1/2' wide and I estimate 50' long. This is on the north side of the church. Lilacs will not bloom without sunshine. White Pines are beautiful trees, I love them, I have several on my own property but they grow 100' high or more and can be three to four feet in diameter. That's a big tree and we are supposed to plant two of them in a 12' X 25' space!! It is probably the largest conifer in the Northeast.

We would like to be released from planting the pines and the lilacs. We feel that with the grass and hedges we do not need any other planting on that side of the building. The plan calls for two Sugar Maples, one on each front corner of the lot and we would like to go with smaller trees. Maples have too many surface roots that hinder the growth of grass. Because they would be under overhead wires they would be subject to much pruning at the expense of the city.



We have a Kousa Dogwood planted in the center of our lot and would like to replace the plan for maples with similar trees such as Flowering Cherry or Plum. Our walkway in front of the church is for handicapped so we don't want large bushes growing out of the planter bed impeding the progress of the people who have difficulty getting around. The burning bushes would probably be okay if someone can keep them trimmed. We have two small Juniper in that bed now and also have planted tulips.

There is a call on the plan for Juniper Hedges and although I haven't investigated it, I would think they would grow out of control and tend to get very large eventually. Is it absolutely necessary that we have some type of hedge along the sidewalk? We are not a wealthy church and it is difficult to find someone to keep them clipped. We have a garden committee who want to plant flowers in our planters and too many trees would keep out the sun which, as you know, is not good for flowers. We want our property to be an asset to the neighborhood so we will certainly do our best to keep it looking good.

I thank you for your attention to this matter and appreciate your consideration. You may reach Rev. Hong at the church address by phone or letter or me at the address and phone number listed below.

Sincerely yours,



Frances Johnson  
27 Byfield Road  
Portland, ME 04103  
Tel. 207-773-3209

Enclosures:

Brief History of Project  
Revised Site Drawing  
Letter from S.H. Hong

06/25/2000

**PLANTING SCHEDULE**

KEY	NAME	COMMON NAME	SIZE	NUMBER
A	Arbor vitae	Arbor Vitae	4'0" high	7
B	Prunus Sibirica	White Pine	5.0" high	2
C	Syringa vulgaris	Common Lilac	5.0" high	3
D	Andromeda cuneata	Juniper Hedge	10" high	19
E	Acer Saccharinum	Sugar Maple	2" 3" caliper	3
F	Euroyonus Alatus Compacta	Dwarf Burning Bush	2.5R high	2
G				

4: Mrs Kim  
or Karen Lilac

CITY OF PORTLAND

APPROVED SITE PLAN

SUBJECT TO DEPARTMENTAL  
CONDITIONS

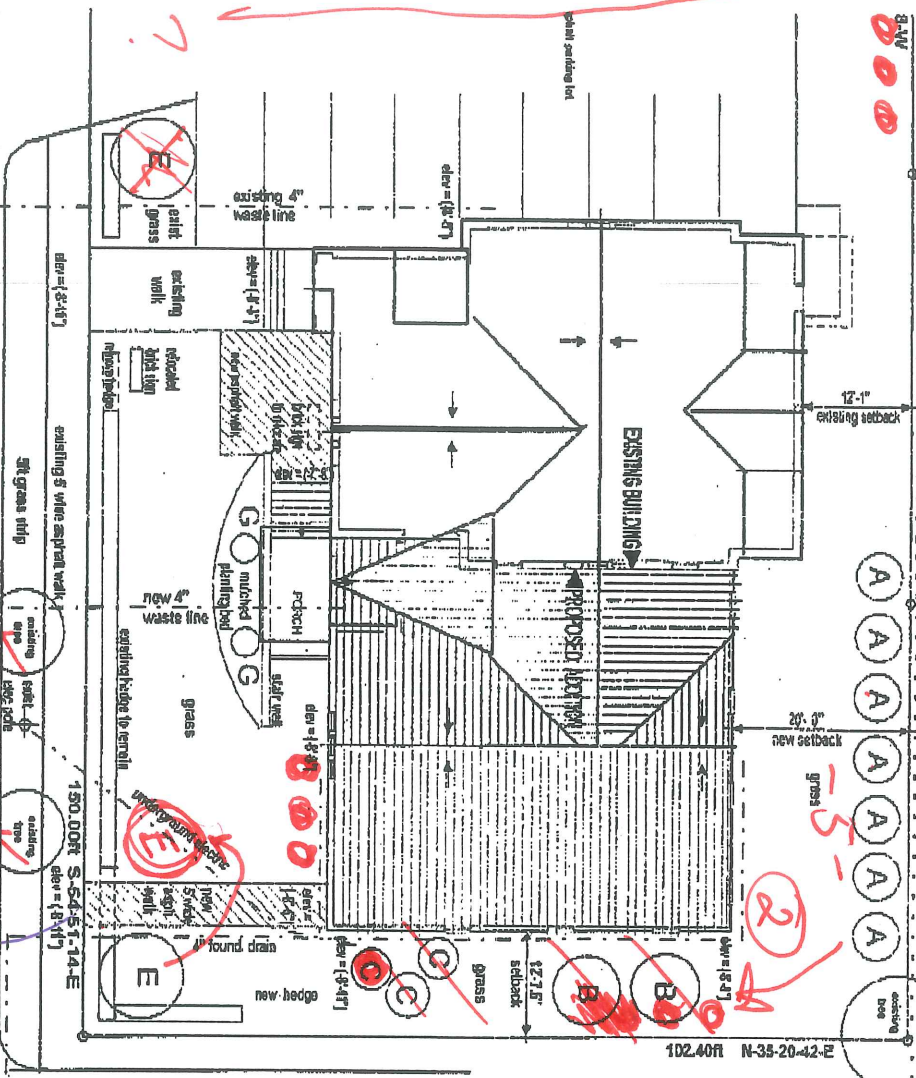
DATE OF APPROVAL

6/27/00  
per JTR.

4" round drain 180° to existing CG



3 Arb or White Pine  
Space to include 3



- Revison Request - Original**
- A- Arborvitae
  - B- White Pine
  - C- Lilacs
  - D- Juniper Hedge
  - E- Sugar Maples
  - F- Burning Bush

- Revison**
- OK
  - Cancel
  - Cancel
  - Flowering Cherry, Plum
  - OK.

walkway?

## BRIEF REPORT OF PROJECT

The addition to the church began around the first of November year 2000. The architect was supposed to watch over everything and be our guardian since we were not wise in the ways of construction procedure. However, he was not available when we had questions and did not get back to us when we called and left messages. He did not act as an intermediary between the church and the contractor as it was stated he should be in the contract. We fired him in March because he had failed to do what he had agreed to do.

Meantime the contractor went ahead with work we had no knowledge of and had not approved because he relied on the architect's spoken word that we had agreed to the changes. The requisitions for payment were paid by the building committee treasurer as they were received. The contractor kept calling and asking about payment on two requisitions that had been sent to the architect but not paid because we had not received them. The contractor finally went personally to the architect and got him to sign them and presented them to the church. Because we were amazed at some of the change orders we had not approved we only paid a portion of the bill. The contractor was angry and walked off the job taking all his equipment and supplies with him. We could not come to an agreement and now we are in legal process.

Therefore, we have had to hire people to finish the work left undone. We just paid almost \$14,000 to complete the yard and drainage work. We thought that was it. The original contractor, according to the written contract, was supposed to keep our existing plantings on the property to replant when the construction was done. We had three good sized trees, two large holly bushes, a rose bush and some other plants the contractor dug up and hauled off to the dump along with all our good top soil from the whole property. We had to buy all new loam for the new landscaping.

I will spare you all the details of our sad story but hope the above will give you an idea of our problems to date.

*Frances Johnson*

### FAX Coversheet

**From:**

Scott Associates, CPA's  
12 Revere Street  
Portland, ME 04103  
Tel.: (207) 772-0441  
FAX: (207) 772-2636

Frances Johnson@

**Contact:**

Frances Johnson

**Date:** 10/30/01

**To:**

City of Portland  
Planning Dept.  
Attn: Jay Reynolds.

Telephone #: \_\_\_\_\_

FAX #: (207) 756-8258

Attn:

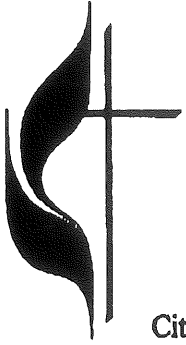
Jay Reynolds

Number of pages (including this coverage): 6

**NOTES:** Dear Mr. Reynolds:

Re: Rainbow United Methodist Church,  
618 Washington Ave., Portland, ME, 04103  
Having not heard from anyone in the planning  
department, I am faxing this material to you.  
You were going to see if you could locate it  
but I don't know if you succeeded or not. I  
did renew visit us at: [www.PortlandCPA.com](http://www.PortlandCPA.com) the Letter of Credit.  
Thank you for your help in this matter. Frances

cover



# Rainbow United Methodist Church

618 Washington Avenue  
PORTLAND, MAINE 04103

SEOK HWAN HONG, Pastor  
City of Portland  
Planning Department  
389 Congress Street  
Portland, Maine 04101

Telephone (207) 738-0290X  
Tel. 774-1617

Re: Rainbow United Methodist Church, 618 Washington Ave., Portland, ME 04103  
Site Plan dated June 25, 2000

Dear Members:

This letter is in regard to your approval of the architect's site plan dated 6/25/00 at the Rainbow United Methodist Church, 618 Washington Avenue. It is now over a year later and the work is still not completed due to many problems with architect and contractor. We are finishing the work ourselves and hope to be done soon.

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Letter from S.H. Hong

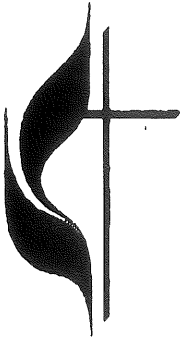
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I will spare you all the details of our sad story but hope the above will give you an idea of our problems to date.



# Rainbow United Methodist Church

618 Washington Avenue  
PORTLAND, MAINE 04103

SEOK HWAN HONG, Pastor

Telephone (207) 799-0290

To: Mr. Michael. A Collins  
The City of Portland (Inspection Department)  
389 Congress Street  
Portland Maine, 04101

July 9, 2001

Dear Mr. Collins:

This letter is about the question of the change of drainage in the building expansion project of the Rainbow United Methodist Church. We discovered that there is a change of our drainage, different from the blue-print of the project. Our Architect explained to us about the change of drainage as follows:

*The matter of the drain line relocation: At the time of the bid the contractor included in his bid an outlet for the foundation drain which was to be directed 150 feet in the grass area between the sidewalk and the street, to an existing catch basin. This was a requirement of and approved by the planning board. This work consisted of running a 4 plastic drain line approximately 3 deep. Because the water level in the catch basin was to high to accommodate the drain as drawn, the City agreed to allow us to exit the drain line in a swale which already exists at the rear of the building, a distance of approximately 80ft. The difference in the cost of these two objectives is about 70 feet of pipe installation, a few hundred dollars. At the end of October, a new City Ordinance went into effect, which increased the definition of Street Opening from only the paved area to all areas between the property lines. This new definition would have included the drain file work, if performed, and would have added many additional fees to the work. Since these fees were not included in the contract, the Building Owner would be responsible for the payment of these additional fees. As it worked out, the Contractor was blindsided by this ordinance change a short while later when he went across the sidewalk to hook up the electric feed. The City Inspector just happened to be there when the Contractor started the work and shut him down for not having the new permit. Getting the permit required having to bring in a new contractor, as the small, lower cost one under contract was not registered with the City. Atlantic Coast Inc., brought in the new contractor, negotiated the penalties and fees, kept the increase in cost reasonable, and did not charge the Church for the extra work.*

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- 1) Was the drain for the foundation relocation with Planning Board approval?
- 2) Was the drain inspected before being covered?
- 3) Does the City know that it will drain onto neighbor's yard and driveway? omit
- 4) What is the elevation of the storm drain invert at the intended structure? Our architect claimed it is not deep enough to accept our drain.
- 5) Did the necessary inspections occur during construction. i.e., electrical rough in, plumbing rough in, framing, foundation prior to the Pour-Foundation prior backfill, insulation, and other required by the City of Portland?

This information is very important to us. The Rainbow United Methodist Church hopes to hear from you as soon as possible.

Sincerely yours,

Rev. Seok Hwan Hong, Pastor  
618 Washington Avenue  
Portland, Maine 04103  
774-1617 (shong2@maine.rr.com)

4

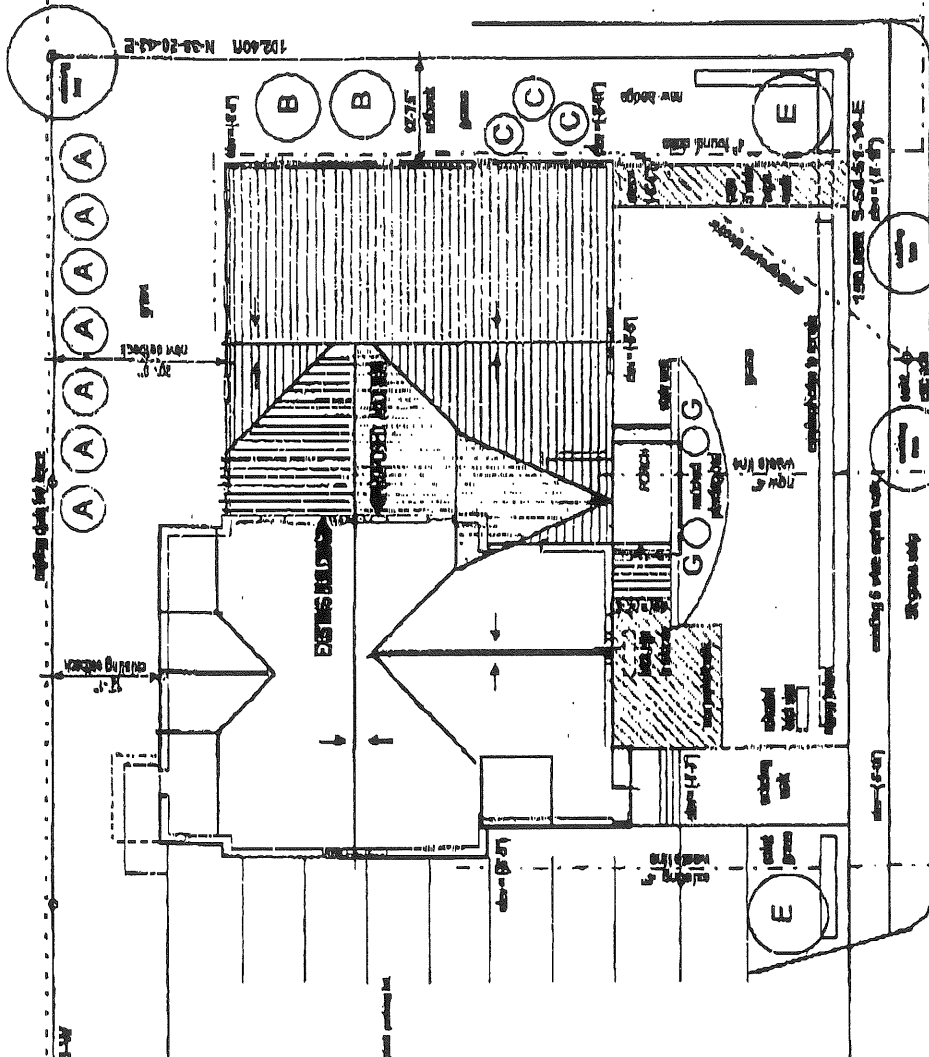


**RAINBOW UNITED METHODIST CHURCH  
 WASHINGTON AVE, PORTLAND, MAINE  
 PAGE S-2**

**SITE PLAN**  
 09/25/2000

**PLANTING SCHEDULE**

KEY	NAME	COMMON NAME	SIZE	NUMBER
A	Arbor vitae	Arbor Vitae	48" high	7
B	Pinus Strobus	White Pine	5.6ft high	2
C	Syringa vulgaris	Common Lilac	5.6ft high	3
D	Arborea Compacta Juniper	Juniper Hedge	6ft high	8
E	Acer Saccharinum	Sugar Maple	7' caliper	3
F				
G	European Alder	Dead Burning Bush	2.6ft high	2



**CITY OF PORTLAND  
 APPROVED SITE PLAN**

SUBJECT TO DEPARTMENTAL  
 CONCURRENCE

DATE OF APPROVAL: 6/27/00  
 PER ITR



William Rasmussen Associates, Inc. Portland, ME 04101  
 201 Fore Street

- Revision Request -**
- Original
  - A - Arborvitae
  - B - White Pine
  - C - Lilacs
  - D - Juniper Hedge
  - E - Sugar Maples
  - G - Burning Bush
- Revision**
- OK
  - Cancel
  - Cancel
  - Flowering Cherry, Plum
  - OK

(5)

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
Planning Copy**

1999-0060  
Application I. D. Number  
  
05/19/1999  
Application Date  
  
Rainbow Methodist Church Addition  
Project Name/Description

Rainbow United Methodist Churc  
Applicant  
618 Washington Ave, Portland, ME 04103  
Applicant's Mailing Address  
Bill Nemmers  
Consultant/Agent  
Agent Ph: 774-3683 Agent Fax: 761-2836  
Applicant or Agent Daytime Telephone, Fax

618 - 618 Washington Ave  
Address of Proposed Site  
167 F013 15  
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) church

4,142 sq. ft. 15,399 sq. ft. R-5  
Proposed Building square Feet or # of Units Acreage of Site Zoning

**Check Review Required:**

- Site Plan (major/minor)  Subdivision # of lots  PAD Review  14-403 Streets Review  
 Flood Hazard  Shoreland  Historic Preservation  DEP Local Certification  
 Zoning Conditional Use (ZBA/PB)  Zoning Variance  Other

Fees Paid: Site Plan \$400.00 Subdivision Engineer Review \$300.00 Date 10/24/2000

**Planning Approval Status:**

Reviewer Kandi Talbot

- Approved  Approved w/Conditions See Attached  Denied

Approval Date 06/27/2000 Approval Expiration 06/27/2001 Extension to  Additional Sheets Attached

OK to Issue Building Permit kandi talbot 10/25/2000  
signature date

**Performance Guarantee**  Required\*  Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input checked="" type="checkbox"/> Performance Guarantee Accepted	10/25/2000 date	\$7,340.00 amount	09/15/2001 expiration date
<input checked="" type="checkbox"/> Inspection Fee Paid	10/24/2000 date	\$300.00 amount	
<input type="checkbox"/> Building Permit Issue	date		
<input type="checkbox"/> Performance Guarantee Reduced	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	date	<input type="checkbox"/> Conditions (See Attached)	expiration date
<input type="checkbox"/> Final Inspection	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	date		
<input type="checkbox"/> Performance Guarantee Released	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	date	signature	

**CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
ADDENDUM**

1999-0060

Application I. D. Number

05/19/1999

Application Date

**Rainbow Methodist Church Addition**

Project Name/Description

**Rainbow United Methodist Church**

Applicant

618 Washington Ave, Portland, ME 04103

Applicant's Mailing Address

**Bill Nemmers**

Consultant/Agent

Agent Ph: 774-3683

Agent Fax: 761-2836

Applicant or Agent Daytime Telephone, Fax

618 - 618 Washington Ave

Address of Proposed Site

167 F013 15

Assessor's Reference: Chart-Block-Lot

**Approval Conditions of Planning**

- 1 1. that if determined by Public Works that the sidewalk along the frontage of the site is in need of repair, the applicant will repair the bituminous sidewalk to city standards.
- 2 2. that the applicant provide capacity letters from the Portland Water District and Portland Sewer Division prior to issuance of a building permit.
- 3 3. that the landscape plan be reviewed and approved by the City Arborist.
- 4 4. that the applicant revise the plan to show that the drainage from the southwesterly side of the lot or such area as determined by staff will be collected and discharged into the storm drain system in Washington Avenue.
- 5 5. that the applicant submit lighting information, such as catalogue cuts of lighting, mounting height, and a photometric plan for review and approval by staff.
- 6 6. that a letter of financial capability be provided for review and approval by staff.

**Approval Conditions of Insp**

- 1 This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2 Separate permits are required for any new signage.
- 3 This permit is being issued for the entire addition, foundation and structure.

**Approval Conditions of DRC**

- 1 - see planning conditions

Department of Planning and Urban Development  
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date 09/17/00

Name of Project RAINBOW UNITED METHODIST CHURCH ADDITION

Address/Location 698 WASHINGTON AVENUE

Developer RAINBOW UNITED METHODIST CHURCH

Form of Performance Guarantee \_\_\_\_\_

Type of Development: \_\_\_\_\_ Subdivision \_\_\_\_\_ Site Plan (Major/Minor) Site Plan

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>STREET/SIDEWALK</b>						
Road						
Granite Curbing						
Sidewalks	<u>110 LF</u>		<u>750</u>			
Esplanades						
Monuments						
Street Lighting						
Other						
<b>SANTARY SEWER</b>						
Manholes						
Piping						
Connections						
Other						
<b>STORM DRAINAGE</b>						
Manholes						
Catchbasins						
Piping <u>4"</u>	<u>180 LF</u>		<u>1800</u>			
Detention Basin						
Other						
<b>SITE LIGHTING</b>						
<b>EROSION CONTROL</b>						
<b>RECREATION AND OPEN SPACE AMENITIES</b>						

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)			4			4790
MISCELLANEOUS						
TOTAL:		2550			4790	
GRAND TOTAL:					7340.	

SPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
1.7% of totals:			
or			
Alternative Assessment:			
Assessed by:	(name)	(name)	

# Atlantic Coast Contractors, Inc.

## PROPOSAL

To: William Nemmers Assoc.  
424 Fore Street  
Portland, ME 04101

Attn: Bill Nemmers

August 4, 2000

---

Project: Rainbow United Methodist Church

We are submitting a lump sum price of \$379,970.00 for the referenced project as described. This price includes a material and performance bond; but does not include the cost of a building permit, stamped electrical drawings, remedial electrical work in the existing space that may be required by the City of Portland, or fees or service charges that may be charged by various utilities.

This bid price includes the following major subcontract and allowance amounts:

1. Electrical Subcontract	\$35,000.00
2. Mechanical Subcontract (Plumbing / Heating)	\$42,500.00
3. Ceramic Tile Allowance @ \$5.00/sf	\$700.00
4. Light Fixtures @ \$240.00	\$240.00

Alternates:

1. Purchase and install plant materials per site plan schedule	\$4,790.00
2. Remove shingles and install new shingles on the existing roof	\$8,645.00
3. Install plywood subfloor and VCT in the existing Social Hall	\$5,880.00
4. Upgrade the electrical service to 3-phase	\$1,800.00
5. Replace the existing sidewalk	\$750.00

We are in a position to start work on this project upon contract execution.

Please contact us if you have any questions regarding this proposal.

Sincerely,

Atlantic Coast Contractors, Inc.



David Bisson  
Vice President

Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

November 1, 2002

Won Park  
Rainbow Methodist Church  
618 Washington Avenue  
Portland, ME 04103

re: Rainbow Methodist Church, 618 Washington Avenue

CBL: ID #1999-0060, CBL #167-F-013

Dear: Mr. Park:

This letter is to confirm the revision to drainage plan for the Rainbow Methodist Church located at 618 Washington Avenue. The approved revision includes the installation of an underdrain along the west side of the church to relieve the leakage problems inside the church. The underdrain/foundation drain will then be connected to the existing Washington Avenue sewer lateral. This connection must be made in the right-of-way, but may be located between the curb and property line of the church. The revised plan has been reviewed and approved by the project review staff including representatives of the Planning, Public Works, Building Inspections, Fire and Parks Departments, with the following conditions:

If you have any questions regarding the revision please contact Jay Reynolds at 874-8632.

Sincerely,

Alexander Jaegerman  
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director  
Sarah Hopkins, Development Review Program Manager  
Kandice Talbot, Planner/Senior Planner  
✓ Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jodine Adams, Inspections  
Larry Ash, Traffic Engineer  
Tony Lombardo, Project Engineer  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist

O:\PLAN\DEVREVW\WASH618\LETTERS\REVISIONLETTER.DOC

**From:** Anthony Lombardo  
**To:** Todd Merkle  
**Date:** Fri, Nov 1, 2002 7:51 AM  
**Subject:** Re: 618 Washington Ave.

Richard Waltz wanted to tie foundation drains into either an existing sanitary lateral or a recently installed lateral installed as part of the new construction. I told Jay Reynolds that a separate and distinct storm drain line must extend to within the Washington Avenue right of way to enable the City to separate, if planned, in the future. He was not directed by me to excavate within the paved roadway.

>>> Todd Merkle 11/01 7:37 AM >>>

Richard Waltz called me yesterday about him being required to take a storm lateral all the way to the main at the church. Just to let you know we do allow that the two laterals be extended to the sidewalk area and be joined there so if we ever do the separation we can pick it up there.

I told Richard this after confirming with Dave Peterson that this is indeed our policy.

Todd

**CC:** Eric Labelle; Jay Reynolds





**CITY OF PORTLAND**

January 9, 2002

Rev. Seok Hwan Hong, Pastor  
618 Washington Ave.  
Portland, ME 04101

RE: Minor Site Plan/Rainbow United Methodist Church

Dear Rev. Hong:

In response to your letter dated October 8, 2001, I have the following comments:

1. The relocation of the drain for the foundation was not approved by planning board or by planning staff.
2. The drain was not inspected before being covered. This is not a required inspection. However, it does appear as if the drainage system that was installed was not even approved by the City of Portland.
3. I am unaware of the elevation of the storm drain (catch basin) invert at the intended structure. This information is not shown on the plan. Because the installed drainage system was never approved nor inspected, I do not know whether the structure is deep enough to accept your drain.
4. The necessary inspections did occur during construction. This has been confirmed through the inspections department.

Because your build out does not conform to the Planning Board's approved plan, you must apply to the City for an amendment to your site plan. Otherwise, the City will unfortunately be required to take action to require conformance with the approved plan.

It is also important to note that your performance guarantee, in the amount of \$7,340.00, has auto-extended until January 1, 2003.

Please contact me if you have any questions.  
Thank You.

Sincerely,

Jay Reynolds

Development Review Coordinator

MODE = MEMORY TRANSMISSION

START=JAN-09 13:36

END=JAN-09 13:42

FILE NO.=564

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		97741617	001/001	00:00:43

-CITY OF PORTLAND -

\*\*\*\*\* -PLANNING DEPT. - \*\*\*\*\* 2077568258- \*\*\*\*\*

Planning & Urban Development



Alexander Jaegerman  
Planning Director

**CITY OF PORTLAND**

January 9, 2002

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618 Washington Ave.  
Portland, ME 04101

RE: Minor Site Plan/Rainbow United Methodist Church

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2. The drain was not inspected before being covered. This is not a required inspection. However, it does appear as if the drainage system that was installed was not even approved by the City of Portland.
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Because your build out does not conform to the Planning Board's approved plan, you must apply to the City for an amendment to your site plan. Otherwise, the City will unfortunately be required to take action to require conformance with the approved plan.

It is also important to note that your performance guarantee, in the amount of \$7,340.00, has auto-extended until January 1, 2003.

Please contact me if you have any questions.  
Thank You.

Sincerely,  
  
Jay Reynolds  
Development Review Coordinator

TO: Inspections

FROM: Jay Reynolds, Development Review Coordinator 

DATE: May 9, 2003

RE: C. of O. for # 618 Washington Avenue,  
Rainbow United Methodist Church  
(CBL 376A055) (ID 2002-0248)

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Pertaining to #618 Washington Avenue, I have the following comments:

Site work complete.

**At this time, I recommend issuing a permanent Certificate of Occupancy.**

Please contact me if you have any questions or comments.  
Thank You.

Cc: Sarah Hopkins, Development Review Services Manager  
Mike Nugent, Inspection Services Manager

File: O:\plan\devreview\618washington2.doc

FLEET NATIONAL BANK  
GLOBAL TRADE OPERATIONS DEPT.  
1 FLEET WAY  
SCRANTON, PA 18507-1999

NOVEMBER 20, 2002

CITY OF PORTLAND, ME.  
389 CONGRESS ST  
PORTLAND ME 04101

APPLICANT: RAINBOW UNITED METHODIST CHURCH  
618 WASHINGTON AVE  
PORTLAND, ME 04103

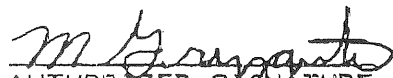
L/C NO. PS1233974

THE ABOVE MENTIONED LETTER OF CREDIT IS DUE TO EXPIRE ON JANUARY 1, 2003.  
PREVIOUSLY WE NOTIFIED YOU THAT WE, FLEET NATIONAL BANK, ELECTED NOT TO RENEW  
LETTER OF CREDIT NUMBER PS1233974 FOR ANY PERIOD BEYOND ITS PRESENT EXPIRATION  
DATE OF JANUARY 1, 2003.

PLEASE CONSIDER THIS LETTER OUR ADVICE TO YOU THAT WE, FLEET NATIONAL BANK, DO  
ELECT TO RENEW OUR LETTER OF CREDIT NUMBER PS1233974. IN ACCORDANCE WITH THE  
TERMS OF THIS LETTER OF CREDIT, IT WILL BE DEEMED AUTOMATICALLY RENEWED.

IF YOU HAVE ANY QUESTIONS, OR WOULD LIKE ANY ADDITIONAL INFORMATION, PLEASE DO  
NOT HESITATE TO CONTACT THE STANDBY LETTER OF CREDIT DEPARTMENT AT  
1-800-370-7519.

VERY TRULY YOURS,  
FLEET NATIONAL BANK

  
AUTHORIZED SIGNATURE

389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258

**City of Portland  
Planning and Development Department  
Planning Division**

# Fax

To: Allison Company: Fleet Bank  
Fax: 879-2727 Date: 12-2-02  
From: Jay Reynolds

Comments:

Attached is the letter of Non-Resound for  
618 Washington Ave.

\* The City needs <sup>written</sup> confirmation that this is incorrect.  
By December 20, 2002, or unfortunately the City will  
be forced ~~(to)~~ to Roll / Call the Guarantor.

Cc. Sarah Hopkins  
Penny Littell

You should receive \_\_\_\_\_ page(s), including this cover sheet. If you do not receive all of the pages, please call (207)874-8721.

FLEET NATIONAL BANK  
GLOBAL TRADE OPERATIONS DEPT.  
FLEET WAY  
HANTON, PA 18507-1999

TELEPHONE: 1-800-370-7519 EXT. 4214  
FACSIMILE: 570-330-4187

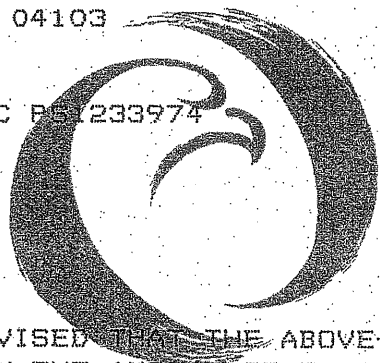
DATE: OCTOBER 28, 2002

MAIL RECEIPT: PA234755 45105

BENEFICIARY:  
CITY OF PORTLAND, ME.  
39 CONGRESS ST. DIRECTOR -  
PORTLAND ME 04101 PLANNING & URBAN  
DEVELOPMENT

APPLICANT:  
RAINBOW UNITED METHODIST CHURCH  
18 WASHINGTON AVE  
PORTLAND, ME 04103

L/C # 233974



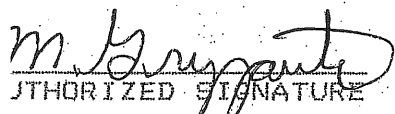
# Fleet

GENTLEMEN:

PLEASE BE ADVISED THAT THE ABOVE-REFERENCED STANDBY LETTER OF CREDIT ISSUED IN  
OUR FAVOR IN THE AMOUNT OF 7,340.00 USD WILL NOT BE EXTENDED BEYOND ITS CURRENT  
EXPIRATION DATE OF JANUARY 1, 2003.

THIS NOTICE IS BEING CONVEYED TO YOU IN ACCORDANCE WITH THE TERMS AND CONDITIONS  
OF SAID LETTER OF CREDIT.

VERY TRULY YOURS,  
FLEET NATIONAL BANK

  
AUTHORIZED SIGNATURE

FLEET NATIONAL BANK  
GLOBAL TRADE OPERATIONS DEPT.  
1 FLEET WAY  
SCRANTON, PA 18507-1999

TELEPHONE: 1-800-370-7519 EXT. 4214  
FACSIMILE: 570-330-4187

DATE: OCTOBER 28, 2002

MAIL RECEIPT: RA23475545165

BENEFICIARY:

CITY OF PORTLAND, ME.  
389 CONGRESS ST *DIRECTOR -*  
PORTLAND ME 04101 *PLANNING & URBAN*  
*DEVELOPMENT*

APPLICANT:

RAINBOW UNITED METHODIST CHURCH  
618 WASHINGTON AVE  
PORTLAND, ME 04103

L/C PS1233974

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THIS NOTICE IS BEING CONVEYED TO YOU IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SAID LETTER OF CREDIT.

VERY TRULY YOURS,  
FLEET NATIONAL BANK

*M. Grzybowski*  
AUTHORIZED SIGNATURE

389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258

**City of Portland  
Planning and Development Department  
Planning Division**

# Fax

To: Allison Company: Fleet Bank  
Fax: 874-2727 Date: 12-2-02  
From: Jay Reynolds

**Comments:**

Attached is the letter of Non-Renewal for  
618 Washington Ave.

\* The City needs <sup>written</sup> confirmation that this is incorrect  
By December 20, 2002, or unfortunately the City will  
Be forced ~~(to)~~ to Roll / call the Guarantor.

Cc. Sarah Hopkins  
Robby Littell

You should receive \_\_\_\_\_ page(s), including the cover sheet. If you do not receive all  
of the pages, please call (207)874-8721.



FLEET NATIONAL BANK  
GLOBAL TRADE OPERATIONS DEPT.  
1 FLEET WAY  
SCRANTON, PA 18507-1999

TELEPHONE: 1-800-370-7519 EXT. 4214  
FACSIMILE: 570-330-4187

DATE: OCTOBER 28, 2002

MAIL RECEIPT: R 234755 45105

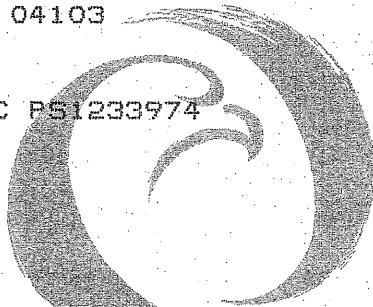
BENEFICIARY:

CITY OF PORTLAND, ME.  
389 CONGRESS ST *DIRECTOR -*  
PORTLAND ME 04101 *PLANNING & URBAN*  
*DEVELOPMENT*

APPLICANT:

RAINBOW UNITED METHODIST CHURCH  
518 WASHINGTON AVE  
PORTLAND, ME 04103

L/C PS1233974



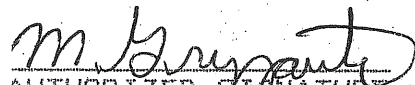
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THIS NOTICE IS BEING CONVEYED TO YOU IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SAID LETTER OF CREDIT.

VERY TRULY YOURS,  
FLEET NATIONAL BANK

  
AUTHORIZED SIGNATURE

Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

**Division Directors**  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

November 20, 2002

Won Park  
Rainbow Methodist Church  
618 Washington Avenue  
Portland, ME 04103

Re: Rainbow Methodist Church, 618 Washington Avenue  
CBL: ID #1999-0060, CBL #167-F-013

Dear: Mr. Park:

In conjunction with the June 27, 2000 site approval for the Rainbow Methodist Church, the City was given a Letter of Credit from Fleet Bank in the amount of \$7,340.00 to ensure completion of required improvements. The City understands that a number of issues (some beyond your control) have prevented you from completing the project to date, yet you have attempted to work towards that goal. At the present time the landscaping of the site remains. Obviously, that will not be accomplished this year but will have to wait until the spring.

On October 28, 2002 the City received notice from Fleet National Bank that the Letter of Credit set to expire on January 1, 2003, will not be extended. As a result, you are left with the following options. First, you could get Fleet to extend the Letter of Credit until May 1, 2003, which would allow you time to complete the landscaping and post your defect guarantee in the amount of \$734.00. Secondly, you could post a new guarantee. Lastly, the City could place a call on the Letter of Credit in an amount necessary to complete the landscaping.

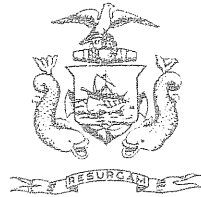
It is preferable for everyone, if you could undertake one of the first two options. Should that occur, the City would be willing to reduce the amount of the existing guarantee to \$4,790.00, since other improvements have been completed. Or we would be willing to accept a new performance guarantee in the same amount, provided the defect guarantee to be posted upon completion of all improvements is \$754.00.

Because time is of the essence if the City needs to place a call on the Letter of Credit, we ask that you get back to us within ten business days on your approach to solving this problem.

Sincerely,

Jay Reynolds  
Development Review Coordinator

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## CITY OF PORTLAND

November 2, 2001

Ms. Frances Johnson  
27 Byfield Road  
Portland, ME 04103

RE: Rainbow United Methodist Church, 618 Washington Avenue  
ID #1999-0060, CBL #167-F-013

Dear Ms. Johnson:

Jeff Tarling, City Arborist and myself went out the site recently to review the proposed landscape revisions to your approved site plan dated June 27, 2000.

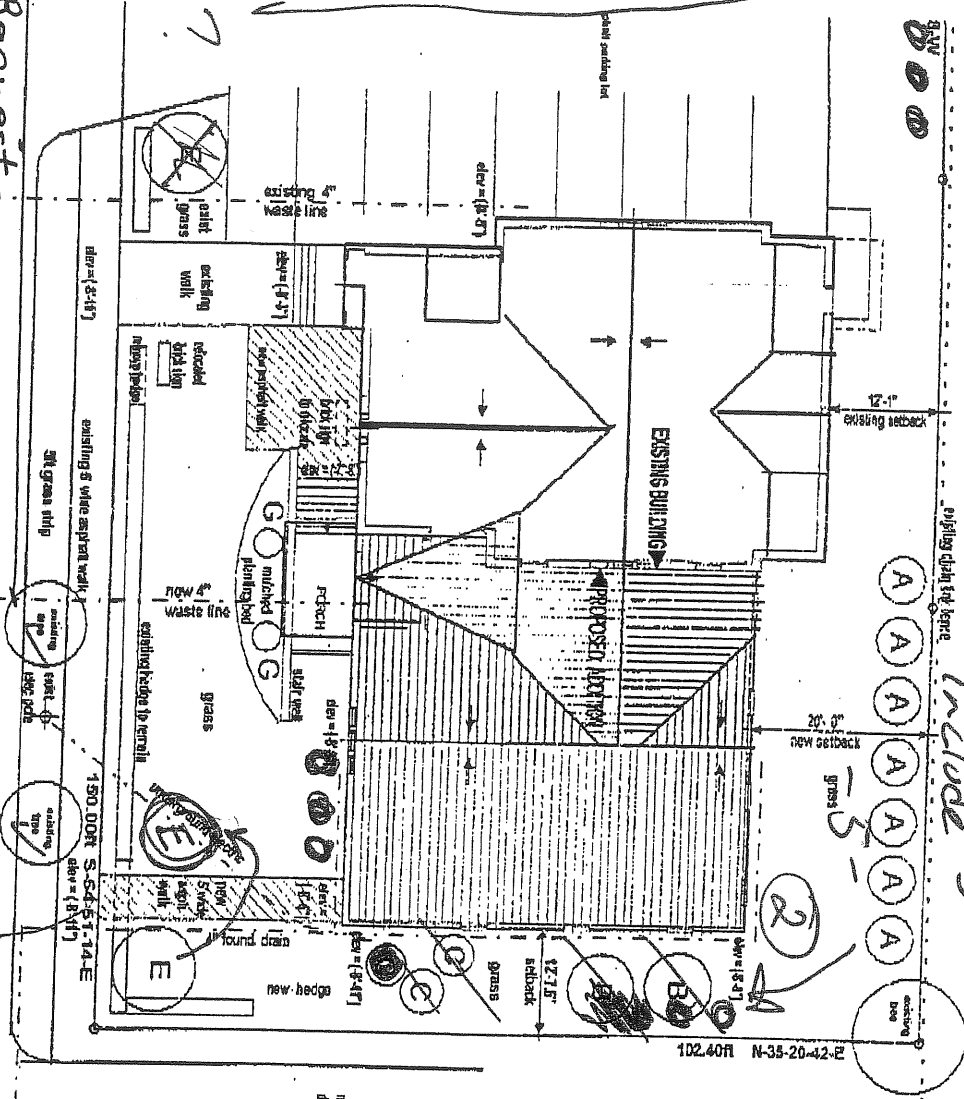
Following is a list of approved landscaping, your revision request, and the City's recommendation. A plan showing the City's recommendations is attached for your review.

- A. Arborvitae. The applicant does not wish to change the approved plan. The applicant shall plant five (5) arborvitae instead of the seven (7) proposed. In the southwesterly corner of the property, the applicant shall install three (3) arborvitae or two (2) white pine for screening purposes.
- B. White Pine. The applicant wishes to eliminate the two (2) white pine originally approved at the northwesterly corner of the building. The applicant shall plant two (2) arborvitae in this located instead of the white pine.
- C. Lilacs. The applicant wishes to eliminate the three (3) lilacs originally approved at the northeasterly corner of the building. The applicant shall plant one (1) "Miss Kim" or "Korean" lilac, 3-4 ft. tall, at the northeasterly corner of the building and plant two (2) "Miss Kim" or "Korean" lilac, 3-4 ft. tall, at the easterly edge of the building.
- D. Juniper Hedge. The applicant is not sure where the juniper hedge was required. The City is not concerned with the juniper hedge.
- E. Sugar Maples. The applicant wishes to change the approved sugar maples to flowering crab or plum. The applicant shall plant one (1) sugar maple, 2-inch caliper at the northeasterly corner of the property. The sugar maple proposed near the sign may be eliminated.
- G. Burning Bush. The applicant has installed the burning bush as approved.

*3 A/B or White Pine*  
*Space to include 3*

**PLANTING SCHEDULE**

KEY NAME	COMMON NAME	SIZE	NUMBER
A Arbor Vitae	Arbor Vitae	4.0ft high	7
B Pinus Strobus	White Pine	3.8ft high	2
C Syringa vulgaris	Common Lilac	6.0ft high	3
D Acer Carpinifolia	Juniper Hedge	16" high	19
E Acer Saccharinum	Sugar Maple	2 1/2" 3" caliper	3
G Elyogonous Alnus Complanata	Dwarf Burning Bush	2ft high	2



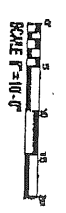
- Revision Request -**
- A.- Arborvitae
  - B.- White Pine
  - C.- Lilacs
  - D.- Juniper Hedge
  - E.- Sugar Maples
  - G.- Burning Bush

- Revision**
- OK
  - Cancel
  - Cancel
  - Flowering Cherry, Plum
  - OK

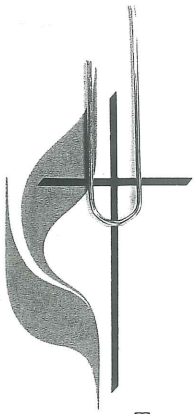
*walkway?*

*4: Miss Kim of Korean Lilac*

**CITY OF PORTLAND**  
**APPROVED SITE PLAN**  
 SUBJECT TO DEPARTMENTAL CONDITIONS  
 DATE OF APPROVAL 6/27/00  
 per J.R.



William Remmers Associates, Architects  
 424 Fore Street Portland, Me 04101



# Rainbow United Methodist Church

618 Washington Avenue  
PORTLAND, MAINE 04103

SEOK HWAN HONG, Pastor

Telephone (207) 799-0290

To: Mr. Michael. A Collins  
The City of Portland (Inspection Department)  
389 Congress Street  
Portland Maine, 04101

October 8, 2001

Dear Mr. Collins:

This letter is about the question of the change of drainage in the building expansion project of the Rainbow United Methodist Church. We discovered that there is a change of our drainage, different from the blue-print of the project. Our Architect explained to us about the change of drainage as follows:

*The matter of the drain line relocation: At the time of the bid the contractor included in his bid an outlet for the foundation drain which was to be directed 150 feet in the grass area between the sidewalk and the street, to an existing catch basin. This was a requirement of and approved by the planning board. This work consisted of running a 4 plastic drain line approximately 3 deep. Because the water level in the catch basin was to high to accommodate the drain as drawn, the City agreed to allow us to exit the drain line in a swale which already exists at the rear of the building, a distance of approximately 80ft. The difference in the cost of these two objectives is about 70 feet of pipe installation, a few hundred dollars. At the end of October, a new City Ordinance went into effect, which increased the definition of Street Opening from only the paved area to all areas between the property lines. This new definition would have included the drain file work, if performed, and would have added many additional fees to the work. Since these fees were not included in the contract, the Building Owner would be responsible for the payment of these additional fees. As it worked out, the Contractor was blindsided by this ordinance change a short while later when he went across the sidewalk to hook up the electric feed. The City inspector just happened to be there when the Contractor started the work and shut him down for not having the new permit. Getting the permit required having to bring in a new contractor, as the small, lower cost one under contract was not registered with the City. Atlantic Coast Inc., brought in the new contractor, negotiated the penalties and fees, kept the increase in cost reasonable, and did not charge the Church for the extra work.*

My questions to the Inspection Department of the City of Portland are:

- 1) Was the drain for the foundation relocation with Planning Board approval?
- 2) Was the drain inspected before being covered?
- 3) What is the elevation of the storm drain(catch basin?) invert at the intended structure? Our architect claimed it is not deep enough to accept our drain.
- 4) Did the necessary inspections occur during construction, i.e., electrical rough in, plumbing rough in, framing, foundation prior to the Pour-Foundation prior backfill, insulation, and other required by the City of Portland?

This information is very important to us. The Rainbow United Methodist Church hopes to hear from you as soon as possible.

Sincerely yours,

Rev. Seok Hwan Hong, Pastor  
618 Washington Avenue  
Portland, Maine 04103  
774-1617 (shong2@maine.rr.com)

**DRAFT**

No  
 No, Not Required Inspection  
 Not shown on the plan (unknown)  
 Yes.

November 14, 2001

Rev. Seok Hwan Hong, Pastor  
618 Washington Ave.  
Portland, ME 04101

RE: Minor Site Plan/Rainbow United Methodist Church

Dear Rev. Hong:

In response to your letter dated October 8, 2001, I have the following comments:

1. The relocation of the drain for the foundation was not approved by planning board or by planning staff.
2. The drain was not inspected before being covered. This however, is not a required inspection.
3. I am unaware of the elevation of the storm drain (catch basin) invert at the intended structure. This information is not shown on the plan. At this time, I cannot determine that it is not deep enough to accept your drain.
4. The necessary inspections did occur during construction. This has been confirmed through the inspections department.

Please contact me if you have any questions.  
Thank You.

Sincerely,

Jay Reynolds  
Development Review Coordinator

cc: Mike Nugent, Inspections Services Manager  
Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Kandi Talbot, Planner  
Penny Littell, Corporation Counsel  
File

# CITY OF PORTLAND, MAINE

## PLANNING BOARD

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Jaimey Caron, Chair  
Deborah Krichels, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Erin Rodriguez  
Mark Malone  
Orlando E. Delogu

June 28, 2000

William Nemmers  
Nemmers and Associates  
424 Fore Street  
Portland, ME 04101

re: Rainbow Methodist Church, 618 Washington Avenue

Dear Mr. Nemmers:

On June 27, 2000 the Portland Planning Board voted unanimously (5-0, Caron, Hagge absent) to approve your application to construct an addition to the existing church located at 618 Washington Avenue. The Board found that the application met the standards of the Conditional Use and Site Plan ordinance of the Land Use code.

The approval was granted for the project with the following conditions:

1. That if determined by Public Works that the sidewalk along the frontage of the site is in need of repair, the applicant will repair the bituminous sidewalk to city standards.
2. That the applicant provide capacity letters from the Portland Water District and Portland Sewer Division prior to issuance of a building permit.
3. That the landscape plan be reviewed and approved by the City Arborist.
4. That the applicant revise the plan to show that the drainage from the southwesterly side of the lot or such area as determined by staff will be collected and discharged into the storm drain system in Washington Avenue.
5. That the applicant submit lighting information, such as catalogue cuts of lighting, mounting height, and a photometric plan for review and approval by staff.
6. That a letter of financial capability be provided for review and approval by staff.

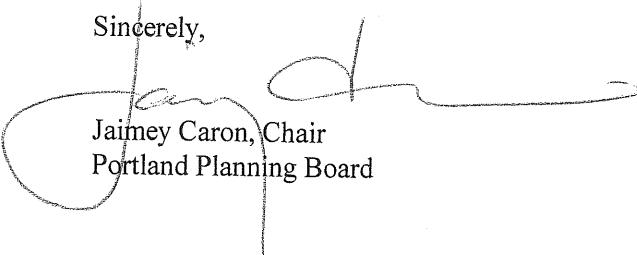
The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report#29-00, which is attached.

Please note the following provisions and requirements for all site plan approvals:

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the 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 preconstruction meeting.
5. 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.)
6. The Development Review Coordinator (who is located at DeLuca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 the Planning Staff.

Sincerely,



Jaimey Caron, Chair  
Portland Planning Board



cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alexander Jaegerman, Chief Planner  
✓Kandice Talbot, Planner  
P. Samuel Hoffses, Building Inspector  
Marge Schmuckal, Zoning Administrator  
Tony Lombardo, Project Engineer  
Development Review Coordinator  
William Bray, Director of Public Works  
Nancy Knauber, Associate Engineer  
Jeff Tarling, City Arborist  
Charlie Lane, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
Inspection Department  
Lee Urban, Director of Economic Development  
Don Hall, Appraiser, Assessor's Office  
Susan Doughty, Assessor's Office  
Approval Letter File

## I. INTRODUCTION

Rainbow United Methodist Church has requested conditional use and site plan approval for a 4,142 sq. ft. addition to the existing building located at 618 Washington Avenue. This development would be reviewed for conditional use and institutional use in the R-5 zone and site plan review. The standards for the institutional conditional use and the regular conditional use standards are attached.

The site currently has an existing 2,047 sq. ft. building which consists of the church. The proposed addition will add Sunday school space for the church and will also bring the structure into compliance with the ADA regulations. The site is approximately 0.35 acres and is zoned R-5.

A workshop was held in July, 1999, but the project was then put on hold. The applicant has now requested review of the project.

A legal ad appeared in the June 19th and 20th issues of the *Portland Press Herald*. 254 notices have been sent to area property owners in the vicinity of the project.

## II. STAFF REVIEW

The proposal has been reviewed for compliance with the R-2 Residential Zone, Site Plan Ordinance, and Conditional Use Standards of the Land Use Code. The plan has been reviewed by the Inspections, Traffic, Fire, Public Works, and Planning Department.

## III. SITE PLAN REVIEW

### 1. Traffic/Circulation/Parking

Access to the site will be from the existing driveway along Washington Avenue. The applicant is proposing 17 parking spaces.

There are currently sidewalk and granite curb along Washington Avenue. The DRC has stated that the existing sidewalk along the frontage of the site is significantly deteriorated. A potential condition of approval is:

- that if determined by Public Works that the sidewalk along the frontage of the site is in need of repair, the applicant will repair the bituminous sidewalk to city standards.

### 2. Bulk, Location, Height of Building and Uses Thereof

The applicant is proposing to construct a 4,142 sq. ft. addition to match the existing building. The facade will consist of painted brick on the lower portion of the building, with aluminum siding on the upper portion. Elevation drawings are included as Attachment 6.

3. Utilities/Easements/Solid Wastes

The applicant is proposing to utilize the existing water and sewer connections to Washington Avenue. These utilities include sanitary sewer and water. The applicant will need to provide capacity letters to staff. A potential condition of approval is:

- that the applicant provide capacity letters from the Portland Water District and Portland Sewer Division prior to issuance of building permit.

4. Landscaping

The applicant is proposing plantings around the site. These plantings will consist of Arbor Vitae, White Pine, Lilac, Juniper, Sugar Maple and Burning Bush. It appears that the applicant could enhance the landscaping with some street trees along Washington Avenue at the parking lot entrance and also add some type of landscape buffer at the rear of the parking lot. The City Arborist is currently reviewing the plan and comments will be provided at the Public Hearing. A potential condition of approval is:

- that the landscape plan be reviewed and approved by the City Arborist.

5. Drainage

Currently drainage from the parking lot sheet flows across the lot to Washington Avenue. The lawn area drains toward the neighboring properties to the rear.

The DRC has reviewed the plan and is recommending that the drainage on the southwesterly side of the lot be collected and discharged into the storm drain system in Washington Avenue. This is because the topography in the area of the expansion slopes from Washington Avenue to abutting residential lots on Illsley Street. Illsley Street runs parallel to Washington Avenue and located south of the site. The conversion of grass cover to an impervious surface will negatively impact the abutting residential lots. The DRC's memo is included as Attachment 7. A potential condition of approval is:

- that the applicant revise the plan to show that the drainage from the southwesterly side of the lot will be collected and discharged into the storm drain system in Washington Avenue.

6. Lighting

The applicant has stated that there will be some lighting at the entrance of the new addition, but has not submitting lighting information at this time. A potential condition of approval is:

- that the applicant submit lighting information, such as catalogue cuts of lighting, mounting height, and a photometric plan for review and approval by staff.

7. Fire Safety

The site plan has been reviewed and approved by the Fire Department.

8. Financial Capability

The applicant has stated that a letter of financial capability will be provided at the Public Hearing. A potential condition of approval is:

- that a letter of financial capability be provided for review and approval by staff

**IV. CONDITIONAL USE REVIEW**

1. The following standards apply for review of an institutional expansion in the R-5 zone.

Section 14-118(2)

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

The placement of the addition will be within church property

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

The addition will not cause the displacement or conversion of any residential units.

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

The applicable lot sizes have been met.

2. The following standards apply for all conditional uses:

Section 14-474(2)

i. There are unique or distinctive characteristics or effects associated with the proposed conditional use;

There are no know unique or distinctive characteristics associated with the proposed use.

ii. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and

It does not appear that there will be any adverse impacts with the proposed project.

iii. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

The impacts of this site are similar as those normally expected from such a use in this zone.

**V. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #29-00 relevant to standards for site plan and conditional use review, the Board finds:

i. That the plan is/is not in conformance with the Conditional Use Standards of the Land Use Code.

ii. That the plan is/is not in conformance with the Site Plan Standards of the Land Use Code.

Potential Conditions of Approval:

1. that if determined by Public Works that the sidewalk along the frontage of the site is in need of repair, the applicant will repair the bituminous sidewalk to city standards.

2. that the applicant provide capacity letters from the Portland Water District and Portland Sewer Division prior to issuance of building permit.

3. that the landscape plan be reviewed and approved by the City Arborist.

S-O  
Caron  
Hagge absent

4. that the applicant revise the plan to show that the drainage from the southwesterly side of the lot will be collected and discharged into the storm drain system in Washington Avenue.

5-0

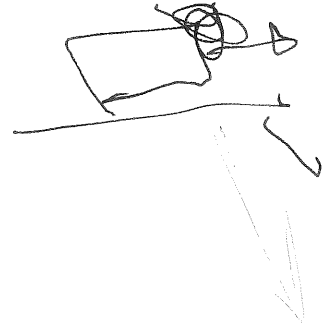
5. that the applicant submit lighting information, such as catalogue cuts of lighting, mounting height, and a photometric plan for review and approval by staff.

6. that a letter of financial capability be provided for review and approval by staff.

*such as area determined by staff*

Attachments:

1. Written Statement
2. R-5 Zoning Text
3. Conditional Use Text
4. Site Plan
5. Survey
6. Elevations
7. DRC's Memo



**PLANNING BOARD REPORT #29-00**

**CHURCH EXPANSION**  
**SITE PLAN AND CONDITIONAL USE REVIEW**  
**RAINBOW UNITED METHODIST CHURCH, APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

June 27, 2000

# **RAINBOW UNITED METHODIST CHURCH WRITTEN STATEMENT for SITE PLAN REVIEW**

May 6, 1999

- 1) **OWNER:** Rainbow United Methodist Church, 618 Washington Ave.  
Portland, Maine 04101
  - 2) **DESCRIPTION OF USE:** The existing use is a church with incidental parking. This proposed addition will add Sunday School space for the Church, while keeping the size and the seating in the sanctuary constant, and keeping the size of the parking lot constant. The addition will also bring the structure into compliance with the ADA regulations.
  - 3) **TOTAL AREA OF SITE:** Area of existing lot: 150' X 102.7ft(+/-) = 15,399 sf
  - 4) **TOTAL AREA OF BUILDING GROUND COVER:**

existing building	2,047	proposed building	4,142
existing parking	4,760	proposed parking	4,760
existing vegetated	8,592 (55.8%)	proposed vegetated	6,518 (42.3%)
total	15,399	total	15,399
  - 5) **EASEMENTS:** The lot is subjected to no easements
  - 6) **SOLID WASTE GENERATION:** The solid waste generated by the Sunday School use will be removed by a contract service as is the current waste.
  - 7) **EVIDENCE OF SEWER AND WATER ACCESS:** Existing water and sewer connections to the Washington Avenue sewer and water will be utilized
  - 8) **DRAINAGE SITUATION:** Currently the existing church sits at the high spot on a very flat site. Currently, most water from the parking lot sheet flows across the lot to the Washington Ave gutter, though some does flow to the neighbors to the South and to the convenience store lot to the East. The lawn area on the East drains very gradually to the East, the North (toward Washington Ave. and South to the neighboring properties.
- The construction of the proposed addition will increase the area of hard surface on the site but, the proposed addition will not alter the the general water flows as the site grading will remain constant.
- 9) **CONSTRUCTION SCHEDULE:**  
The Construction would start this Summer and be complete by Christmas (1999)



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- 10) **COMMENT REGARDING FEDERAL OR STATE PERMITS:** There are no Federal or State Permits required for this development.
- 11) **EVIDENCE OF THE APPLICANTS TITLE:** The applicant owns the property and will supply a copy of the deed under separate cover.
- 12) **COMMENT REGARDING NATURAL PRESERVATION AREAS** There are no natural preservation areas on the site

**SITE INFORMATION:**

- 1) **MAPN 167, BLOCK F, LOTS 13,14,15**
  - 2) **ZONE R-5**
  - 3) **AREA OF SITE; 150' X 102.7ft(+/-) = 15,399 sf**  
Minimum lot size = 6,000sf
  - 4) **LOT COVERAGE (maximum)**                      40% required                      42.3% proposed
  - 5) **SETBACKS**
    - a) **Front yard setback:**                      20'-0" required                      35'-7" proposed
    - b) **Side yard setback ;**                      12'-0" required                      17'-7.5" proposed
    - c) **Rear yard setback:**                      12'-1" required                      12'-1" proposed
  - 6) **HEIGHT (maximum)**                      35ft required                      28.5 ft proposed
  - 7) **PARKING (1/25sf in sanctuary)\***                      17 cars required                      17 proposed  
\*existing lot is grandfathered and since the size of the sanctuary is not changing, the size of the parking lot will remain the same.
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TRUST BOND AND MORTGAGE

Washington Avenue  
Methodist Episcopal Church  
to  
Board of Home Missions & Church Extension of the M E Church  
Mort

THIS INDENTURE, made the (5th) Fifth day of January in the year of our Lord One Thousand Nine Hundred (31), Thirty One between Washington Avenue Methodist Episcopal Church, a corporation under the laws of the State of Maine of Portland, in the County of Cumberland and State of Maine connected with the Maine Annual Conference of the Methodist Episcopal Church, by its Executive Officers, party of the first part, and the "Board of Home Missions and Church Extension of the Methodist Episcopal Church," incorporated by the Legislature of the State of Pennsylvania, party of the second part:

WHEREAS, the said party of the second part has granted aid to the amount of Two Hundred and Fifty (250.00) Dollars.

NOW, THEREFORE, THIS INDENTURE WITNESSETH that the said party of the first part, in consideration of the above amount, does for itself and its successors, hereby covenant, grant, promise, and agree to and with the said party of the second part, and does hereby become bound unto said second party as follows: that, in case the said party of the first part shall cease to be connected with the Methodist Episcopal Church, or the corporate existence of the said party of the first part shall cease, or the house of worship is alienated, or the premises herein described is alienated, then, and in such case, the said party of the first part, shall and will forthwith refund to the said party of the second part, the successors or assigns thereof, the said amount with interest thereon at five per cent. from the time of receiving it.

THIS INDENTURE FURTHER WITNESSETH that the said party of the first part for the better securing the performance by it of the covenant and obligation above mentioned, and the repayment of the said amount with interest thereon from the time of receiving it, to the said party of the second part, in any of the cases above mentioned, and in consideration of One Dollar paid to said first party, by said party of the second part, the receipt of which is hereby acknowledged, has granted, sold, conveyed and confirmed, and by these presents doth grant, sell, convey and confirm unto the party of the second part, and to its successors and assigns forever, ALL the following described Real Estate, lying and being situate in the County of Cumberland and State of Maine, to wit:

The building and furnishings known as Washington Avenue Methodist Episcopal Church, on One lot of land situated on the southerly side of Washington Avenue in said Portland formerly East Deering bounded and described as follows

Beginning at a point two hundred (200) feet westerly from northwestern corner of Presumpscot Street and Washington Avenue, Thence Southerly one hundred (100) feet to the rear of lot Thirty Nine (39) on Illsley Street, Thence Westerly parallel with Washington Avenue, fifty (50) feet, Thence Northerly one hundred (100) feet to said Washington Avenue to the point of beginning. Hereby conveying Lot number 20 on said Avenue according to the plan of Lemuel W. Dyer, recorded in Cum-

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IN WITNESS WHEREOF, the said party of the first part has caused its corporate name to be hereunto subscribed and its adopted corporate seal to be attached by its trustees, on the day and year first hereinabove written.

WASHINGTON AVENUE METHODIST EPISCOPAL CHURCH Seal

WITNESS: We require the signatures of  
(two witnesses.  
Abraham Breitbard  
to C.H.A.  
Eva Anches  
to C.H.A.

Charles H. Aaskov  
Mrs. Charles H. Aaskov  
Mrs. George A. Dingley  
Andrew Hanson  
Ralph J. Morash  
Daniel A. Todd  
Lincoln B. Farrar  
Trustees

State of Maine County of Cumberland s.s.

On this 13th day of January in the year 1931, before me Abraham Breitbard personally appeared Charles H. Aaskov known to me to be one of the trustees of the corporation that he executed the within instrument and acknowledged to me that the same was his free act and deed in his said capacity and the free act and deed of said corporation.

WITNESS my hand and official seal the day and year aforesaid.

Abraham Breitbard  
Name and title of officer.  
Notary Public Notarial Seal

Received January 14, 1931, at 2h,45m, P.M., and recorded according to the original.

Federal  
Ln & Bldg  
Assn  
to  
Hinckley  
Disch

KNOW ALL MEN BY THESE PRESENTS, That the Federal Loan and Building Association, a corporation established by law and having its office and principal place of business at Portland in the County of Cumberland and State of Maine, owner of a certain mortgage given by Frederick W. Hinckley of South Portland in said County and State, to said Federal Loan and Building Association dated September 26, A. D. 1930, and recorded in Cumberland County Registry of Deeds, Book 1357, Page 106, does hereby acknowledge that it has received full payment and satisfaction of the same, and of the debt thereby secured, and in consideration thereof it does hereby cancel and discharge said mortgage, and release unto the said Frederick W. Hinckley, his heirs and assigns forever the premises therein described.

IN WITNESS WHEREOF, it the said Federal Loan and Building Association has caused these presents to be subscribed by its Assistant Treasurer thereunto duly authorized and also its corporate seal to be affixed this fourteenth day of January A. D. 1931.

Signed, Sealed and Delivered  
in presence of

E. C. Keith

FEDERAL LOAN AND BUILDING ASSOCIATION  
CORPORATE SEAL  
By Thomas A. Sanders  
Ass't Treas.

State of Maine County of Cumberland ss. Portland, January 14th, 1931.

Then personally appeared the above named Thomas A. Sanders, Assistant Treasurer of said corporation and acknowledged the foregoing instrument to be his free

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berland Registry of Deeds, Plan Book 7, Page 2.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; AND ALSO, all the estate, right, title and interest whatsoever, as well in law as in equity, of the party of the first part, of, in, and to the same, and every part thereof, with the appurtenances: TO HAVE AND TO HOLD the above granted and described premises, with the appurtenances, unto the party of the second part, its successors and assigns, to its own proper use, benefit and behoof, forever. PROVIDED, ALWAYS, and these presents are upon this express condition, that the party of the first part, its successors or assigns, shall well and truly keep, perform, and fulfill the covenant and obligation hereinabove contained, and shall, in the cases hereinabove provided, well and truly refund unto the said party of the second part the said amount, with interest thereon from the time of receiving it, then these presents and the Estate hereby granted shall cease, determine and be void. AND the party of the first part, for itself, its successors and assigns, doth covenant and agree to and with the said party of the second part, that, in case the said party of the first part, or its successors, shall cease to be connected with the Methodist Episcopal Church, or the corporate existence of the said party of the first part shall cease, or the house of worship be alienated, or the premises described is alienated, that then it shall be lawful for the party of the second part, its successors or assigns, to enter into and upon all and singular the premises hereby granted, or intended so to be, and to sell and dispose of the same, and all benefit and equity of redemption of the party of the first part, its successors or assigns therein, at public auction, according to the act in such cases made and provided. AND as the attorney of the party of the first part, for that purpose by these presents duly, authorized, constituted and appointed, to make and deliver to the purchaser, or purchasers thereof a good and sufficient deed or deeds of conveyance in the law for the same, in fee simple, and out of the money arising from such sale to retain the said amount herein first above mentioned, and interest thereon as hereinabove provided, together with the costs and charges of advertisement and sale of the said premises, rendering the overplus of the purchase money (if any there shall be) unto the party of the first part, its successors or assigns; which sale so to be made, shall forever be a perpetual bar, both in law and equity against the party of the first part, its successors and assigns, and all other persons claiming or to claim the premises or any part thereof, by, through, or under it. AND the said party of the first part further agrees to keep the buildings insured in and by some incorporated Company in good standing against loss or damage by fire in at least the sum of Eight Thousand (\$8000.00) Dollars, and will at any time, when required so to do, assign the policy of such insurance to said party of the second part.

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A side yard on a side street need not exceed the average depth of front setback directly abutting the lot.

- (5) *Maximum lot coverage:* Thirty (30) percent of lot area.
- (6) *Minimum width of lot:* Sixty (60) feet.
- (7) *Maximum structure height:*

Principal structure: Thirty-five (35) feet.

Accessory detached structure: Eighteen (18) feet.

(Ord. No. 535-84, 5-7-84; Ord. No. 82-88, § 4, 7-19-88; Ord. No. 235-91, § 9, 2-4-91; Ord. No. 33A-91, § 3, 4-17-91; Ord. No. 118-93, § 8, 10-18-93; Ord. No. 154-96, § 8, 12-16-96)

**Editor's note**—Ord. No. 82-88, § 4, adopted July 19, 1988, amended § 14-105 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 82-88.

#### **Sec. 14-106. Other requirements.**

[Other requirements are as follows:]

- (1) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
  - (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
  - (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.
- (Ord. No. 535-84, 5-7-84; Ord. No. 15-92, § 8, 6-15-92)

#### **Secs. 14-107—14-115. Reserved.**

### DIVISION 6. R-5 RESIDENTIAL ZONE\*

#### **Sec. 14-116. Purpose.**

The purpose of the R-5 residential zone is:

- (1) To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development

**\*Editor's note**—Ord. No. 536-84, adopted May 7, 1984, repealed former Div. 6, §§ 14-116—14-119, and enacted in lieu thereof a new Div. 7, §§ 14-116—14-121. However, in order to avoid duplication of subsequent division numbers and in consultation with the city, the provisions have been retained as Div. 6. Sections 14-116—14-119 were formerly derived from Code 1968, § 602.5.A—D, and Ord. Nos. 207-72, 499-74, 193-82, 92-83, 422-83.

on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

(Ord. No. 536-84, 5-7-84; Ord. No. 83-88, § 1, 7-19-88)

**Editor's note**—Ord. No. 83-88, § 1, adopted July 19, 1988, amended § 14-116 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

**Sec. 14-117. Permitted uses.**

The following uses are permitted in the R-5 residential zone:

(1) *Residential:*

- a. Single- and two-family dwellings; except that development of two (2) or more two-family dwellings on contiguous lots within any two-year period shall be subject to review as specified under the provisions of 14-117(1)b.v. if such lots were under single ownership at any time within the two-year period immediately prior to development of the first such lot. No building reviewed as a two-family dwelling in accordance with section 14-524 or not reviewed under article V shall be altered or enlarged to include any additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with section 14-524 which is altered or enlarged to include any additional dwelling unit after this five-year period shall be reviewed as a major development pursuant to article V of this chapter.
- b. Multiplex development with three (3) or more horizontally or vertically attached dwelling units or a series of such attached dwelling units and the construction of at least one (1) building on a parcel of less than two (2) acres, provided that:
  - i. The land area requirement for a multiplex shall be six thousand (6,000) square feet of land area per dwelling unit; except that a multiplex with two hundred fifty (250) feet or more of street frontage needs only forty-five hundred (4,500) square feet of land area per dwelling unit;
  - ii. No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
  - iii. No open outside stairways or fire escapes above the ground floor shall be constructed;
  - iv. No habitable space in a dwelling unit shall be below grade, except basements that are a part of and below aboveground units;
  - v. Such development shall be subject to article V (site plan) of this chapter for site plan review approval.
- c. Planned residential unit development (PRUD) consisting of horizontally or vertically attached dwelling units, or a series of such dwelling units. No dimensional requirements contained in section 14-120 shall apply with respect to

such development, except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of this chapter. Such development shall be subject to review and approval by the planning board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

- d. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
- e. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.
- f. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
  - i. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
  - ii. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
  - iii. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
  - iv. Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.
  - v. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
  - vi. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.

vii. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(2) *Other:*

- a. Parks, and other active and passive noncommercial recreation spaces;
- b. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- c. Home occupation, subject to the provisions of section 14-410 (home occupation) of this article;
- d. Municipal uses, excluding those specifically set forth in section 14-118 of this division.
- e. Special needs independent living units on lots of less than two (2) acres, provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

(Ord. No. 536-84, 5-7-84; Ord. No. 265-84, § 1, 12-17-84; Ord. No. 98-86, § 1, 10-6-86; Ord. No. 83-88, §§ 2, 3, 7-19-88; Ord. No. 387-89, 4-3-89; Ord. No. 86A-89, § 5, 8-21-89; Ord. No. 95-89, § 1, 9-6-89; Ord. No. 279-90, § 1, 3-10-90; Ord. No. 33-91, § 6, 1-23-91; Ord. No. 33A-91, § 4, 4-17-91; Ord. No. 220-95, 4-3-95; Ord. No. 165-97, § 3, 12-1-97)

**Editor's note**—Ord. No. 83-88, §§ 2, 3, adopted July 19, 1988, amended subsections 14-117(1) and (2)d to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88. Ord. No. 95-89, § 1, adopted Sept. 6, 1989, amended subsection (1)a of § 14-117 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."



2d

**Sec. 14-118. Conditional uses.**

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:

(1) *Residential:*

- a. Reserved.
- b. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:
  - i. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines;
  - ii. There shall be no open outside stairways or fire escapes above the ground floor;
  - iii. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

- c. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:
  - i. No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
  - ii. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
  - iii. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;
  - iv. Three thousand (3,000) square feet of land area per dwelling unit shall be required;
  - v. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;

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- vi. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
    - 1. Any addition or exterior alterations such as facade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the structure;
    - 2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
  - d. Conversions of existing two-family or multiplex structures into lodging houses, provided that a lodging house shall not be located within five hundred (500) feet of another as measured along street lines to the respective property lines.
- (2) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article, or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:
- a. Elementary, middle, and secondary school;
  - b.
    - i. Long-term and extended care facilities;
    - ii. Intermediate care facility for thirteen (13) or more persons;
  - c. Church or other place of worship;
  - d. Private club or fraternal organization;
  - e. Reserved;
  - f. Hospital;
  - g. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- i. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- iii. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(3) *Other*:

- a. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residential zones) of this article;

- b. Utility substations such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
- c. Nursery schools and kindergartens.
- d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
  - ii. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
  - iii. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
  - iv. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
  - v. Day care facilities located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:
    - (a) The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
    - (b) The play area shall be located in the side and rear yards only and shall not be located in front yards;
    - (c) Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
    - (d) A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;

- (e) The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- (f) Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;
- (g) The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and
- (h) Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

(Ord. No. 536-84, 6-7-84; Ord. No. 265-84, § 2, 12-17-84; Ord. No. 76-85, § 6, 7-1-85; Ord. No. 83-88, § 4, 7-19-88; Ord. No. 235-91, § 10, 2-4-91; Ord. No. 118-93, § 9, 10-18-93; Ord. No. 133-96, § 5, 11-18-96; Ord. No. 154-96, § 9, 12-16-96)

**Editor's note**—Ord. No. 83-88, § 4, adopted July 19, 1988, amended § 14-118 by deleting subsection (2)e. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

**Sec. 14-119. Prohibited uses.**

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 536-84, 5-7-84)

**Sec. 14-120. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-5 zone shall meet the following minimum requirements:

- (1) *Minimum lot size:*
  - a. Residential: Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. section 4807, or the applicable zoning lot size, whichever is larger.
  - b. Reserved.
  - c. Long-term, extended, or intermediate care facility: Two (2) acres.
  - d. School: Thirty thousand (30,000) square feet.

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LAND USE

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- e. Church or place of worship: One (1) acre.
- f. Private club or fraternal organizations One (1) acre.
- g. Municipal use: Six thousand (6,000) square feet.
- h. Hospital: Five (5) acres.
- i. College, university, trade school: Two (2) acres.
- j. Multiplex: Nine thousand (9,000) square feet.
- k. Planned residential unit development (PRUD): Two (2) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.
- l. All other uses: Six thousand (6,000) square feet.
- m. Lodging houses: Nine thousand (9,000) square feet.

Provided that for uses specified in section 14-120(1)c. through i. above, no minimum lot area shall be required in the following cases:

- i. Uses existing as of June 1, 1983;
- ii. Expansion of uses onto land abutting the lot on which the principal use is located;
- iii. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
- iv. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(2) *Minimum lot area per dwelling unit:*

PRUD: Three thousand (3,000) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

*Special needs independent living units:* Four thousand eight hundred (4,800) square feet; except that special needs independent living units with two hundred fifty (250) feet or more of frontage shall require three thousand six hundred (3,600) square feet.

*Other uses:* Three thousand (3,000) square feet, except as provided for a multiplex.

(3) *Minimum street frontage:* Fifty (50) feet.

(4) *Minimum yard dimension:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

a. *Front yard:*

- 1. Principal or accessory structures: Twenty (20) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. *Rear yard:*

- 1. Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- 2. Accessory detached structures with ground coverage of one hundred (100) square feet or less: Five (5) feet.

Setbacks from swimming pools shall be as provided in section 14-432 (swimming pools) of this article.

c. *Side yard:*

- 1. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story .....	8 feet
1½ stories .....	8 feet
2 stories .....	12 feet
2½ stories .....	14 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than eight (8) feet.

- 2. Accessory detached structures with ground coverage of one hundred (100) square feet or less: Five (5) feet.

d. *Side yard on side street:*

- 1. Principal or accessory structures: Fifteen (15) feet.

(5) *Maximum lot coverage:* Forty (40) percent of lot area.

(6) *Minimum lot width:*

*Multiplex:* Ninety (90) feet.

*Other uses:* Sixty (60) feet.

(7) *Maximum structure height:*

*Principal or attached accessory structure:* Thirty-five (35) feet.

*Accessory detached structure:* Eighteen (18) feet.

Principal and accessory attached structure (PRUD): Thirty-five (35) feet.

- (8) a. *Maximum number of units in a building (PRUD):* Twelve (12) units
- b. *Maximum number of units in a multiplex building:* Six (6) units.
- (9) *Maximum length of building (PRUD):* One hundred forty (140) feet.
- (10) *Maximum length of accessory garage structure (PRUD):* Sixty (60) feet.
- (11) *Minimum building setback from external subdivision property lines (PRUD):*
  - a. *Building length of one hundred (100) feet or less:* Twenty-five (25) feet.
  - b. *Building length greater than one hundred (100) feet:* Thirty-five (35) feet.
- (12) *Minimum recreation open space area (PRUD):* Three hundred (300) square feet per dwelling unit of common area designated for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526(a)(14)c.4., but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.
- (13) No habitable space in a PRUD shall be below grade, except basements that are part of and below aboveground units.
- (14) a. *Minimum rooming unit area for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area per rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
- b. *Minimum land area per lodging house rooming unit:* One thousand (1,000) square feet.

(Ord. No. 536-84, 5-7-84; Ord. No. 98-86, § 2, 10-6-86; Ord. No. 83-88, § 5, 7-19-88; Ord. No. 386-89, §§ 1, 2, 4-3-89; Ord. No. 235-91, § 11, 2-4-91; Ord. No. 33A-91, § 5, 4-17-91; Ord. No. 118-93, § 10, 10-18-93; Ord. No. 154-96, § 10, 12-16-96; Ord. No. 165-97, § 4, 12-1-97)

**Editor's note**—Ord. No. 83-88, § 5, adopted July 19, 1988, amended § 14-120 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

#### **Sec. 14-121. Other requirements.**

[Other requirements are as follows:]

- (1) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
  - (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
  - (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.
- (Ord. No. 536-84, 5-7-84; Ord. No. 15-92, § 9, 6-15-92)

(f) *Recording of variances.* No variance shall be valid unless, within thirty (30) days of final approval of the variance, a certificate describing the variance has been recorded by the applicant for the variance in the registry of deeds as required by 30 M.R.S.A. Section 4963. (Code 1968, § 602.24.C; Ord. No. 437-74, 7-1-74; Ord. No. 467-83, § 1, 4-20-83; Ord. No. 563-84, 5-7-84; Ord. No. 357-84, § 1, 12-17-84; Ord. No. 354-85, § 6, 1-7-85; Ord. No. 40-85, § 1, 7-15-85; Ord. No. 67-87, § 5, 11-2-87; Ord. No. 93-88, 7-19-88; Ord. No. 167-89, 12-11-89; Ord. No. 324-92, 4-22-92; Ord. No. 164-97, § 13, 1-6-97; Ord. No. 208-98, §§ 1, 2, 2-2-98)

**Editor's note**—Ord. No. 93-88, adopted July 19, 1988, amended § 14-473 by adding subsection (f) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 93-88.

#### Sec. 14-474. Conditional uses.

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

(b) *Procedure:*

- (1) *Application.* Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the building authority but shall in all instances contain at least the following information and documentation:
  - a. The applicant's name and address and his or her interest in the subject property;
  - b. The owner's name and address if different than the applicant;
  - c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
  - d. The zoning classification and present use of the subject property;
  - e. The particular provision of this article authorizing the proposed conditional use;
  - f. A general description of the proposed conditional use;
  - g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan as defined by article V of this chapter.
- (2) *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.
- (3) *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the



applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

- (1) *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.
- (2) *Standards.* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:
  - a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
  - b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
  - c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

(e) *Effect of issuance of a conditional use permit.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the city, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

(f) *Limitations on conditional use permits.* No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more.

(g) *Appeals from board decisions.* Appeals from any decision of the board of appeals or, where applicable, the planning board respecting a conditional use permit shall be to superior court.

(Code 1968, § 602.24.D; Ord. No. 437-74, 7-1-74; Ord. No. 407-83, 2-2-83; Ord. No. 467-83, § 2, 4-20-83; Ord. No. 237-83, 10-17-83)

#### **Sec. 14-475. Reserved.**

**Editor's note**—Section 7 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-475, relative to nonconforming uses, which derived from Code 1968, § 602.24.E, and Ord. No. 437-74, adopted July 1, 1974.

#### **Sec. 14-476. Successive applications.**

Whenever any application, appeal or other request filed pursuant to this article has been finally denied on its merits, a second application, appeal or other request seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought within one (1) year of such denial unless, in the opinion of the officer or board before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.

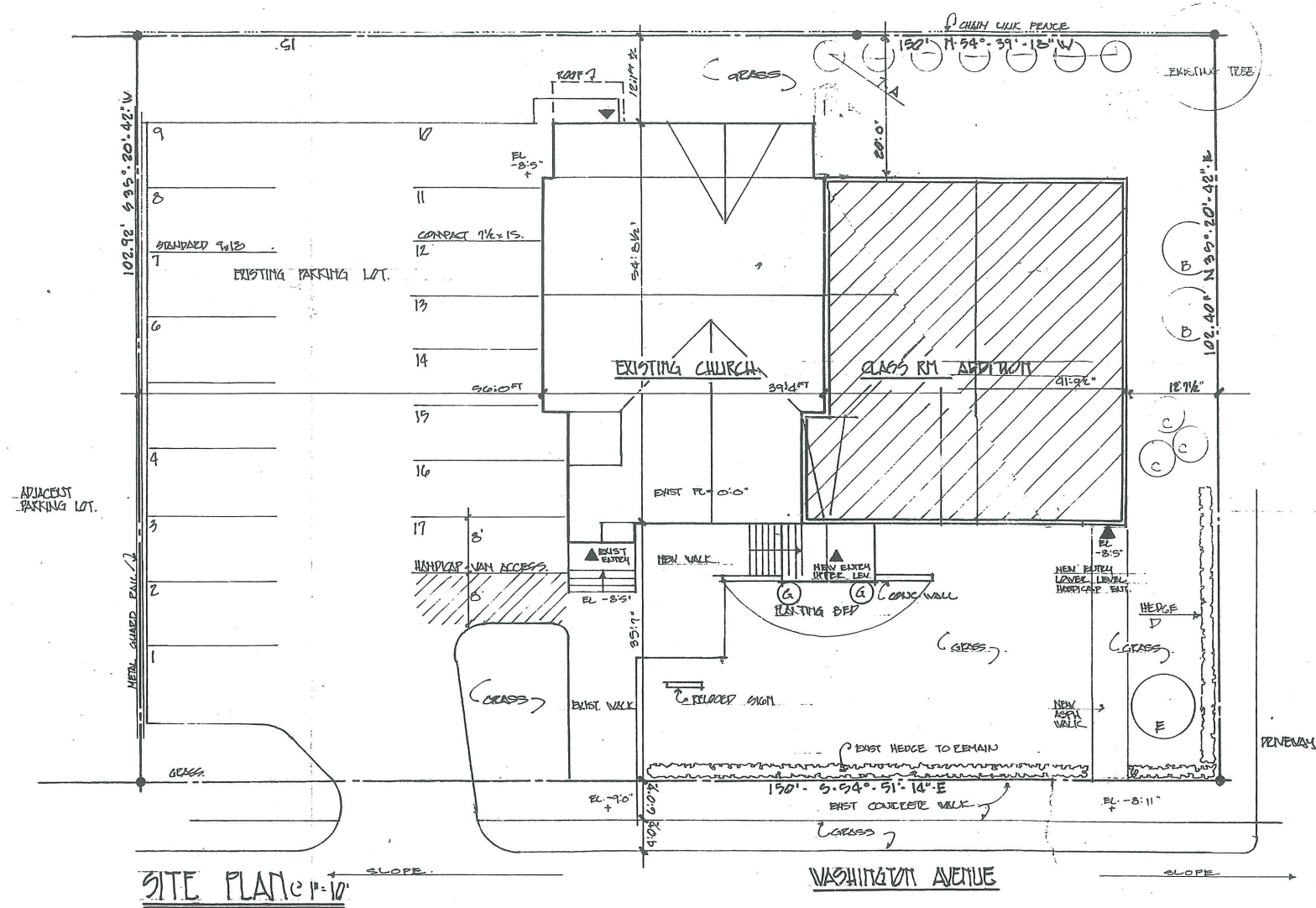
(Code 1968, § 602.24.F; Ord. No. 437-74, 7-1-74)

#### **Sec. 14-477. Violations.**

In addition to any other remedies available, the board of appeals after notice and hearing may revoke any variance or other relief granted under this article when the provisions of this article or the conditions under which the relief was granted have not been complied with.

(Code 1968, § 602.24.G; Ord. No. 437-74, 7-1-74)

AH.4



PLANTING SCHEDULE

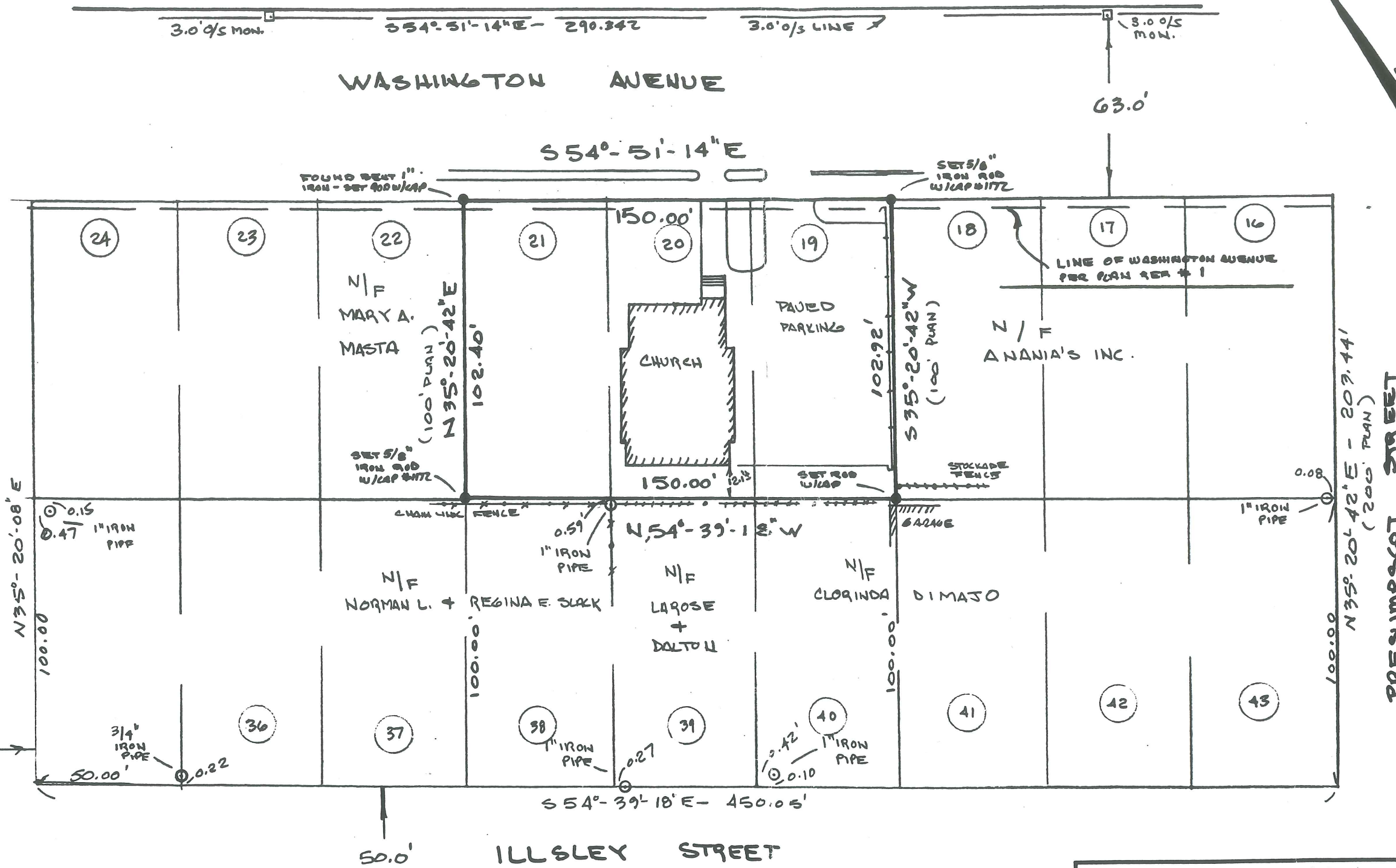
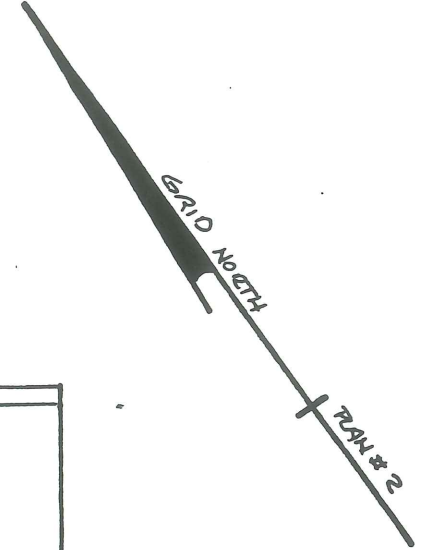
KEY	COMMON NAME	SIZE	NUMBER
A	Arbor Vitae	4.0' ht	7
B	Pinus strobus	5.0' ht	2
C	Syringa vulgaris	5.0' ht	3
D	Andora Compacta Junipers	18" high	19
E	Acer saccharum	3" cal	1
G	Evonymus alatus compacta	Dwarf burning bush	2

RAINBOW UNITED METHODIST CHURCH  
618 WASHINGTON AVE. PORTLAND, ME.

424 FORE STREET  
PORTLAND, MAINE  
207 774-9683

Nemmers  
and Associates  
Architects • Planners

RAINBOW UNITED METHODIST CHURCH  
SITE PLAN / PLANTING PLAN  
1" = 1'-0" APRIL 15, 2000



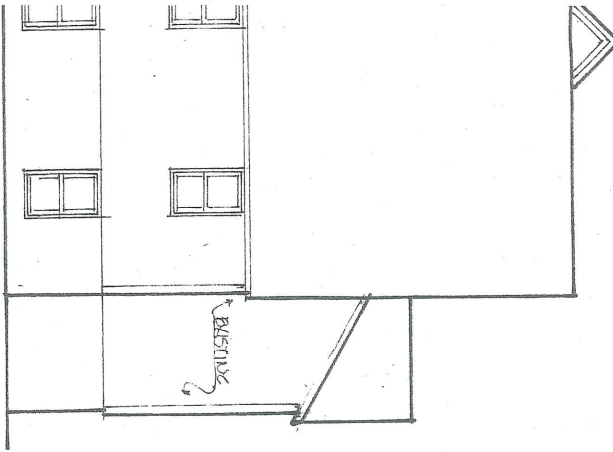
- PLAN REFERENCES:**
1. PLAN SHOWING PROPOSED SCHEME OF STREETS AND LOTS ON LAND OF L. U. BUYER TEST BEING EX. C. JORDAN P. 6.7 PAGE 2
  2. PLAN SHOWING NEW MONUMENTS SET ALONG ILLSLEY STREET OCT. 1997 CITY OF PORTLAND ENGINEERING DEPARTMENT 97/5

**NOTES:**

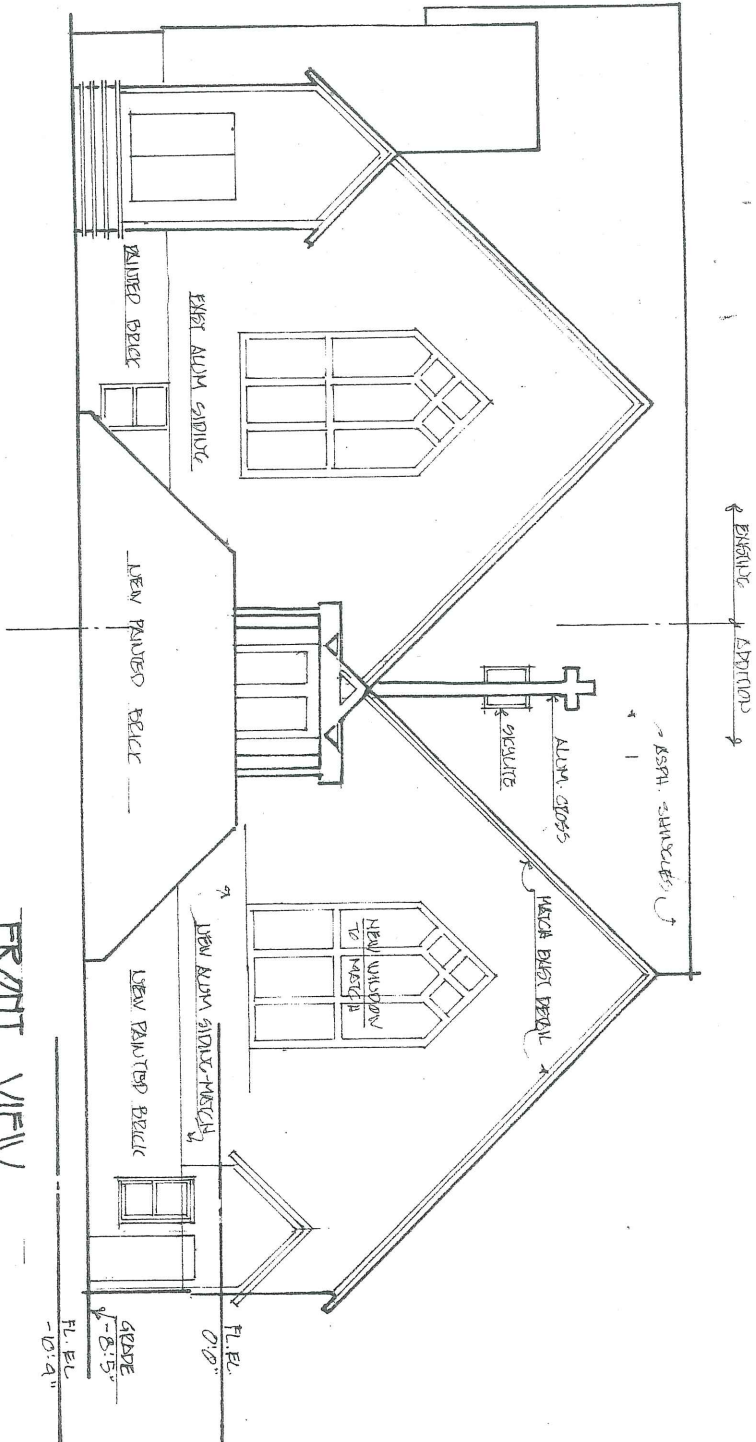
1. TOTAL AREA = 15,399 SQ. FT.

*Daniel J. Dalfonso*

PLAN SHOWING A STANDARD BOUNDARY SURVEY MADE FOR <b>RAINBOW UNITED METHODIST CHURCH</b> 618 WASHINGTON AVENUE PORTLAND, MAINE		
SCALE: 1" = 40'	APPROVED BY:	DRAWN BY:
DATE: 4-19-99		REVISED:
BY: DANIEL J. DALFONSO LAND SURVEYOR 111 SCAMMAN ST. SO. PORTLAND, ME. 04106		PHONE: 799-5931
CATEGORY I CONDITION III SURVEY		DRAWING NUMBER <b>617</b>

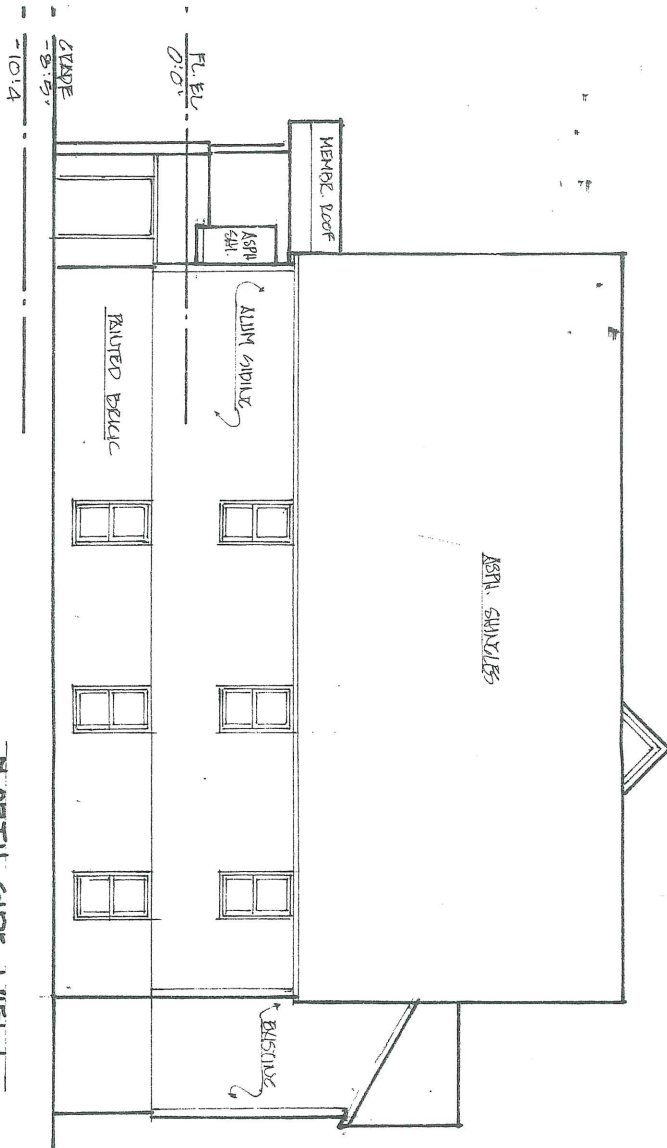
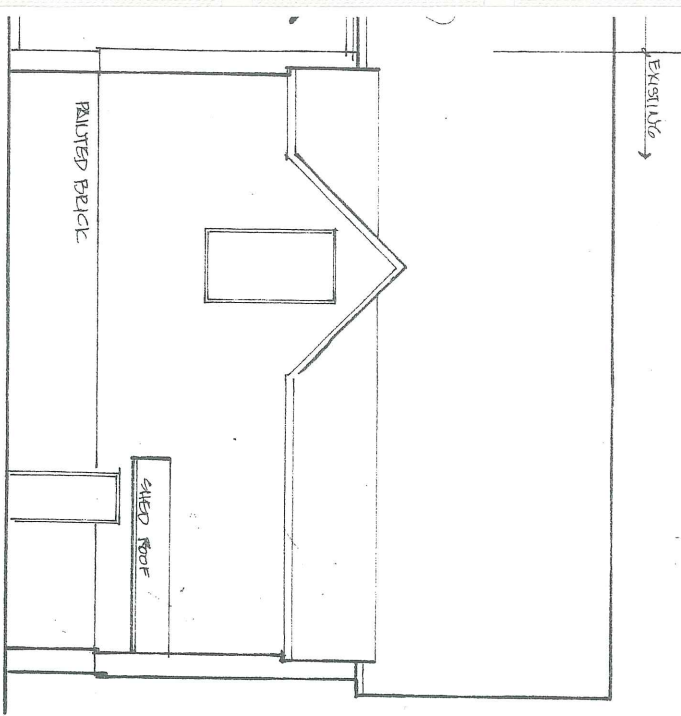


NORTH SIDE VIEW



FRONT VIEW

6a



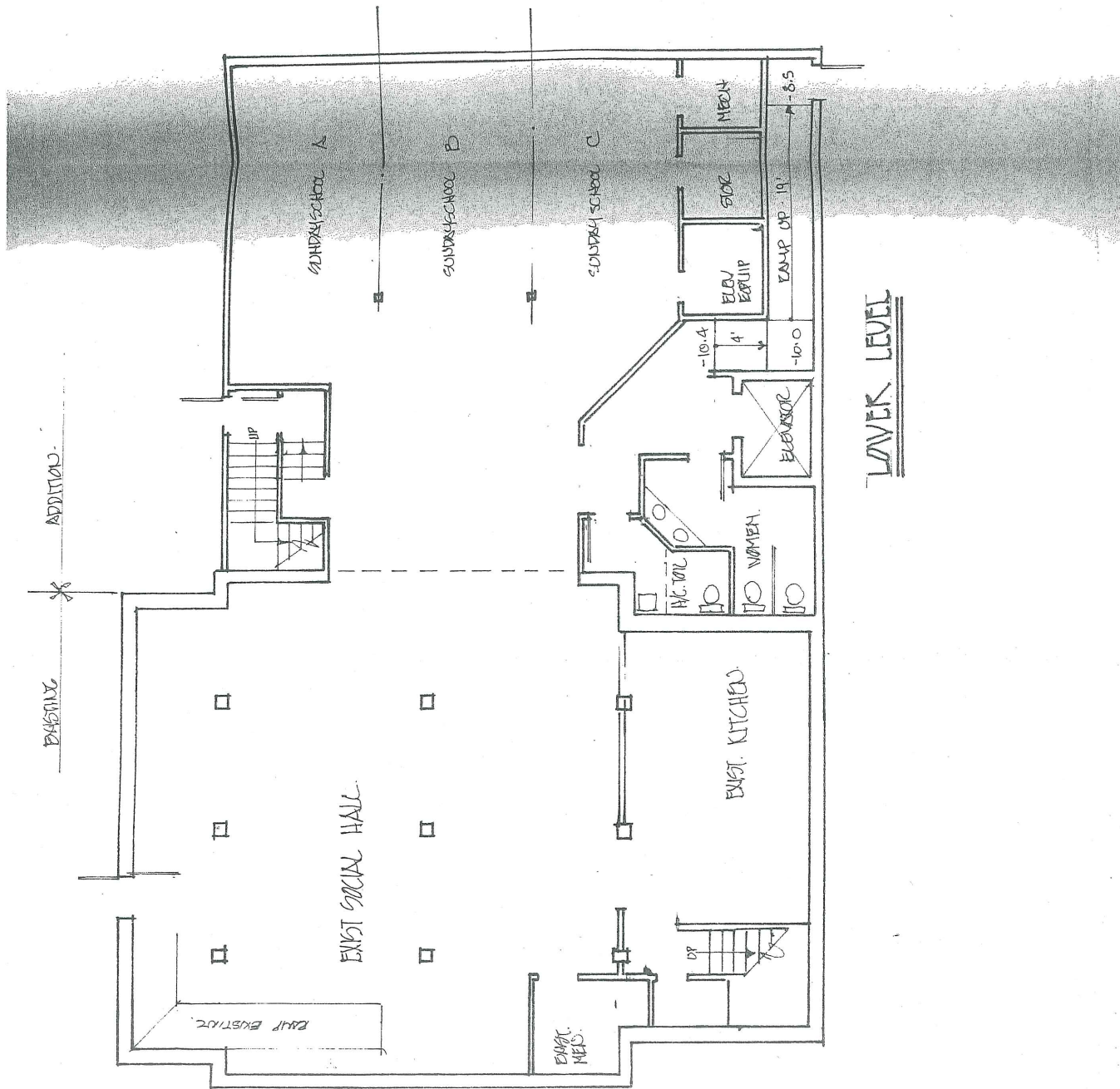
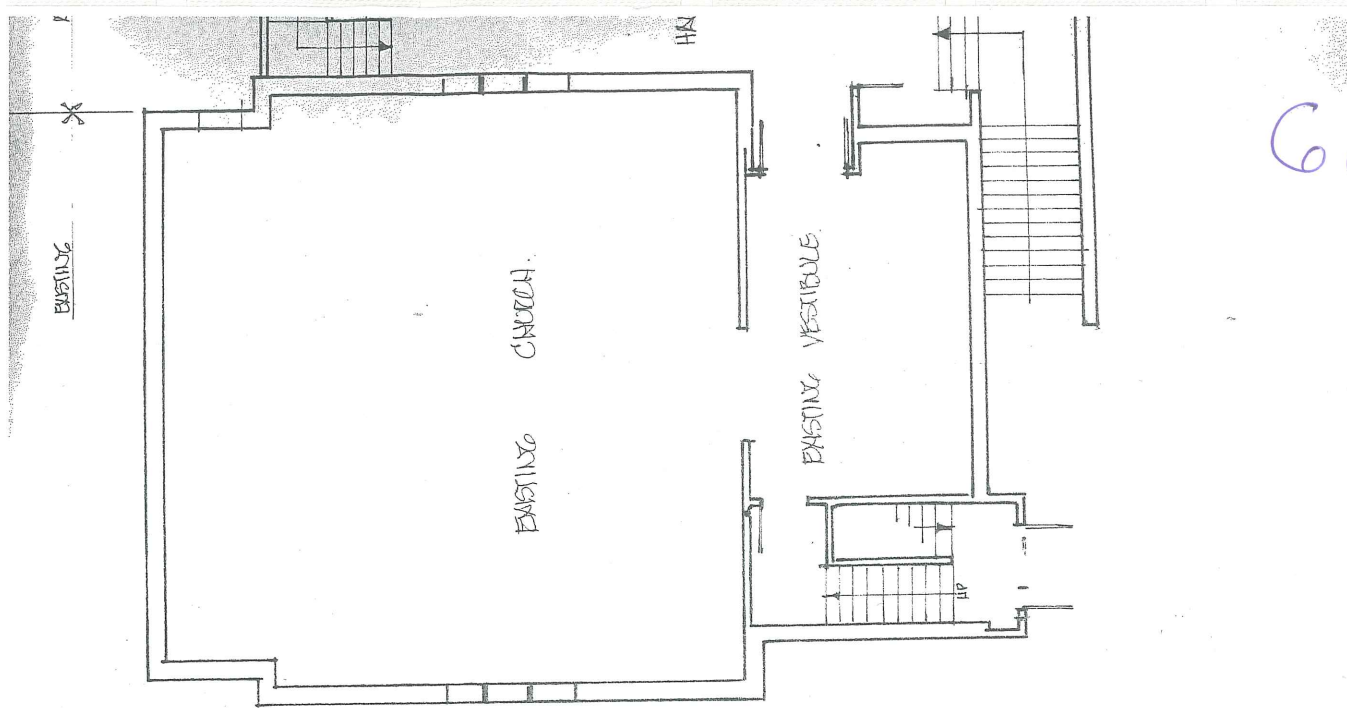
NORTH SIDE VIEW

6b

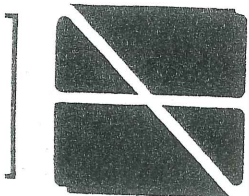
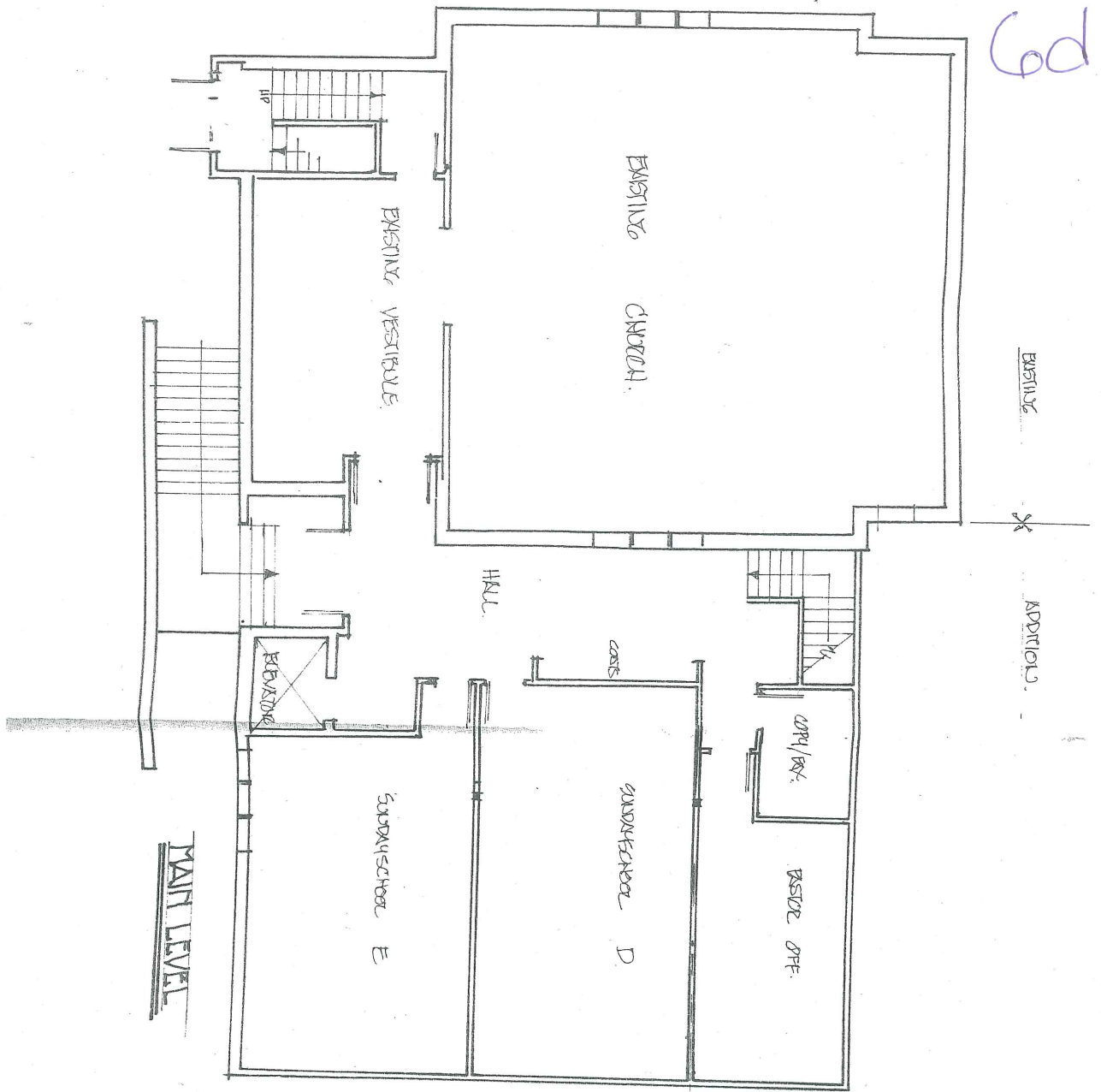


REAR ELEVATION

6c







Nemmers  
and Associates  
Architects · Planners

424 FORE STREET  
PORTLAND, MAINE  
04101  
207 774-3683

6.16.99



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

778 MAIN STREET  
SUITE 8  
SOUTH PORTLAND, MAINE 04106  
TEL. 207 775 1121  
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

---

## MEMORANDUM

AH. 7

**TO:** Kandi Talbot, Planner  
**FROM:** Jim Wendel, PE, Development Review Coordinator  
**DATE:** August 16, 1999  
**RE:** Site Plan Review  
United Methodist Church  
618 Washington Avenue

---

A review of the latest site plan submission dated June 16, 1999 has been completed. We offer the following comments:

1. We recommend that the drainage from this side of the lot be collected and discharged into the storm drain system in Washington Avenue. The topography in the area of the expansion slopes from Washington Avenue to abutting residential lots on Illsley Street. The conversion of grass cover to an impervious surface will negatively impact the abutting residential lots. The applicant needs to provide an appropriate design.
2. The existing sidewalk along the lot frontage has been mislabeled and is significantly deteriorated. The surface is irregular due to frost heaves, and there is significant cracking of the bituminous surface. The sidewalk on either side of the parcel is in good condition. Tony may have some thoughts on this issue.
3. The applicant should identify if any upgrades of their power supply will be needed and added to the plan.

Should you have any questions, please call.

STANDBY LETTER OF CREDIT NO. PS1233974  
DATE OF ISSUE: OCTOBER 19, 2000

ISSUING BANK:  
FLEET BANK OF MAINE  
A MEMBER OF FLEET FINANCIAL GROUP  
ONE CITY CENTER  
PORTLAND ME 04101

APPLICANT:  
RAINBOW UNITED METHODIST CHURCH  
618 WASHINGTON AVE  
PORTLAND, ME 04103

BENEFICIARY:  
CITY OF PORTLAND, ME.  
389 CONGRESS ST  
PORTLAND ME 04101

AMOUNT/CURRENCY:  
UP TO USD 7,340.00  
UP TO SEVEN THOUSAND THREE HUNDRED FORTY  
AND 00/100'S US DOLLARS

DATE AND PLACE OF EXPIRY:  
JANUARY 1, 2002 AT OUR COUNTERS

GENTLEMEN:

FLEET BANK OF MAINE HEREBY ISSUES ITS IRREVOCABLE LETTER OF CREDIT FOR THE ACCOUNT OF RAINBOW UNITED METHODIST CHURCH AS DEVELOPER, HEREINAFTER REFERRED AS THE DEVELOPER, IN THE NAME OF THE CITY OF PORTLAND, ME. IN THE AGGREGATE AMOUNT OF U. S. D. 7,340.00 (SEVEN THOUSAND THREE HUNDRED FORTY AND 00/100'S U. S. DOLLARS)

THE CITY, THROUGH ITS DIRECTOR OF PLANNING AND URBAN DEVELOPMENT, MAY DRAW ON THIS LETTER OF CREDIT BY PRESENTATION OF A SIGHT DRAFT AND THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS THERETO, AT FLEET BANK OF MAINE, C/O FLEET PENNSYLVANIA SERVICES INC., ONE FLEET WAY, SCRANTON PA 18507, ATTN: TRADE SERVICES DEPT, ACCOMPAINED BY THE FOLLOWING:

1. A DATED STATEMENT PURPORTEDLY SIGNED BY AN AUTHORIZED OFFICER OF THE CITY OF PORTLAND, ME., ON BENEFICIARY'S LETTERHEAD READING AS FOLLOWS:  
QUOTE

THE DEVELOPER HAS FAILED TO COMPLETE BY Oct. 19, 2001 OR BY THE EXPIRATION DATE OF ANY TEMPORARY CERTIFICATE OF OCCUPANCY ISSUED, WHICHEVER DATE COMES FIRST, AT THE DEVELOPER'S EXPENSE. THE WORK ON THE ROADS AND OTHER PUBLIC IMPROVEMENTS AS SET FORTH IN A CERTAIN SCHEDULE OF COST OF PUBLIC IMPROVEMENTS DATED Sept. 17, 2000

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: PS1233974

UNQUOTE

OR

QUOTE

THE DEVELOPER HAS FAILED TO POST THE TEN PERCENT (10%) DEFECT BOND OR GUARANTEE REQUIRED BY THE PORTLAND CITY CODE SECTIONS 14-501 AND 14-525.

UNQUOTE

OR

QUOTE

THE DEVELOPER HAS FAILED TO NOTIFY THE CITY FOR INSPECTIONS.

UNQUOTE

DATA CONTENT OF ANY REQUIRED DOCUMENTS PRESENTED UNDER THIS LETTER OF CREDIT MUST BE CONSISTENT WITH THE DATA CONTENT OF ANY OTHER REQUIRED DOCUMENT(S) PRESENTED UNDER THIS LETTER OF CREDIT.

IN THE EVENT OF FLEET BANK OF MAINE DISHONOR OF THE CITY OF PORTLAND'S SIGHT DRAFT FLEET BANK OF MAINE SHALL INFORM THE CITY OF PORTLAND IN WRITING OF THE REASON OR REASONS THEREFOR WITHIN THREE (3) WORKING DAYS OF THE DISHONOR.

AFTER ALL UNDERGROUND WORK IN THE PUBLIC RIGHT OF WAY HAS BEEN COMPLETED AND INSPECTED TO THE SATISFACTION OF THE DEPARTMENT OF PUBLIC WORKS, INCLUDING BUT NOT LIMITED TO SANITARY SEWERS, STORM DRAINS, CATCH BASIN, MANHOLES, ELECTRICAL CONDUITS, AND OTHER REQUIRED IMPROVEMENTS CONSTRUCTED CHIEFLY BELOW GRADE, THE CITY OF PORTLAND DIRECTOR OF PLANNING AND URBAN DEVELOPMENT OR THE CITY OF PORTLAND DIRECTOR OF FINANCE AS PROVIDED IN SECTION 14-501 OF THE PORTLAND CITY CODE MAY AUTHORIZED FLEET BANK OF MAINE, BY WRITTEN CERTIFICATION, TO REDUCE THE AVAILABLE AMOUNT OF THIS LETTER OF CREDIT BY A SPECIFIED AMOUNT.

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT SHALL BE DEEMED AUTOMATICALLY EXTENDED WITHOUT AMENDMENT(S) FOR PERIOD(S) OF ONE YEAR EACH FROM ITS CURRENT OR ANY FUTURE EXPIRATION DATE(S) UNLESS, AT LEAST SIXTY (60) DAYS PRIOR TO THE THEN CURRENT EXPIRATION DATE, WE NOTIFY THE DIRECTOR OF PLANNING AND URBAN DEVELOPMENT IN WRITING BY REGISTERED MAIL THAT WE ELECT NOT TO CONSIDER THIS LETTER OF CREDIT RENEWED FOR ANY ADDITIONAL PERIOD.

IN THE EVENT OF SUCH NOTICE, THE CITY MAY DRAWN HEREUNDER BY PRESENTATION OF A SIGHT DRAFT DRAWN ON THE BANK, ACCOMPANIED BY THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS THERETO, AND A STATEMENT PURPORTEDLY SIGNED BY THE DIRECTOR OF PLANNING AND URBAN DEVELOPMENT READING AS FOLLOWS:

QUOTE

THIS DRAWING RESULTS FROM NOTIFICATION THAT FLEET BANK OF MAIN HAS ELECTED NOT TO RENEW ITS LETTER OF CREDIT NO PS1233974

UNQUOTE

OR

QUOTE

THIS DRAWING RESULTS FROM DEVELOPER'S FAILURE TO TIMELY COMPLETE TO THE SATISFACTION OF THE CITY THE PUBLIC IMPROVEMENTS SET FORTH IN A CERTAIN SCHEDULE

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: PS1233974  
 OF COSTS OF PUBLIC IMPROVEMENTS DATED Sept. 17, 2000  
 UNQUOTE

OR

QUOTE  
 THIS DRAWING RESULTS FROM THE DEVELOPER'S FAILURE TO POST A TEN PERCENT (10%)  
 DEFECT GUARANTEE OR BOND AS PROVIDED IN §14-501 OF THE PORTLAND CITY CODE.  
 UNQUOTE

OR

QUOTE  
 THIS DRAWINGS RESULTS FROM THE DEVELOPER'S FAILURE TO NOTIFY THE CITY FOR  
 INSPECTION.  
 UNQUOTE

PARTIAL DRAWINGS ARE PERMITTED.

THIS LETTER OF CREDIT WILL AUTOMATICALLY EXPIRE UPON THE EARLIER OF:

1. FLEET BANK OF MAINE RECEIPT OF A WRITTEN NOTIFICATION FROM THE CITY OF  
 PORTLAND THAT SAID WORK AS OUTLINED IN A CERTAIN SCHEDULE OF COST OF PUBLIC  
 IMPROVEMENT DATE Sept. 17, 2000 BETWEEN THE DEVELOPER AND THE CITY OF PORTLAND HAS  
 BEEN COMPLETED IN ACCORDANCE WITH THE CITY OF PORTLAND SPECIFICATIONS AND  
 FLEET BANK OF MAINE LETTER OF CREDIT NO PS1233974 MAY BE CANCELED

OR

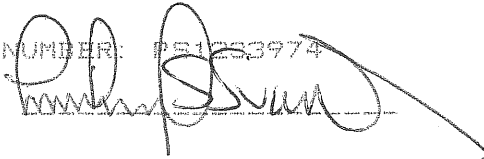
1. THE EXPIRATION DATE OF JANUARY 01, 2002, OR ANY AUTOMATICALLY EXTENDED DATE  
 AS SPECIFIED HEREIN.

WE ENGAGE WITH YOU THAT DRAFTS) DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF  
 THIS CREDIT WILL BE DULY HONORED IF PRESENTED AT OUR OFFICES AT FLEET BANK OF  
 MAINE C/O FLEET PENNSYLVANIA SERVICES INC, ONE FLEET WAY, SCRANTON, PA 18507  
 ATTN: TRADE SERVICES DEPT., ON OR BEFORE JANUARY 01, 2002 OR ANY AUTOMATICALLY  
 EXTENDED DATE AS SPECIFIED HEREIN.

"BUSINESS DAY" SHALL MEAN ANY DAY OTHER THAN (A) A SATURDAY OR A SUNDAY, (B)  
 ANY DAY ON WHICH BANKING INSTITUTIONS LOCATED IN SCRANTON, PA ARE REQUIRED OR  
 AUTHORIZED BY LAW TO CLOSE, OR (C) A DAY ON WHICH THE NEW YORK STOCK EXCHANGE IS  
 CLOSED.

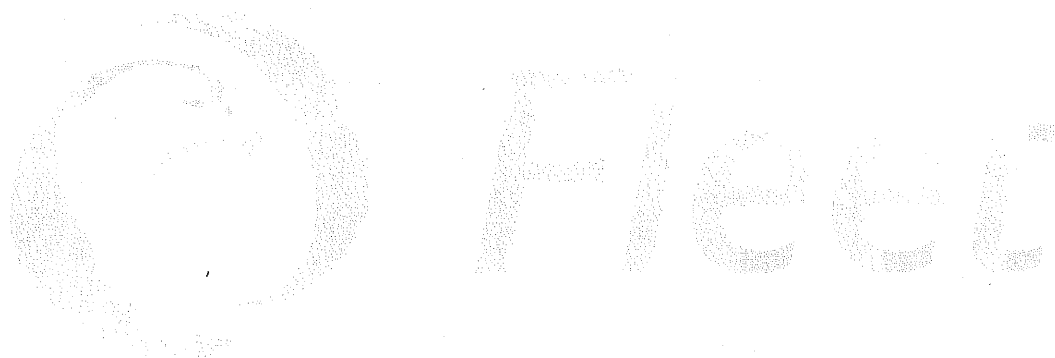
EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, THIS CREDIT IS ISSUED SUBJECT TO  
 THE INTERNATIONAL STANDBY PRACTICES (ISP98), INTERNATIONAL CHAMBER OF COMMERCE  
 PUBLICATION NO. 590.

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: 751253974

A handwritten signature in dark ink, appearing to be 'D. P. Smith', written over a horizontal line.

AUTHORIZED SIGNATURE

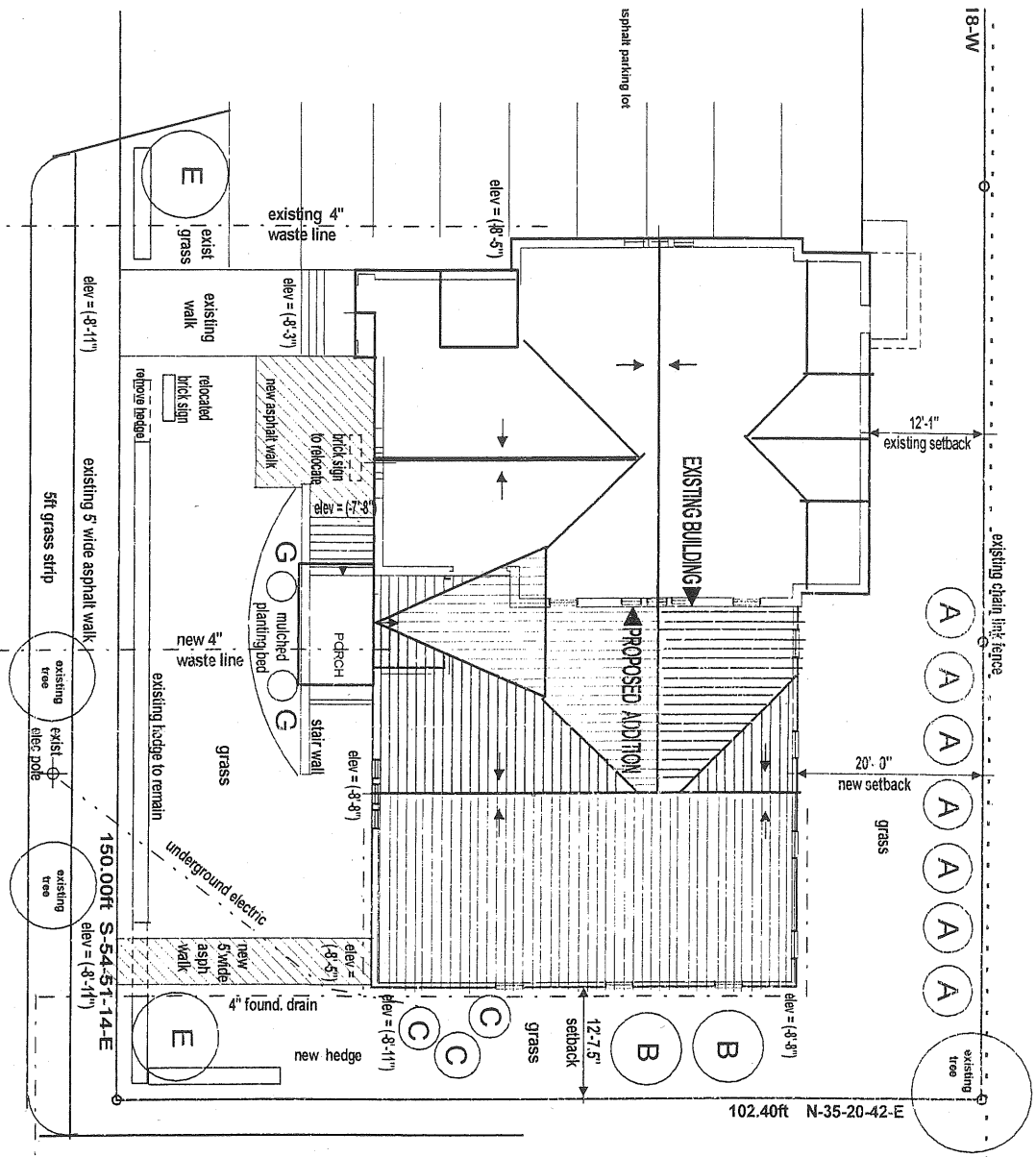
THIS DOCUMENT CONSISTS OF 4 PAGE(S).



*Penny Hittell Assoc Corp Counsel 11/1/00*  
*Alexander Jaeger Chief Planner 2/26/01*

**PLANTING SCHEDULE**

KEY	NAME	COMMON NAME	SIZE	NUMBER
A	Arbor vitae	Arbor Vitae	4.0ft high	7
B	Pinus Strobus	White Pine	5.0ft high	2
C	Syringa vulgaris	Common Lilac	5.0ft high	3
D	Andora Compacta Juniper	Juniper Hedge	18" high	19
E	Acer Saccharum	Sugar Maple	3" caliper	3
F				
G	Eunonymus Alatus Compacta	Dwarf Burning Bush	2.5ft high	2



4" found drain 150' to existing CB

CITY OF PORTLAND  
 APPROVED SITE PLAN  
 SUBJECT TO DEPARTMENTAL  
 CONDITIONS  
 DATE OF APPROVAL



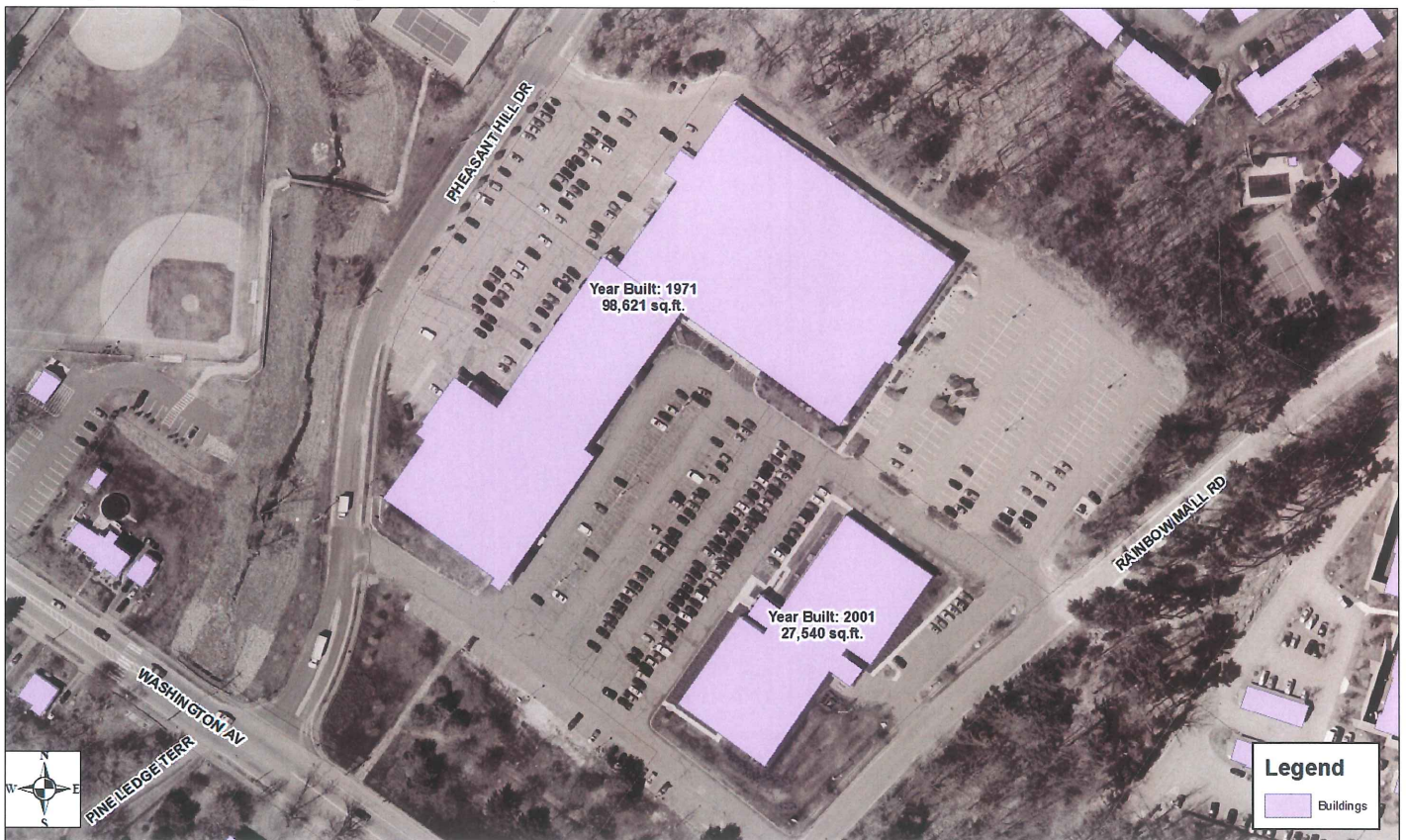
Estimated Cost of Project (millions)	2.8	
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### III. EXISTING CONDITIONS

#### a. Site Development

- 1970 – Building Permit issued for construction of the Lunts Corner Shopping Center. The current office complex was initially approved as a retail mall. This approval included a finding that no state review was required prior to commencement of construction. The development included the construction of the parking lot and a 61,438 sq.ft. single-story building.
- 2000 – Site Plan approved to tear down an existing bank branch and rebuild a new 27,540 sq.ft. single-story building for Martin’s Point.

**Map 1: Existing Site Layout**



#### b. Site Assessment

The proposed development site is located off of Washington Ave., about .25 miles northwest of the Ocean Ave. intersection. The site has two existing points of access onto Washington Ave., one from Rainbow Mall Rd. and the other from Pheasant Hill Dr. Both of these access roads extend north of the site to serve as primary collector roads for single-family and multi-family subdivisions.



The existing office park accommodates two medical/office buildings in a campus type environment. Three on-site parking lots accommodate employee and visitor vehicular traffic. The site visit revealed that while adequate on-site parking exists some employees utilize Rainbow Mall Rd. for parking.

**Photo 1: Rainbow Mall Rd. Vegetative Buffer from adjacent residences to the east**



The office park campus is a walkable environment with periphery sidewalks along the property boundary and internal crosswalks and sidewalks to accommodate pedestrian traffic. The site also has numerous lighting fixtures for internal illumination and is adequately buffered from adjacent residential neighborhoods. Sufficient landscaping exists throughout the site and is adequately maintained.

**Photo 2: Vegetative Buffer from adjacent neighborhoods to the north**



**Photo 3: Internal landscaping at building entrance**



Some areas of deficiency were observed regarding sidewalks that border the property along Washington Ave. and Pheasant Hill Dr. Along Washington Ave. the sidewalk width measured less than the 5' standard. Additionally, the condition of the sidewalks appeared to be in disrepair at various locations. The proposed site plan shows the expansion of existing sidewalks along Washington Ave. to comply with the 5' sidewalk width and to extend a sidewalk along Pheasant Hill Dr. to comply with city standards.

**Photo 4: Washington Ave. Sidewalk**



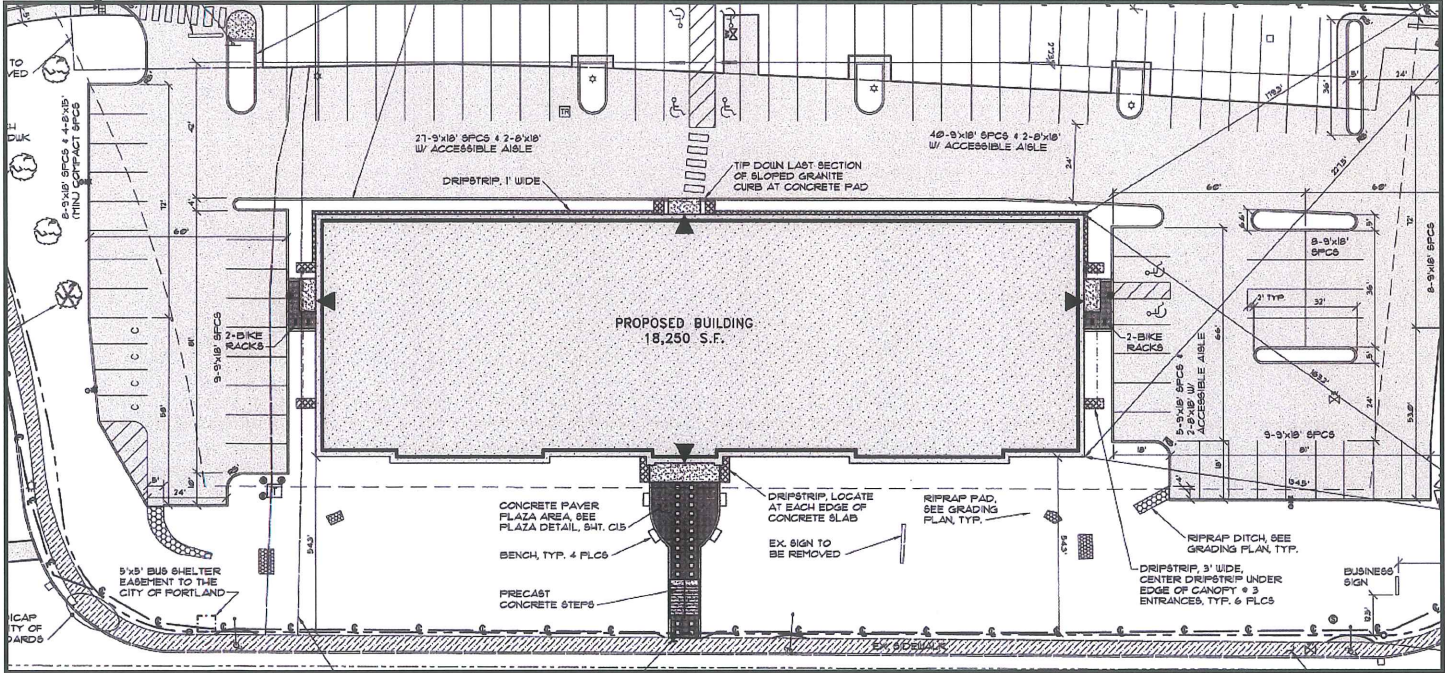
**Photo 5: Pheasant Hill Rd. – no sidewalk along parking lot**



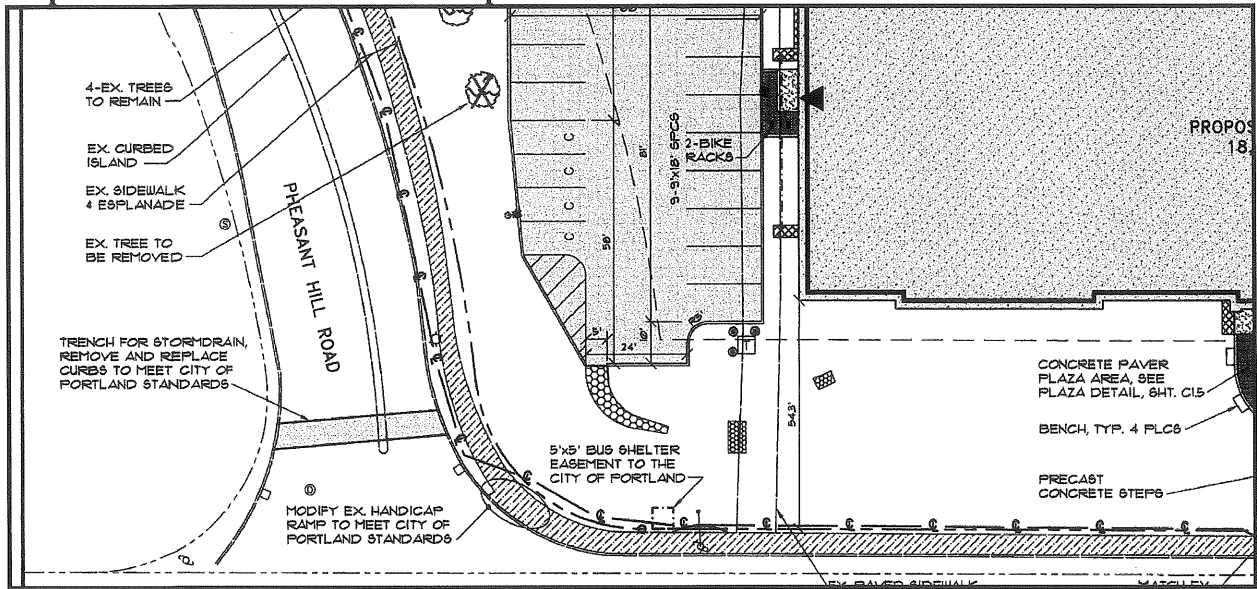
**IV. PROPOSED DEVELOPMENT**

The applicant proposes to build an 18,250 sq.ft. single-story structure with 80 on-site parking spaces. The building will have four entrances with a primary pedestrian entrance extending from the building to Washington Ave. Other improvements include rebuilding sidewalks along Washington Ave. and modifying existing handicap ramps to meet city ADA standards.

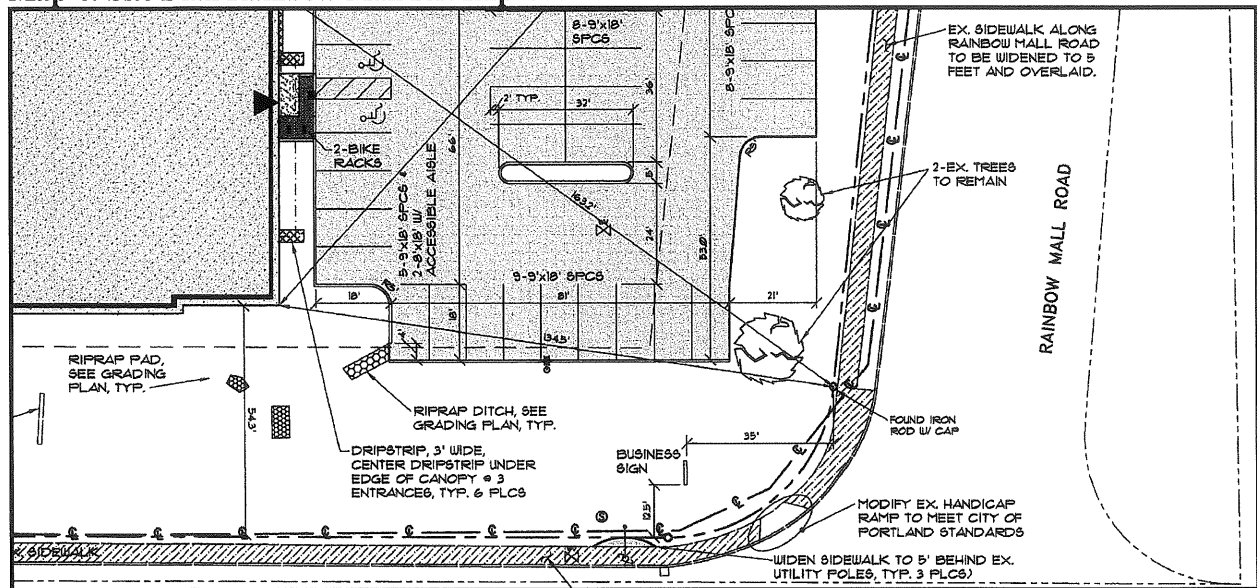
**Map 2: Site Plan**



**Map 3: Site Plan Pheasant Hill Rd. Improvements**

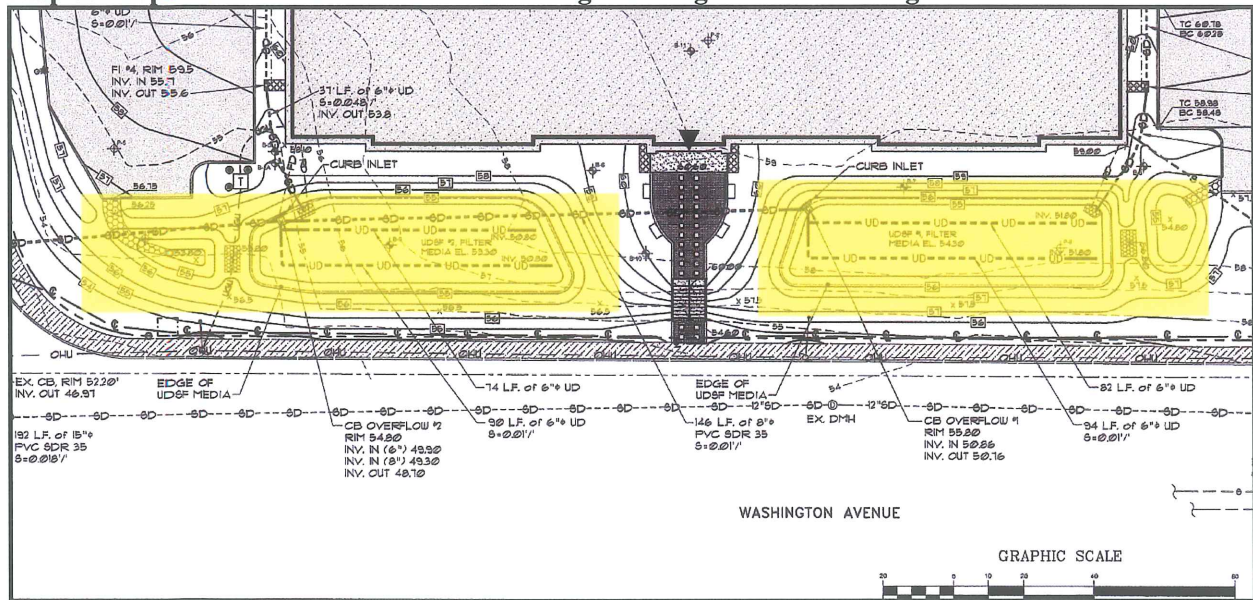


**Map 4: Site Plan Rainbow Mall Rd. Improvements**



The plan will also install two-underdrain soil filter stormwater management systems to accommodate the increase in stormwater volume. Runoff will discharge into the Fall Brook Watershed which is designated as an Urban Impaired Stream. As such the development is required to meet the Urban Impaired Stream Standard for conformance with City of Portland Stormwater Management Standards. The applicant has requested two waivers from the stormwater management standards for urban impaired stream requirements and flooding standards.

**Map 5: Proposed Underdrain Soil Filters along Washington Ave. Frontage**



**V. PUBLIC COMMENT**

- a. As of the writing of this report one public comment was received from Manduca Music and is submitted as **Attachment 1**.
- b. The applicant conducted a neighborhood meeting April 18<sup>th</sup>, 2011

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

The owner of the property is J.B. Brown and Sons. The applicant has provided a copy of a boundary survey, recorded at the Cumberland County Registry of Deeds which demonstrates their right, title and interest in the property.

The estimated cost of the development is \$2.8 million. The applicant has submitted a letter from T.D. Bank as demonstration of their financial and technical capacity to complete the proposed development.

**VII. ZONING ASSESSMENT**

**A. ZONING REVIEW**

I have reviewed the submittal for the newly proposed (18,250 sq ft) building on this already developed property. A conditional Contract rezoning for a B-2 Zone was granted on this property. The proposal is meeting the maximum building height and setbacks and parking requirements. When the developer has chosen the HVAC equipment, I will want some verification that the units do not exceed the maximum allowable dBAs as stated within the B-2 Zone.

Signage will require separate permits and approvals.

**VIII. DEVELOPMENT REVIEW**

**A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527)**

The application was determined to be complete on May 3, 2011.

**B. SITE PLAN STANDARDS (Section 14-526)**

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

1. Transportation Standards

a. *Impact on Surrounding Street Systems*

The applicant's traffic generation report states the original Traffic Movement Permits for the site was for a retail space, known as the Rainbow Mall Project. Since the site has transitioned to office uses the current use trip generation and proposed increase remain below what had been previously permitted. This traffic generation assessment was confirmed by Tom Errico, P.E. the city's Traffic Consultant.

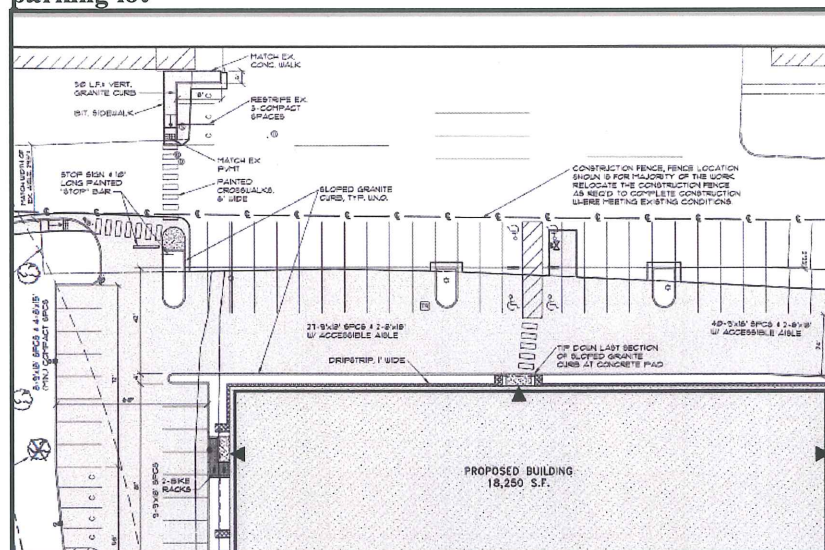
b. *Access and Circulation*

Vehicular access to the site is from Rainbow Mall Rd. and Pheasant Hill Rd. off of Washington Ave. Pedestrian access is accommodated from sidewalks along Washington Ave., Rainbow Mall Rd., and Pheasant Hill Rd. Internal circulation for vehicular access is adequate with clearly established travel lanes and the proposed internal parking lot complies with a minimum 24' wide travel lanes. However, the Traffic Engineer has identified the following issues with regard to pedestrian circulation:

**Traffic Engineer, Tom Errico P.E., T.Y. Lin**  
**May 12<sup>th</sup>, 2011**

- The applicant should consider making the front entrance on Washington Avenue ADA compliant.
- The applicant should consider providing a sidewalk or pedestrian facility in front of their building (internal to the site). The current plan requires all pedestrian activity entering and exiting the entrance to walk in the parking aisles or between parked vehicles.

**Map 6: Internal to the site – no pedestrian connection to the front entrance from parking lot**



Addressed as  
 Conditions  
 1+2

➤ The applicant has noted on the revised plan that the sidewalk ramps will be upgraded to meet City standards. The applicant shall provide details on these improvements for review and approval (this can be a condition of approval). I would note that the City's preferred ramp standard may require significant curb changes.

➤ According to the cover letter provided, the applicant has committed to upgrading and constructing a sidewalk along their property frontage on Pheasant Hill Road. The applicant shall submit plans for review and approval for the sidewalk (this can be a condition of approval).

c. *Public Transit Access*

The applicant is proposing to dedicate an easement area for a future bus shelter. The easement dimension shall be adjusted to 11(length) x 6(width) instead of the proposed 5x5 dimension.

d. *Parking*

The new parking lot layout encompasses restriping existing spaces and installing new standard, compact, and ADA spaces. The applicant proposes to restripe 47 existing spaces and install 80 spaces. The applicant is required to install 16 bicycle parking spaces. The applicant proposes bike racks to accommodate 18 bicycle spaces.

e. *Transportation Demand Management (TDM)*

A TDM plan is not required for this project because it is not located the B-7 zone, is less than 50,000 sq.ft. and is designed to accommodate less than 100 employees.

2. Environmental Quality Standards

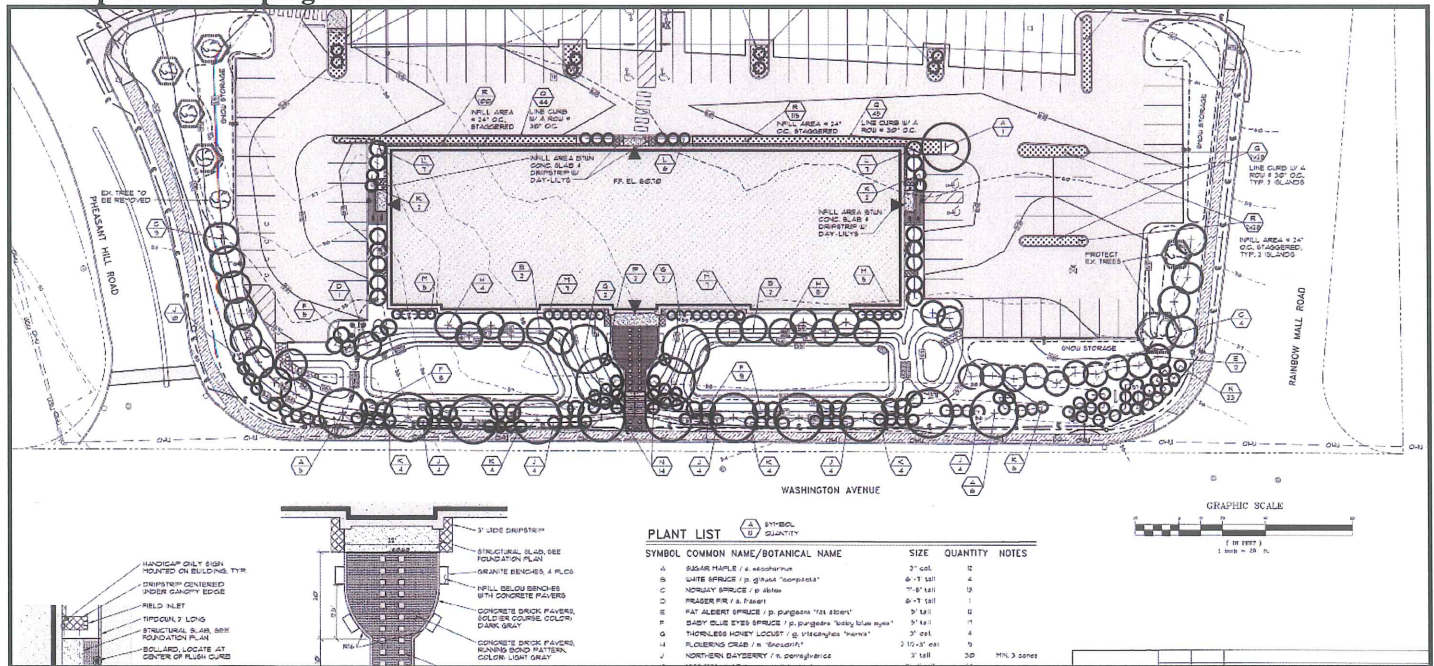
a. *Preservation of Significant Natural Features*

No significant natural features exist other than existing tree stands, some of which will be removed and others will be preserved.

b. *Landscaping and Landscape Preservation*

The applicant proposes adequate landscaping to provide a visual buffer between the building and Washington Ave. The plan also will install landscaping within the interior parking lot, including raised islands with vegetation and plant materials. This plan has been reviewed and approved by the City Arborist.

**Map 6: Landscaping Plan Overview**



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

The applicant's stormwater management plan proposes adequate erosion control and maintenance procedures. However, the Stormwater Engineer has identified the following issues related to water quality treatment and flooding control:

**Stormwater Engineer, Dave Sensus, P.E., Woodard and Curran Inc.  
May 12, 2011**

**Urban Impaired Stream Standard:**

Under MaineDEP Chapter 500 Stormwater Management requirements, developments in the watersheds of Urban Impaired Streams must comply with the Urban Impaired Stream Standard when the development requires review pursuant to Site Law, includes 3 acres or more of impervious area, or includes 20 acres or more of developed area. In accordance with Chapter 5 of the City of Portland Technical Manual, all development within Fall Brook, Capisic Brook, and Nason's Brook (except single and two-family homes) must comply with the MaineDEP Urban Impaired Stream Standard.

The proposed development is located within the Fall Brook watershed, an Urban Impaired Stream listed in the City of Portland Technical Manual (Section 5.II.A.) and in the MaineDEP Chapter 502, Appendix B –Urban Impaired Streams list. As such, the development is required to meet the Urban Impaired Stream Standard for conformance with City of Portland Stormwater Management Standards. Because the project is not a Site Law project, does not have 3 acres or more of impervious area, and does not include 20 acres or more of developed area, the project is not subject to meeting this standard under MaineDEP Stormwater Management Law; however, the City of Portland's Technical Manual has adopted MaineDEP Chapter 500 Stormwater Management requirements, and as such, has adopted the guidance outlined in the MaineDEP Urban Impaired Stream Standard.



Using the MaineDEP credit calculation method, the proposed development must either pay a compensation fee or mitigate project impacts by treating, reducing, or eliminating an offsite or onsite predevelopment impervious stormwater source. Based on MaineDEP calculation requirements, the “required mitigation credit” for the current project is 0.51. The Applicant proposes to mitigate impacts through treatment provided by an existing Vortechs Stormwater Treatment System, installed as a condition of Site Plan approval for a campus expansion project in 2000. The Applicant has provided a calculation based on a “retrofit with general standards at 2/3 required sizing”. For the Vortechs system, the appropriate mitigation activity to consider is a “Retrofit with general standards at 1/3 required sizing or with approved flow through sedimentation device.” Using this calculation method, the credits achieved by the Vortechs system is 1.94. This adequately offsets the “required mitigation credit”; however, the Vortechs system is an existing stormwater treatment structure that was installed to satisfy a Site Plan approval condition for a previously permitted project.

The MaineDEP allows for compensation fees to be paid in-lieu of mitigation for watersheds with established Compensation Fee Utilization Plans. A Compensation Fee Utilization Plan is not currently in place by the City of Portland for the Fall Brook watershed. Using the MaineDEP calculation method, the compensation fee for this project would be \$5,136.

It is our recommendation that the proposed project incorporate retrofits for untreated areas of the campus to meet the credit requirements, or the City of Portland could consider requiring an in-lieu compensation fee to be used for water quality improvement projects within the Fall Brook watershed.

#### **Flooding Standard:**

The Applicant has requested a waiver from the flooding standard (Technical Manual, Section 5, III.4.E.(2) Waiver from Flooding Standard) and has provided an analysis of the project area’s pre-development and post-development flow rates. The HydroCAD model for the project area indicates that there will be an increase in flow rate from the project site (3.08 cfs in the 24-hour, 10-year storm event; 3.19 cfs in the 24-hour, 25-year storm event) as a result of the proposed development. Two different models, a HydroCAD model of the Fall Brook watershed and a HEC-RAS model for Fall Brook (provided by the City of Portland to the Applicant), have been used to model flow within Fall Brook at the project location. Both models indicate that the increase in flow as a result of the proposed development will not result in a significant impact to Fall Brook. HydroCAD indicates that the peak flow within Fall Brook during the 24-hour, 25-year storm (in the developed condition) will be 887.82 cfs. The increase in peak flow from the site for this same event will be 3.19 cfs. The model indicates that the peak flow rate of the brook will actually decrease upon development of the site, presumably due to attenuation of peak flow discharges from the site. The HEC-RAS model indicates a 0.02 ft increase in the water level of Fall Brook in the post development condition for the 50-year storm event, or a rise of ¼ of an inch. Based on these model results, we agree with the Applicant’s determination that the project will not have an unreasonable adverse affect on the water level conditions of Fall Brook. This determination, however, meets only part of the waiver request. To fully satisfy the waiver request, we recommend the Applicant address why increases in flowrates from

the project site cannot be “avoided by reasonable changes in project layout, density, and stormwater management design”.

The applicant has requested waivers from both the urban impaired stream and flooding standards. David Senus, Consulting Stormwater Engineer has found that the proposed project will not have an adverse effect on flooding, however he suggests the applicant address why flow rates cannot be avoided through reasonable changes to the project layout. The Planning Staff has requested that the applicant address this question at the Public Hearing. Pending the applicant’s additional information, the staff supports granting the waiver of the flooding standard.

The City’s regulations require all projects except single and two-family homes to comply with the Urban Impaired Stream standards to mitigate existing conditions. This standard exceeds the Chapter 500 applicability rules. This was adopted in Portland in order to address other stormwater mandates. The applicant is seeking a waiver based upon previous work to treat the site. While the past improvements achieve a credit value of 1.94 in the urban impaired stream credit standards and exceed the .51 credit requirement, these improvements are associated with a prior project approved in 2000. The intent of Urban Impaired Stream standards is to further mitigate stormwater quality impacts of such prior development. Although the City’s requirements exceed DEP minimum requirements, stormwater quality improvements are a local policy priority. The Stormwater Engineer recommends additional on-site stormwater treatment to achieve the .51 credit target, or a waiver of on-site mitigation with the equivalent contribution of \$5,136 toward stormwater quality improvements in the Fall Brook Watershed.

Other outstanding issues identified by the Stormwater Engineer include:

- The Applicant has included a plan for the Inspection and Maintenance of Stormwater Management Facilities in accordance with MaineDEP Chapter 500 and has listed the requirements of Chapter 32 of the City of Portland Code of Ordinances. We recommend that conformance with the inspection and maintenance requirements included in the Site Plan Application, along with the requirements of City of Portland Chapter 32, be made a condition of approval.
- The Applicant has indicated that either a polyethylene liner or a clay liner will be used for the proposed underdrained soil filters. Chapter 7.1 of the MaineDEP BMP states that an impermeable geomembrane liner must be used when less than one foot of soil is present between bedrock and the bottom of the underdrain backfill. For locations where bedrock is present, a clay liner will not meet MaineDEP requirements.
- The detail for the underdrained soil filter should include a specification for the grass seed mix to be planted on the soil filter surfaces.
- The pipe outlet detail does not appear to be sized for the discharge flow rates at the proposed 15” outfall to Fall Brook. The Applicant should verify that the riprap outlet protection provided in Fall Brook for the existing 12” storm drain pipe and the proposed 15” storm drain pipe will be adequate for the proposed flow rates.
- The Applicant should verify whether an easement is required for the proposed stormwater outlet pipe into Fall Brook.

- The locations of the underdrain soil filters are not indicated on the Site Plan (Sheet C1.1)

### 3. Public Infrastructure and Community Safety Standards

#### a. *Consistency with Master Plans*

The proposed project is consistent with the following goals and policies.

##### Goals:

- To promote an economic climate which increases job opportunities and overall economic well-being.

##### Policies:

- Strengthen and Diversify the Economic Base
  - Create a variety of job opportunities for the full spectrum of the labor pool which:
    - are appropriate to our current and potential skills
    - provide good pay and benefits - a living wage
    - are rewarding/satisfying
  - Create a strong industrial base which is beneficial to the community
  - Reduce vulnerability to recession and industry trends
  - Strengthen and diversify the tax base
- Improve the Quality of Life
  - Reduce tax burden on residential property owners

#### b. *Public Safety and Fire Prevention*

Capt. Keith Gautreau has approved the design of the site layout and access requirements.

Crime Prevention Through Environmental Design (CPTED): CPTED is a public safety concept that uses the built environment to reduce the fear and incidence of criminal activity.

#### Findings and Recommendations:

- Natural Surveillance that promotes visibility of public spaces and areas.
  - The existing development and proposed development creates a campus atmosphere. The existing buildings and proposed building are one-story structures with windows along all sides providing adequate transparency for internal users to monitor outdoor movements.
  - The existing buildings also have mechanical fixtures providing CCTV monitoring on-site.
  - Nighttime lighting is adequate with full cut-off fixtures.
- Access control that promotes authorized and appropriate access to the site.
  - During off-business hours all facilities are locked and do not permit unauthorized users to access buildings.

- ii. Four points of access exist (2 from Pheasant Hill Rd. and 2 from Rainbow Mall Rd.), due to the low rates of criminal activity and the character of the surrounding residential neighborhood no security gates are necessary.
  - c. Territorial reinforcement that promotes a sense of ownership and responsibility through environmental design. The delineation of private, semi-private, and public space.
    - i. Due to the presence of existing signage that identifies the site as a Martin's Point office campus and the adjacent recreational fields, the site clearly establishes a sense of ownership and delineates the public space from private space.
  - c. *Availability and Adequate Capacity of Public Utilities*  
 A letter from Harold Downs at the Department of Public Services has been submitted stating the existing infrastructure has adequate capacity to treat and convey the total anticipated increase in wastewater flows from the proposed addition.
4. Site Design Standards
- a. *Zoning Related Design Standards*  
 The project is required to meet the design standards of the B-2 zone. However, the condition of the rezoning agreement required a 45' setback from Washington Ave. and precludes the creation of a street wall character. Instead this condition allows for the creation of a landscape buffer of the building from the street which could be interpreted as more consistent with the established neighborhood character. The building will be providing a front entry walkway with direct access to Washington Ave. The building will also be well fenestrated with windows on all sides and will have a higher elevation from Washington Ave. In conjunction with the proposed landscaping plan and the architectural design the building will have an enhanced public appearance. The building also will have a transit connection to an existing bus stop on Washington Ave. The proposed design and site layout are in accordance with the B-2 design standards.

**IX. STAFF RECOMMENDATION**

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board adopt staff report #7-11 as findings and approve the proposed development. In regards to the waiver for flooding and urban impaired stream standards, staff supports both waivers subject to conditions and the contribution of \$5,136. If the Planning Board accepts the applicant's contention that the prior 2000 Vortechics improvements should be credited to today's urban impaired stream standards, the waiver can be granted without monetary contribution.

**X. PROPOSED MOTIONS**

**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 #7-11 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

Waiver 1  
1. Carol 2. Lee

→ 5-0

1. The Planning Board (waives/does not waive) Technical Standard, Section 5.3.4.E. Flooding Standard.
2. The Planning Board (waives/does not waive) Technical Standard, Section 5.3.4.D. Urban Impaired Stream Standard and the applicant shall provide a financial contribution of \$5,136 to be used for future water quality improvement projects within the Fall Brook Watershed.

Waiver 2  
1. Carol 2. Lee

**STORMWATER MANAGEMENT PERMIT**

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board finds the plan (is/is not) in conformance with the standards for a Storm Water Permit application for 901 Washington Ave. and (grants/does not grant) a permit subject to the following conditions:

5-0  
1. Carol 2. Lee

- i. The applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan based on City of Portland standards and state guidelines.

**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 #7-11 relevant to the Site Plan and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code subject to the following conditions:

And  
5-0  
1. Carol 2. David

1. Prior to issuance of a Building Permit the applicant shall submit a revised Site Plan to be approved by the Planning Authority and Department of Public Services with a design to accommodate pedestrian circulation within the interior parking lot.
2. Prior to issuance of a Building Permit the applicant shall submit a revised Site Plan to be approved by the Planning Authority and Department of Public Services for the reconstruction of ADA ramps and the sidewalk on Pheasant Hill Rd.
3. Prior to issuance of a Building Permit the applicant shall submit a revised Site Plan to be approved by the Planning Authority and Department of Public Services to satisfy the review comments of the Stormwater Engineer.

Main Main  
4-1  
1. Carol 2. 1

4. Prior to Building Permit Applicant shall submit to PA an explanation as to how the parking lot landscaping meets the standard

Attachments:

Planning Board Report Attachments

1. 4/25 Manduca Music

Applicant's Submittal

- A. 5/3/11 – Response to Review Comments
- B. 3/25/11 – Traffic Generation Report/Parking Analysis
- C. 4/4/11 – Original Submission
- D. 4/5/11 – Neighborhood Meeting Certification
- E. 5/3/11 – Revised Site Plans

5. Prior to Building Permit the traffic turning movement  
7. Proops