

# CITY OF PORTLAND, MAINE

---

## PLANNING BOARD

Elizabeth Boepple, Chair  
Sean Dundon, Vice Chair  
Carol Morrisette  
Dave Eaton  
Maggie Stanley  
Kristian Nichols  
Lisa Whited

September 22, 2016

Northland Enterprises, LLC  
17 South St., 3rd Floor  
Portland, ME 04101

Project Name: Medical and General Office Building  
Project ID: 2016-075  
Address: 1945 Congress Street CBL: 216-A-6  
Applicant: Northland Enterprises, LLC  
Planner: Nell Donaldson

Dear Mr. Bell

On September 20, 2016, the Planning Board considered your application for an Office Park Planned Unit Development at 1945 Congress Street. The Planning Board reviewed the proposal for conformance with the standards of the subdivision and site plan ordinances of the land use code. The Planning Board voted 5-0 (Whited recused, Boepple absent) to approve the application with the following waivers and conditions.

### WAIVERS

The Planning Board voted 5-0 (Whited recused, Boepple absent) to:

1. The Planning Board found, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) that establishes a maximum percentage of compact spaces of 20%, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waived the *Technical Manual* standard (*Section 1.14*) to allow 47% of the proposed parking spaces to be compact in dimensions.
2. The Planning Board found, based upon the review of the Planning Division, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 12.2.3*) that establishes an average illumination level of 1.25 footcandles, that substantial justice and the public interested are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waived the *Technical Manual* standard (*Section 12.2.3*) to allow average illumination levels of 1.0 footcandle during off-peak use of the property

### **TRAFFIC MOVEMENT PERMIT**

The Planning Board voted 5-0 (Whited recused, Boepple absent), based on the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on September 20, 2016 for application 2016-075 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, subject to the following condition of approval, which must be met prior to the issuance of a building permit unless otherwise stated:

1. For review and approval by the Department of Public Works, the applicant shall:
  - a. Develop a traffic signal timing plan for the intersection of Congress Street and UNUM Park Drive to optimize efficiency of signal operations at this intersection;
  - b. Install a hardwire interconnect cable between Congress Street/UNUM Park Drive and Congress Street/Westbrook Street for signal coordination purposes prior to issuance of a certificate of occupancy; and
  - c. Contribute \$11,200 toward implementation of improvements at Garrison Street and Westbrook Street in association with the Outer Congress Street Streetscape Study.

### **SUBDIVISION REVIEW**

The Planning Board voted 5-0 (Whited recused, Boepple absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition of approval, which must be met prior to the signing of the plat:

1. The applicant shall provide a final subdivision plat for review and approval by the Department of Public Works, Corporation Counsel, and the Planning Authority;
2. The applicant shall provide:
  1. Evidence of rights to implement proposed improvements on UNUM Park Drive and
  2. Evidence of a release of the existing easement to the Portland Water District for review and approval by the Planning Authority and Corporation Counsel; and
3. The applicant shall provide final condominium documents addressing transportation demand management, buffer planting maintenance, pervious paver and stormwater system maintenance, the proposed lighting plan, and Site Plan Review Condition #5 for review and approval by Corporation Counsel and the Planning Authority.

### **SITE PLAN REVIEW**

The Planning Board voted 5-0 (Whited recused, Boepple absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval, which must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide evidence of state and federal permits required, including the Maine Construction General Permit and a NRPA Permit-by-rule, for review and approval by the Planning Authority;

2. The applicant shall provide design details for the ramps and crosswalk proposed across UNUM Park Drive for review and approval by the Department of Public Works;
3. The applicant shall provide a detail for proposed ADA accessibility improvements at the inbound transit shelter at Congress Street/UNUM Park Drive for review and approval by the Department of Public Works;
4. The applicant shall conduct a parking demand analysis, based on counts, six months following initial occupancy and annually thereafter for review and approval by the Department of Public Works and the Planning Authority. At such time when future redevelopment or reuse occurs on the site, these counts shall be used, in conjunction with data to be provided to the city as part of the condominium's TDM Plan, to inform an assessment of the parking needs and plan for the condominium in its entirety;
5. At such time when Unit 2 of the condominium is reused or redeveloped, the site plan, in its entirety, shall be submitted as an amended Level III site plan for review by the Planning Board for conformity with the development standards of the O-P zone, including but not limited to parking, open space provisions, architecture, and the elimination of parking from the 75' stream setback; and
6. The applicant shall provide evidence of PWD approval of the final water utility design for review and approval by the Department of Public Works.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2016-075, which is attached.

#### **STANDARD CONDITIONS OF APPROVAL**

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Storm Water Management Condition of Approval**

The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines.

The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services.

2. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.

3. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
4. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
5. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
6. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
7. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
8. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, an inspection fee payment of 2.0% of the guarantee amount, seven (7) final sets of plans, and one digital copy of the final plan set must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
9. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
11. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
12. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

13. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Nell Donaldson at 874-8723.

Sincerely,



Elizabeth Boepple, Chair  
Portland Planning Board

**Attachments:**

1. Planning Board Report
2. Performance Guarantee Packet
3. City Code, Chapter 32
4. Sample Stormwater Maintenance Agreement

**Electronic Distribution:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Stuart O'Brien, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Nell Donaldson, Planner/Senior Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Ann Machado, Acting Zoning Administrator, Inspections Division  
Mike Russell, Inspections Division Director  
Jonathan Rioux, Inspections Division Deputy Director  
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
Brad Saucier, Administration, Inspections Division  
Christopher Branch, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services  
Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Keith Gautreau, Fire Department  
Victoria Morales, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
Lauren Swett, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File



# PLANNING BOARD REPORT PORTLAND, MAINE

Medical and General Office Development  
1945 Congress Street  
Level III Site Plan and Subdivision Review  
2016-075  
Northland Enterprises, LLC, Applicant  
CBLs: 216-A-6, 217-A-1

Submitted to: Portland Planning Board Public Hearing Date: September 20, 2016	Prepared by: Nell Donaldson, Planner Date: September 16, 2016
--	--

## I. INTRODUCTION

Northland Enterprises, LLC appears before the Planning Board for a final hearing for the development of an Office Park Planned Unit Development (OPPUD) on a 7.17 site at 1945 Congress Street. Under the proposal, the site, which is currently occupied by an Elks Lodge, would be redeveloped with two new buildings, a 15,000 SF medical office and a 25,300 SF general office. The Elks Lodge would remain. The site was recently rezoned to Office Park (O-P).

As noted previously, Office Park Planned Unit Developments are subject to review under several provisions of the land use code: the dimensional requirements and development standards of the O-P zoning, the subdivision ordinance, and the site plan ordinance. As such, OPPUD proposals must include a master plan addressing the O-P development standards, all of the city’s subdivision submittal requirements, as well as documentation required for site plan review.

The applicant previously appeared before the Planning Board for two workshops, one in which the Board reviewed the master plan component of the application, and one in which the Board reviewed the preliminary site and subdivision plans. At both workshops, the Board, staff, the public, and the applicant engaged in substantial discussion on the basic site layout, landscaping, parking, and building design as presented in the plans.

In the period since the second workshop, the applicant has developed a complete, final submittal in which they address the comments of staff reviewers, the Board, and neighbors who have been heavily engaged in this review. They have emphasized the elements of the plan that help to create a cohesive campus, including landscape, lighting, building location, architecture, and site furniture; modified the architecture to eliminate the blue roofs; increased the number of compact parking spaces and provided additional documentation on the proposed parking supply as requested; developed a transportation demand management (TDM) plan; and finalized their stormwater management plan. The purpose of this hearing is to review these final materials.

A total of 160 notices were sent to property owners within 500 feet of the site and a legal ad ran in the *Portland Press Herald* on September 12 and 13, 2016.

## II. REQUIRED REVIEWS

<b><i>Waiver Requests</i></b>	<b><i>Applicable Standards</i></b>
Compact parking spaces, to allow 123 (47%) of spaces on site at 8’ x 15’ <i>Supported by consulting traffic engineer</i>	<i>Section 1.14.</i> Maximum of 20% of parking spaces shall be compact in dimension
Average illumination standard, to allow lower average illumination levels of 1.0 footcandle <i>Supported by Planning Division staff</i>	<i>Technical Manual, Section 12.</i> Average site lighting level shall be 1.25 footcandles

<i>Review</i>	<i>Applicable Standards</i>
O-P Zone Development Standards	Section 14-230.13
Site Plan	Section 14-526
Subdivision	Section 14-497



Figure 1: 1945 Congress Street in context.

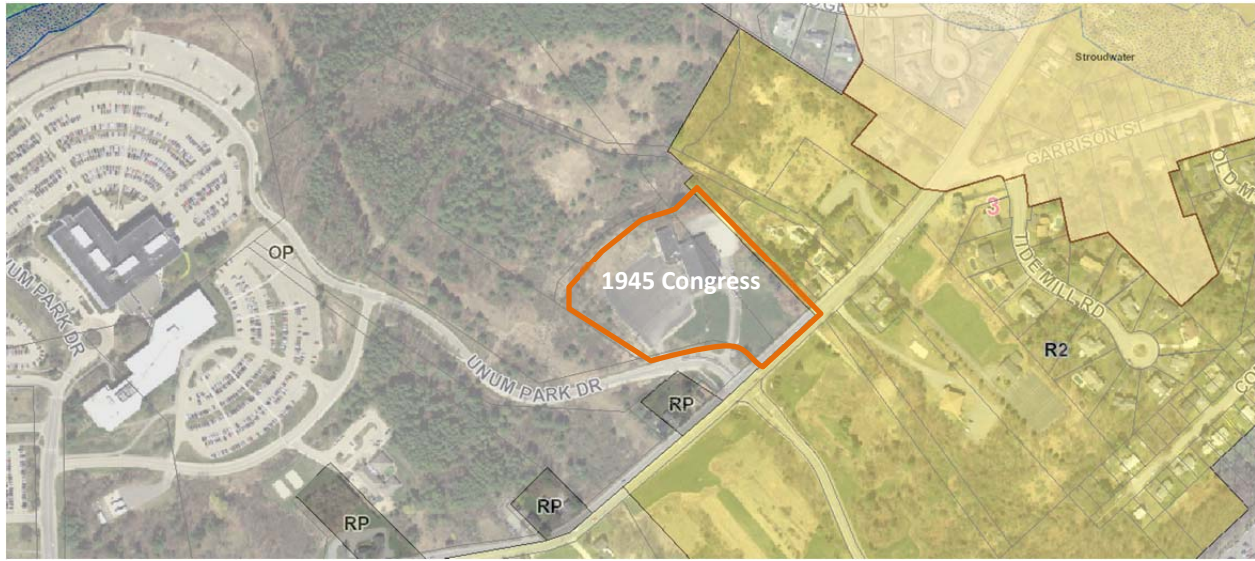
**III. PROJECT DATA**

Existing Zoning	O-P (Office Park)
Existing Use	Elks Lodge #188 (Place of assembly)
Proposed Use	Mixed – Place of assembly, medical office, general office)
Proposed Development Program	15,000 SF medical office 25,300 SF general office 13,500 SF renovated Elks Lodge
Parcel Size	7.17 acres

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	23,090 SF	46,612 SF	23,088 SF
Building Floor Area	23,090 SF	54,512 SF	31,422 SF
Impervious Surface Area	120,293 SF	153,789 SF	33,496 SF
Parking Spaces (on site)	254 +/-	263 (182 required)	9 +/-
Bicycle Parking Spaces	0	30	30
Estimated Cost of Project	\$6,600,000		

**IV. BACKGROUND & EXISTING CONDITIONS**

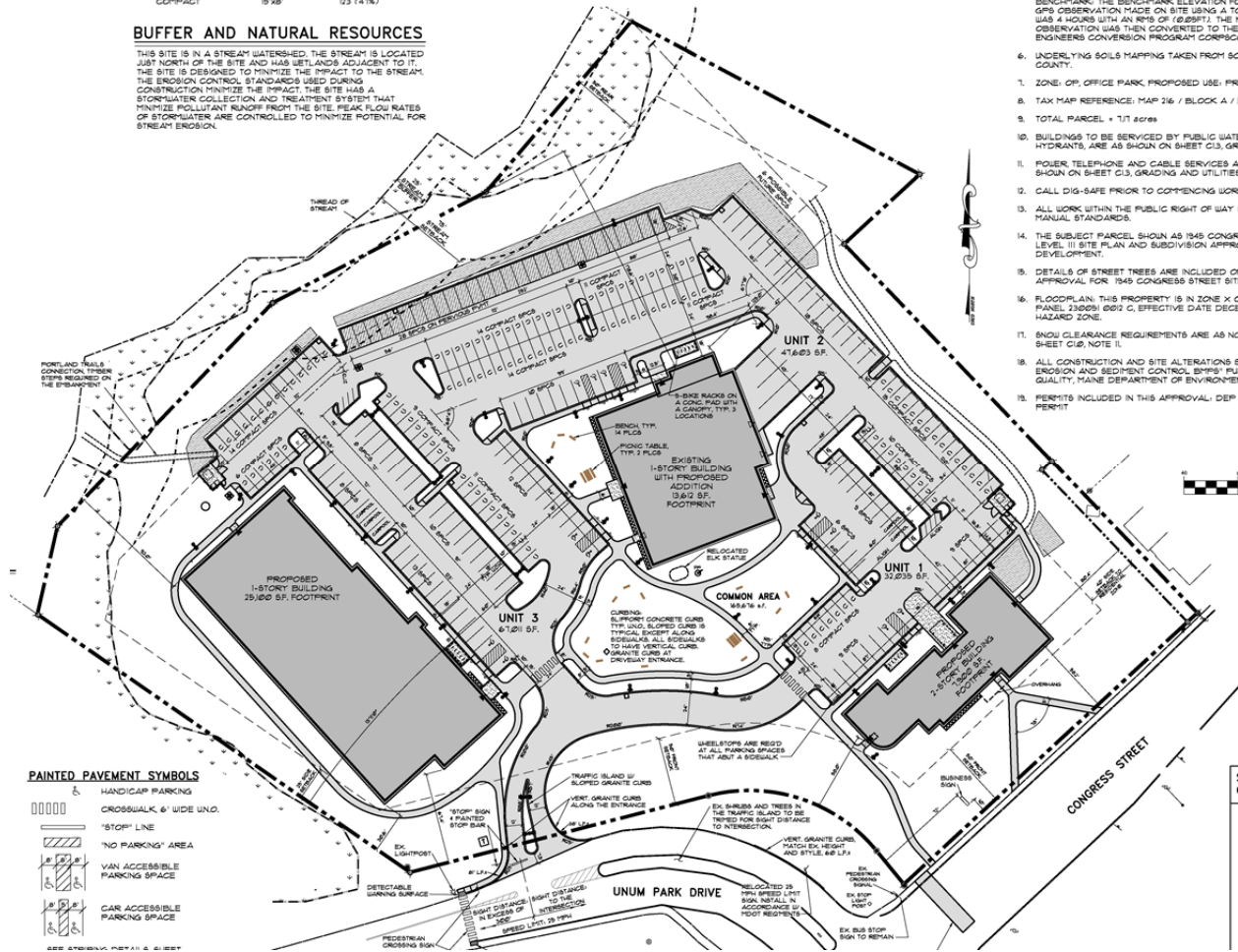
The site at 1945 Congress Street is just over 7 acres in size and currently houses Lodge #188 of the Benevolent and Protective Order of Elks, their 254 parking spaces, and an expansive lawn area. Although the site has frontage on Congress Street, access is via a loop driveway from UNUM Park Drive, a private drive owned by UNUM. The site slopes down at the rear to an existing stream and wetland on the northern property line. There is some natural vegetation in this area, as well as along the eastern property boundary. Street trees line both the Congress Street and the UNUM Park Drive frontages.



ACCESSIBLE	19'x8'	0 (45%)
COMPACT	9'x8'	23 (41%)

**BUFFER AND NATURAL RESOURCES**

THIS SITE IS IN A STREAM WATERSHED. THE STREAM IS LOCATED JUST NORTH OF THE SITE AND HAS WETLANDS ADJACENT TO IT. THE SITE IS DESIGNED TO MINIMIZE THE IMPACT TO THE STREAM. THE EROSION CONTROL STANDARDS USED DURING CONSTRUCTION MINIMIZE THE IMPACT. THE SITE HAS A STORMWATER COLLECTION AND TREATMENT SYSTEM THAT MINIMIZE POLLUTANT RUNOFF FROM THE SITE. PEAK FLOW RATES OF STORMWATER ARE CONTROLLED TO MINIMIZE POTENTIAL FOR STREAM EROSION.



Figures 2 and 3: 1945 Congress Street, existing zoning (top) and final site plan (bottom)

Residential uses about the site both to the northeast and southwest. UNUM lies directly to the west, the



Jetport lies due south, and several places of assembly sit across Congress Street to the east. The site was recently zoned to Office Park (O-P).

## V. PROPOSED DEVELOPMENT

The applicant is proposing to develop the site as an Office Park Planned Unit Development (OPPUD) under the provisions of the O-P zone. The site will remain one lot, with two new buildings and the Elks to remain. Each of these buildings and their associated parking would ultimately constitute a separate condominium unit, one to be owned the Elks, one to be owned by a medical practice, and one to be retained by the developer. The driveway, some site parking, landscaping, and circulation would be held in common.

Under the land use code, OPPUDs are required to develop a master plan of the office park as a precursor to buildout under site plan and subdivision review. In their initial submittal, the applicant submitted this master plan, which outlined a series of goals for the site: to preserve a portion of the existing Elks building, design with sensitivity to the surrounding neighborhood, protect existing wetlands and mature vegetation, unify the grounds and landscape character and buffer neighboring uses, and develop design guidelines that integrate the buildings with their surroundings. Ultimately, this master plan forms the foundation for the final site and subdivision plans presented here.

The final plan includes a new 25,300 SF general office building, to house Clark Insurance, on the site's western property line, a 15,000 SF medical office building on the site's Congress Street frontage, and a renovated and downsized Elks Lodge in its existing location at the center of the site. These three basic site elements are proposed with a single point of access from UNUM Park Drive and 263 car, 4 bus, and 12 motorcycle parking spaces connected with a continuous circulation system. The applicant has proposed a broad landscaped area on the Congress Street frontage, including some evergreen species, and significant buffering on the eastern property line. The proposed landscaping plan also includes a green space central to the three buildings and preserves existing vegetation at the rear of the site. Stormwater treatment is proposed with a storage and filter system.

## VI. PUBLIC COMMENT

Staff has received numerous public comments on both the master plan and the site plan and subdivision submittals throughout the course of this review (*Attachments PC-1-10*). These comments have raised concerns about the extent to which the conceptual plan creates a campus-like setting as prescribed by the O-P zone, integration with the surrounding built and natural context, the amount of parking proposed on the site, and traffic impacts. With respect to the final plan submittal in particular, staff received comments from the Stroudwater Village Association expressing continued dissatisfaction with the applicant's basic site layout, parking proposal, TDM plan, and adjacent stream impacts. The SVA continues to argue that the plans do not achieve the fundamental purpose of the O-P zone, to create a "park- or campus-like setting...compatible with their natural surroundings" (*Section 14-230*). The SVA's letter advocates for more open space, less parking, additional financial incentives in the TDM plan to encourage less single-occupancy vehicle use, and additional effort to minimize or avoid encroachment into the 75' stream buffer at the rear of the site.

The applicant held their neighborhood meeting on Thursday, May 5. The minutes from this meeting show that neighbors raised concerns about the Congress Street landscaping, sidewalk access from Congress Street, trail connections, and the basic built elements of the plan (*Attachment K*).

## VII. RIGHT, TITLE, & INTEREST

The applicant has provided a purchase and sale agreement, with multiple amendments, as evidence of right, title, and interest (*Attachment B*). It should be noted that the applicant has also submitted a purchase and sale agreement for adjacent property owned by the Portland Water District (*Attachment B*). This 7,900 SF property transfer will allow for additional buffering on the northeast corner of the site.

There is an existing Portland Water District easement on the property, and the applicant's site plan depicts some parking and clearing within this area. The applicant is currently negotiating a release of this

ement, as it contains no infrastructure at present (*Attachment B*). The execution of this release will be required prior to the issuance of a building permit and has been included as a condition of approval.

It should also be noted that access to the site is from a private right-of-way owned by UNUM. The Elks' rights to use this drive were reserved when the Elks sold the UNUM property to UNUM in 1993. Several modifications to the access drive are proposed as a product of this site plan and subdivision review; these modifications will require approval from UNUM. Evidence of this approval has been suggested as a condition.

## VIII. FINANCIAL & TECHNICAL CAPACITY

The applicant has provided a letter from Bangor Savings Bank indicating their intent to consider financing for the project (*Attachment C*). Staff also has evidence of the technical capacity of all consulting firms involved in the proposal.

## IX. OFFICE PARK ZONING ANALYSIS

### 1. Dimensional Analysis

Staff has reviewed the final site plan and found that it conforms with the dimensional requirements of the O-P zone. The site plan shows the proposed office buildings, at their closest, setback 58 feet from the Congress Street property line, 80 feet from the property line on the east side, and 30 feet from the property line on the west side, meeting the setback requirements of the zone. Elevations of the tallest building proposed on the site, the medical office building, show a height of 41 feet from grade at the highest point, well within the 55 foot height limit of the zone. No pavement is proposed within 15 feet of the property line.

### 2. Development Standards

Staff previously conducted a review of the master plan submitted under the O-P development standards. The findings of this review are below.

**a. Master plan:** *Development proposals shall include a master plan of the office park. The master plan shall include...[t]he location of the building(s) on the site; infrastructure of the site; identification of common areas; traffic circulation, architectural character and treatment of the building(s); proposed building envelopes; phasing and timing of the development; private development restrictions; and such other information necessary and sufficient to ensure compliance with the standards in this section...*  
The applicant has submitted a master plan that includes the basic elements required under the O-P development standards (*Attachment Q*). It should be noted that this master plan is subject to review under the master plan standards of the O-P zone only, and not the master development plan standards of the site plan ordinance.

**b. Design relationship to site:** *Development proposals shall demonstrate a reasonably unified design of the site, including the architecture, the layout of the buildings, pedestrian and vehicular circulation plan, open space, drainage, and the topography, soil conditions, vegetation and other natural features of the site. Integration of open spaces and natural features shall be achieved by incorporation of outdoor amenities for the benefit of users of the site, such as jogging and walking trails, gardens and benches.*

The master plan prescribes the use of common elements that are meant to create coherence between disparate uses on site, including consistent furniture (e.g. benches, bike racks, trash receptacles, and picnic pavilions), signs, lighting, architectural features, landscaping, and walkways and trails (*Attachment Q*). The applicant has focused on maintaining deep setbacks and landscaped buffers on the eastern property line and along Congress Street in an effort to address issues raised by neighbors. As a result, a significant portion of the open space on the site lies at the front of the property, and the



Figure 4: Illustrative site plan

interior areas of the site are devoted more toward functional elements of the site plan. In their final submittal, the applicant has stressed their efforts to “unify the design intent of the architecture, greenspace, and general site design to create a professional office park of the highest quality that is in a size and scope that we believe is compatible with the surrounding natural features and historic Stroudwater neighborhood” (Attachment A). They note the central green space set between the three buildings, the proposed trail connections to the adjacent UNUM trail network, the architecture, and the use of common materials and site furnishings as evidence of their efforts to create a campus with a unified design.

- c. **Landscaping:** Development proposals shall include a landscape program. All land areas not covered by structures, parking areas or circulation facilities shall be landscaped and maintained. In order to soften the visual impact of large expanses of pavement in parking lots, vegetation shall be planted or retained in islands or planting strips where required by article IV (subdivisions) and article V (site plan).

The master plan includes a landscaping program which shows that all land areas not covered by structures, parking, or circulation are proposed either as landscaped or to be left in their natural vegetated state. The master plan demonstrates the applicant’s intent to buffer the properties to the east of the site with evergreen and deciduous vegetation and a fence, as needed. The plans also include buffering on the Congress Street façade, where slightly raised, landscaped berms are proposed.

- d. **Impervious surface ratio:** Development proposals may have an impervious surface ratio of up to sixty

(60) percent and shall meet the following criteria:

1. No pavement may be located closer than fifteen (15) feet from the property line and from a public street right-of-way, excepting approved entrance drives;
2. Parking may not be located in the required front yard setback. If parking is provided in the area between the building and minimum setback line, the parking area must be adequately screened with landscaping materials and permanently maintained.

Per the applicant's final submittal, the impervious surface ratio proposed on site is 48.6% (*Attachment zoning compliance*). No pavement is shown within 15 feet of the property line. No parking is proposed in the area between the medical office building and Congress Street.

- e. Sidewalks:** *Development proposals shall include internal sidewalks, illustrating the manner in which the developer will provide this amenity to take advantage of the topography and natural features of the site.*

The master plan includes sidewalks from Congress Street to the medical office building, UNUM Park Drive to the general office building, and from these points to other buildings on site. This sidewalk network also includes "future" links to the Portland Trails and UNUM trail systems to the north and east.

- f. Buffers and screens:** *Development proposals shall include buffering yard areas abutting a residential zone or residential use and to screen parking lots and driveways from public view, identifying the location, composition and maintenance of the buffer. The buffer and screening shall be of a dense and continuous nature and shall incorporate trees, shrubs, fencing, berms and related elements deemed necessary.*

The master plan identifies buffering as a goal and, as noted above, includes buffers on both the eastern and southern property lines, where the project will abut existing residential uses and Congress Street respectively. The buffer on the residential boundary is proposed with evergreen and deciduous trees and shrubs and a gentle slope to shield headlight glare. No lighting is proposed within or proximate to the buffer area. The Congress Street buffer is suggested with shallow raised berms, planted with shrubs. Buffer maintenance is discussed in more detail under site plan review below.

- g. Preservation of natural features:** *Development proposals shall identify the extent to which the developer shall preserve natural features including, but not limited to, existing vegetation, flood plains, rock outcroppings, surface water bodies, drainage swales and courses, and wetlands; provided any such program shall consider and be sensitive to the need to preserve such natural features*

The master plan identifies existing natural resources on site, including wet areas, steep slopes, drainage courses, and mature vegetation, and the plan is generally sensitive to the need for preservation in these areas. The plan retains natural vegetation on the northern edge of the property, the eastern edge of the property, and existing mature plantings on Congress Street and UNUM Park Drive.

- h. Traffic:** *Development proposals shall identify all proposed traffic controls, parking areas, interior traffic circulation, and demonstrate that additional traffic generated by the project itself can be reasonably accommodated on existing public streets.*

The master plan narrative includes a broad discussion of traffic, parking, and internal circulation. The plan shows the closure of one curb cut and thus only one point of access from UNUM Park Drive, located at the second of the Elks' two existing access points. The internal circulation provides multiple means of traversing the site. The applicant has provided required documentation for a Traffic Movement Permit, which is discussed in more detail under site plan review below. In the master plan, the applicant has also included a lengthy explanation of the parking proposed on site. Parking is also discussed in detail under site plan review.

- i. Architectural design:** *All buildings shall be designed or approved by a registered architect in the State of Maine and shall be in conformance with the proposed master plan. The scale, texture, color and*

*massing of the buildings shall be coordinated. The full range of high-quality, permanent, and traditional or contemporary building materials and technology may be incorporated in a manner so that the development as a whole embodies distinguishing attributes that achieve the developer’s desired degree of excellence and are in conformance with the architectural guidelines provided in the private development restrictions. Particular emphasis shall be placed on the appearance of building facades from public streets, from driveway and parking areas, and from other nearby buildings. Building elevation drawings shall be submitted which indicate architectural style, exterior finishes and color, building height and scale, and location and scale of window and door openings. Samples of exterior building materials shall also be submitted.*

The master plan includes design guidelines intended to create a relationship between the three buildings proposed on site. These guidelines specify simple forms, “contemporary New England in style, and designed so that they share a common material on part, or all, of the building facades” (*Attachment E*) The guidelines also suggest common entrance treatments, details, materials, and “natural colors.” Building design is discussed in more detail under site plan review below.

- j. Lighting:** *Development proposals shall identify the location and style of lighting to be used in the development. All light fixtures shall be hooded or shielded so that the light shines downward.*

The master plan includes a narrative and plan showing proposed lighting for the site, with the goal of minimizing lighting to the extent possible “to reflect the context, and the adjoining residential uses” (*Attachment E*). Site lighting is discussed in more detail under site plan review below.

- k. Signs:** *Development proposals shall identify all proposed signage. Signs shall be designed in proportion and character with the building facades. All signs shall be constructed of permanent materials and shall be coordinated with the building and landscaping design through the use of appropriate materials and finishes.*

The master plan also includes a sign plan proposing property identification signs, business identification signs, and wayfinding signs. This plan is discussed in more detail under site plan review below.

**X. SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS** (*Section 14-496*)

The applicant has submitted a subdivision plat that generally meets all requirements of *Section 14-496 (Plan 2)*. As with all plats, this one will require final review by the city’s surveyor and Corporation Counsel prior to recording. This has been suggested as a condition of approval. Final condominium documents will also require final review prior to recording. This has been included in the conditions of approval as well.

**XI. SUBDIVISION REVIEW** (*14-497(a). Review Criteria*)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland’s subdivision ordinance. Staff comments are below.

**1. Water, Air Pollution**

Lauren Swett, the city’s consulting civil engineer, has reviewed the plans relating to stormwater runoff and water quality (*Attachment 1*). Her comments are discussed in detail under site plan review below. No detrimental water or air quality impacts are anticipated.

**2 & 3. Adequacy of Water Supply**

The plans show domestic and fire water service from an existing 8” main in Congress Street. The applicant has provided evidence of water capacity (*Attachment D*). Utility design is discussed in more detail under site plan review below.

**4. Soil Erosion**

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated.

**5. Impacts on Existing or Proposed Highways and Public Roads**

The applicant has provided a Traffic Movement Permit application (*Attachment L*). Tom Errico, the city's consulting traffic engineer, has reviewed this application. His comments on traffic impacts are discussed in detail under site plan review below.

**6. Sanitary Sewer/Stormwater Disposal**

Sewer service is proposed via 6" gravity feeds from each building to an existing pump station on site, which currently has capacity to meet projected demand on site. This pump station would outlet to an existing force main in Congress Street. The applicant has provided evidence of sewer capacity from the Department of Public Services (*Attachment D*).

A final stormwater management plan has been provided (*Attachment D*). Ms. Swett's comments on the proposed plan are discussed in detail under site plan review below.

**7. Solid Waste**

In their final submittal, the applicant has indicated that each building will maintain its own dumpster, and that each building owner will hire a private waste company to service these dumpsters (*Attachment H*). No unreasonable burden on solid waste services is anticipated.

**8. Scenic Beauty**

This proposal is not deemed to have an adverse impact on the scenic beauty of the area.

**9. Comprehensive Plan**

The applicant provided an analysis of consistency with the comprehensive plan under the zone change review that preceded this proposal (*Attachment E*). In this analysis, they argued that the development achieves numerous goals of the comprehensive plan, including "promot[ing] new office park development of high quality in outlying areas for development seeking a suburban-style setting," creating a variety of job opportunities, and "strengthen[ing] and diversify[ing] the tax base."

**10. Financial and Technical Capacity**

The applicant has provided evidence of financial capacity (*Attachment C*).

**11. Wetland/Water Body Impacts**

A stream and associated wetlands can be found at the rear of the site. Potential impacts to these wetlands are discussed in detail under site plan review below.

**12. Groundwater Impacts**

There are no anticipated impacts to groundwater supplies.

**13. Flood-Prone Area**

Per the city's existing flood maps, the site is not located in a flood zone.

**XII. SITE PLAN SUBMISSION REQUIREMENTS** (*Section 14-527*) and

The proposed plans trigger requirements for two permits from the Maine DEP, a NRPA permit for work adjacent to a stream and a Maine Construction General Permit, as the project will disturb more than one acre. Ms. Swett writes,

*The Applicant has noted that a Maine Construction General Permit will be obtained from the MaineDEP, and that a copy will be provided to the City upon receipt.*

*The Applicant has noted that a NRPA Permit-by-Rule Application has been submitted to the MaineDEP for proposed work adjacent to natural resources. A copy of the permit approval should be provided upon receipt.*

These permits have been included as conditions of approval.

### **XIII. SITE PLAN REVIEW**

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's site plan ordinance. Staff comments are below.

#### **1. Transportation Standards**

##### *a. Impact on Surrounding Street Systems*

The applicant has provided a Traffic Movement Permit application in their final submittal (*Attachment L*). This application projects a total trip generation of 109 trips during the site's AM peak hour and 119 trips during the site's PM peak hour. Per the applicant's analysis, this trip generation is projected to result in minimal impact in operations at the Congress Street/UNUM Park Drive intersection during the AM peak hour and a slightly greater impact during the PM peak hour, when level of service is projected to drop from C to D. At Mr. Errico's request, the applicant has modeled level of service at this intersection under the lane configuration proposed in the Outer Congress Street Streetscape Study, where the eastbound merge on Congress Street is converted from the existing left-lane drop to an alternate merge. This improves the projected level of service at the Congress Street/UNUM Park Drive intersection to C.

The applicant also conducted a capacity analysis at the driveway to the site, where the post-development level of service B is projected for the AM peak hour and C is projected for the PM peak hour. A queue analysis was conducted to measure potential impacts of Congress Street/UNUM Park Drive operations at this location. This analysis found that southbound left/through lane at Congress Street/UNUM Park Drive could queue to 250 feet, or beyond the driveway entrance to the development, particularly in instances where special events at the Elks Lodge occur in the PM peak hour.

Mr. Errico has reviewed the trip generation and capacity analyses in light of the applicant's Traffic Movement Permit application and writes,

*In conjunction with the Traffic Movement Permit scoping meeting, the applicant prepared a traffic study dated June 8, 2016. I have reviewed the analysis and find the methods to be acceptable. I would note the following conditions of approval for the Traffic Movement Permit:*

- The analysis did indicate that the vehicle queueing on UNUM Drive from Congress Street will block the proposed driveway. The applicant noted that the blockage is not expected to be a frequent event, and I agree with this conclusion. My recommendation is that the applicant develop a traffic signal timing plan that optimizes the efficiency of signal operations. In conjunction with this effort the applicant shall install hardwire interconnect cable between the subject intersection and the traffic signal at Congress Street/Westbrook Street for coordination purposes that meet City of Portland equipment specifications. The applicant shall implement the traffic signal upgrades prior to occupancy.*
- The proposed project is adding 88 new peak hour vehicles to Congress Street east of the site during both the AM and PM peak hours. The City is in the process of implementing pedestrian/transit/bicycle safety improvements in conjunction with the adopted Outer Congress Street Streetscape Study. Given project impacts it is recommended that the project make a monetary contribution towards implementation of improvements at both Garrison Street and Westbrook Street. Based upon the increased traffic*

*levels the contribution shall be \$11,200.00.*

A condition of approval has been drafted to address these comments.

Last, the applicant conducted a sight distance analysis and found that low-growing varieties of plants would improve sight distance at the site entrance and that an existing 25 mph speed limit sign should be relocated to the east of the site driveway on UNUM Park Drive. The applicant has addressed these recommendations in their plans. As noted above, a condition of approval is suggested to require rights for any modifications proposed to the access drive.

*b. Access and Circulation*

The site plan shows one point of vehicular access from UNUM Park Drive, approximately 250 feet from its intersection with Congress Street. From this driveway, the vehicular network encircles the Elks building and provides access to parking spaces that line the vehicular ways on both sides.

Pedestrian access is proposed via two oblique walkways from the existing sidewalk on Congress Street to the medical office building and from Congress Street to the center of the site. The plans also show a sidewalk connection directly from the existing walkway on the south side of UNUM Park Drive to the Clark Insurance building. Mr. Errico has reviewed the sidewalk plan and writes,

*The applicant has provided a sidewalk and crosswalk connection to UNUM Drive. Additional details will be required for the design and construction of the handicap ramps. Warning signs should also be provided. I would note that the location of the proposed crosswalk is at the termination of the existing vertical curbing. I need to further review this to determine if this location is acceptable. It may make sense to locate the crosswalk closer to the driveway for a more direct pedestrian routing and with this change provision of a smaller radius (few vehicles would be expected to turn right into UNUM). A condition of approval shall note that specific design details for the ramps, including exact location of crosswalk, shall be provided for review and approval by City staff.*

This has been included in the conditions of approval.

*c. Public Transit Access*

There is a bus stop located on the property frontage, near the UNUM Park Drive intersection with Congress Street. There is also a shelter across Congress Street for inbound METRO passengers. Per the site plan ordinance, the applicant is required to provide a transit facility on their frontage for outbound passengers. A bus shelter was previously depicted on the site plan in order to satisfy this requirement; however, METRO has indicated that they do not foresee large volumes of outbound passenger traffic at this location, and that improvements to the inbound shelter would be preferable, as this facility is not currently ADA compliant. Further coordination with METRO surrounding the exact nature of the ADA improvements to the inbound shelter will be required. Improvements to this shelter have been suggested as a condition of approval.

*d. Parking*

Division 20 of the land use ordinance requires parking for office uses at a ratio of 1 space/400 SF. At this rate, the 25,300 SF general office building would require 63 parking spaces and the 15,300 SF medical office building would require 38 spaces. Places of assembly are required to provide parking at a ratio of 1 space/125 SF used for assembly purposes. At this ratio, the Elks Lodge, at approximately 10,000 SF of assembly space, would be required to provide 81 parking spaces. In sum, 182 parking spaces are required on site. In their final site plan, the applicant has continued to propose 263 parking spaces and 12 motorcycle spaces. 87 of these would be allocated to the general office building, 45 would be allocated to the medical office building, 82 would be allocated



to the Elks Lodge, and 37 are proposed for common use.

Because the applicant proposes to exceed the parking required under the land use code by over 10%, they are technically required to demonstrate that the proposed parking supply is justified. In their final submittal, the applicant has provided a parking analysis which documents parking ratios from the Institute of Transportation Engineers, which generally produce parking need figures consistent with the proposed parking supply, employee and visitor figures from the existing businesses to be located on the site, and market research supporting the proposed parking supply (*Attachment L*). The applicant also describes their efforts to reduce the parking proposed on site, including their exploration of structured parking and remote parking at UNUM. It should be noted that the applicant has also explained at some length their efforts to relocate or rearrange events contributing to peak parking demand on site, including options to shuttle visitors. Ultimately, they have argued that the 263 spaces proposed are necessary. Mr. Errico has reviewed this response and writes,

*A response has been provided on the unique parking demand situation. I find the responses to be reasonable and would point to the TDM strategies as an important action item for managing parking and traffic conditions. I would suggest that the applicant conduct a parking demand survey during peak time periods six months following occupancy. The survey will help to quantify actual parking demand so that TDM strategies can be best planned and any future development phases have that information for parking needs assessments*

A parking survey similar to that suggested by Mr. Errico is proposed in the applicant's TDM plan. A condition of approval has been suggested in this regard.

It should be noted that the applicant has made some effort to reduce the impact of the proposed parking in the final submittal. The final plan shows 123, or 47%, of the parking spaces as compact in size, at 8 feet x 15 feet. This design choice does have the effect of marginally increasing the green space on site, and a waiver is supported by Mr. Errico,

*The applicant is proposing a significant number of compact parking spaces that in fact exceed City standards. I support a waiver from the City's requirements for exceeding the allowable percentage of compact parking spaces.*

In addition, the applicant has proposed that 28 of their spaces be located on pervious pavement.

The plans show 30 bicycle parking spaces, well more than the 18 required under the site plan ordinance.

*e. Transportation Demand Management*

Since the project is planned for over 100 employees, a transportation demand management plan is required. The applicant has provided a TDM plan in the final submittal (*Attachment L*). This plan identifies TDM coordinators for each condo owner and highlights both marketing and information-sharing efforts and incentives to be used to "reduce vehicular trips to the overall site." The plan also includes annual monitoring provisions, including employee surveys and parking counts, with the aim of measuring a 1% decrease in parking demand annually. The applicant has included details from the TDM plan in the condominium overview (*Attachment E*). Mr. Errico has reviewed the TDM plan and found it sufficient.

## **2. Environmental Quality Standards**

*a. Preservation of Significant Natural Features*

There are a stream and existing wetlands at the rear of the site. The stream is not located in a Stream Protection Zone. The applicant's DEP Permit-by-Rule submission notes that all proposed work is more than 25 feet from the stream and that no wetland impacts will occur. However, grading and some paving, most of which is proposed as pervious, are proposed within 75 feet of the stream.

Lauren Swett, the city's consulting civil engineer, has reviewed the plans and has noted that the proposed stormwater management system will treat runoff from the majority of the site's impervious surface and thereby improve water quality conditions on the site. She writes,

*...The proposed system will provide treatment for approximately 79% of the site's proposed impervious surface, and 67% of the total developed area. The treatment system has been designed primarily to collect stormwater from the paved surfaces on the site, typically the more pollutant-heavy areas. The stormwater treatment system will provide for treatment of the stormwater discharged from the site towards the adjacent stream.*

*The project is required to include stormwater management features to control the rate or quantity of stormwater runoff from the site. The Applicant is proposing subsurface storage to provide peak flow control. The Applicant has provided evidence demonstrating that the peak rate of runoff from the proposed site will not exceed the peak rate of runoff from the existing site. There will specifically be a reduction in flow to the rear of the site, improving the flow condition to the adjacent stream*

As noted above, evidence of a NRPA permit is suggested as a condition of approval.

*b. Landscaping and Landscape Preservation*

The applicant has submitted a final landscaping plan (*Plan 15*). This plan shows extensive evergreen planting, witch hazel, chokeberries, red maples, and white oaks on a raised berm on the eastern property line in order to screen the site from adjacent neighbors. Similarly, the plans show significant plantings, including some evergreens, white oaks, red oaks, fringetrees, cherry trees, lilacs, and hydrangeas on shallow berms along the Congress Street frontage to screen the view from that vantage point. The applicant has provided renderings that attempt to simulate this screening from Congress Street (*Figures 4 and 5*). Jeff Tarling, the city's arborist, has indicated his approval of the landscaping plan (*Attachment 3*).

In the final submittal, the applicant has provided a condominium overview that notes that the condominium association will be responsible for maintenance of the buffer areas and includes a two year guarantee on the buffer plantings (*Attachment E*).



Figures 5, 6, 7 and 8: Summer rendering from Jetport Boulevard (top); Winter rendering from Jetport Boulevard (middle); Summer rendering from east of site on Congress Street (left); Winter rendering from same (right)

c. *Water Quality/Storm Water Management/Erosion Control*

The applicant has proposed to increase the impervious surface area on site, and is thus required to manage and treat stormwater (*Attachment D*). Under the proposed plans, the majority of runoff from the site would be captured in a storm drain system which would outlet to the northerly portion of the site. The stormwater management plan states that this stormwater would be stored in a system of 48” pipes and treated with a jellyfish filter system prior to discharge. As noted above, Ms. Swett has reviewed the design of this system and found it acceptable (*Attachment I*).

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

#### a. *Consistency with Related Master Plans*

As noted above, the project is generally deemed consistent with related master plans.

#### b. *Public Safety and Fire Prevention*

There are no public safety concerns at this time. Assistant Fire Chief Keith Gautreau has reviewed the plans and has raised no concerns regarding fire safety (*Attachment 4*).

#### c. *Availability and Capacity of Public Utilities*

The applicant has proposed to bring water to the site via three separate lines from the existing 8” main in Congress Street. Sewer is proposed to collect at an existing pump station and from there outlet to an existing separated line in Congress Street. Underground electric would run to the medical office building and Elks Lodge from a new pole on Congress Street at the eastern property line and to the general office building from an existing pole on UNUM Park Drive. Ms. Swett has reviewed the utility plan and writes,

*The Applicant should note that they will be required to provide evidence of approval of the proposed design from the Portland Water District as part of the Site Plan Application.*

This condition was noted in the PWD capacity letter, and has been suggested as a condition of approval here.

### 4. *Site Design Standards*

#### a. *Massing, Ventilation, and Wind Impact*

The bulk, location, or height of the buildings are not likely to result in health or safety problems from a reduction in ventilation to abutting structures. The applicant has provided information on the location of HVAC systems which indicate that these systems will be roof-mounted.

#### b. *Shadows*

The buildings will not cast shadows on publicly accessible open spaces.

#### c. *Snow and Ice Loading*

The project is not likely to result in snow or ice loading impacts to adjacent properties or public ways.

#### d. *View Corridors*

The project does not lie on a protected view corridor.

#### e. *Historic Resources*

Historic preservation review is required for projects within 100 feet of a historic district or landmark. The Stroudwater Historic District lies 500 feet to the east of the site. As such, this project is not subject to historic preservation review.

#### f. *Exterior Lighting*

The applicant has provided a photometric plan and lighting cut sheets which meet the city’s technical standards (*Plan 16 and Attachment S*). Further, the applicant has requested a waiver from the minimum lighting standard of the city’s Technical Manual. Given concerns from neighbors regarding buffering to the adjacent residential neighborhood, the Planning Division supports this waiver.

Figures 9, 10, and 11: Renderings of the general office building (top); medical office building (center), and renovated Elks



A combination of 8' and 25' foot poles are proposed. The condominium overview indicates that lights will be dimmed after 8 p.m. and have an auto shutoff mode with a motion detection override between 11 p.m. and 6 a.m. (*Attachment E*).

g. *Noise and Vibration*

No noise and vibration impacts are anticipated.

h. *Signage and Wayfinding*

The applicant has submitted a sign narrative and design drawings in the final plan set (*Attachments N and Plans 33-36*). This narrative documents the applicant's approach to signage. Staff has reviewed the narrative and confirmed with the city's Zoning Specialist that the plan appears to meet the sign ordinance. Separate sign permits will be required.

i. *Zoning-Related Design Standards*

The design of the proposed buildings is subject to review under the development standards of the O-P zone, as well as the guidelines of the applicant's master plan for the site. The applicant has submitted a narrative, floor plans, elevations and renderings depicting the final design approach for the three buildings proposed on site (*Attachment I and Plans 17-31 and Figures 6-8*). The buildings are now proposed with a gray roof color, and windows have been revised to address staff comments. Caitlin Cameron, the city's urban designer, has indicated that all staff comments have been addressed (*Attachment 5*).

### XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed subdivision and site plan for the medical and general office development proposed at 1945 Congress Street.

### XIV. PROPOSED MOTIONS

#### A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on September 20, 2016 for application 2016-075 relevant to Portland's Technical and Design Standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board **finds/does not find**, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) that establishes a maximum percentage of compact spaces of 20%, that substantial just and the public interested are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow 47% of the proposed parking spaces to be compact in dimensions.
2. The Planning Board **finds/does not find**, based upon the review of the Planning Division, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 12.2.3*) that establishes an average illumination level of 1.25 footcandles, that substantial justice and the public interested are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 12.2.3*) to allow average illumination levels of 1.0 footcandle during off-peak use of the property

**B. TRAFFIC MOVEMENT PERMIT**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on September 20, 2016 for application 2016-075 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the proposed plan **is/is not** in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, subject to the following condition of approval, which must be met prior to the issuance of a building permit:

1. The applicant shall:
  - a. Develop a traffic signal timing plan for the intersection of Congress Street and UNUM Park Drive to optimize efficiency of signal operations at this intersection;
  - b. Install a hardwire interconnect cable between Congress Street/UNUM Park Drive and Congress Street/Westbrook Street for signal coordination purposes; and
  - c. Contribute \$11,200 toward implementation of improvements at Garrison Street and Westbrook Street in association with the Outer Congress Street Streetscape Study

for review and approval by the Department of Public Works.

**C. SUBDIVISION**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on September 20, 2016 for application 2016-075 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code, subject to the following condition of approval, which must be met prior to the signing of the plat:

1. The applicant shall provide a final subdivision plat for review and approval by the Department of Public Works, Corporation Counsel, and the Planning Authority;
2. The applicant shall provide:
  1. Evidence of rights to implement proposed improvements on UNUM Park Drive and
  2. Evidence of a release of the existing easement to the Portland Water Districtfor review and approval by the Planning Authority and Corporation Counsel; and
3. The applicant shall provide final condominium documents addressing transportation demand management, buffer planting maintenance, pervious paver and stormwater system maintenance, and the proposed lighting plan for review and approval by Corporation Counsel and the Planning Authority.

**D. SITE PLAN REVIEW**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on September 20, 2016 for application 2016-075 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide evidence of state and federal permits required, including the Maine Construction General Permit and a NRPA Permit-by-rule, for review and approval by the Planning Authority;

2. The applicant shall provide design details for the ramps and crosswalk proposed across UNUM Park Drive for review and approval by the Department of Public Works;
3. The applicant shall provide a detail for proposed ADA accessibility improvements at the inbound transit shelter at Congress Street/UNUM Park Drive for review and approval by the Department of Public Works;
4. The applicant shall conduct a parking demand analysis, based on counts, six months following initial occupancy and annually thereafter for review and approval by the Department of Public Works and the Planning Authority. At such time when future redevelopment occurs on the site, these counts shall be used, in conjunction with data to be provided to the city as part of the condominium’s TDM Plan, to inform an assessment of the parking needs and plan for the condominium in its entirety; and
5. The applicant shall provide evidence of PWD approval of the final water utility design for review and approval by the Department of Public Works.

**XV. ATTACHMENTS**

**PLANNING BOARD REPORT ATTACHMENTS**

1. Civil Engineer review (memo from Lauren Swett, 9/15/16)
2. Traffic Engineer review (memo from Thomas Errico, 9/15/16)
3. City Arborist review (memo from Jeff Tarling, 9/15/16)
4. Fire Prevention Bureau review (memo from Keith Gautreau, 7/11/16)
5. Urban Design review (memos from Caitlin Cameron, 9/6/16 and 7/20/16)

**APPLICANT’S SUBMITTALS**

- A. Executive Summary and Application
- B. Evidence of Right, Title, and Interest
- C. Financial Capacity
- D. Utilities Narrative
- E. Easements, Deeds, & Zoning
- F. Construction Management Plan
- G. Snow Removal and Management Plan
- H. Waste Management Plan
- I. Architectural Narrative
- J. Fire Safety Narrative
- K. Reports
- L. Traffic Analysis and TMP Application
- M. Significant Natural Features Summary
- N. Sign Narrative
- O. Waiver Requests
- P. Office Park Zoning Design Standards Narrative
- Q. Master Plan
- R. Site Amenity Cut Sheets
- S. Lighting Cut Sheets

**PLANS**

- Plan 1. Boundary Survey
- Plan 2. Subdivision Plat
- Plan 3. Site Plan
- Plan 4. Existing Conditions and Demolition Plan
- Plan 5. Utilities Plan



- Plan 6. Grading Plan
- Plan 7. Erosion Control Plan
- Plan 8. Details
- Plan 9. Details
- Plan 10. Details
- Plan 11. Details
- Plan 12. Details
- Plan 13. Details
- Plan 14. Drainage Analysis
- Plan 15. Planting Plan
- Plan 16. Photometric Plan
- Plan 17. Clark Insurance Floor Plan
- Plan 18. Clark Insurance Exterior Elevations
- Plan 19. Clark Insurance Exterior Elevations
- Plan 20. Medical Office Floor Plan
- Plan 21. Medical Office Elevations
- Plan 22. Medical Office Elevations
- Plan 23. Elks Building Floor Plan
- Plan 24. Elks Building Elevations
- Plan 25. Clark Insurance Rendering (south and east facades)
- Plan 26. Medical Office Rendering (south and west facades)
- Plan 27. Elks Building Rendering (south and west facades)
- Plan 28. Congress Street View Rendering (summer)
- Plan 29. Congress Street View Rendering (winter)
- Plan 30. Airport View Rendering (summer)
- Plan 31. Airport View Rendering (winter)
- Plan 32. Illustrative Planting Plan
- Plan 33. Building Sign Schematic
- Plan 34. Pylon Sign Schematic
- Plan 35. Entry Drive Sign Schematic
- Plan 36. Wayfinding Sign Schematic

**PUBLIC COMMENT**

- PC-1. Email from Bill Linnell, 5/2/16
- PC-2. Letter from Eugenia O'Brien, 5/4/16
- PC-3. Email from Roger Hinchcliffe, 5/9/16
- PC-4. Email from David Silk, 5/9/16
- PC-5. Email from Bill Linnell, 5/9/16
- PC-6. Email from the Stroudwater Village Association, 5/10/16
- PC-7. Email from the Stroudwater Village Association, 7/20/16
- PC-8. Email from Bill Linnell, 7/20/16
- PC-9. Email from David Silk, 7/21/16
- PC-10. Email from Justin Walsh, 7/22/16
- PC-11. Email from Tony Payne, 7/27/16
- PC-12. Statement from Stroudwater Village Association, 9/14/16
- PC-13. Email from Roger Hinchcliffe, 9/16/16