



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning & Urban Development Department**  
Jeff Levine, Director

**Planning Division**  
Alexander Jaegerman, Director

September 26, 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 Single Family and Level II Site Plans

Project Name: Pomeroy Street Single Family Home & Street Construction      Project ID: 2012-471  
Applicant: Chabad Lubavitch of Maine, Inc.      CBL: 193-E-1  
Planner: Nell Donaldson

Dear Mr. Morrell:

Thank you for submitting a set of revised plans for both the construction of approximately 200' of Pomeroy Street and the associated single family home. The Planning Authority has evaluated the revised plans and found that a number of comments from the original review letters, dated 6/13/12 and 7/11/12, were fully addressed. However, several of the city's original comments and concerns remain. They are as follows.

## **14-403 Street Extension, Additional Comments**

### **1. Transportation Standards**

As originally noted by David Margolis-Pineo, of the city's Department of Public Services:

- Per the *City of Portland Technical Manual*, a turnaround is required at the end of the proposed street. The driveway cannot serve this function. Please add a turnaround and define with easements.
- A crosswalk detail, including ADA warning strip, should be provided for review and approval by Bruce Hyman of the City's Department of Public Services.

Although a sidewalk waiver request was granted for your 2005 submittal, a new sidewalk waiver request is required. This waiver request should include justification for the waiver citing the waiver criteria from Section 14-506 of the city's land use ordinance.

### **2. Environmental Quality Standards**

It has been noted that an updated MaineDEP Tier 1 NRPA permit will be forwarded upon your receipt.

The site plan continues to include drainage pipe inlets below the existing groundwater elevation. It is likely that adjacent surface and groundwater will enter the roadway drainage system through these inlets,

permanently affecting the hydrology of the area. In addition, as proposed, the drainage system connects to a combined sewer line in Bancroft Street. David Margolis-Pineo, of the city's Department of Public Services, indicated in his original comments that an alternative mechanism for managing storm and groundwater should be found. He also cited the city's *Technical Manual*, stating that "when no other practical alternatives exist, this condition [the prohibition from discharging non-contaminated water into a sanitary sewer] may be waived by the city engineer." In your most recent submission, dated 8/29/12, you requested such a waiver. However, it has not been shown that "no other practical alternatives exist," and it should be noted that a waiver is highly unlikely. The design should be altered so as to mitigate the drainage situation.

It should be noted that we understand that these plans are similar in nature to those of a prior project, approved in 2005. However, there have been significant updates to both the city's site plan ordinance and the *Technical Manual* since that time. The current plans are being reviewed under the current ordinance.

Regarding the Urban Impaired Stream Standard, David Senus, the city's consulting civil engineer, writes, *The applicant requests to pay an In-Lieu Compensation Fee to meet the UIS Standard. The Applicant should provide a calculation of the fee based on the table in MaineDEP Chapter 500 Section 6.A.(1); refer to Technical Manual, Section 5 for a copy of the Chapter 500 Standards.*

David Senus also notes that the comments regarding the General Standards of the state's Chapter 500 Stormwater Management Rules have not been addressed.

Regarding your response to comments on the Flooding Standard, David Senus writes, *The time of concentration lines for SA-1 (Pre) and SA-11 (Post) are shown on Sheets 6 & 7. These Tc lines show a 150' length of SHEET flow at the far east edge of the drainage boundary. Because there are no proposed changes in this area, the HydroCAD model should reflect the same slope and cover type for this 150' length of sheet flow in the pre & post condition. Please revisit the model and adjust accordingly.*

David Senus also notes, *The Applicant has stated that they will add an Appendix D to The Stormwater Management Plan, which will include reference to Chapter 32 of the City of Portland Code of Ordinances. The revised Stormwater Management Plan has not been received at this time.*

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

As originally noted by David Margolis-Pineo, the proposed pipe into existing sanitary manhole does not meet *Technical Manual* standards.

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

Regarding street lights, David Margolis-Pineo, writes:

*Applicant will be required to supply and install all street lighting which will become the property of the City upon street acceptance. Lighting shall meet City standards which includes installing a meter. Please add a note to consult with Kevin Thomas 9233-4912) prior to installation.*

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

- Please confirm that Kenilworth Street is a paper street. Our records indicate that it has been vacated.
- David Margolis-Pineo writes, *The site benchmark is now on a PK in Bancroft St. What City of Portland benchmark was used to set this benchmark (Note 22)?*

*Bearings and distances are now shown but the information is not clear with all the over writes. A clear separate roadway survey plan for acceptance will be required.*

- A letter which shows Windsor Construction's financial capacity has been provided. However, the relationship between Windsor Construction and the owner is unclear. Please provide evidence that Windsor Construction plans to finance the project on behalf of the applicant.

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

### **Single Family House, Additional Comments**

---

#### **Environmental**

Please see notes above.

#### **Zoning**

Your most recent submittal includes a written description of the outsale lot. Ann Machado, Zoning Administrator, notes that a copy of the recorded deed for the sale of this lot will be required before issuance of a certificate of occupancy for the single family home.

Ann Machado also writes of the site plan,

*Two of the three porches are now shown but the 8' x 47' porch on the "front" of the house, north side, facing Bancroft Street is not shown on the site plan.*

Again, 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**

---

Based upon the staff review above, I recommend that the applicant proceed by submitting 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.

As before, 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

#### **Attachments:**

1. Memo from David Margolis-Pineo, Department of Public Services, dated 9/19/12
2. Memo from David Senus, PE, Woodard and Curran, dated 9/20/12
3. Email from Ann Machado, Zoning Administrator, dated 9/26/12

#### **Electronic Distribution:**

Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager

Danielle West-Chuhta, Associate Corporation Counsel  
Marge Schmuckal, Zoning Administrator  
Katherine Earley, City Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer  
Captain Chris Pirone, Fire  
Jeff Tarling, City Arborist  
Tom Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard & Curran

May 31, 2012  
**September 19, 2012**

TO: Nelle Donaldson  
Barbara Barhydt  
FROM: David Margolis-Pineo Dept. of Public Services  
RE: Review Comments: 11 Pomeroy Street – Single Family Home

The Department of Public Services has the following comments on the above project.

1. 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 to managing stormwater.  
**The applicant has not changed the design. The design as shown is not allowable.**
2. The proposed pipe into existing sanitary manhole does not meet Technical Manual standards.  
**Design still does not meet Technical Manual Standards.**
3. Please add note to plans that all work within the proposed Pomeroy Street right of way shall meet City of Portland Technical Manual standards.  
**Note 26 Sheet 1 now states this.**
4. A turnaround is required at the end of the proposed street. Please define with easements.  
**No turnaround added.**
5. Drain manholes shall have channels installed.  
**All manholes are now shown requiring channels.**
6. All precast structure castings shall meet be per Technical Manual requirements or approved equal.  
**No response required.**
7. Sidewalk crossing details with ADA warning strip shall be reviewed and approved by Bruce Hyman (400-9243) of this office.  
**No crossing detail is now shown.**
8. Street light spacing and type to meet Technical Manual requirements. I am checking on the statement made in Note 21 stating that CMP will supply. This assumption may change.  
**Applicant will be required to supply and install all street lighting which will become the property of the City upon street acceptance. Lighting shall meet City standards which includes installing a meter. Please add a note to consult with Kevin Thomas 9233-4912) prior to installation.**

9. On Sheet 1 please indicate the status of the streets shown, i.e. accepted, vacated, paper, etc. A separate survey plan for acceptance is suggested.  
**Street status has not been indicated.**
10. Sheet 1 needs to be on the Maine State Plane for acceptance.  
**The Plan is now on a Maine State Plane.**
11. Sanitary manhole rim are not acceptable as an official city benchmark.  
**The site bench mark is now on a PK in Bancroft St. What City of Portland benchmark was used to set this benchmark (Note 22)?**
12. As shown, are drainage easement required? (Danielle)  
**No drainage easements are required.**
13. Need to define the area of Pomeroy St. to be accepted with line work, bearings and distances and granite survey monuments.  
**Bearings and distances are now shown but the information is not clear with all the over writes. A clear separate roadway survey plan for acceptance will be required.**
14. **Applicant must meet waiver conditions to eliminate a sidewalk on one side of Pomeroy St.**

We have no further comments at this time.

## MEMORANDUM



TO: Nell Donaldson, Planner  
FROM: David Senus, P.E. & Ashley Auger, E.I.T.  
DATE: September 20, 2012  
RE: Pomeroy Street Construction, Level II Site Plan Application

Woodard & Curran has reviewed the Response to Comments on the Level II Final Site Plan Application for the Pomeroy Street extension located off of Bancroft Street in Portland, Maine. The parcel was previously approved for a Site Plan and Conditional Use Permit in August of 2005 by the City for a single family residence with attached synagogue; however, these permits have since expired. The current amended project consists of developing a single family home (Level I), an outsale lot to be sold to Square One Construction Inc. for possible development, and construction of approximately 200 linear feet of Pomeroy Street (Level II).

### Documents Provided By Applicant

- Site Plan Application and attachments dated August 29, 2012, prepared by BH2M, on behalf of Chabad Lubavitch of Maine, Inc.
- Engineering Plans, Sheets 1-8, revised August 29, 2012, prepared by BH2M on behalf of Chabad Lubavitch of Maine, Inc.

### Comments (**BOLD TEXT REPRESENTS NEW COMMENTS BASED ON REVISED SUBMITTAL**)

- 1) Proposed storm drain piping within the City 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.  
**Comment has been adequately addressed.**
- 2) 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 Office upon receipt.  
**The Applicant has stated that they intend to submit the updated MaineDEP Tier 1 NRPA Permit upon receipt.**
- 3) 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).  
**Refer to Comment 1 in memo from David Margolis-Pineo, Dept. of Public Services dated September 19, 2012.**
- 4) 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. **Comment has been adequately addressed.**
  - b) Vertical Granite Curbing and Terminal Curb details should be per Figure I-16. **Comment has been adequately addressed.**



- 5) In accordance with Section 2 of the City of Portland Technical Manual:
  - a) The Applicant proposes to discharge stormwater runoff from the developed site into the municipal combined sewer system. Per Section 2.1.1, rain water shall not be allowed to discharge into a sewer which conveys sanitary waste unless approved by the City Engineer. **Refer to Comment 1 in memo from David Margolis-Pineo, Dept. of Public Services dated September 19, 2012.**
  - b) Precast Manholes should be per Figure II-1. **Comment has been adequately addressed.**
  - c) Precast Catch Basins should be per Figure II-2. **Comment has been adequately addressed.**
  - d) Typical Pipe Trenches should be per Figure II-12. **Comment has been adequately addressed.**
- 6) 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 applicant requests to pay an In-Lieu Compensation Fee to meet the UIS Standard. The Applicant should provide a calculation of the fee based on the table in MaineDEP Chapter 500 Section 6.A.(1); refer to Technical Manual, Section 5 for a copy of the Chapter 500 Standards.**
- 7) 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. **Project is in conformance with Basic Standards; no additional comments.**
  - 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 sq ft of new impervious area and approximately 11,500 sq ft 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. **Comment has not been addressed by the applicant.**
  - 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
    - i) 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 time of concentration lines for SA-1 (Pre) and SA-11 (Post) are shown on Sheets 6 & 7. These Tc lines show a 150' length of SHEET flow at the far east edge of the drainage boundary. Because there are no proposed changes in this area, the HydroCAD model should reflect the same slope and cover type for this 150' length of sheet flow in the pre & post condition. Please revisit the model and adjust accordingly.**
- 8) 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. **The Applicant has stated that they will add an Appendix D to The Stormwater**





Management Plan, which will include reference to Chapter 32 of the City of Portland Code of Ordinances. The revised Stormwater Management Plan has not been received at this time.

**From:** Ann Machado  
**To:** Helen Donaldson  
**Date:** 9/26/2012 2:10 PM  
**Subject:** 11 Pomeroy Street - Level I Minor Residential.

Nell -

First of all I found the permit!

Second, I'm all set with the deed description for the outsale. When the building permit gets issued, these will be the Zoning Conditions:

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
2. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
3. Separate permits shall be required for future decks, sheds, pools, and/or garages.
4. Before the certificate of occupancy can be issued, our office needs the recorded description of the out sale parcel.

Third, I still can't sign off on the site plan. Two of the three porches are now shown but the 8' x 47' porch on the "front" of the house, north side, facing Bancroft Street is not shown on the site plan.

Ann