

CITY OF PORTLAND, MAINE

PLANNING BOARD

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April 30, 2018

John Watson
JHA Assisted Living, INC
630 Ocean Avenue
Portland, ME 04103

Jan Wiegman, P.E.
Wright-Pierce
11 Bowdoin Mill Island, Suite 140
Topsham, ME 04086

Project Name:	The Cedars Expansion	Project ID:	2017-278, 2017-298
Address:	630 Ocean Avenue	CBL:	174-A-013
Applicant:	JHA Assisted Living, INC and Cedars Nursing Care, INC		
Planner:	Matthew Grooms		

Dear Mr. Watson and Mr. Wiegman:

On April 24, 2018, the Planning Board considered an application to redevelop a portion of the Cedars Campus located at 630 Ocean Avenue and specifically to construct a new three story-building with 60 private bedrooms, reconfigure the existing parking layout to accommodate 11 new parking spaces and install new site and buffer landscaping. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan and Conditional Use sections of the city's land use code and Site Development of Location Act regulations. The Planning Board voted 6-0 (Eaton absent) to approve the application with the following conditions as presented below:

Storm Water Management Permit

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 6-0 (Eaton absent) to approve the Stormwater Management Permit application, as submitted, subject to the following conditions:

1. Storm Water Management Condition of Approval
The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment and erosion control plan based on City standards and state guidelines.

The owner/operator of the approved stormwater management system, and all assigns. shall comply with the conditions of Chapter 32 Storm water including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Please submit final copies to both the Department of Planning and Urban Development and the Department of Public Works.

Conditional Use

The Planning Board voted 6-0 (Eaton recused) that the plan is in conformance with the conditional use standards of the Land Use Code, authorizing the conditional use, long-term care facility.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application 2017-298 which is attached.

Development Review

The Planning Board voted 6-0 (Eaton recused) that the plan is in conformance with the site plan standards of the Land Use Code and the Site Location of Development Act regulations, subject to the following conditions of approval (to be met prior to issuance of a building permit unless otherwise stated):

1. The applicant shall provide a new or updated stormwater maintenance agreement that shall be reviewed and approved by the Department of Public Works and Corporation Counsel.
2. Applicable 'ability to serve' letters shall be provided for Central Maine Power and the Portland Water District.
3. In the event that the applicant is unable to construct the proposed all-brick building as approved by the Planning Board, they shall be required to seek administrative approval from the Planning Authority for the alternative clapboard design. If the building materials or design deviate significantly from the alternative presented to the Board, then the applicant will be required to go back before the Planning Board for a site plan amendment.
4. A large blast, meaning removal of more than 300 cubic yards of rock material, has been indicated in the applicant's application. For large blasts, a pre-blast survey is required within 600 feet of the perimeter of the blasting site. [Editor's note: As requested by the Planning Board, the applicant shall expand the pre-blast survey to encompass complete buildings that are touched by the 600 foot radius and shall coordinate the blasting plan with the construction management plan for the project.]

5. A financial contribution of \$5,400 shall be provided for construction of an ADA compliant crosswalk across Rainbow Mall Road along the west side of Ocean Avenue.
6. A financial contribution of up to \$13,000 shall be provided for construction of a sidewalk along Rainbow Mall Road in the right-of-way provided that the city match the contribution to be provided by the issuance of a certificate of occupancy.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application 2017-278 which is attached.

Site Location of Development

The Planning Board voted 6-0 (Eaton recused) that the plan is in conformance with the Site Location of Development Act regulations.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application 2017-278 which is attached.

Standard Conditions of Approval

Please Note: The following standard conditions of approval and requirements apply to all approved site plans:

1. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.
3. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to

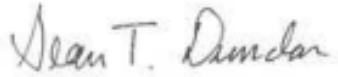
make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

5. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Preconstruction Meeting Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.
8. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
9. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

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

If there are any questions, please contact Matthew Grooms at (207) 874-8725

Sincerely,



Sean Dundon, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Staff Review Comments
3. Portland City Code: Chapter 32
4. Sample Stormwater Maintenance Agreement
5. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director, Planning and Urban Development
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development
Matthew Grooms, Planner, Planning and Urban Development
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Mike Russell, Director of Permitting and Inspections
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Jonathan Rioux, Deputy Director, Permitting and Inspections
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections
Chris Branch, Director of Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Jane Ward, Engineering, Public Works
Rhonda Zazzara, Construction Engineering Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Transportation Systems Engineer, Public Works
William Scott, Chief Surveyor, Public Works
Mike Thompson, Fire
Danielle West-Chuhta, Corporation Counsel
Jennifer Thompson, Corporation Counsel
Victoria Volent, Housing Program Manager, Housing and Community Development
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor

Planning Board Report Portland, Maine



630 Ocean Avenue, The Cedars Building Expansion
Level III Site Plan (2017-278), Site Location of Development and Conditional Use (2017-298)
JHA Assisted Living, INC and Cedars Nursing Care, INC, Applicant

Submitted to: Portland Planning Board
Public Hearing Date: April 24, 2018

Prepared by: Matthew Grooms, Planner
Date: April 20, 2018

I. INTRODUCTION

JHA Assisted Living, INC and Cedars Nursing Care, INC are requesting a Level III site plan, conditional use, and site location of development amendment review for a proposed expansion of their campus located at 630 Ocean Avenue. The proposed development scheme, which includes demolition of an existing single-family building, reconfiguration of existing parking and construction of a new three-story building, is derived from recent trends in the long-term care model where residents are provided with private rooms as opposed to semi-private rooms. The proposed expansion represents a minimal increase in the number of residents, which are accommodated through additional on-site parking.



Figure 1: The Cedars Campus with view of surrounding context. The area outlined in red represents the proposed expansion area.

This development is being referred to the Planning Board for compliance with site plan and conditional use standards of the land use code as well as the Site Location of Development Act regulations. A Planning Board workshop was held on February 13, 2018 and the applicant has submitted final plans for review in response to staff review comments and Planning Board feedback. A total of 280 notices were sent to property owners within 500 feet of the site and a legal ad ran in the April 16th and 17th 2018 editions of the Portland Press Herald.

Applicant: JHA Assisted Living, INC and Cedars Nursing Care, INC

Consultants: Jan Wiegman, Wright-Pierce; Alex Toye, Action Pact Design

II. REQUIRED REVIEWS

Review	Applicable Standards
Site Plan	Section 14-526
Conditional Use	Section 14-474
Site Location of Development	Section 14-Technical Manual

III. PROJECT DATA

Existing Zoning	R-3 and R-5 Residential
Existing Use	Institutional Long-Term Care
Proposed Use	Institutional Long-Term Care

Parcel Size	460,350 SF		
	Existing	Proposed	Net Change
Building Footprint	81,114 SF	96,956 SF	15,842 SF
Building Floor Area	N/A	45,000 SF	45,000 SF
Impervious Surface Area	4.98 acres	5.37 acres	0.39 acres
Parking Spaces (on site)	170	183	13
Bicycle Parking Spaces	0	4	4
Estimated Cost of Project	\$16,000,000		

IV. EXISTING CONDITIONS

The applicant proposes to develop on a 10.5 acres site located on the west side of Ocean Avenue between Rainbow Mall Road to the north Washington Avenue to the south. At present, the site is occupied by the Cedars long-term care facility campus, which consists of three connected buildings, two two-story buildings identified as “The Osher Inn” and “The Hoffman Center”, as well as a larger three-story building identified as “The Atrium”, along with off-street parking for 170 vehicles distributed across seven (7) parking areas, and a series of individual unit parking garages. The campus is organized around a central courtyard, with the three existing buildings situated around the perimeter of that courtyard. An internal driveway system provides multiple opportunities for resident drop-off and pick-up, and internal pedestrian pathways are provided alongside the internal driveway. This site features primary access off of Ocean Avenue with secondary access off of Byfield Road. A former single-family structure is located at the northeast corner of the site and is currently being utilized as office space. This building fronts Ocean Avenue and is accessible via a second-curb cut located just north of the primary facility entrance.



Figure 2: View of the existing entrance with single-family structure in the background.



Figure 3: Single-family structure to be demolished under proposed expansion.

The development site itself is located along a ridge, and generally slopes from higher areas in the northern portions of the site towards the south, with a portion of the property conveying surface flows towards the west. The far western portion of the site discharges to Fall Brook. This property also contains significant bedrock, and with prior projects, blasting work has been required.

BACKGROUND

In 1988, the Planning Board approved a 99-bed long term care facility and a 50-bed intermediate care facility for this site. The property totaled 5.93 acres at that time. The long-term care facility was built with 102 beds (23,200 sq. ft. footprint/65,648 sq ft floor area) and is now known as Cedars Care Center and is the location of the Rehabilitation Center. The intermediate care facility was deferred. In 1997 Cedars acquired an additional 4 acres and received approval to add a 61-bed intermediate care facility (95,332 sq. ft. total floor area) now known as the Atrium.

In 2005 approval was given for a 2-story addition for 30 assisted living units (12,371 sq. ft. footprint/ 26,119 sq. ft. floor

area) known as the Cedars Assisted Living Facility. At that time the site was reorganized into a condominium form of ownership so that each facility is a condominium unit and the balance of the site is a “common element” to be used in common by all three units.

The first two Cedar projects (Cedars Care Center and Atrium) impacted wetlands and a Tier II wetlands permit was issued by DEP/ACE subject to on-site provision of three mitigation parcels identified as Parcels A, B and C. The assisted living development approved in 2005 was constructed over part of Mitigation Parcel B and an underground storm water detention/treatment system was incorporated into the project on the side nearest Ocean Avenue. The most recent development (the assisted living facility) triggered a Tier III review and was permitted by the MDEP.

In 2008, The Planning Board considered a conditional use application submitted by The Cedars to renovate the rehabilitation center located on the first floor on the westerly side of the Cedars Care Center.

The above listed background was identified and described in a prior Planning Board report written for the conditional use application heard by the Planning Board back in 2008 and can reviewed in greater detail under Attachment 8.

V. PROPOSED DEVELOPMENT

The applicant proposes to demolish the single-family structure at the northeast corner of the site, as well as a portion of the parking area located north of the internal driveway. The existing curb cut which serves the single-family structure will be closed and the existing sidewalk along Ocean Avenue will be reconstructed to be continuous between the principal site entrance and the intersection of Ocean Avenue and Rainbow Mall Road. In place of the single-family structure, the applicant is proposing to construct a new three-story institutional building with approximately 45,000 square feet of floor area.

The project is largely driven by the evolution of the care model with a shift towards the household model of care delivery and private rooms for residents. The existing long-term care facility at the Hoffman Center has semi-private rooms and will be converted into three households with private rooms. The 40 displaced beds will be moved to the proposed new facility and two households will be created, occupying two floors of the building. A new 20 bed assisted living memory care household will occupy the first floor of the new facility as well.

The parking area located to the north of the internal driveway is being reconfigured to incorporate additional parking spaces in accordance with the city’s off-street parking standards. This parking area will extend farther west by approximately 90 feet and will involve some tree clearing and regrading. An additional 14 parking spaces are being constructed farther west within the applicant’s property and includes a space for motorcycle parking. Altogether, the project results in a net gain of 13 parking spaces from what currently exists.

Other site improvements include landscaping, consisting of trees, shrubs, ornamental grasses and lawn areas, proposed around the perimeter of the newly proposed building and along the property’s Ocean Avenue frontage. The existing drainage system will largely remain in place and will feature minimal upgrades, including revisions to the existing detention basins, new underdrained soil filters and new storm drain structures to accommodate the site revisions and new facility.

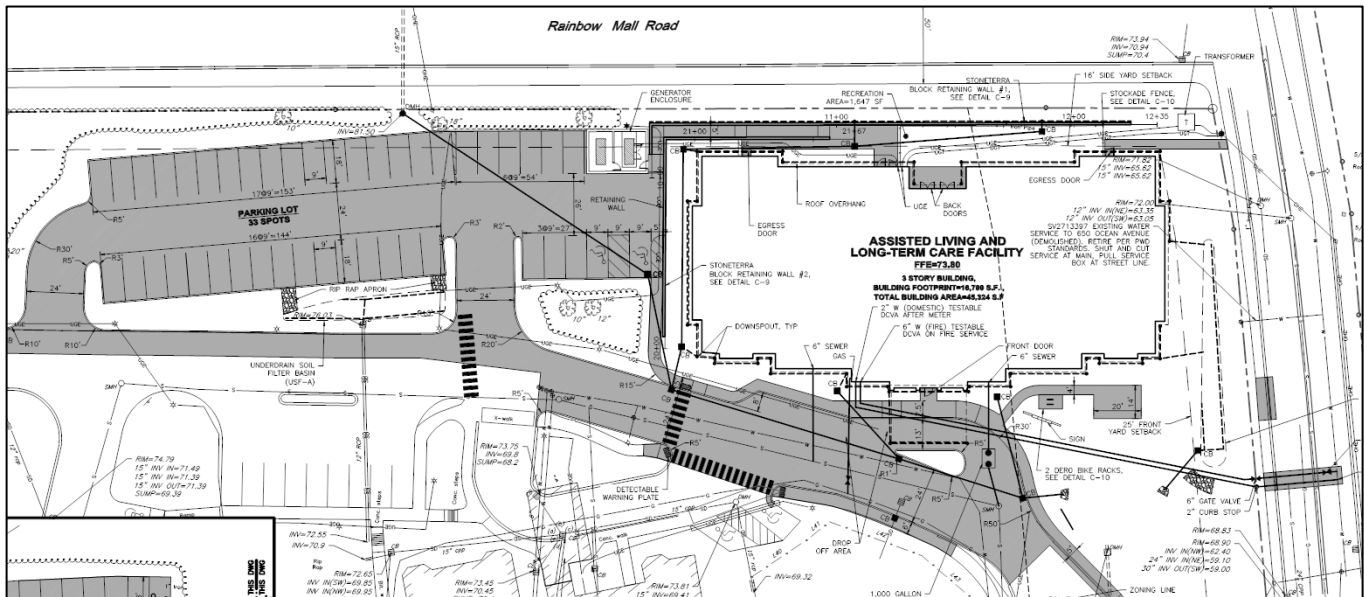


Figure 4: Proposed site plan showing parking lot reconfiguration, utility connections and pedestrian infrastructure improvements

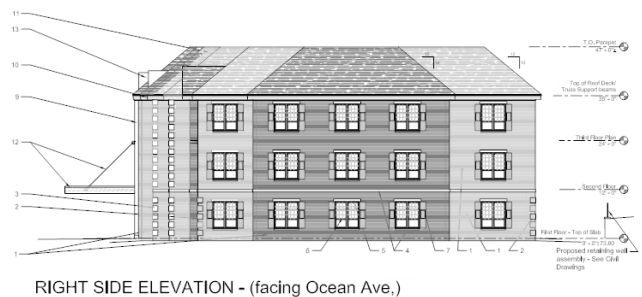


Figure 5: Proposed building elevation (front). Note, the building is oriented inward to the site, away from Ocean Avenue.

VI. PUBLIC COMMENT & NEIGHBORHOOD MEETING

The Planning Division has received two written comments in regards to this project as of the writing of this report. These comments have raised concerns regarding previous blasting work that was carried out in previous projects at The Cedars facility, and concerns related generally to site grading and stormwater runoff.

City staff, in a meeting with the applicant on January 30th, discussed these public comments and raised questions regarding the potential for blasting work to occur. At that time, a geotechnical had not yet been received and it was not known whether or not blasting would be required. We informed the applicant of blasting requirements within the City, with which the applicant has agreed to comply. A neighborhood meeting for this project was held on January 29th (Attachment X)



RIGHT SIDE ELEVATION - (facing Ocean Ave.)

Figure 6: Proposed side elevation which is oriented towards Ocean Avenue.

VII. PLANNING BOARD WORKSHOP

A Planning Board workshop was held on February 13, 2018. At this meeting, the primary focus of the discussion was in regards to the proposed building's height, design of the building, and the impacts that required blasting work would have on surrounding properties. Members of the public universally claimed that the building was too tall and given its prominent location very close to both Rainbow Mall Road and Ocean Avenue, that it would overwhelm surrounding properties. Members of the Board also questioned whether or not the building's false roof should be measured as a Mansard roof. In addition to concerns regarding the building's height, the staff also raised a number of concerns with the building's design, particularly that the design was not contextual and overly complicated. Members of the public were also concerned that new blasting would cause additional damage to building foundations and disrupt existing drainage patterns. As a result of this, a member of the Board asked that a condition of approval be drafted requiring the applicant to expand the noticing buffer for the pre-blast survey.

Following this workshop, the applicant met with City staff to discuss potential changes to the plans and updated their proposal to lower the height of the false roof, slightly shift the building's footprint away from the street, bolster site landscaping, significantly simplify the building's design, and provide context views of the building. At this meeting, staff asked that the building include just one façade material. The applicant has indicated that they would prefer an all brick building, though if the cost proves prohibitive, they discussed the option of an all clapboard building instead. Both options have been included with the updated plans, and the applicant has asked that a condition of approval be drafted stating that in the event the all brick building proves infeasible, that the clapboard option may be reviewed administratively by staff.

VIII. RIGHT, TITLE, & INTEREST

The applicant has provided a deed demonstrating ownership of the subject property (Attachment E).

IX. FINANCIAL & TECHNICAL CAPACITY

The Cedars, a non-profit organization, will be utilizing three sources of funding for the project, that include fundraising, Cedars social impact bonds and bank financing. The Cedars is working with a fundraising consultant, Steve Braverman, to guide their capital campaign which they have set a goal to raise \$10 million in donations and \$10 million in social impact bonds. With the help of an investment banker, the Cedars will be negotiating with their current lender Bangor Savings Bank to borrow any additional necessary funds, anticipated not to exceed \$10 - \$12 million. It is anticipated that the fundraising and bank lending will be in place by April 2018. (Attachment H).

In regards to Technical Capacity, the applicant has provided resumes for their consulting team demonstrating necessary expertise to complete this project.

X. ZONING ANALYSIS

The proposed project is located within both the R-3 and R-5 Residential zones and as such, is subject to the standards of the more restrictive zone, that being the R-3 zone. The proposed use, "institutional long-term care" is identified as a conditional use, and is subject to the conditional use standards listed under Section 14-474. Discussion of compliance with applicable conditional use standards can be found on the next page of this report.

In regards to dimensional standards, the proposed expansion was found to meet all applicable standards. The proposed building height, which reaches a maximum peak of approximately 50' feet above grade, was determined to meet the city's requirements given the proposed roof type and measurement criteria for mansard roofs, which are measured from the deck of the roof. The City's Zoning Administrator, Ann Machado, reviewed the proposal and found it to be satisfactory (Attachment V).

The applicant has revised the building elevations and reduced the height of the building parapet by approximately 3' feet and changed the pitch of the roof to a 12/10 pitch, which is more contextual to other nearby properties and is responsive to Board and staff feedback.

Cedars Site Plan Dimensional Requirements				
Code	Item	Proposed	Conditions R-5	Conditions R-3
14-87, 14-88(c)2.a.	Permitted Uses	Institutional	Allowed with conditional permit	Allowed with conditional permit
14-90	Dimensions			
a	Lot Size	10.5 acres	2 acres	2 acres
c	Frontage	578 feet	50	50 Feet
d	Front Setback	25	20	25
	Side Setback (Street)	20	20	20
	Side Setback	Variable	14	16
	Rear Setback	No Change		25
e	Max. Lot Cover	20.3%	40%	35%
f	Min Lot Width	Varies; over 400'	90 feet	65 feet
g	Max Str. Height	35'	35 feet	35 feet
h	Units/Building	N/A	12 max	2 max
i-q	N/A	N/A		N/A
14-91	Others			
a	Parking	0	(See Div 20)	(See Div 20)
c	N/A	N/A	N/A	N/A
14-92-6	N/A	N/A	N/A	N/A
	N/A	N/A	N/A	N/A
Parking			From Division 20	
Off-Street	Residential Use	N/A	2/Dwelling Unit	
	LT Care	4	4; 1/5 Beds	
	LT Care	9	9; 1/Employee during day shift	
14-526A	Bike Parking	4	2.6; 2/10 new required parking spaces	
	Motor/Scooter	1	1	

Conditional Use Review

Sec. 14-88 (c) Conditional Uses

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

The proposed expansion is located on a parcel dedicated as a long-term care facility and does not encroach upon existing residential areas within the vicinity. The existing single-family structure has been utilized as administrative offices since 1991 and is physically located on the parcel occupied by The Cedars Long-Term Care Facility.

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

The proposed use will displace a residential structure that has been used as administrative offices by the Cedars since approximately 1991. It is not clear when this structure was last used as a residence. Further, the proposed three-story building cannot be located elsewhere on the Cedars campus without causing significant environmental impacts in the remaining undeveloped portions of the site. The wetland areas located on this parcel are subject to mitigation easements for prior wetland impacts, and they will not be impacted by the proposed redevelopment.

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

The minimum lot size is met.

Sec. 14-474. Conditional Use Standards

- d. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone;

The proposed expansion will result in minimal additional traffic, with 20 additional beds and 9 additional staff. The project site is self-contained and no changes are proposed to the existing curb-cut off of Ocean Avenue. Similarly, Ocean Avenue is a minor arterial, with other commercial and institutional uses in the immediate vicinity, and according to the city’s consulting traffic engineer, Ocean Avenue has sufficient capacity to serve this expansion.

- e. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter;

The proposed use, “institutional long-term care” does not inherently create unsanitary or harmful conditions and it is not anticipated that any adverse conditions as stated in this standard will result from the proposed use.

- f. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

As mentioned previously, the Cedars campus is self-contained and largely screened from residential properties and public rights-of-way by means of extensive vegetation located around the perimeter of the site. It is not anticipated that this project will result in any detrimental impacts to surrounding properties beyond what currently exists.

The proposed building differs from other buildings on the campus in that it will be constructed within 25 feet of the property line along Ocean Avenue and will be highly visible from public spaces. The proposed building, while located in close proximity to Ocean Avenue, is not oriented towards the street. As a result, a design review of the project was held, and city staff have requested that the applicant revise the building’s design to be more contextually appropriate and as well, to better screen the street-facing façade by means of vegetation.

XI. SITE LOCATION OF DEVELOPMENT REVIEW

Technical Manual Section 14.3. Standards

- a. Financial and technical capacity. The developer has the financial capacity and technical ability to develop the project in a manner consistent with state environmental standards and with the provisions of Portland’s Code of Ordinances . The Planning Board may issue a permit that conditions any site alterations upon a developer providing the Planning Board with evidence that the developer has been granted a line of credit or a loan by a financial institution authorized to do business in this State or with evidence of any other form of financial assurance the Planning Board determines to be adequate. The Planning Board shall also assess any such application in accordance with the standards set forth in Chapter 373 of the Maine Department of Environmental Protection Site Law Regulations, as may be amended from time to time.

The project application includes a description of financial and technical capacity. The applicant intends to fundraise and utilize bonds to cover the cost of the project. Additional funds required will be secured through financing provided by Gorham Savings Bank. Technical capacity has similarly been provided.

- b. Traffic movement. – Not Applicable
- c. No adverse effect on the natural environment. The developer has made adequate provision for fitting the development harmoniously into the existing natural environment and that the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities. In making a determination under this subsection, the Planning Board shall apply the standards set forth in Chapter 375 of the Maine Department of Environmental Protection Site Law Regulations, as may be amended from time to time.

The applicant has provided documentation regarding identified wetlands on their property as well as areas of the site which drain into Fall Brook. Under this development proposal, those areas will not be impacted.

XII. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527)

Per the city’s land use ordinance, the following materials should be submitted at the time of final review:

- Final plan submittal requirements as noted in 14-527(e) and (f); and
- Information regarding site lighting should be identified on the site plan.

XIII. SITE PLAN REVIEW

The final plans for the Cedars Expansion project have been reviewed by staff for conformance with the relevant review standards of the City of Portland’s site plan ordinance. Staff comments are below.

1. Transportation Standards

a. Impact on Surrounding Street Systems

As stated previously, the proposed expansion is due to changes in industry best practices, where preference has changed from semi-private rooms to private rooms. The new building, while adding some additional capacity, will result in a net increase of just 20 beds and 9 additional employees. Tom Errico, the city’s consulting traffic engineer, has reviewed the applicant’s proposal and has offered the following comment (Attachment 4):

- Based upon the number of new employees and project details the proposed expansion is not expected to generate a significant amount of new traffic. The project is not expected to significantly impact traffic mobility and safety and a traffic study is not required.

b. Access and Circulation

Under this application, minimal changes to site circulation and access are proposed. An existing curb cut which serves the single-family structure at the northeast corner of the site is being closed, and the site will now only be accessible via the principal entrance located along Ocean Avenue, and from Byfield Road which is maintained as a fire lane and secondary access point. Interior site circulation remains almost entirely unchanged, with the exception of one reconfigured parking area located north of the existing internal driveway. The proposal also features pedestrian infrastructure improvements, including new ADA accessible sidewalks and crosswalks, and a new, direct sidewalk connection between the proposed building and Ocean Avenue.

City staff in reviewing site circulation and access have confined their review largely to the area of proposed disturbance, however several deficiencies have been identified and brought to the attention of the applicant.

Of particular note is the lack of a sidewalk along Rainbow Mall Road which was found to be a city accepted public street. At present, there is a sidewalk along the northern side of Rainbow Mall Road which extends from Washington Avenue to just south of Ledgewood Drive. Typically, under the site plan ordinance an applicant would be required to install or repair sidewalk along their street frontage in accordance with city standards. However, in this particular case, the applicant's property does not extend all the way to Rainbow Mall Road, and is



Figure 7: Existing extent of sidewalk is shown in blue. The portion of sidewalk not constructed is shown in red.

separated from that right-of-way by a parcel owned by Old Port Realty Company, which measures approximately 10' feet in width closer to the intersection with Ocean Avenue. This parcel eventually widens as one moves closer to Washington Avenue along Rainbow Mall Road. Given this fact, the applicant is not required by the site plan ordinance to provide this improvement, however the City is asking for a financial contribution of \$5,400 to install an ADA accessible crosswalk across Rainbow Mall Road on the north side of Ocean Avenue. The exact request as presented by the Department of Public Works by City Engineer Keith Gray is as follows:

- We ask the applicant to make a contribution in the amount of \$5,400 for the ADA improvements at the intersection of Rainbow Mall Road and Ocean Ave. In addition, we recommend that the applicant consider a contribution for a sidewalk along Rainbow Mall Road. The estimated cost for constructing 850 feet of sidewalk along Rainbow Mall Road is approximately \$36,500. The Department of Public Works will be installing new granite curb and paving Rainbow Mall Road this summer. The construction of the sidewalk is not included in our scope of work. We have previously discussed with the applicant the possibility of a contribution for the sidewalk construction as it would be beneficial to their employees as well as the general public. The Department requests a contribution of \$13,000 for the construction of the sidewalk along Rainbow Mall Road.

Bruce Hyman, Transportation Program Manager in the Planning Office, has reviewed the proposed plans, looking largely at pedestrian infrastructure and offers the following comments (Attachment 5):

- An ADA-compliant pedestrian-way/sidewalk, a minimum of 5' in width, is to be provided on the north side of the driveway from the sidewalk on Ocean Avenue to the proposed new building's entrance - this may require moving the bicycle parking to be adjacent to the sidewalk.

Status: Sidewalk was provided with final plans.

- Efforts should be made to improve the ADA-accessibility of the existing sidewalk route on the south side of the driveway - there appears to be no existing curb ramp connecting a crosswalk across the existing driveway

Status: Resolved, curb ramp provided.

- It would be desirable to have more pedestrian connectivity/facilities between the new parking lot and other buildings without walking within parking lots and within the vehicular paths of driveways.

Status: Not resolved

- Detail Sheet Co7, Crosswalk Layout: The applicant may want to consider a more visible crosswalk pattern similar to the city’s standard: 24” stripes in width, 8’ in length with 24” of spacing in between stripes - the detail shows 12” wide stripes rather than 24”

Status: Resolved, crosswalk pattern modified.

- General Neighborhood pedestrian circulation: The topic of the lack of a pedestrian route/sidewalk on Rainbow Mall Road was raised at the neighborhood meeting. The applicant does not directly own the frontage on the south side of Rainbow Mall Road but it should collaborate to the extent practicable with the LedgeWood Owners Association on planning for a sidewalk along it at least for the portion from Ocean Avenue to connect to the LedgeWood Drive sidewalk. This would potentially benefit some Cedars residents, staff and visitors to increase access and physical activity opportunities.

Status: A draft condition of approval has been drafted asking that a financial contribution of \$5,400 be provided to construct a crosswalk across Rainbow Mall Road along the west side of Ocean Avenue. Staff understand that the applicant is not required to install a sidewalk along Rainbow Mall Road, but the City Engineer has invited the applicant’s participation in an upcoming city project, which involves the installation of curbing along the north side of the street. DPW has requested a voluntary contribution of \$13,000 which would be paired with a City contribution of \$23,500 to construct 850 feet of sidewalk.

c. Public Transit Access

The proposed development is not located along a public transit route.

d. Parking

Division 20 of the land use ordinance requires the provision of one parking space per five beds in a long-term care facility, and one parking space per employee working the daytime shift. The proposed expansion will result in a net gain of 20 new beds and 9 new day-time employees, for a total required parking increase of 13 spaces, which is met with new parking being provided. Tom Errico, has reviewed the plans and has provided the following comment (Attachment 4):

- The applicant is expanding the proposed parking supply by 13 spaces to accommodate 9 additional employees and parking for the 20 residential units. I find the supply increase to be reasonable.

In addition to vehicle parking, the applicant is also providing space to park 4 bicycles and 1 motorcycle or scooter in accordance with site plan standards.

e. Transportation Demand Management

A transportation demand management plan is not technically required given that the project constitutes an expansion of approximately 45,000 square feet and the threshold for TDM is 50,000 square feet for institutional uses. The project total exceeds 50,000 square feet of floor area and would qualify if being developed today, however when the site was initially developed, TDM standards had not yet been adopted and so no plan is required, though we encourage the applicant to pursue TDM best practices.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

A portion of the applicant’s property, at the southeast corner of the site along Ocean Avenue, is identified as a freshwater wetland community, and is conserved via easement as an undeveloped portion of the site. Under this development proposal, the applicant does not propose to impact any wetland or other significant natural feature.

b. Landscaping and Landscape Preservation

The final plans show site landscaping around the perimeter of the proposed building, and notably a buffer of Karpick Red Maple between the proposed building and Ocean Avenue. The northeast corner of the project site, where the new building is proposed, is currently occupied by a single-family structure and includes extensive existing vegetation between the building and Rainbow Mall Road. A significant portion of that vegetation will be removed under this proposal to accommodate the much larger three-story building institutional building. To compensate for this tree loss, the applicant is proposing a variety of shrubs and trees to be planted at the rear of the building, including American Red Oak and American Hophornbeam.

The applicant does not have frontage along Rainbow Mall Road, as a separate parcel that is owned by Old Port Realty, features an approximately 10’ foot-wide strip of land along the entirety of Rainbow Mall Road. This parcel will remain undisturbed, and will similarly provide a visual buffer between the project site and the proposed building. Following the Planning Board workshop, the applicant met with Ledgewood Condominium Association and executed a Memorandum of Agreement (MOA) regarding maintenance and landscaping of the vegetated area separating the Cedars property from Rainbow Mall Road. This area is to be fully maintained by The Cedars and Ledgewood Condominium Association has agreed to provide an easement for this purpose.

In terms of other site landscaping features, the project is providing additional landscaping elements towards the property entrance and a mixture of shrubs and trees in and around the proposed off-street parking area in accordance with site plan standards.

Jeff Tarling, the City Arborist, has reviewed the preliminary plans and has provided the following comment regarding landscaping and landscape preservation (Attachment 6).

- Entrance-way landscape - how does the existing landscape blend into the new project. The final approval should show the details of the more formal ornamental landscape beds and limit of work

Status: Additional detail has been provided and has been found to be satisfactory.

- Parking lot landscape - ‘should meet parking lot landscape standards’, The parking lot island appears to have a stormwater feature which is good, additional trees and shrubs could be used to meet parking lot standards. There appears to be room for a few trees, recommend Tupelo & or Red Maple 2” caliper size, (Tupelo is a slow growing native tree that tolerates wet conditions) and for shrubs Winterberry, Sweetern for examples. Ideally the island below would contain taller trees mentioned.

Status: Additional parking lot landscaping has been provided

- Rainbow Mall Road edge - The Rainbow Mall Road edge has been an important feature for the Cedar’s since the original approval. The goal is to maintain a tree and vegetated edge that allows window views into to site for safety / security but maintains the wooded feel of the residential properties nearby.

From a quick review, it would be important to establish a limit of work and ‘tree save’ protection for the vegetation between the proposed project and Rainbow Mall, this should be a condition. The proposed tree and landscape treatment may need to be enhanced with additional trees and shrubs. A condition could be that if existing trees and vegetation is lost that additional plants be added. ‘Tree Save’ areas should be defined on site and part of the Pre-Construction meeting. This would included the usual requirements of not storing equipment or materials in or near the root zone of the tree save areas. Projection should include temporary construction fencing. The parking lot edge along Rainbow Mall Road could include low wooden guardrail along the edge to reduce vehicle encroachment into the buffer area. The Tree Protection web links below may be useful

Status: The applicant has bolstered the screening vegetation being provided to help off-set the proximity of the new building to the street. The construction management plan identifies tree save protection measures for existing vegetation.

c. Water Quality/Storm Water Management/Erosion Control

According to the applicant’s application, the proposed development will result in a net increase in impervious surface of 0.39 acres. The existing site includes buildings, parking and roadway infrastructure, plantings/trees within parking islands, several detention areas and wetlands. The site is located along a ridge, and generally slopes from higher areas in the northern portions of the site towards the south, with a portion of the property conveying surface flows towards the west. The majority of surface runoff flows from the northern edge of the property, is conveyed through a series of drainage pipes into several detention and retention facilities, and then into the wetland complex at the southern portion of the site. From this wetland, surface flows then discharge into Ocean Avenue. The far western portion of the site discharges to Fall Brook and will not be disturbed as part of this project.

The proposed conditions will not substantially alter the existing drainage patterns. The proposed improvements include incorporating two new stormwater treatment measures, and modification to the outlet control structure of one of the existing detention basins.

Lauren Swett, the consulting peer review engineer for this project, has reviewed the applicant’s plans and offers the following comments (Attachment 2):

a) Basic Standard: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.

b) General Standard: The project will result in an increase in impervious surface of 16,339 square feet and is required to comply with the General Standard. The Applicant is proposing to install underdrain soil filters to provide for adequate treatment. We have the following comment on the proposed design.

- The soil filters do not have defined emergency overflow spillways. USF-A could overflow internal to the site; however, it appears that USF-B may overflow into Ocean Avenue. In the 25-year storm, the peak elevation calculated in the HydroCAD model indicates, that water levels may be higher than the soil filter berm and the elevation of the adjacent section of Ocean Avenue. The Applicant should address peak flow elevations and provide for adequate emergency overflow to prevent the soil filter from draining into Ocean Avenue.

Status: This information has been provided.

c) Flooding Standard: The project will result in an increase in impervious surface of 16,339 square feet and is required to comply with the Flooding Standard. The Applicant's HydroCAD model indicates that the project will adequately manage stormwater to meet the Flooding Standard.

d) Urban Impaired Stream Standard: Portions of the project area are located within the delineated Fall Brook Watershed, which is identified as an Urban Impaired Stream by the Maine DEP; however, the project area discharges outside of the watershed, and is not required to comply with the Urban Impaired Stream Standard.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

The project is generally consistent with related master plans.

b. Public Safety and Fire Prevention

Mike Thompson, Fire Division Chief, has reviewed the final plans and has found them to be satisfactory, though he has requested that two Knox boxes be provided, one at the front entrance and the other at the rear (utility) entrance (Attachment 7). The applicant has agreed to providing these.

It should be noted that the geotechnical exploration for this project revealed that a large blast, meaning removal of greater than 300 cubic yards of rock material will be required to complete this project. The staff have notified the applicant of required permits available through the Fire Department and have shared relevant sections of the City Code pertaining to explosives and blasting. City regulations require noticing of property owners and a pre-blast survey of properties located within 600 feet of the perimeter of the blasting site. At the Planning Board workshop, a member of the Board requested that the pre-blast survey be extended, and the staff will provide additional information regarding the impact of expanding the blast survey to either 700 or 800 feet from the blasting area.

c. Availability and Capacity of Public Utilities

The applicant proposes a new 2" water service, 6" fire service and 6" wastewater line. A gas line is also being installed and underground electric is proposed. At this time, staff have not received 'ability to serve' letters from Central Maine Power or the Portland Water District. Provision of these letters has been drafted as a condition of approval.

4. Site Design Standards

a. Massing, Ventilation, and Wind Impact

The maximum building height in both the R-3 and R-5 zones is 35' feet above grade. The peak of the proposed building is approximately 47' feet above grade, roughly 3' feet lower than presented at the workshop. Ann Machado, the zoning administrator has reviewed the building's height and found it to be compliant with zoning. The structure is a flat roofed building built to 35' feet in height, with a parapet in the form of a false roof, extending up to 47' feet. The parapet is designed to screen rooftop mechanical equipment and is similar in nature to the false roofs on other buildings on the Cedars campus. It is not anticipated that the project will result in adverse conditions related to massing, ventilation and wind.

b. Shadows

No shadow impacts on publicly accessible open spaces or adjacent properties are anticipated.

c. Snow and Ice Loading

The property owner has indicated that this is an existing site and that snow management is already accounted for.

- d. View Corridors
The site is not located within an established view corridor and is not anticipated to cause adverse impacts to view protection areas within the city.
- e. Historic Resources
The proposed project is not located within an established historic district or landscape.
- f. Exterior Lighting
As part of the applicant’s preliminary submittal, they provided a photometric plan which demonstrated compliance with the city’s standards for light trespass.
- g. Noise and Vibration
Information on the HVAC and mechanical equipment should be provided with the final plans.
- h. Signage and Wayfinding
No signage or wayfinding is proposed at this time.
- i. Zoning-Related Design Standards
The applicant is proposing a three-story, 45,000 square foot institutional building, designed to complement the existing buildings on the campus while incorporating design cues from surrounding residential and institutional buildings within the vicinity. With the preliminary submittal, the applicant provided building elevations and renderings, which were reviewed by city staff during a design review attended by Caitlin Cameron, Urban Designer; Jean Fraser, Planner; Matthew Grooms, Planner against the City of Portland Design Manual: Special Needs Independent Living Units, Multiple-Family Standards. These renderings show a building oriented away from the principal street frontage with significant fenestration along the front façade, a porte cochere for resident pick-up and drop-off, single material facade, and numerous decorative elements such as quoins, keystones and fan windows. Below, you will see how the building’s design has changed since the Planning Board workshop. The brick/clapboard option has been simplified and replaced with an all brick building. In the event that this material proves too costly, the applicant requests that the all clapboard option as seen below may be reviewed administratively after Planning Board approval. The city’s urban designer offers the following comments based upon the design review process (Attachment 3):



Figure 8: Preliminary submittal. Rendering of front facade, as presented at Planning Board workshop



Figure 9: Preliminary submittal. Rendering of street facing facade as seen from Ocean Avenue, as presented at Planning Board workshop



Figure 10: Updated rendering of front facade, in response to Board and staff feedback



Figure 11: Updated rendering (Ocean Avenue), in response to Board and staff feedback



Figure 12: Clapboard alternative (front facade)



Figure 5: Clapboard alternative (Ocean Avenue)

(i) Two-Family, Special Needs Independent Living Units, Multiple-Family . . . :

Standard (1) . Exterior Design – Building is an institutional use and its scale and basic design relate that use. The context includes other institutional buildings such as the existing campus, a school, but also many small-scale vernacular residential buildings. Most of the context is from the early 20th century with the Cedars campus as more recent buildings. The project varies the forms through a hipped roof line and with plane changes – this helps to mitigate the scale of this institutional building which is larger than the single-family homes nearby. The central entrance is emphasized with a canopy and highly glazed atrium space.

Staff previously commented that the architectural characteristics of the context are simpler than is found in the proposal. **The applicant made the following revisions to simplify the overall design and improve relationship to the residential context to address staff and Board comment:**

- Use all one siding material (except at the entrance)
- Lowered the height of the roof parapet and adjusted the slope to be more similar to the proportions and pitches found nearby.
- Some details were removed to simplify the building such as the balustrade at the entrance, some of the keystone details. The quoins, fan windows, shutters remain.
- The entrance canopy was revised in character to be less contemporary and fit the style of the building and campus.

Standard (2). Relationship to Street – Building placement is in relationship to the campus with side of building facing the street. This is mostly to accommodate vehicle circulation and provide some buffer from the street for the occupants. Building relationship to the street varies in this context

- Some buildings face the street, some are set back from the street, some turn the side to the street. Staff found the placement to be compatible with the street and the proposed use. Side/back facades have some massing variation and fenestration.

Standard (3). Open Space – Open spaces provided on property – landscaping surrounding building but no seating or similar occupiable open space within or immediately adjacent to this building.

Standard (4). Light and Air – All units provided with ample windows and some storage.

Standard (5). Parking – Parking is away from the street and screened from view.

Standard (6). Not applicable

XIV. PROPOSED MOTIONS

A. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on April 24, 2018 for application 2017-298 relevant to the Conditional Use as authorized by Division 4, Section 14-88 Conditional Uses and Division 29, Section 14-474 Conditional Use Standards; and the testimony presented at the Planning Board Hearing, the Planning Board finds the proposed conditional use, Long-Term Care Facility [does/does not] meet the standards of Section 14-88 and 14-474.

B. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on April 24, 2018 for application 2017-278 relevant to the site plan regulations; and the testimony presented at the planning board hearing, the Planning Board finds that the plan [is/is not] in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide a new or updated stormwater maintenance agreement that shall be reviewed and approved by the Department of Public Works and Corporation Counsel.
2. Applicable ‘ability to serve’ letters shall be provided for Central Maine Power and the Portland Water District.
3. In the event that the applicant is unable to construct the proposed all-brick building as approved by the Planning Board, they shall be required to seek administrative approval from the Planning Authority for the alternative clapboard design. If the building materials or design deviate significantly from the alternative presented to the Board, then the applicant will be required to go back before the Planning Board for a site plan amendment.
4. A large blast, meaning removal of more than 300 cubic yards of rock material, has been indicated in the applicant’s application. For large blasts, a pre-blast survey is required within 600 feet of the perimeter of the blasting site. As requested by the Planning Board, the applicant shall expand the pre-blast survey to

encompass properties located within a distance as determined by the Planning Board at the April 24th Public Hearing.

5. A financial contribution of \$5,400 shall be provided for construction of an ADA compliant crosswalk across Rainbow Mall Road along the west side of Ocean Avenue.

C. SITE LOCATION OF DEVELOPMENT

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on April 24, 2018 for application 2017-278 relevant to the Site Location of Development Act 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 Location of Development Act regulations.

XV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Sidewalk Contribution Request
2. Final Woodard and Curran Review Memo
3. Final Design Review Memo
4. Final Traffic Comments
5. Final Pedestrian Infrastructure Comments
6. City Arborist Comments
7. Fire Review Comments
8. Planning Board Hearing Report (2008)
9. Preliminary Planning Review Comments
10. Zoning Determination Memo
11. Pre-Blast Survey Map
12. Public Comment
 - a. PC1: Art Sears (01.18.2018)
 - b. PC2: Manduca Music (01.26.2018)
 - c. Janet Valente

APPLICANT’S SUBMITTALS

- A. Cover Letter and Table of Contents
- B. Site Plan Application
- C. Application Fee
- D. Description of Project
- E. Right, Title and Interest
- F. Zoning
- G. Easements
- H. Financial and Technical Capacity
- I. Construction Management
- J. Traffic
- K. Significant Natural Features
- L. Stormwater Management Plan
- M. Consistency with Master Plans
- N. Capacity to Serve
- O. Solid Waste Generation
- P. Fire Department Technical Standards

- Q. Consistency with City of Portland Technical Design Manual
- R. HVAC
- S. Site Plan Requirements and Parking
- T. Conditional Use Application
- U. Geotechnical Report
- V. Comments Response Letter I
- W. Comments Response Letter II
- X. Signed Ledgewood Plantings MOA
- Y. Neighborhood Meeting Minutes and Notice

PLANS

- Plan 1 Front Elevation Brick
- Plan 2 Front Elevation Siding
- Plan 3 Rear Elevation Brick
- Plan 4 Rear Elevation Siding
- Plan 5 Building Street Sections
- Plan 6 Building Renderings Brick
- Plan 7 Building Renderings Siding
- Plan 8 Cover Sheet
- Plan 9 General Notes
- Plan 10 Overall Existing Conditions
- Plan 11 Site Specific Existing Conditions Plan
- Plan 12 Overall Site Layout Plan
- Plan 13 Site Layout and Utilities Plan
- Plan 14 Site Grading and Erosion Control Plan
- Plan 15 Details I
- Plan 16 Details II
- Plan 17 Details III
- Plan 18 Details IV
- Plan 19 Erosion and Sedimentation Control Details
- Plan 20 Pre-Development Stormwater Plan
- Plan 21 Post Development Stormwater Plan
- Plan 22 Landscape Plan
- Plan 23 Landscape Details



Matthew Grooms <mgrooms@portlandmaine.gov>

630 Ocean Ave - Cedars - Rainbow Mall Road

Keith Gray <kgray@portlandmaine.gov>

Wed, Apr 18, 2018 at 9:52 AM

To: Matthew Grooms <mgrooms@portlandmaine.gov>

Cc: Barbara Barhydt <bab@portlandmaine.gov>, Bruce Hyman <bhyman@portlandmaine.gov>

Hello Matt,

We ask the applicant to make a contribution in the amount of \$5,400 for the ADA improvements at the intersection of Rainbow Mall Road and Ocean Ave. In addition, we recommend that the applicant consider a contribution for a sidewalk along Rainbow Mall Road. The estimated cost for constructing 850 feet of sidewalk along Rainbow Mall Road is approximately \$36,500. The Department of Public Works will be installing new granite curb and paving Rainbow Mall Road this summer. The construction of the sidewalk is not included in our scope of work. We have previously discussed with the applicant the possibility of a contribution for the sidewalk construction as it would be beneficial to their employees as well as the general public. The Department requests a contribution of \$13,000 for the construction of the sidewalk along Rainbow Mall Road.

Thank you,
Keith

--

Keith D. Gray, PE
City Engineer
Engineering Services Manager
Dept. of Public Works
City of Portland Maine

207.874.8834

kgray@portlandmaine.gov



Matthew Grooms <mgrooms@portlandmaine.gov>

630 Ocean Ave

Lauren Swett <lswett@woodardcurran.com>
To: Matthew Grooms <mgrooms@portlandmaine.gov>
Cc: Keith Gray <kgray@portlandmaine.gov>

Fri, Apr 13, 2018 at 8:04 AM

Hi Matt,

The Applicant has addressed all of my prior comments for [630 Ocean Avenue](#). They are still waiting for ability to serve letters from utilities.

I'm not sure if you've received comments yet on the CM plan, but I took a look, and I don't see many issues. Their construction will be primarily contained within their site; however, they are doing utility connections in Ocean Avenue. The CM plan includes the general references to work in the street requiring adequate permits and traffic plans, but I the plan should specifically note that they will be in Ocean Ave for their utility work.

If there are any questions, let me know.

Thanks,

Lauren

Lauren Swett, P.E.*

Technical Manager

Woodard & Curran

[41 Hutchins Drive](#)

[Portland, Maine 04102](#)

Phone: (207)558-3763 (direct)

(207)219-3591 (cell)

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Email: lswett@woodardcurran.com

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Planning and Urban Development Department Planning Division



Subject: Design Review – 630 Ocean Avenue Expansion
Written by: Caitlin Cameron, Urban Designer
Date of Review: Friday, April 13 2018

The project at 630 Ocean Avenue was reviewed according to the *City of Portland Design Manual* standards by Caitlin Cameron, Urban Designer, Matt Grooms, Planner, and Jean Fraser, Planner against the *City of Portland Design Manual: Special Needs Independent Living Units, Multiple-Family Standards*.

Design Review Comments:

- Applicant did not provide a streetscape view of the project as requested.
- Staff find that either the brick or the clapboard version of the building is acceptable and meets the design standards. The use of one material throughout the building is consistent with the context, both residential and institutional.

(i) Two-Family, Special Needs Independent Living Units, Multiple-Family . . . :

Standard (1). Exterior Design – Building is an institutional use and its scale and basic design relate that use. The context includes other institutional buildings such as the existing campus, a school, but also many small-scale vernacular residential buildings. Most of the context is from the early 20th century with the Cedars campus as more recent buildings. The project varies the forms through a hipped roof line and with plane changes – this helps to mitigate the scale of this institutional building which is larger than the single-family homes nearby. The central entrance is emphasized with a canopy and highly glazed atrium space.

Staff previously commented that the architectural characteristics of the context are more simple than is found in the proposal. **The applicant made the following revisions to simplify the overall design and improve relationship to the residential context to address staff and Board comment:**

- **Use all one siding material (except at the entrance)**
- **Lowered the height of the roof parapet and adjusted the slope to be more similar to the proportions and pitches found nearby.**
- **Some details were removed to simplify the building such as the balustrade at the entrance, some of the keystone details. The quoins, fan windows, shutters remain.**
- **The entrance canopy was revised in character to be less contemporary and fit the style of the building and campus**

Standard (2). Relationship to Street – Building placement is in relationship to the campus and put the side to the street. This is mostly to accommodate vehicle circulation and provide some buffer from the street for the occupants. Building relationship to the street varies in this context

– some buildings face the street, some are set back from the street, some turn the side to the street. Staff found this placement to be compatible with the street and the proposed use. Side/back facades have some massing variation and fenestration.

Standard (3). Open Space – Open spaces provided on property – landscaping surrounding building but no seating or similar occupiable open space within or immediately adjacent to this building.

Standard (4). Light and Air – All units provided with ample windows and some storage.

Standard (5). Parking – Parking is away from the street and screened from view.

Standard (6). Not applicable



Matthew Grooms <mgrooms@portlandmaine.gov>

The Cedars Expansion - Final Traffic Comments

Tom Errico <thomas.errico@tylin.com>

Thu, Apr 19, 2018 at 9:11 AM

To: Matthew Grooms <mgrooms@portlandmaine.gov>

Hi Matt – I have reviewed the application information and I find the project to be acceptable. If you have any questions, please contact me.

Best regards

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL

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"One Vision, One Company"



Matthew Grooms <mgrooms@portlandmaine.gov>

PEZ.2017-278: 630 Ocean Avenue - The Cedars - Pedestrian Accessibility and Circulation

Bruce Hyman <bhyman@portlandmaine.gov>

Fri, Apr 20, 2018 at 10:21 AM

To: Matthew Grooms <mgrooms@portlandmaine.gov>

Cc: Tom Errico <thomas.errico@tylin.com>, Keith Gray <kgray@portlandmaine.gov>, Jeremiah Bartlett <jbartlett@portlandmaine.gov>, Barbara Barhydt <bab@portlandmaine.gov>

Good morning, Matt,

The following are my final comments for 630 Ocean Avenue, The Cedars:

- The applicant, in its letter dated February 8, 2018 and subsequent revisions to the Site Plan, has acceptably responded to all of my prior comments submitted to them. I have no further comment.

Please do not hesitate to contact me if you have further questions.

Bruce

--

Bruce Hyman
Transportation Program Manager
Transportation Division

Department of Planning & Urban Development
[389 Congress Street](#)
[Portland, Maine 04101](#)
(207) 874-8717 phone

bhyman@portlandmaine.gov
<http://www.portlandmaine.gov/1363/Transportation-Division>
Yes! Transportation's Good Here

Review Comments - The Cedars and 25 Monument

Jeff Tarling <jst@portlandmaine.gov>

Mon, Feb 5, 2018 at 11:16 AM

To: Matthew Grooms <mgrooms@portlandmaine.gov>

Cc: Bruce Hyman <bhyman@portlandmaine.gov>, Errico Thomas <thomas.errico@tylin.com>, "lswett@woodardcurran.com" <lswett@woodardcurran.com>

Hi Matt -

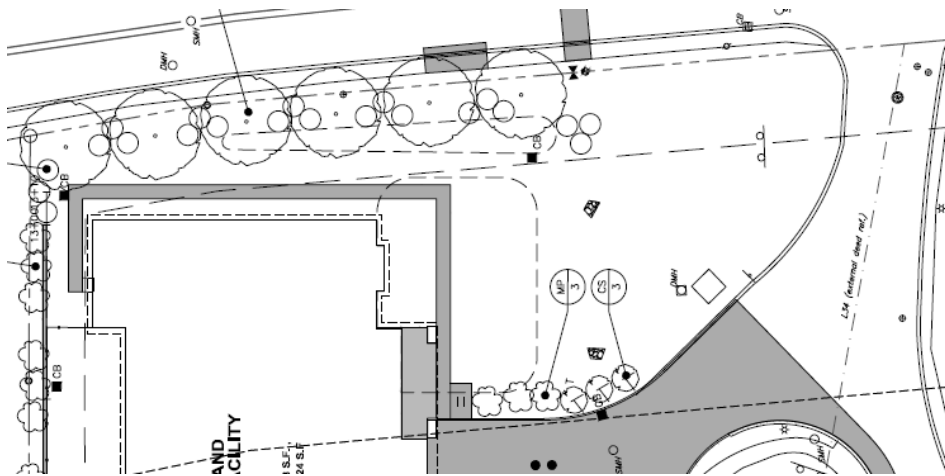
Cedars Expansion Project - Tree & Landscape Comment Review

The latest expansion project at the Cedar's seeks to blend the corner lot of Ocean Avenue & Rainbow Mall Road together with the various past projects.

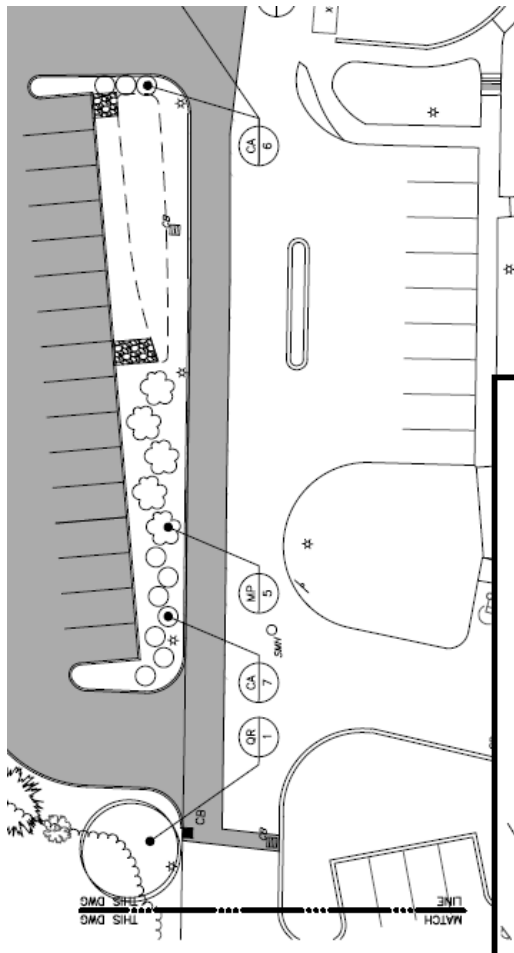
Tree & Landscape goals would include continuing the street tree line along Ocean Avenue that dates back to the original approval, protecting existing natural vegetation along Rainbow Mall Road also similar to past projects and improving the existing landscape features internally near the project.

a) Street trees - the project proposes 6 'Karpick' Red Maple which is a good choice for this location and matches the existing trees planted west of the drive along Ocean Avenue.

b) Entrance-way landscape - how does the existing landscape blend into the new project. The final approval should show the details of the more formal ornamental landscape beds and limit of work.



c) Parking lot landscape - 'should meet parking lot landscape standards', The parking lot island appears to have a **stormwater feature** which is good, additional trees and shrubs could be used to meet parking lot standards. There appears to be room for a few trees, recommend Tupelo & or Red Maple 2" caliper size, (Tupelo is a slow growing native tree that tolerates wet conditions) and for shrubs Winterberry, Sweetern for examples. Ideally the island below would contain taller trees mentioned.

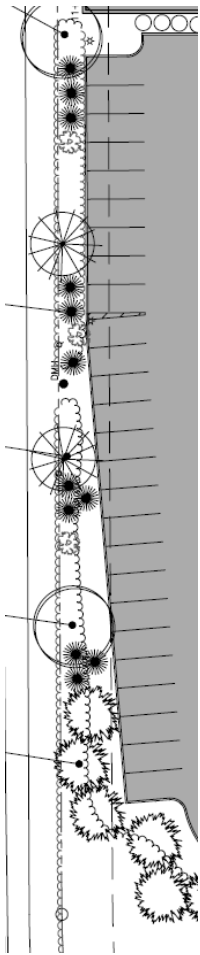


d) Rainbow Mall Road edge - The Rainbow Mall Road edge has been an important feature for the Cedar's since the original approval. The goal is to maintain a tree and vegetated edge that allows window views into to site for safety / security but maintains the wooded feel of the residential properties nearby.

From a quick review, it would be important to establish a limit of work and 'tree save' protection for the vegetation between the proposed project and Rainbow Mall, this should be a condition. The proposed tree and landscape treatment may need to be enhanced with additional trees and shrubs. A condition could be that if existing trees and vegetation is lost that additional plants be added. 'Tree Save' areas should be defined on site and part of the Pre-Construction meeting. This would included the usual requirements of not storing equipment or materials in or near the root zone of the tree save areas. Projection should include temporary construction fencing. The parking lot edge along Rainbow Mall Road could include low wooden guardrail along the edge to reduce vehicle encroachment into the buffer area. The Tree Protection web links below may be useful

<https://www.treesaregood.org/portals/0/docs/treecare/AvoidingTreeDamage.pdf>

<https://www.treesaregood.org/portals/0/docs/treecare/ConstructionDamage.pdf>

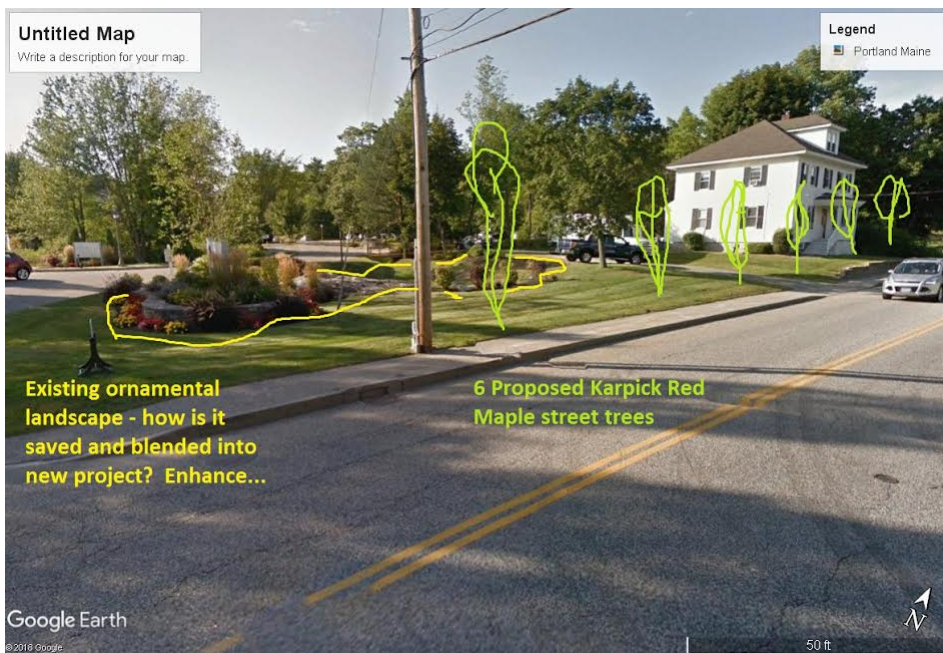
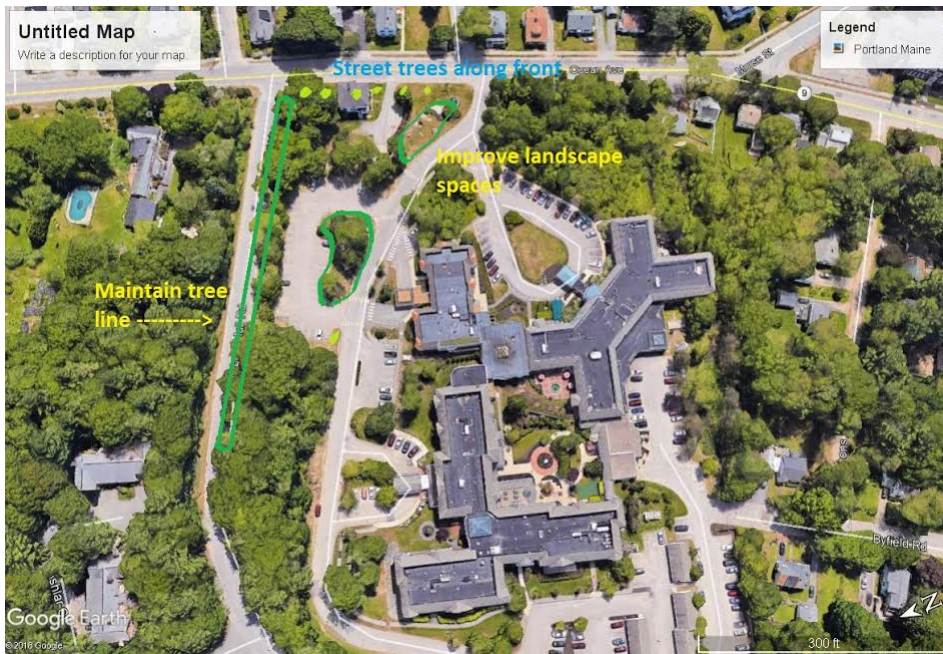


e) Tree Planting Details - Revised tree planting specifications, The International Society of Arboriculture (ISA) have released improved tree and shrub planting details and spec sheets that no longer modify the sub-base beneath the planting in most situations. We would recommend that the Project revise the spec sheet in the Landscape Details to reflect these changes so the future landscape contractor installs the trees and plants correctly. We can supply with additional information, the web links below outline' these changes.

https://www.treesaregood.org/portals/0/docs/treecare/New_TreePlanting.pdf

http://www.isa-arbor.com/education/onlineresources/cad/drawings/Planting/L_tree%20planting_24inch%20to%2036inch%20box_compacted%20soil_K.pdf

<http://www.isa-arbor.com/education/onlineresources/cadplanningspecifications.aspx#Planting>



Jeff Tarling
City Arborist - City of Portland Maine
Parks, Recreation & Facilities Department
Forestry & Horticulture
212 Canco Road
Portland, ME. 04103
(207) 808-5446
jst@portlandmaine.gov

On Mon, Feb 5, 2018 at 8:57 AM, Matthew Grooms <mgrooms@portlandmaine.gov> wrote:
[Quoted text hidden]

MEMORANDUM

To: FILE

From: Matthew Grooms

Subject: Application ID: 2017-278

Date: 2/5/2018

Comments Submitted by: Robert Thompson/Fire on 1/17/2018

Adequate fire hydrants are in the area

Comments Submitted by: Robert Thompson/Fire on 1/17/2018

Access to the building is easily achieved with the proposed location of the building

Comments Submitted by: Robert Thompson/Fire on 1/17/2018

Two knock boxes will be required for the building, one at the front entrance, and one at the rear entrance/utility area

Comments Submitted by: Robert Thompson/Fire on 1/17/2018



Memorandum
 Department of Planning and Urban Development
 Planning Division

To: Chair Tevanian and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: Prepared on September 19, 2008
 Prepared for September 23, 2008 Planning Board Workshop

Re: Cedars Healthcare Center: Rehabilitation Center Addition;
 Vicinity of 630 Ocean Avenue

Introduction

Cedars Healthcare requests minor site plan and conditional use approval for the proposed expansion of the rehabilitation center within the Cedars Care Center part of this complex at 630 Ocean Avenue. The proposed expansion would comprise an 890 sq ft addition to the existing building footprint to facilitate a 1500 sq ft renovation and enlargement of the rehabilitation center. The renovation is stated to be a reorganization and modernization of the existing rehabilitation center to improve the current level of service; it is not intended to increase the capacity to serve additional patients.

The project is referred to the Planning Board as it is a conditional use under the R-3 zone; it is also being reviewed for compliance with the Site Plan Standards.

Summary of the Proposal

Zone:	R-3
Site Area:	Overall complex: 10.57 acres
Existing Use:	Healthcare Rehabilitation Center
Proposed Use:	Continued use as Rehabilitation Center
Existing Bldg. Floor Area:	71,840 sq ft
Proposed Bldg. Floor Area:	72,730 sq ft
Net inc. in footprint for Rehabilitation Center renovation:	890 sq ft
Building Addition Height:	single story
Existing Parking:	188 spaces
Proposed Parking:	186 spaces
Required Parking:	186 spaces

Background

In 1988, the Planning Board approved a 99 bed long term care facility and a 50 bed intermediate care facility for this site. The property totaled 5.93 acres at that time. The long term care facility was built with 102 beds (23,200 sq. ft. footprint/65,648 sq ft floor area) and is now known as Cedars Care Center and is the location of the Rehabilitation Center. The intermediate care facility was deferred. In 1997 Cedars acquired an additional 4 acres and received approval to add a 61 bed intermediate care facility (95,332 sq. ft. total floor area) now known as the Atrium.

In 2005 approval was given for a 2-story addition for 30 assisted living units (12,371 sq. ft. footprint/ 26,119 sq. ft. floor area), now almost complete and known as the Cedars Assisted Living Facility (Approval letter in Attachment Aiii). At that time the site was reorganized into a condominium form of ownership so that each facility is a condominium unit and the balance of the site is a “common element” to be used in common by all three units (Condominium documents were submitted and are included at Attachment Aiv).

The first two Cedar projects (Cedars Care Center and Atrium) impacted wetlands and a Tier II wetlands permit was issued by DEP/ACE subject to on-site provision of three mitigation parcels identified as Parcels A, B and C. The assisted living development approved in 2005 was constructed over part of Mitigation Parcel B and an underground storm water detention/treatment system was incorporated into the project on the side nearest Ocean Avenue. The most recent development (the assisted living facility) triggered a Tier III review and was permitted by the MDEP (Permit submitted and attached as in Attachment Aiii).

All of these projects secured an SLDA permit which at that time was permitted by the City on behalf of MDEP. The current proposal is a modification of the SLDA and is now subject to MDEP review for storm water; an application has been submitted to the MDEP (not included in the applicant’s submission to the City except for the Storm water Management Plan in Attachment Aviii). A summary of the storm water and drainage improvements on the overall site was requested by staff and is included in Attachment B as the site is close to residential properties.

Current proposal

Cedars Healthcare is proposing to renovate the existing rehabilitation center located on the first floor on the westerly side of the Cedars Care Center (approved 1988; completed 1991). The proposal involves an addition of 1500 sq ft to the current first floor area to allow for modernization of the rehabilitation center and associated infrastructure (further description by the applicant is contained in Attachment Ai, with the layout shown in Attachments Fiii and elevations/floor plan in Attachment Fv.)

The aerial photograph in Attachment E shows the location and scale of the proposal within the Cedars complex.

The photograph below shows the existing loading area and external wall of the existing rehabilitation center, as viewed from the parking areas to the west.



The 1500 sq ft will be made up as follows:

- 610 sq ft within the existing loading dock, which is redundant (another loading dock was created in another phase)
- 890 sq ft building footprint expansion partly under the existing roof and into the paved parking and loading areas adjacent to the existing building.

The proposal includes removal of 350 sq ft of existing paved area which will be revegetated, which results in a net reduction in impervious area of 108 sq ft. (described in [Attachment Aviii](#) and illustrated with calculations in [Attachment Fiv](#)).

Conditional Use Review

Sec. 14-88 (c)

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

The proposed expansion takes place on the existing site on the rear elevation of the existing Care Center. It appears to efficiently utilize the former loading area, and otherwise is located beneath a section of the existing roof overhang and partly within paved parking and loading areas.

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

This project does not result in a displacement or conversion of a residential use.

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

The minimum lot size is met.

Sec. 14-474

- a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use.*

There are no known or distinctive characteristics associated with this use. It is a small expansion of the original Cedars long term care use which has been on this site since 1988.

- b. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.*

The Cedars facility has been on this site since 1988 with no reported adverse impact upon the public health, safety or welfare. The proposal involves minor construction within the building/activity envelope. The applicants state that the proposal does not increase the capacity to serve additional patients but aims to improve the level of service for existing patients.

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

There are no known technical issues associated with this expanded use that would lead one to conclude that the project impact would differ from other such uses.

- (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.*

The proposal does not appear to have any adverse impacts upon other property in the neighborhood.

Site Plan Review

Traffic/Parking

The project does not generate any additional traffic or parking as no increase in patient numbers is envisaged.

The expanded footprint results in the loss of two parking spaces, leaving 186 spaces on the site. The submitted cover letter and 2005 Parking Study ([Attachment A](#)) refer to a zoning requirement of 149 spaces, but the approval in 2005 was based on the provision of 186 spaces to meet the zoning requirement. The Zoning Administrator has confirmed that the proposal meets parking and other zoning requirements ([Attachment C](#)).

Trees

The proposal results in the loss of one mid-size pine tree which currently helps screen a condenser and above-ground oil tank enclosure. Staff suggests that replacement planting (large shrubs) should be required near the location of the removed tree.

Drainage

The proposed addition will expand over existing developed areas and the storm water runoff from the building addition will drain into the detention pond to the southeast (towards Ocean Avenue) and then into the municipal storm water system in Ocean Avenue.

The Storm Water Management Plan in [Attachment Aviii](#) outlines how the addition will reduce net impervious surface and potential pollution. The City's Engineering Reviewer has confirmed that there are no storm water concerns ([Attachment D](#)).

Staff has received one telephone call from a neighbor, Ms Manduka, who owns the property approximately 500 feet to the west of the proposed addition. It is understood that Ms Manduka considers that the Cedars development has increased the storm water impact on her property, particularly from the road around the western edge of the site and snow dumping in the vicinity of the wetlands near her lot.

Staff notes that the proposal under review would not affect Ms Manduka since it is downhill from the western roadway and drains to the south east ie the opposite direction.

It is possible that some other part of the Cedars complex or the operation of snow removal is contributing to impacts on neighbors. Staff requested additional background on this question. John Watson (Cedars CFO) submitted an e-mail on 9.18.2008 that summarizes previous storm water and drainage issues and how Cedars has sought to address concerns raised by reviewers and neighbors in the past.

Neighborhood Meeting

The proposal was noticed to 465 parties including interested citizens and neighbors within 500 feet of the outer boundary of the Cedars site. To date one neighbor (Ms Manduka) has contacted Planning staff. A Neighborhood Meeting is not legally required by the City's Ordinance for this type of project.

Staff recommends that the applicant hold a voluntary Neighborhood Meeting between the Workshop and the Hearing to ensure that nearby neighbors understand the nature of the current project and to review any residual concerns regarding storm water. Given the small scale of the proposal, staff suggests that the meeting notices be sent to neighbors located within 500 feet of the Cedars boundary on the south side of the site.

Attachments

- A. Original Submission
 - i. Cover letter and Site Plan Application Form
 - ii. Conditional Use Application Form
 - iii. Previous Approval documents
 - iv. Right, title and Interest (Declaration of Condominium Document)
 - v. Technical and financial Capability
 - vi. Project maps
 - vii. Parking Study (from 2005)
 - viii. Storm water Management Plan (August 2008)
- B. E-mail from Cedars CFO John Watson dated Sept 18, 2008 presenting further clarification re Storm Water Management for the entire Cedars complex
- C. Memo from City Zoning Administrator dated Sept 10, 2008
- D. Memo from City Engineering Reviewer, Dan Goyette (Woodard & Curran) dated Sept 18, 2008
- E. Aerial Location Plan (prepared by staff)
- F. Plan Set
 - i. Boundary survey
 - ii. Project Location Map
 - iii. Site Plan
 - iv. Alterations to Land Cover Map (re impervious area calculations)
 - v. Architectural Plan and Elevations

Planning and Urban Development Department Planning Division



February 5, 2018

John Watson
JHA Assisted Living, INC and Cedars
Nursing Care, INC
630 Ocean Avenue
Portland, ME 04103

Jan Wiegman, P.E.
Wright Pierce
11 Bowdoin Mill Island, Suite 140
Topsham, ME 04086

RE: Staff Review Comments for The Cedars Expansion – New Institutional Long Term Care Facility (2017-278) – Planning Board Review

Project Name:	The Cedars Expansion	Project ID:	(2017-278)
Project Address:	630 Ocean Avenue	CBL:	170-A-020
Applicant:	John Watson		
Planner:	Matthew Grooms		

Dear Mr. Watson and Mr. Wiegman,

Thank you for submitting a preliminary Level III Site Plan and Conditional Use application to construct a new three-story building proposed for institutional long-term care use, and reconfigure on-site parking at the Cedars facility, located at 630 Ocean Avenue in the R-3 and R-5 Residential zones. This project is being reviewed as a preliminary plan subject to the following applicable Land Use Code provisions:

- Site Plan Ordinance, Article V
- Division 4. R-3 Residential Zone
- Division 6. R-5 Residential Zone
- Division 20. Off-Street Parking Standards
- Neighborhood Meeting Regulations, Section 14-32

Final Plan for Planning Board Review: Staff Review Comments

I. Site Design Standards

1. Please provide renderings of the proposed building as it will be seen from on-street locations, specifically the intersection of Ocean Avenue and Rainbow Mall Road.
2. As part of this expansion project, a private internal pathway should be provided with direct connection to the existing public sidewalk located along the property's Ocean Avenue frontage.

3. Please provide a geotechnical report detailing the necessity for blasting work as part of this project. Please note, if blasting is to occur, the project shall adhere to the standards of Article VIII of the land-use code and Section 3.7 of the City's Technical Manual.
4. All proposed site lighting shall be illustrated on the site plan.
5. On the site plan, identify any improvements proposed within the areas labeled as 'recreation areas'. Please provide applicable details for proposed fencing as well.
6. The City has reverted to cast-iron set-in-place detectable warning panels as opposed to replaceable panels. As the proposed panels are not located within the public right-of-way, please note that this is not a site plan review requirement.
7. City staff are reviewing the project's public transit access requirement, and will provide additional direction prior to the Planning Board workshop.
8. Utility capacity letters shall be provided when available. In the event that these are not available prior to the public hearing, their submission shall be made a condition of approval.

Additional Submittals Required:

Please upload the digital plans and documents to address staff comments. Upon receipt of the revised material, the City of Portland will review the additional plans and information for conformance with applicable ordinances. Please be aware that an application expires within 120 days of the date upon which this written request for additional information was made.

If you have any questions, feel free to contact me at (207) 874-8725 or by email at mgrooms@portlandmaine.gov.

Sincerely,
Matthew Grooms
Planner

April 20, 2018

Site Plan 2017-278

Zoning Review of the Height of the proposed structure

The first part of my review is based on a document dated September 12, 2017 from Martin Dickmann, Executive Vice- President of Action Pact Holdings, LLC, received via email on September 13, 2017.

§ 14-47 defines *Building, height of* as:

Building, height of: The vertical measurement from grade, or the predevelopment grade on the islands, to the highest point of the roof beams in flat roofs; to the highest point of the roof beams or the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

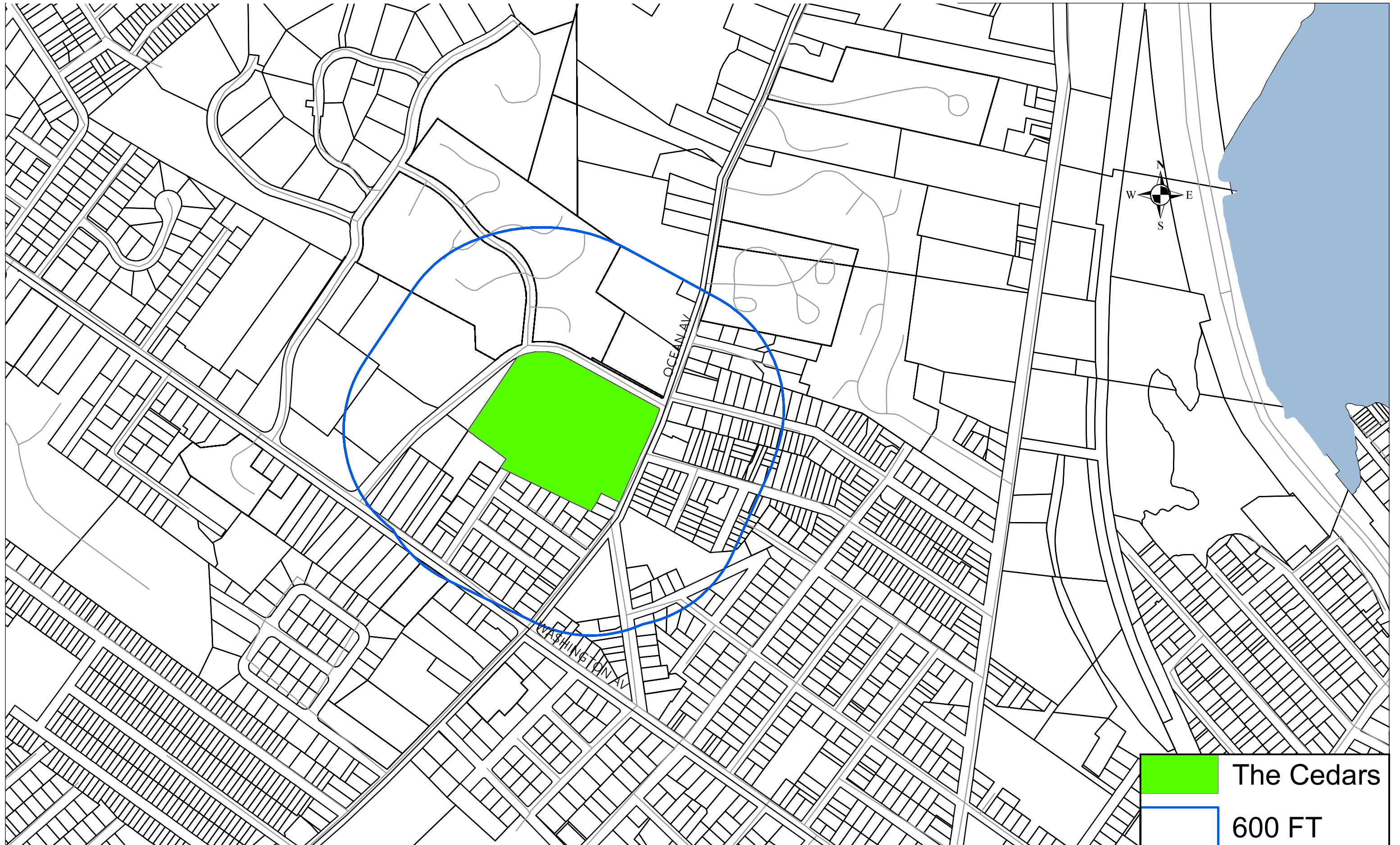
The document calls the proposed roof a “Gourmet Mansardic roof”. It is defined as “Structurally, a conventional flat-roofed building with an appended projecting element” as shown on the diagram. The roof itself is flat. This is also shown on the roof plan - plan A3.01, plan A5.01, and plan A5.02.

Although this document refers to it as a “mansard roof” based on the definition and plans, Zoning considers this a flat roof; therefore the height of the roof is measured to the highest point of the roof beam from the average grade. In the R-3 Residential Zone the maximum height is 35’ [section 14-90(g)].

The Adjacent Building Grades Plan by Wright Pierce, dated April 2018 (attached) shows the average grade for the building as 73.80 feet based on the proposed grade at the four corners of the building. On Plan A1.01 – Proposed Building Elevations revised 03.20.208 (attached) the Front Elevation shows the average grade line across the building at 73.80 feet. The “Top of Roof Deck/Truss Support beams” is shown as 35 feet above the average grade line. Based on these two plans, the building appears to meet the maximum height requirement of 35 feet.

Ann Machado
Zoning Administrator

The Cedars - Pre-Blast Survey Noticing Buffers



Google Groups

ID# 2017-278

asears@maine.rr.com <asears@maine.rr.com>

Jan 18, 2018 2:53 PM

Posted in group: **Planning Board**

Comments on Cedars expansion!

Based on the last expansion I have concerns. The requirement to have a tree berm along Rainbow Mall Road was never followed through and some of the added trees have passed on. This should be placed on the agenda again. Parking along side Rainbow mall Road is an issue from time to time and should not be allowed. This is a driving test area as well as a driver test area so is already dangerous. If Maine Blasting and Drilling is being used again the City needs to require a bond as they have already caused significant damage in the area and have numerous lawyers to deny ALL claims. Let's allow our elected officials to protect and prioritize property owners this time.

Art Sears
6 Ashlar Court
Portland

Another example parking not allowed on Pheasant Hill road as well as the Brown parking lot due to the Cheverus all ball field and it is abused annually and the City does nothing to enforce the original agreement. Can the city planners get the Police involved??????

Art or Anne

Google Groups

Cedars expansion

Manduca Music <mark@manducamusic.com>

Jan 26, 2018 7:51 PM

Posted in group: **Planning Board**

To: Portland, Maine Planning Board members
From: Elizabeth Manduca 861 Washington Ave. Portland, ME 04103 207-233-9401 or 207-233-7012
January 26, 2018

I am writing concerning the expansion of The Cedars facility on Ocean Ave. While I believe the facility provides a great service to our elderly, I have not had a good experience with Cedars as a neighbor. During their last expansion, we had substantial damage to our property (owned since 1971) which is outlined below. I met with city officials and the Cedars staff concerning these damages. I provided photographs and eyewitness testimony. Cedars promised to do a number of things to rectify this situation and to this day, many years later, they have done nothing.

The only thing the city did was to make new rules about development run-off and blasting, all too late to help us or our neighbors. We should have filed a lawsuit against both the city and Cedars, but they promised in good faith to help and then did nothing.

Here is what happened during their last expansion.

BLASTING

1. The blasting of the ledge was so powerful that it blew the glass out of one of my doors. Thankfully no one was hurt. The blasts lifted the children right off the floor of my piano studio. All of my family members experienced a lift and rolling of our floors as each blast occurred.

2. The blasts split my new cellar floor, cracked my walls and made it so that I am still not able to close some doors properly. My neighbors complained about this also.

Cedars offered nothing to repair this damage.

WATER

1. After the blasting, my backyard was flooded with water to the point that I could no longer use 1/4 of my backyard.

2. Their road is graded at a downhill slope and the run-off spills into our yard. They continued to pile snow at the end of this road further exacerbating the situation. I asked them to move the snow away from that area and they only moved it over a few feet, thus still sending debris in this area.

3. The run-off from the road contains salt, gas, and sand. The gas was showing up in trenches we had dug to redirect the water. I showed them photos of this. The plant life has changed and a lot of plants or trees will not grow in this area.

4. I showed them pictures of gardens we had in this area before they split the ledge and photos of things underwater afterwards. We eventually had to pay to a landscaper to raise our garden beds.

MEETINGS

1. Cedars sent engineers to look at my cellar floor. They wore little monocle glasses and looked into the cracks on the floor. They sent a report saying that due to the material in the cracks on the floor, they couldn't have caused the damage. The cellar floor was new...I spoke with a blaster who said of course the blasting did all this damage.

2. I was invited to a meeting at Cedars to discuss the water problem. I was ushered into a room with a number of people including an attorney. I believe they were trying to intimidate me. They told me that based on their studies, the blasting couldn't have caused the change in the flow of the water. This was a wetlands anyway. I replied, "if this is a wetlands area, how are you allowed to build on it?" No answer.

I told them that I had lived at this property since 1971. I wasn't stupid-I can obviously see the changes in my own backyard."

3. This is what they offered. They would build a drain at the end of the road, put gutters on all the garages to redirect run-off from rain; they would put trees along the edge of the roadway leading to our backyards. They didn't do any of these things. All three properties abutting the woods by Cedars have had substantial water damage to the point that you cannot even walk out to the ends of the property in the spring.

4. I complained repeatedly to our town councilor during the weeks of blasting, but no one from the city responded.

Cedars has quietly acquired a few private properties on Slemons Rd. I spoke with one of the residents who said they are pressuring him to sell as well. They will destroy this residential area to build this gargantuan structure. I don't know how it is possible that Cedars can build it without significant damage to the surrounding area.

We will be keeping a close eye on this project. We'll have meetings with the neighbors to try and ensure that further damage and degradation of property is not allowed again.

Sincerely, Elizabeth Manduca

From: **Janet Valente** <jivelente@hotmail.com>
Date: Fri, Feb 9, 2018 at 1:22 PM
Subject: Cedars expansion
To: "mgrooms@portlandmaine.gov" <mgrooms@portlandmaine.gov>

Hello:

I'm writing to you as a concerned homeowner regarding the pending building of a 3 story building on Cedars Nursing Home. I live at 20 Providence Street and am very concerned about what was presented in the previous neighborhood meeting.

My concerns are as follows:

1. the significant impingement of a 3 story brick building on the corner of Rainbow Mall Rd and Ocean Ave. The size is overwhelming for that corner. The setback that appears to be recommended is far too close to the roads and would tower over the neighborhood, thus seriously damaging the character of the neighborhood.

The abutting homes were built around 1925, 1940s, and two directly opposite the potential site were built in the 1700s. This is a stable neighborhood and these homes have been relatively well maintained. The 3 story brick building that close to the road, towering over that corner, will stick out like a sore thumb and degrade the look and the style of the neighborhood. People who buy these homes and live in them buy them for a reason and the look. This is a very old part of the city, one that has not been "damaged" by the city's expansion.

2. When Cedars was first built, the City, as I remember, required them to set back significantly from the street with a buffer along Ocean Ave and the surrounding property. This plan follows none of these original requirements.

The original property was wet land and now has multiple pipes and French drains throughout their property. The site you want to build on is ledge and is that entire side of Ocean Ave to the Falmouth line and beyond. Blasting and the potential harm to home in the immediate area is a significant worry no matter how "deep" you go.

The plans as presented provides very, very little in the way of a buffer and I believe will make the water issue in the neighborhood worse no matter how minor you think it might be. We all already have a water issue in our yards.

4. Cedars said that they would only be adding a few new employees. However, the added traffic/parking that will be caused by the additional visitors to both the new building and the renovations to the Rehab building, I believe will be significant. The existing parking

lots abutting the pending building and the Hoffman Center are already full. Thirteen (13) additional spaces will provide little to reduce the added traffic/parking needs. The added traffic to that immediate area keeps building. Providence Street is now a by-pass with heavy traffic, including commercial traffic. It is now a "main" road. People leaving Cedars now often cross over Ocean from their driveway entrance on to Providence St. I believe that will increase. It has become increasingly dangerous to residents who are backing out of their driveways and walking on Providence.

SUGGESTIONS: If this goes through, I would ask that you consider reversing the location of the building and the existing parking lot. That would place the new building in the existing parking lot and the parking lot where the new building would have gone. Additionally, there would need to be a very tall buffering along the Ocean Ave boundary of that moved parking lot (some type of trees standing 30-40' tall at the time of planting).

Second suggestion: placing the new building where the existing garages are in the back of the lot. Perhaps the garages can be moved along their interior road or placed where the current employee parking lot is in the back of their property. They have room for employee parking if they removed the white house they own on that road.

I am dismayed that they have purchased two house lots on Slemons Rd and that they are not being used for this new development. The new building could be set back significantly from that road with significant buffering along that Rd. Apparently, the homeowners in that immediate area have more "power" than we do. The City seems to have accommodated them significantly.

I hope you give some serious consideration to our concerns. I am only speaking for myself in this e-mail. However, I know many of us in the immediate area are very concerned about this impending project.

Jan Valente
[20 Providence Street](#)
[Portland, Maine 04103](#)
[\(207\)772-0574](#)