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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, Director

December 18, 2012

Scott Lalumiere
Milk Street Capital, LLC
84 Middle Street
Portland, ME 04101

William Walsh
Walsh Engineering Associates, LLC
918 Brighton Avenue
Portland, ME 04101

RE: Staff Review Comments for Level I: Site Alteration

Project Name: Motley Street Construction
Applicant: Scott Lalumiere, Milk Street Capital, LLC
Planner: Nell Donaldson

Project ID: 2012-627
CBLs: 177-F-11, 12, 20, 21, 22

Dear Mr. Walsh & Mr. Lalumiere:

Thank you for submitting an application for the construction of approximately 90' of Motley Street. The Planning Authority is evaluating this proposal as a preliminary plan subject to the following applicable Land Use Code provisions:

- Site Plan Ordinance, Article V
- Section 14-403 Street Extension

The city's findings, based on the preliminary plans, are as follows.

Zoning

Marge Schmuckal, the city's zoning administrator, provided the following comments:

This application is to develop a single lot into two lots. This triggers the requirement to extend Motley Street and bring it up to City standards from where pavement ends to the end of the property being developed under 14-403. The applicant has asked for a waiver to bring the street to the end of the development. However, I do not think the applicant needs a waiver. The street is being brought up to the end of the property, just not in a parallel fashion. I believe what is being proposed is meeting the intent of the Ordinance and the requirements of Public Services. The proposal is meeting the requirements of 14-403.

Lots #1 & #2 are both being shown to meet the respective R-3 & R-5 zone requirements for each, including lot size, street frontage, lot width and setbacks. In a pre-application meeting, the applicant stated that the lots will only be single family dwellings. I would like to confirm those uses. If the building located in the R-5 zone were to be converted to a two family within the next 5 years, both lots would be subject to a Subdivision review. There probably should be something in the deeds to notify the future owners of a possible Subdivision review.

Of course separate building permits are required for the development of the two lots. At that time the zoning for each lot will be more closely reviewed.

This project is meeting zoning at this time.

1. Transportation Standards

The application includes a sidewalk waiver request, citing the following criterion from Section 14-506(b) of the city's land use ordinance:

- 3) A safe alternative walking route is reasonable and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.

The application states that, since the street will continue to be a dead end serving relatively few residential properties, it essentially serves as a safe alternative walking route.

The application also cites Section 14-403(b) of the city's code, which requires that street extension projects include sidewalks "if located on a designated school walking route." It is noted that Motley Street is not a designated school walking route.

Per Section 14-506(b), however, a project must meet two or more of the city's waiver criteria in order for a sidewalk waiver to be granted. In the revised submittal, please identify one additional waiver criterion, for example that which relates to the loss of significant site features, which applies in this case.

Note that, Tom Errico, the city's consulting traffic engineer, writes of the waiver request:

I support a waiver from construction of a sidewalk given traffic characteristics (I concur that the street has limited activity) and that existing features would make it difficult for constructing a sidewalk to Brighton Avenue.

The application also includes a request for a curb waiver, citing the following criterion from Section 14-506(b):

- 6) The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.

The application states that, should curbing be installed along the new street frontage, curbing should be installed upon the already improved portions of Motley Street as well, where there are no existing curbs. The combined total of this work would amount to more than 5% of the overall project cost of \$50,000.

As above, Section 14-506(b) requires that a project meet two or more waiver criteria in order to receive a curb waiver. Please identify an additional waiver criterion in the revised submittal.

Note that David Margolis-Pineo, of the city's Department of Public Services, writes:

The Department is agreeable to granting a waiver to not install granite curbing.

Regarding the turnaround at the end of the proposed street extension, Mr. Margolis-Pineo writes:

Since the Department has adequate space to turn around at the end of Motley Street, we are not requiring a turnaround for this project.

2. Environmental Quality Standards

David Senus, consulting Civil Engineer, provided the following comments related to environmental quality:

A Level I Site Plan Submission is required to include proposed stormwater management control and a soil erosion control plan (City of Portland Land Use Code, Article V. Site Plan, Section 14-527(b) (12) and (13)) in conformance with the Basic, General, Flooding, and Urban Impaired Stream standards outlined in Section 5 of the City of Portland Technical Manual (Section 14-524(a)2.d.(ii)(b): Level I Site Alteration Plans are required to conform with certain site plan standards contained in the City Code of Ordinances, Section 14-526, including Environmental Quality Standards outlined in Section 14-526(b) 3 – Water Quality, Stormwater Management and Erosion Control):

- a) Basic Standards: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500. In addition to the erosion and sediment control features noted on the plan, appropriate provisions should be made for catch basin inlet protection for the existing catch basins within Motley Street.*
- b) General Standards: The project data sheet reports a net increase in impervious area of 5,195 square-feet. This number appears to include the impervious area associated with the driveway and buildings proposed on the two single-family residential lots. The project narrative describes existing ground cover within the roadway area as impervious (compacted gravel and ledge). Based on this description, we have assumed that there is little to no proposed increase in developed or impervious area associated with the proposed street improvements. As such, no stormwater quality treatment measures are required under the General Standards.*
- c) Flooding Standard: As noted above, we have assumed that there is little to no proposed increase in developed or impervious area associated with the proposed street improvements. The roadway project will result in little to no increase in stormwater runoff rate or volume relative to the existing site condition. As such, the roadway project is in general conformance with the Flooding Standard.*
- d) Urban Impaired Stream (UIS) Standard: The project falls within the Capisic Brook Watershed, which is classified as an UIS by the MaineDEP. The City of Portland requires that all development, except single and two-family homes, subject to City of Portland review shall be required to comply with the UIS Standard pursuant to MaineDEP Chapter 500 Stormwater Management Rules if they are located within an UIS watershed (Technical Manual, Section 5. II. A.). A project in the direct watershed of an urban impaired stream must pay a compensation fee or mitigate project impacts by treating, reducing, or eliminating an off-site or on-site pre-development impervious stormwater source following the guidance outlined in*

MaineDEP Chapter 500 standards. As noted above, we have assumed that there is little to no proposed increase in developed or impervious area associated with the proposed street improvements. As such, the roadway project is in general conformance with the UIS Standard.

As noted above, the original submittal references a change in impervious surface of over 5,000 SF. However, this figure appears to include areas outside the street right-of-way, and the above comments assume little to no increase in impervious surface as a result of the proposed street extension. For the record, please revise the project data sheet to include the existing and proposed impervious surface on the site of the 14-403 street extension project alone.

3. Public Infrastructure and Community Safety Standards

Mr. Margolis-Pineo, of the Department of Public Services, provided the following comments related to public infrastructure:

The applicant is reminded that there is a \$1,000 sewer connection charge for each lot plus a \$50 inspection fee.

An access agreement is required by the owner of each lot for the shared drive and also the for any water or gas repair which may be necessary since it will require the excavation of the abutting lot.

Captain Chris Pirone, of the city's Fire Prevention Bureau, provided the following comments related to fire safety:

2009 NFPA 1 18.4 Fire Flow Requirements for Buildings

- may require installation of fire hydrant to meet fire flow requirements.

- applicant needs to reference this section of code as the existing water main is only 4" which may not satisfy this section of code.

It is noted that this street extension project will require significant blasting. Please review Section 3.7 of the city's *Technical Manual* regarding blasting standards, and note that a blasting permit is required.

4. Site Design Standards

No comments.

Additional Submittals Required

Final site plan to include:

1. Limits & total area of land disturbance

Note that the Planning Authority may request additional information during the continued review of the proposal according to applicable laws, ordinances and regulations.

Planning Staff Recommendation

Please submit one (1) complete paper set of final plans, along with documentation, to address the comments above. 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 874-8723 or by email at hcd@portlandmaine.gov.

Sincerely,



Neil Donaldson
Planner

Electronic Distribution:

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