

CITY OF PORTLAND, MAINE
PLANNING BOARD

Marge S.

Orlando E. Delogu, Chair
Lee Lowry III, Vice Chair
John Anton
Kevin Beal
Michael Patterson
David Silk
Janice E. Tevanian

December 13, 2004

Al Pare
Treasurer
Mortgage Network, Inc.
300 Rosewood Drive
Danvers, MA 01923

RE: Proposed Mortgage Network Office Project
ID #2003-0274, CBL #215 B004001

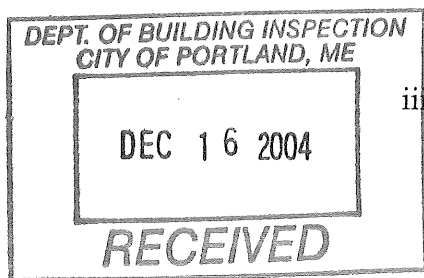
Dear Mr. Pare:

On August 10, 2004 the Portland Planning Board voted 2-3 (Beal, Patterson, and Silk opposing, Lowrey abstaining, Anton absent) thereby failing to approve the following motion regarding the proposed Mortgage Network Office Building:

1. That the plan is in conformance with the site plan standards of the land use code.

Conditions of Approval:

- i. In order to make connections to City sewer lines in Congress Street, the applicant shall design, finance, and construct a pump station in a wet well in conformance with the Public Works Duplex Submersible Pump Station Specifications, Revised 08/03 and to the complete satisfaction of the City Engineer. The design and construction shall be subject to administrative review and approval by the Planning Authority.
- ii. The applicant shall satisfy, by review and approval of the Planning Authority, all final concerns expressed by the development review engineer as presented in a 6-16-2004 memo from Jim Seymour of Sebago Technics to Ethan Boxer-Macomber, City of Portland Planner prior to issuance of a building permit.
- iii. The applicant shall design, finance, and construct modifications to the Congress Street / Johnson Road intersection as proposed in a conceptual plan submitted to the City of Portland by Gorrill-



Palmer Engineers on April 12, 2004. Whereas that April 12, 2004 plan was conceptual in nature, the final redesign of the Congress Street / Johnson Road intersection shall be subject to review and approval by the Planning Authority, concurrent with the required Maine DOT review process.

The application returned to the Planning Board at a November 17, 2004 Public Hearing at which the Board voted 6-0 (Lowrey Abstained) to approve findings of fact related to the August 10, 2004 action as contained the following motion:

1. Based on the information provided to the Planning Board, including a recent memorandum of Jim Seymour, the Planning Report # 21-04 and subsequent staff memo dated October 22, 2004, information submitted by the applicant including the revised plans dated October 7, 2004 (stamped by Paul LaRochelle, P.E.), the testimony presented to the Board, and all written submissions, the Board finds (by a vote of 4-2)(Anton, Silk, Beal and Paterson – Delogu and Tevanian) that the site plan application is not in conformance with the site plan standards of the Land Use Code for the following reasons:
 - i. The Residence-Professional zone's purpose is not being met by Mortgage Network's application. The proposed building is not compatible, in scale and density, with the surrounding residential neighborhood. §14-146.
 - ii. The consistent character of the buildings in the immediate vicinity of this project are cape style, residential structures. The architecture and mass of the proposed structure does not comply with the requirement of §14-526(a)(13) that "the visible architectural style and character of the proposed building not be incongruous to that established character or style."
 - iii. The applicant has not met its burden of satisfying site plan parking standard of §14-526(a)(2)(a). The 61 parking spaces proposed is not sufficient to meet the demands and intensity of use of the building. The applicant has admitted there has been no change in the proposed use of the building which would justify a lesser number of parking spaces than the 71 spaces originally recommended by its engineer in February 2004 and which the engineer at that time recognized may still be insufficient in number given the proposed use of the property. It was recommended that 7.3 employees per 1000 square feet of building would be required to provide adequate parking for this building. The proposed building is 10,300 square feet.

- iv. The applicant has not met its burden of establishing that the project will create no adverse impact on the wetlands on the site as set forth in §14-526(a)(20). That provision requires the Board to determine what "no adverse impact" to the wetlands on the site means. While the applicant has endeavored to reduce the fill in the wetlands, there still exists 4600 square feet of filling in the wetlands on the site. This constitutes an adverse impact to the wetlands created as a result of the scale, size, and scope of the project as proposed.
- v. The scale of the project is not compatible with the surrounding neighborhood in that it requires high numbers of parking spaces which in turn requires them to fill a greater portion of the wetlands than would otherwise be required for a lower intensity use.

Whereas, per Planning Board's Rules, where the Board has failed to approve an application, it must vote to either table or deny the project, on November 17, 2004 an additional motion was made and was passed unanimously 6-0 (Lowrey Abstained) to deny the project as follows:

1. To deny the site plan application of Mortgage Network for its proposal at 2063 Congress Street.

If there are any questions regarding this denial, please contact Ethan Boxer-Macomber, Planner at 756-8083 or ebm@portlandmaine.gov.

Sincerely,



Orlando Delogu, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Ethan Boxer-Macomber, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division

Michael Bobinsky, Public Works Director
Traffic Division
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Assessor's Office
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