



# PORTLAND MAINE

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## **Planning & Urban Development Department**

Gregory A. Mitchell, Acting Director

## **Planning Division**

Alexander Jaegerman, Director

June 13, 2012

Chabad Lubavitch of Maine, Inc.  
101 Craigie Street  
Portland, ME 04102

Andrew Morrell  
BH2M  
28 State Street  
Gorham, ME 04038

RE: Staff Review Comments for Level II Preliminary Site Plan

Project Name: Pomeroy Street Construction  
Applicant: Chabad Lubavitch of Maine, Inc.  
Planner: Nell Donaldson

Project ID: 2012-471  
CBL: 193-E-1

Dear Mr. Morrell:

Thank you for submitting an application for the construction of approximately 200' of Pomeroy Street from Bancroft Street. Pomeroy Street was originally platted in a 1902 "Plan of Brighton" and has since been an undeveloped, unaccepted paper street. The Planning Authority is evaluating this proposal as a preliminary plan for administrative review 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.

### **1. Transportation Standards**

There are a number of concerns regarding the proposed street design. David Margolis-Pineo, of the City's Department of Public Services, provided the following comments:

- A turnaround is required at the end of the proposed street, per the *City of Portland Technical Manual* and the Department of Public Services. Please define with easements.

- Sidewalk crossing details with ADA warning strip shall be reviewed and approved by Bruce Hyman (400-9243) of the Department of Public Services.

In addition, David Senus, consulting Civil Engineer, provided the following:

- In accordance with Section 1 of the *City of Portland Technical Manual*:
  - a) The aggregate base course for a bituminous sidewalk should be 10” of Type B gravel per Figure I-12.
  - b) Vertical granite curbing and terminal curb details should be per Figure I-16.

As in 2005, the applicant has requested a sidewalk waiver for the west side of Pomeroy Street. This waiver was granted for the prior submittal. However, a new sidewalk waiver request, complete with justification, should be submitted as part of the current proposal.

## **2. Environmental Quality Standards**

As was the case in 2005, drainage and wetlands impacts remain significant issues on the site. David Senus, consulting Civil Engineer, provided the following comments:

- The previous site plan prepared in 2005 was granted a MaineDEP Tier 1 NRPA Permit for 13,028 square-feet of wetland disturbance; the current amended project will disturb only 10,462 square-feet, and the applicant intends to work with MaineDEP to coordinate the update of this permit. Woodard & Curran recommends that the approved amended MaineDEP permit be forwarded to the Planning Division upon receipt.
- The site plan proposes two drainage pipe inlets located on either side of the residential driveway. These inlets have proposed invert elevations that are below the existing ground surface elevation, and are located in close proximity to existing wetlands. Surface and shallow groundwater associated with these wetland areas will likely enter the roadway drainage system through these inlets, affecting the hydrology of the adjacent wetland areas. Although review of wetland impacts will be performed by MaineDEP, the addition of this “non-contaminated” water source into a drainage system that discharges into the city’s combined sewer is not allowed unless approved by the City Engineer (Section 2.1.1 of *City of Portland Technical Manual*).
- The project falls within the Capisic Brook Watershed, which is classified as an Urban Impaired Stream 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 Urban Impaired Stream Standard pursuant to MaineDEP Chapter 500 Stormwater Management Rules if they are located within an Urban Impaired Stream watershed (*Technical Manual, Section 5. II. Applicability in Portland. A.*). A project in the direct watershed of an urban impaired stream must pay a compensation fee (as allowable by the City) 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. The Level II Site Plan application associated with the Pomeroy Street construction shall be subject to meeting the Urban Impaired Stream Standard. The application must address a means of meeting the Urban Impaired Stream Standard.
- The City of Portland requires that all Level II site plan applications submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including the Basic, General, and Flooding Standards (*Technical*

*Manual, Section 5. II. Applicability in Portland. C. a. and City of Portland Code of Ordinances Sec. 14-526. Site plan standards. (b).3.b.):*

- a) *Basic Standards:* The plans and application for both the Pomeroy Street construction and the single family residential lot have been prepared in accordance with the Basic Standards.
  - b) *General Standards:* Based on the Project Data Sheet submitted by the applicant, the new roadway (Level II Site Plan Application) will create 7,731 SF of new impervious area and approximately 11,500 SF of “disturbed area.” The applicant must provide a stormwater management plan addressing the general standards for the new impervious and developed area, and the site plan must include stormwater best management practices in conformance with the general standards.
  - c) *Flooding Standard:* The applicant has provided a Stormwater Management Report with a HydroCAD analysis of the 2, 10, and 25 year, 24 hour storm events modeled for the predevelopment and post-development conditions. The runoff analysis indicates that the project will reduce peak flowrates at the project study point, a combined sewer inlet on Bancroft Street. The applicant should address the following:
    - (1) The input parameters for Sheet Flow for SA-1 (Pre) and SA-11 (Post) should be the same, as this area will not change as a result of the project.
- The Stormwater Management Plan will need to include a stormwater inspection and maintenance plan for all stormwater BMP’s designed to meet the General Standards, developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.

### **3. Public Infrastructure and Community Safety Standards**

There are also a number of concerns with respect to the capacity of existing public utilities in the area, particularly the sanitary sewer line in Bancroft Street. David Margolis-Pineo, of the Department of Public Services, noted the following:

- The *City of Portland Technical Manual* (adopted 7/19/10 and revised 6/17/11) states in 2.1.1, “The introduction of non-contaminated water such as rain water, non-contact cooling water, groundwater from foundation drains, sump pumps, surface drains or any other sources of inflow shall not be allowed to discharge into a sewer which conveys sanitary waste unless approved by the City Engineer. When no other practical alternatives exist, this condition may be waived by the City Engineer.” If the City Engineer should allow what is being proposed, a hydraulic analysis should be conducted to assure there will not be backups to the city’s sewer due to the additional surface water drainage. The applicant is encouraged to seek an alternative mechanism for managing stormwater.
- The proposed pipe into existing sanitary manhole does not meet *Technical Manual* standards.
- Drain manholes shall have channels installed.
- All precast structure castings shall meet *Technical Manual* requirements or approved equal.
- As shown, drainage easements may be required. (*Note that the Planning Division will review this comment and provide further information on any necessary easements.*)

Similarly, David Senus, consulting Civil Engineer, provided the following comments:

- Proposed storm drain piping within the city right-of-way (ROW) shall meet the material requirements noted in Section 2.5.2 of the *City of Portland Technical Manual*. The plans

should note an acceptable storm drain pipe material or note acceptable pipe material options for storm drain pipe within the city ROW.

- In accordance with Section 2 of the *City of Portland Technical Manual*:
  - a) Precast Manholes should be per Figure II-1.
  - b) Precast Catch Basins should be per Figure II-2.
  - c) Typical Pipe Trenches should be per Figure II-12.

#### **4. Site Design Standards**

David Margolis-Pineo provided the following comments:

- Street light spacing and type should meet *Technical Manual* requirements. I am checking on the statement made in Note 21 stating that CMP will supply. This assumption may change.

#### **Public Comments:**

The Planning Division received several comments in response to the public notice regarding this project. The chief concerns expressed in these public comments related to wetland impacts and stormwater mitigation, loss of open space, and the use of the proposed lots. Neighbors noted considerable wetlands and drainage issues in the area, and concern that this development might exacerbate the existing condition. Neighbors also talked extensively about the open space value of this and the surrounding properties, expressing a desire to preserve a woods-like feel. Lastly, neighbors expressed fears that, ultimately, the lots accessed by the development of Pomeroy Street might be slated for more intense uses. It is suggested that, as plans progress, the applicant pay particular attention to these concerns.

#### **Additional Submittals Required:**

1. Please add a note to plans that all work within the proposed Pomeroy Street right-of-way shall meet *City of Portland Technical Manual* standards.
2. On Sheet 1 please indicate the status of the streets shown (i.e. accepted, vacated, paper, etc). In addition, please show Kenilworth Street. A separate survey plan for acceptance is suggested.
3. Please indicate the total right-of-way width and distances to property lines on Sheet 1.
4. Sheet 1 should be on the Maine State Plane for acceptance.
5. Sanitary manhole rims are not acceptable as an official city benchmark.
6. Please define the area of Pomeroy St. to be accepted with linework, bearings and distances and granite survey monuments.
7. Please provide evidence of the applicant's financial capacity to complete the proposed development.
8. Please submit plans for the attendant single family residence for purposes of clarification of uses.

The Planning Authority may request additional information during the continued review of the proposal according to applicable laws, ordinances and regulations. Note that review from the Fire Prevention Bureau is still pending. The Planning Authority will forward comments from Fire Prevention as soon as they become available.

**Planning Staff Recommendation:**

Based upon the staff review of the preliminary Level II site plan, I recommend that the applicant proceed by:

- Submitting a revised preliminary plan for staff review, and
- Submitting a preliminary plan for the associated single family home, as the final approval for the Pomeroy Street construction project will not be granted until this plan has been received.

Please submit one (1) complete paper set of revised plans, along with documentation, 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 or feel that a meeting would be helpful in formulating your revised plans, feel free to contact me at 874-8723 or by email at [hcd@portlandmaine.gov](mailto:hcd@portlandmaine.gov).

Sincerely,

**Nell Donaldson**  
Planner

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