

**CITY OF PORTLAND, MAINE  
PLANNING BOARD  
LEVEL I SITE ALTERATION DEVELOPMENT  
REVIEW  
AND  
CONDITIONAL USE APPLICATION**

**Prepared for**

**CHABAD LUBAVITCH OF MAINE, INC.  
PLACE OF RELIGIOUS ASSEMBLY**

**11 Pomeroy Street  
Portland, Maine**

**April 2018  
Revised August 2018**



ENVIRONMENTAL • CIVIL • GEOTECHNICAL • WATER • COMPLIANCE

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**CITY OF PORTLAND, MAINE  
PLANNING BOARD  
LEVEL I SITE ALTERATION DEVELOPMENT REVIEW  
AND  
CONDITIONAL USE APPLICATION**

**1.0 PROJECT DESCRIPTION**

This application package is being submitted to update the land use of the Chabad of Maine at 11 Pomeroy Street in Portland. The existing building was constructed with the intent to serve as a place of religious assembly for less than 15 worshippers and as a result is currently classified with a land use as a single-family home. Since then, the amount of worshippers at Chabad of Maine has increased to just over 15 worshippers. As a result, the land use will require the building and site to meet the requirements in the City's Land Use Ordinance for a place of religious assembly in the R3 Residential District. The proposed use is a conditional use in this zone and requires a Conditional Use for Planning Board Review Development Review application submission.

With the change to the land use, the project will be required to meet the parking standards for place of religious assembly instead of a single family home. The standard is to provide a parking space for every 125 feet of assembly space in the building. An analysis of the building uses was completed and it was determined that there was 900 square feet of existing assembly space. The required number of parking spaces is eight spaces to accommodate the existing assembly space.

To provide these spaces, Chabad of Maine will expand parking on the east side of the entrance drive and restripe existing paved areas as dedicated parking. This will increase the amount of parking on site to eight (8) spaces total. Additional details are shown on Drawing C-102 in the attached drawing set.

The parking expansion will result in approximately 975 square feet of additional impervious area and redevelopment of approximately 396 square feet of existing paved area. To address this a Level I Site Alteration Development Review has been submitted for staff review.

The following is a description of the project's compliance with the application and zoning requirements.

## **2.0 FINAL PLAN – LEVEL I SITE ALTERATION REVIEW REQUIREMENTS**

This application package has been prepared in accordance with the City of Portland Land Use Ordinance and the Level I Site Alteration Development Review Application. To address the submission requirements, the Applicant has provided the following:

State and/or Federal Permits – Not required for this project.

Right, Title and Interest – See copies of Deed included in Appendix A.

Evidence of Financial Capacity – See letter of financing provided in Appendix B.

Evidence of Technical Capacity – The Owners have hired qualified professionals to assist in the design, bidding and construction administration for this project as detailed on the application form.

Boundary Survey and Site Plan – See attached drawing set.

## **3.0 ARTICLE V. - SITE PLAN**

The following demonstrate the project's compliance with Section 14-526 Site Plan Standards.

### **14-526 (a) Transportation Standards**

The existing facility is accessed from a single entrance off Pomeroy Street. The entrance is the only driveway entrance off Pomeroy Street currently. In the past the facility has been used as a place of religious assembly for less than 15 attendees, but has currently grown to approximately just over 15 attendees. However, even with the growth in worshippers there is no anticipated

increase in impact to the surrounding street system, as attendees are prohibited from bringing a vehicles on days when attendance is at its highest.

The drive and parking area are adequately sized to provide safe access and circulation.

The site improvements will consist of construction of 975 square feet of new impervious area for six dedicated parking spaces, and the redefinition of an existing paved area as two parking spaces. This will create 8 total spaces to serve the 900 square feet of religious assembly present in the building. In addition, there is a single garage parking space for use by the Rabbi of the Chabad of Maine who currently lives in the building. These parking spaces are being added to address the requirements in the Land Use Ordinance, there is no increase in worshippers anticipated.

#### 14-526 (b) Environmental Quality Standards

##### A. Preservation of Significant Natural Features

The parking expansion east of the drive will occur in lawn areas already cleared under the previous permit. Grading in the area will be steepened to accommodate leveling the parking areas.

##### B. Landscaping and Landscape Preservation

The parking has been designed such that existing plantings installed under the previous approved site plan will be protected. These plantings are shown on Drawing C-101 and Drawing C-102 in the attached drawing set. This will leave a significant buffer around the building to screen the project the same as existing conditions.

### C. Water Quality, Stormwater Management, and Erosion Control

The proposed development disturbs approximately 1,200 square feet (approximately 0.03 acres). Erosion control measures have been identified on Drawing C-102 and Drawing C-300 and comply with the requirements of this section.

With the minor nature of the development, there will be minimal increase in stormwater runoff. In this case, the stormwater will drain to a large flat wetland area that will mitigate any increase in runoff. Therefore, there will be no adverse impacts to downstream drainage or abutters from this project.

### 14-526 (c) Public Infrastructure and Community Safety Standards

#### Consistency with City Master Plans

Pomeroy Street does not appear in available City Master Plans.

### D. Public Safety and Fire Prevention

The fire protection for the building will be similar to that approved in the previous site plan application. Access for fire trucks will be down the existing driveway as it is in existing conditions.

### E. Availability and Adequate Capacity of Public Utilities

The Chabad of Maine has been operating as a place of religious assembly of less than 15 attendees and even with the small growth in worshippers has had no issues with the capacity of the public utilities serving the site. This project is a slight increase of use of the facility, and a reclassification of the current use. However, no increase in demand is anticipated for the building utilities.

14-526 (d) Site Design Standards

A. Historic Resources

There are no designated landmarks or historical resources in the area of the parking expansion.

B. Exterior Lighting

There is no increase in the exterior lighting proposed. The use of the building will not increase beyond what exists currently.

C. Signage and Wayfinding

No additional signage is proposed.

D. Zone Related Design Standards

There is no change to the existing development proposed.

**4.0 PORTLAND FIRE DEPARTMENT SITE REVIEW CHECKLIST**

There is no change to the building design, construction, or fire protection proposed as part of this project. This is a reclassification of a land use with minor site improvements.

**5.0 CONDITIONAL USE FOR PLANNING BOARD REVIEW DEVELOPMENT REVIEW**

This application package has been prepared in accordance with the City of Portland Land Use Ordinance and the conditional use standards of Section 14-88 and 14-474, including the following.

#### 14-88 (c) Conditional Uses

- a. The current classification of the property and structure is a single family home and place of religious assembly with less than 15 attendees. The existing structure provides adequate space and needs for the increase in attendance to just over 15 attendees that Chabad of Maine has seen over the last few years. Therefore, there will be no expansion to the site or structure.
- b. Chabad of Maine will continue to use the existing site as a place of religious assembly similar to the use of the facility in the past.
- c. Not Applicable
- d. A copy of the site plan is attached with this application
- e. Not Applicable. Chabad of Maine is a place of religious assembly not a community hall.

#### 14-474 (c) Conditions for Conditional Use -Standards

- a. Chabad of Maine does not generate a vehicle demand substantially greater than that generated by surrounding uses. In fact, attendees at Chabad House are prohibited from driving a vehicle on the days when attendance is at its highest. The current number of attendees is approximately just over 15 and no growth in membership is anticipated. As a result, very little vehicle traffic occurs. Consequently, an inordinate expanse of pavement is not required to accommodate vehicles. Finally, Chabad of Maine's hours of operation are not out of keeping with those of surrounding uses.
- b. The proposed use is a place of religious assembly. Originally the existing structure was built for a single family home and place of religious assembly with less than 15 attendees. The current increase in worshippers has had no effect



on the existing wastewater system and will not create any unsanitary or harmful conditions. In fact, the requirements for preparation of kosher foods makes the Chabad House one of the few places in Maine sufficiently sanitary for the dietary requirements of its followers.

- c. The operation of Chabad of Maine, including its location on its lot, screening from abutters, landscaping, lack of signage, etc. results in not having a substantially greater effect or impact on surrounding properties that those associated with other allowable uses in the zone.

**APPENDIX A**

**DEED**

### WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **MOSHE WILANSKY** and **CHANA WILANSKY** of Portland, Maine, for consideration paid, GRANTS TO **CHABAD LUBAVITCH OF MAINE, INC.**, a Maine non-profit corporation whose mailing address is 101 Craigie Street, Portland, ME 04102, with WARRANTY COVENANTS, the premises situated in the City of Portland, County of Cumberland and State of Maine, described as follows:

A certain lot or parcel of land located on the southwesterly sideline of Pomeroy Street, so-called, in the City of Portland, County of Cumberland and State of Maine; said parcel being more particularly described as follows:

Beginning at an 1/2" iron rod found on the southwesterly sideline of said Pomeroy Street at the southeasterly corner of land now or formerly of Kriston Briggs;

Thence South 46° 11' 30" East along the southwesterly sideline of said Pomeroy Street a distance of 269.44 feet to a capped iron rod found (PLS #1278) and the northerly sideline of Motley Street, so-called;

Thence South 71° 08' 30" West along the northerly sideline of said Motley Street a distance of 58.71 feet to a point;

Thence in a general southwesterly direction along the northerly sideline of said Motley Street and along a circular curve to the left, circumscribed by a radius of 218.81 feet, an arc length of 44.47 feet to a capped iron rod found (PLS #1278) and land now or formerly of Joshua James and Tamara Rainsford Krieger; said capped iron rod found being South 65° 19' 13" West a tie distance of 44.39 feet from said previous capped iron rod found;

Thence North 34° 26' 02" West along the land of said Krieger a distance of 86.47 feet to a capped 5/8" iron rod found (PLS #1172);

Thence South 38° 44' 24" West along the land of said Krieger, along land now or formerly of the Redlon Park Homeowner's Association, and along land now or formerly of Nancy A. Roy a distance of 350.00 feet to a point and remaining land of Stuart B. Herrick, Jr.;

Thence North 28° 05' 22" West along the remaining land of Stuart B. Herrick, Jr. a distance of 286.03 feet to a point and land now or formerly of Thomas and Melody Lussier;

Thence North 60° 18' 30" East along the land of said Lussier, along land now or formerly of Roger and Donna Gendron, along land now or formerly of Jean Gilpatrick and along land of said Briggs a distance of 350.00 feet to the point of beginning.

The above-described parcel contains 87,924 square feet. All bearings refer to Magnetic North as observed in 1973.

Reference is made to an unrecorded plan entitled Plan of Property, Bancroft Street, Portland, Maine, dated July 31, 1986, by R.P. Titcomb Associates, Inc. (Job #8660), as revised by unrecorded plan entitled Standard Boundary Survey and existing Conditions Plan for Stuart B. Herrick, Jr., dated March 2004, by BH2M (Job #03217).

Being the same premises conveyed to the Grantors herein by Warranty Deed of Stuart B. Herrick, Jr. dated May 28, 2004 and recorded in the Cumberland County Registry of Deeds at Book 21341, Page 37.

IN WITNESS WHEREOF, the said Moshe Wilansky and Chana Wilansky have caused this instrument to be signed and sealed on June 15, 2004.

Sandy Shep  
Witness

Moshe Wilansky  
Moshe Wilansky

to both  
Witness

Chana Wilansky  
Chana Wilansky

State of Maine  
Cumberland, ss.

June 15, 2004

Then personally appeared the above-named Moshe Wilansky and/or Chana Wilansky and acknowledged the foregoing instrument to be his/her/their free act and deed.

Before me,

Karen Belton  
Notary Public, State of Maine

SEAL

Print Name: Karen Belton

My commission expires 08/26/06

Received  
Recorded Register of Deeds  
Jun 16, 2004 11:22:22A  
Cumberland County  
John B O'Brien

**APPENDIX B**  
**FINANCIAL CAPACITY**



# KING REAL ESTATE

198 SACO AVENUE • P.O. BOX W • OLD ORCHARD BEACH MAINE 04064

March 23, 2018

City of Portland  
Planning Department  
Congress Street  
Portland, Me 04101

To whom it may concern:

Please be advised that the Chabad Lubavitch is planning to expand its parking area and other related improvements to the property located at 11 Pomeroy Street. We have agreed to underwrite and provide financing for this project.

The funds are on deposit with Saco Biddeford Savings Bank and can be verified by contacting Bryan Christoforo at 602-7348. Please feel free to contact me with any questions.

Sincerely,  
KING REAL ESTATE

*King H. Weinstein*

198 Saco Avenue  
Old Orchard Beach, Me 04064



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