



J-0096-1
June 24, 2015

Ms. Jean Fraser, Planner
City of Portland Planning Division
389 Congress Street
Portland, ME 04101

Re: **Final Site Plan Development Review and Conditional Use Applications
Proposed Neighborhood Center – 1342 Congress Street**

Dear Ms. Fraser:

On behalf of the Jewish Community Alliance of Southern Maine we are pleased to submit the following information relative to a Final Site Plan Development Review and Conditional Use Application:

Level III Site Plan Development Review Application

- Level III Final Site Plan Development Review Application form
 - *Application Fee paid with Preliminary Site Plan Application submitted on April 4, 2015.*
- ALTA/ASCM Land Title Survey, dated December 31, 2014
- Site Plans, last revised June 24, 2015
- Drainage Study, last revised June 24, 2015
- Site Plan Review Checklist Attachments

Conditional Use Review Application

- Conditional Use Review Application form
 - *Application Fee paid with Conditional Use Application submitted on April 4, 2015.*

In addition to the electronic submission, a hardcopy of the complete submission package will be sent to the Building Inspections Office as required.

Project Description

The proposed project will be constructed on a previously developed parcel identified as Map 191 B-16 & 17, which is located in the R-5 Residential Zoning District. Prior to closing in 2013, the land was in use by St Patrick’s Catholic Church.

The proposed project consists of the construction of a (1) story, 19,300 SF Neighborhood Center and preschool/daycare center with associated site improvements that include a surface parking lot, stormwater management system, utilities, site lighting, and landscaping. The existing building and associated site features will be demolished in accordance with conditions set forth by the seller. The proposed project will disturb approximately 85,000 SF of the site and result in 12,500 SF of additional impervious area. The proposed stormwater management system has been designed in accordance with the City of Portland Technical Manual and serves to minimize the impacts of the additional impervious area. A Drainage Study has been enclosed with this submission.



The existing project site has a shared access driveway with Westgate Shopping Center, which will be re-constructed as part of the proposed project. The Owner of Westgate Shopping Center, Charter Westgate, LLC, has executed a formal Access Easement Agreement with Applicant, which is included with this submission.

Conditional Use Standards

On February 25, 2015, the Applicant met with the City of Portland Staff for a pre-application meeting. Based on feedback from the City it was determined that the proposed uses are permitted in the R-5 Residential Zone as Conditional Uses, as set forth in Section 14-118 of the Land Use Code. Said conditional uses in Section 14-118 include places of assembly, preschools and daycare centers. Places of assembly include neighborhood centers which are 10,000 square feet or less and used for recreational, artistic, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency. A portion of the proposed building that is less than 10,000 SF will be used as a neighborhood center by the Jewish Community Alliance for recreational, artistic, social, education and cultural activities. .

The remaining portion of the proposed building will be will be used as a pre-school/daycare center. In accordance with the Land Use Code, the Zoning Board of Appeals has the authority to grant a conditional use permit for the preschool/daycare use. On May 21, 2015, the ZBA granted JCA's application for a conditional use permit for the preschool/daycare center. The Board also granted an extension of the initial 6-month term of the permit for a period of 2 years, due to the need for additional time to close on the property, demolish the existing building and construct the new building. We request the same time period for a conditional use permit for the neighborhood center.

The following addresses the Standards for set forth by Section 14-474(3)(c)(2) of the City of Portland Land Use Code for Conditional Uses:

- A. *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; and*

A Trip Generation analysis was prepared and has been included with this submission. Based on this analysis, it is anticipated that the neighborhood center will generate fewer trips than the former Catholic Church overall and during peak periods. The number of parking spaces proposed meets the minimum amount required and was found to be satisfactory by the Peer Review Traffic Engineer. The volume and type of traffic will not be substantially greater than would normally occur at the surrounding uses, such as Westgate Shopping Center or other allowable uses in the zone, such as multiplex residential complexes, churches and other places of assembly.

The daycare/preschool hours of operation begin by 7:00am and end between by 3:00pm. There are anticipated afterschool activities that would begin at 2:30pm and end by 5-6:00pm. Special events that may occur periodically would be held on evenings and weekends.

- B. *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; and*

It is not anticipated that the proposed neighbor center will create any objectionable or harmful conditions as described above. As noted below, The Site Lighting Plan has been revised to limit or eliminate light trespass onto abutting residential properties in accordance with the City of Portland Technical Standards. Waste generated by the proposed development will be stored in the proposed dumpster enclosure area shown on the Site Plan. It is anticipated that waste will be collected weekly. It is anticipated that the proposed development will not generate frequent deliveries and those that do occur will not require by large trucks.

- C. *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.*

The operation of the neighborhood center is not anticipated to have a greater effect or impact on surrounding properties than the former Church or Westgate Shopping Center. The layout of the site and proposed landscaping have been designed to minimize effects on surrounding properties by maintaining and improving natural buffers.

Additional Information Since Planning Board Workshop

The Applicant met with the Planning Board for a Workshop on May 19, 2015. The Applicant received feedback from the Planning Board and City Staff. The following is a response to the 'Next Steps' provided in the Memorandum to the Planning Board:

- A. *Secure a formal agreement with the owners of Westgate Plaza for the shared drive prior to the Planning Board hearing.*
- A formal Access Easement Agreement with Charter Westgate, LLC has been executed and is included with this submission.
- B. *Provide additional information on traffic impacts and operation/management of the day care traffic parking, including pedestrian links between the parking lot and daycare entrance.*
- We met with Jean Fraser and Tom Errico on June 1st, 2015 at the existing JCA facility at 57 Ashmont Street in Portland. The purpose was to observe the daycare drop off routine currently in use and understand how the facility operates the daycare portion of the facility. Based on previous comments from Tom Errico and City Staff, we understand there is concern that parents dropping off their children will stop in the driveway of the proposed facility, which could potentially lead to traffic impacts on Congress Street. We currently do not experience this problem at our Ashmont Street facility and do not anticipate that parents will stop in the driveway to drop off their young children, but will park in the lot and walk them in. However, per our discussion with Tom Errico and Jean Fraser at the meeting on June 1st we propose to construct a pedestrian barrier along the sidewalk adjacent to the driveway off Congress St. We will install a seating wall along the driveway that will act as a barrier and prevent easy access to the sidewalk from the driveway. The ultimate goal is to keep vehicles from stopping

in the driveway. The Site Plans have been revised to show the proposed seating wall.

- The proposed Site Plan provides the most direct pedestrian routes from the parking lot to the sidewalk possible given the configuration of the building entrances. Dedicated crosswalks and a continuous sidewalk have been provided along the entire northeast side of the parking lot to provide easy and safe access from any location in the parking lot.

C. Submit a Parking Supply Analysis.

- During the meeting held on June 1st, 2015 Tom Errico agreed that the parking provided is sufficient to support the day to day operations at the proposed facility. However, he requested that additional information be provided to determine what the parking needs would be based on potential special events. A memo was prepared by Maine Traffic Resources that provides additional information relative to the parking demand for special events. Based on the findings in the memo, the largest special event is expected to require 53 parking spaces. The current site design provides 50 spaces and the Applicant will have access to an additional 40 spaces for special events by using the parking lot of the Dentist office. As discussed below the Applicant will have the formal Parking License Agreement completed before the Planning Board Meeting.
- A Parking License Agreement with the neighboring Dentist Office (Merlin Management Company) parcel is under negotiation and will be fully executed prior to the Planning Board Meeting. The license agreement will provide JCA access to approximately 40 spaces on the Merlin parcel. The agreement also includes a provision for the JCA to construct a raised landscape island to help delineate the driveway as requested by Tom Errico and City Staff. The enclosed Site Plans have been revised to include the island.

D. Develop designs to delineate the Congress Street drive where it abuts the dental offices, to incorporate street trees/landscape and possibly lighting (and clarify re a waiver for the width of the drive).

- The enclosed revised Site Plan includes a 17 foot wide curbed landscape island to help delineate the driveway off Congress Street. The Applicant is working with the Property Owner (Merlin Management Company) on an agreement to construct the landscaped island as part of the Parking License Agreement. The proposed landscape island does not impact existing parking on Merlin Parcel. Landscaping has been provided and revisions made to address comments made by the City Arborist. The driveway width provided at the location of the proposed landscape island is 24 feet per City of Portland Technical Manual requirements.

E. Revised landscaping proposals to address the City Arborist comments (including fence specs) and the comment from the Peer Engineer regarding planting for the underdrained soil filter.

- The Landscape Architect worked directly with the City Arborist to address his comments and those revisions are reflected in the revised Landscape Plan included with this submission. The revisions provide a detailed underdrained

soil filter planting plan, perimeter and play area fence details, and additional plantings throughout the site to compensate for existing trees that need to be removed for the proposed development.

F. Undertake future research and discussions with neighbors to address two substantial concerns outlined by Peer Engineer regarding the stormwater flow impacts.

- On June 1, 2015 the Applicant met with Justin Johnson of 60 Willow Lane to discuss the project and concerns he may have regarding the existing drainage on his property. Based on our discussion, the Applicant agreed to complete drainage improvements on his property as part of this project. Sheet C-10, Off-Site Grading and Drainage Plan, included with this submission provides a preliminary design for the proposed improvements. The Applicant is currently working on completing a Temporary Construction Easement with the Abutter and will submit to the Planning Board prior to the meeting. The Applicant and Abutter agreed that an easement for the permanent drainage improvements would not be required as the proposed work is completely contained within the Abutters property. The final design will be coordinated with the Abutter prior to construction.
- The Pre-Development Watershed Plan has been revised to reflect the exiting discharge point of the Church roof runoff, which is located within the Congress Street Sewer. The configuration of the existing roof drainage system was verified in the field via camera inspection and dye flow testing. The City of Portland does not allow stormwater discharge into the City Sewer, so the existing connection will only be re-used for sanitary sewer for the proposed development. The proposed stormwater management system and Drainage Study have been revised, and included with this submission. The revised Pre-Development Watershed Plan resulted in the need for a larger Stormtech detention system to compensate for the larger peak flow rate from the roof runoff that no longer can discharged to Congress Street. The revisions made are in compliance with the MaineDEP Chapter 500 Stormwater Management Rules including Basic, General, and Flooding Standards.

G. Revised lighting to avoid light trespass and clarify whether existing lighting is adequate along the Congress Street drive and building entrance.

- The Site Lighting Plan has been revised to limit or eliminate light trespass onto abutting residential properties in accordance with the City of Portland Technical Standards. The revised Site Lighting Plan includes proposed parking lot lighting and building lighting to demonstrate that appropriate light levels have been provided both in the parking lot and at the building. Lighting along the Congress Street driveway is provided by the existing building mounted food lights on the Dentist's office building and the existing Congress Street utility pole mounted lights.

Waiver Requests

1. Section 7 of the City of Portland Technical Manual requires a soil survey be completed as part of a Level III Site Plan Development. The Applicant requests a waiver from this requirement based on soil borings that were completed as part of

the Phase I/II Environmental Site Assessment completed at this parcel. This information has been included in the Appendix of the Drainage Study enclosed with this submission.

2. City of Portland Technical Manual requires that driveways have a minimum width of 24 feet where vehicle parking maneuvering takes place. The Applicant requests a waiver from this requirement in one section of the reconstructed driveway off of Congress Street where only 22.7 feet is provided in the area directly across from Abutter's existing parking, which is partially on the Applicant's property.

We look forward to working with the City of Portland Planning Board on this project. Please don't hesitate to call me if you have any questions.

Very Truly Yours,

TIGHE & BOND, INC



Bradlee Mezquita, P.E.
Vice President



Greg Halsey
Project Engineer

Enclosures

Cc: Steve Brinn, JCA (by email)
Charles E. Miller, Esq. Bernstein Shur (by email)
Mary Costigan Bernstein Shur (by email)
Mark Lee, Harriman (by email)

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