

CITY OF PORTLAND, MAINE

PLANNING BOARD

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July 20th, 2015

Steve Brinn
Jewish Community Alliance of Southern Maine
57 Ashmont Street
Portland ME 04103

Bradlee Mezquita, PE
Tighe & Bond
177 Corporate Drive
Portsmouth, NH 03801

Project Name: Jewish Community Center and Preschool/Daycare
Conditional Use and Level III Site Plan
Project #: #2015-058 (Conditional Use and Site Plan)
Address: 1342 Congress Street, Portland
CBL: 191-B016 & 017
Applicant: Jewish Community Alliance of Southern Maine
Planner: Jean Fraser

Dear Mr. Brinn and Mr Mezquita:

On July 14th, 2015, the Planning Board considered the Conditional Use and Site Plan application for the construction of a neighborhood center (defined as a "Place of Assembly") and preschool/daycare on the site of the existing St. Patrick's Catholic Church at 1342 Congress Street. The project includes demolition of the existing church (14,960 sq. ft.) and construction of a single story 19,300 sq ft building on a site of 91,126 sq feet. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review and Site Plan Ordinance, and approved the application with the following waivers and conditions as presented below.

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on July 14, 2015 for application #2015-058 (Conditional Use and Site Plan) (1342 Congress Street) relevant to Portland's Technical and Design Standards and other regulations; and the testimony presented at the Planning Board hearing:

1. **Driveway width:**
The Planning Board voted 6-0 (Morrissette absent) to waive Technical Design Standard Section 1.7.1.3 to allow the proposed driveway to be 22.7 feet wide for one section near Congress Street as shown on the Site Plan in Plan P6;
2. **Soil survey**
The Planning Board voted 6-0 (Morrissette absent) to waive Technical Design Standard Section 7 *Soil Survey Standards* that require a soil survey as the applicant has previously taken soil borings as part of an earlier environmental assessment.

B. 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 July 14, 2015 for application #2015-058 (Conditional Use and Site Plan) (1342 Congress Street), relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 6-0 (Morrissette absent) that the proposed conditional use for a place of assembly at 1342 Congress Street as described in the application does meet the standards of Section 14-474 and the standards of Section 14.118 (b) 3 for the R5 zone, without any conditions but granted for two years.

C. SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for the public hearing on July 14, 2015 for application #2015-058 (Conditional Use and Site Plan) (1342 Congress Street), relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing:

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

- i. That the recorded easement with Charter Westgate, regarding use of the shared drive, shall be submitted to the Planning Authority prior to the issuance of a building permit; and
- ii. That the Parking License (for use of the abutting dental offices lot) and the Drainage Improvements and Temporary Construction Easement (abutters to south) shall be executed and submitted to the Planning Authority prior to the issuance of a building permit; and
- iii. That the applicant revise the curb ramp layout at Congress Street in accordance with the comments of Tom Errico dated June 26, 2015, with revised plans to be reviewed and approved by the Planning
- iv. That the height of the boundary fence along the eastern boundary and associated buffer treatment be the subject of further discussion with the City Arborist, Planning Authority and nearest neighbor (P Bernard) and any agreed revisions be shown on a revised Site Plan/Landscape Plan for final approval prior to the issuance of a building permit; and
- v. The developer/contractor/subcontractor must comply with conditions of the submitted and approved stormwater management plan and sediment and erosion control plan and associated inspection and maintenance manual, based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. The two maintenance agreements (one for the applicants site and one for the abutters site) for the stormwater drainage system shall be submitted, signed and recorded with a copy to the Planning Division and Department of Public Services prior to the issuance of a building permit; and
- vi. That additional lighting information shall be submitted in respect of the widened drive access and building entrance nearest to Congress Street to show that the site lighting meets the City Technical Standards, and any deficiencies shall be addressed in a revised lighting plan for review and approval prior to the issuance of a building permit; and
- vii. That all heating, ventilation and air conditioning shall be screened and located away from abutting residential properties.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for 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 the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
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 site plan approval must be received before the one (1) year expiration date. The Conditional Use permit will be deemed to have expired unless work has commenced within two (2) years of the approval.

4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

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

If there are any questions, please contact Jean Fraser at 874-8728 or via jf@portlandmaine.gov.

Sincerely,

Stuart O'Brien, Chair
Portland Planning Board

Attachments:

1. Traffic engineering Review comments dated 6.26.2015
2. Planning Board Report
3. City Code Chapter 32
4. Sample Stormwater Maintenance Agreement
5. Performance Guarantee Packet

Electronic Distribution:

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Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

6/26/2015 10:38:35 AM

From: Tom Errico thomas.errico@tylin.com
To: Fraser, Jean
CC: Bartlett, Jeremiah Earley, Katherine Margolis-Pineo, David Tarling, Jeff
Subject: Jewish Community Center - Final Traffic Comments

Jean – I have reviewed the revised application materials and the following represents a status update on my previous comments.

- Maine Traffic Resources conducted a Trip Generation Analysis for the project and concludes that the proposed Jewish Community Center will generate less traffic as compared to St Patrick's Church. The applicant should provide an estimated comparison between the former Church use and the proposed project during the weekday AM and PM peak hours. My general sense in that during the AM peak hour the net change may not be significant given weekday morning Church services. During the weekday PM peak hour, I suspect the Church did not have regular weekday activities, while the proposed use will add traffic in conjunction with the day-care use.

Status: The applicant has submitted updated trip generation information and is estimating an increase of 50 to 60 additional PM peak hours trips as compared to the former St. Patrick's Church. The applicant has noted that this estimate is likely high given existing facility conditions, which I agree with given my site observations. I find the trip generation estimate to be reasonable and I have no further comment.

- I find driveway conditions along Congress Street to be improved with the elimination of existing driveways.

Status: I have no further comment.

- The driveway entering the site from Congress Street is noted as having a width of 22.7 feet. This width (in the area where parking maneuvers occur) does not meet City standards and thus a formal waiver should be requested by the applicant.

Status: I find the proposed driveway width to be acceptable given that most vehicles will be passenger cars and that a secondary driveway via the Westgate Shopping Center will be provided. I support this waiver request.

- A detectible warning panel is not required at the site driveway on Congress Street.

Status: The plans have been revised and I have no further comment.

- I would suggest a tip-down curb entering the driveway on Congress Street, as currently provided.

Status: The curb ramp layout should be revised so that the ramp flare does not impact accessibility along the sidewalk route. Having a tip-down design will help to address this issue.

- The applicant shall provide a Parking Supply analysis that documents parking needs both under a typical weekday scenario and during Community Center events.

Status: The applicant has provided an analysis of event parking demand and estimates a need for approximately 50 vehicles. I find this estimate to be generally reasonable and given agreements for use of abutting parking lots, I find the projects parking supply to be acceptable. I have no further comment.

- I find the vehicular connection to Westgate Shopping Center to be an excellent access management strategy that will allow traffic from the Community Center to utilize the traffic signal at Stevens Avenue. I would note that this connection can also serve traffic from the abutting medical office building and traffic from Lassell Street. Accordingly, I would suggest that access use rights be provided. While I would prefer that the connection to the Westgate Shopping Center to be more direct, given the potential for vehicle/pedestrian conflict, the proposed plan appears acceptable. The applicant should provide a response on this issue and how they see traffic circulation interacting with site activity.

Status: An agreement has been provided and I have no further comment.

- The applicant shall consider the formal delineation of the driveway along the medical office property boundary, when entering from Congress Street.

Status: The site plan has been revised and I find conditions to be acceptable.

- The applicant should provide specifics about how the Daycare pick-up and drop-off activity will be managed from traffic perspective.

Status: The applicant has provided the requested information and I have no further comment.

- I'm concerned that the ITE data is not a good source for estimating traffic for the proposed project. I would suggest that the applicant conduct traffic counts/surveys at existing facilities to better estimate traffic levels. I would also like to get a better understanding on historic traffic activity at St. Patrick's Church. I recognize that traffic volumes are not likely to be available, but information on daily services and other event details would be helpful for my review and understanding of project impacts. The applicant should attempt to provide specific church service information, if available.

Status: As noted above the applicant has provided a reasonable estimate and I have no further comment.

- The pick-up and drop-off of daycare and others will need to be carefully managed. Accordingly, the applicant should provide specific details on how this process will take place. This should include what building entrances will be used, sidewalk facilities between parking spaces and the noted entrance, etc. I would note that the pick-up/drop-off program must be managed such that vehicles are not parking along the driveway off Congress Street.

Status: I have reviewed existing JCA activity at their current Portland site and I have recommended that a barrier be constructed that prevents pedestrians from accessing the building entrance near Congress Street. The applicant has revised the site plan to include a 18" sitting wall along the curb. While the height of the wall is mountable by pedestrians, I do believe the physical presence of the wall will deter drop-off and pick-up activity near Congress Street. Accordingly, I find conditions to be acceptable.

Please contact me if you have any questions.

Best regards,

Thomas A. Errico, PE

Senior Associate

Traffic Engineering Director

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