

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

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Sean Dundon, Vice Chair  
David Eaton  
Brandon Mazer  
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Maggie Stanley  
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December 7, 2017

Stroudwater Development Partners, LLC  
Attention: Michael Barton  
62 Portland Road, Suite 25  
Kennebunk, ME 04043

Acorn Engineering, Inc.  
Attention: Wil Savage  
P.O. Box 3372  
Portland, ME 04104

Project Name: Stroudwater Preserve  
Address: 1700 Westbrook Street  
Applicant: Stroudwater Development Partners LLC  
Planner: Shukria Wiar, Planner

Project#:2017-193 and 2017-199 (Conditional Use)  
CBL: 229 A002001

Dear Mt. Barton:

On November 28, 2017, the Planning Board considered Stroudwater Preserve, a traditional single-family neighborhood with ninety-five (95) house lots, two two-family lots, and a planned residential unit development (PRUD) with twenty-five (25) townhouses adjacent to the Maine Turnpike. Stroudwater Preserve also includes two open space lots for a total of twenty-four acres of open space within the project limits. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan, Subdivision, Conditional Use for Inclusionary Zoning, Shoreland Zoning Regulations, Traffic Movement Permit, and Site Development of Location Act. The Planning Board voted unanimously 6-0 (Stanley absent) to approve the application with the following conditional use, waiver and conditions as presented below:

### A. CONDITIONAL USE

The Planning Board voted unanimously 6-0 (Stanley absent) that the proposed conditional use for workforce housing does meet the standards of Section 14-484 with the following conditions:

1. That the Applicant and the City shall enter into an agreed upon Affordable Housing Agreement (AHA) prior to the issuance of a building permit. The Affordable Housing Agreement shall outline the details of the affordability restrictions placed on the Workforce Units; and
2. That the Affordable Housing Agreement shall be filed as covenant to the property's deed with the Cumberland County Registry of Deeds prior to the issuance of a Certificate of Occupancy.

### B. WAIVERS

The Planning Board voted unanimously 6-0 (Stanley absent) that two criteria do apply, and therefore waives the requirement for a sidewalk along the north side of the new street within the new subdivision with the condition that final plan show the sidewalk relocated to the outer side of the street network, as depicted on the revised road profile.

### **C. TRAFFIC MOVEMENT PERMIT**

The Planning Board voted unanimously 6-0 (Stanley absent) that the plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, with the following conditions of approval:

1. If it is determined that a dedicated left-turn lane on Westbrook Street is warranted, the applicant shall be responsible for all cost for implementation and the design shall meet with the approval of Department of Public Works.
2. In conjunction with an approved Outer Congress Transportation and Streetscape Plan, the applicant shall make a \$12,600 contribution prior to the issuance of a building permit. The contribution was based upon project trip generation and assignment added to Congress Street.
3. A variable speed indicator shall be required to be installed on Westbrook Street at a location acceptable and the City request that an additional speed study shall be conducted upon completion of Phase 1 and implementation of the associated crosswalks and sidewalk on Westbrook Street. If the speed study indicates excessive vehicle speeds, the applicant shall implement traffic calming mitigation strategies acceptable to the City.

### **D. SUBDIVISION FOR SINGLE-FAMILY LOTS AND PRUD**

The Planning Board voted unanimously 6-0 (Stanley absent) that the plan is in conformance with the subdivision standards of the Land Use Code and the Site Location of Development Act, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall submit Homeowner Association Documents for review and approval by Corporation Counsel that address:
  - a. the Stormwater maintenance agreements for the development;
  - b. Stormwater drainage easements; and
  - c. easements for the open space lot; and
  - d. final conditions of approval.
2. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Department of Public Services and Corporation Counsel and to include references to stormwater drainage, stormwater management, and open space and public access and final conditions of approval; and
3. The applicant shall submit a final plan and specifications, for review and approval by the Planning Authority and the Department of Public Works, that are in conformance with the proposed LED fixture specifications for the street lights; and
4. The applicant shall be responsible for the installation of the RRFB's following the field review. The City is requesting that the applicant shall evaluate, and if necessary, shall install lights for safe illumination of the proposed crosswalks; and
5. The applicant shall submit the following for review and approval by the Planning Authority and Department of Public Works:
  - a. a simple stormwater plan that shows all of the treatment systems and their tributary drainage areas, incorporating the treatment table provided by the Applicant; and

- b. updated design plans reflecting changes made to the Hydraflow model.
6. 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. That the applicant shall provide a stormwater maintenance agreement for the stormwater drainage system, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services; and
7. Confirmation letters from the Department of Environmental Protection shall be submitted to the Planning Division upon receipt.
8. The applicant shall submit a revised landscaped plan that addresses the City Arborist's comments (dated 11.22.2017), including a vegetated buffer between the development and the existing abutter lots, excluding the abutter who wanted the fence, for review and approval by the City Arborist and Planning Authority.

**E. SITE PLAN FOR THE PRUD**

The Planning Board voted unanimously 6-0 (Stanley absent) that the plan is in conformance with the site plan standards of the Land Use Code and the Site Location of Development Act, subject to the following conditions of approval:

1. Confirmation letters from the Department of Environmental Protection shall be submitted to the Planning Division upon receipt; and
2. 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. That the applicant shall provide a stormwater maintenance agreement for the stormwater drainage system, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services; and
3. The applicant shall submit a final plan and specifications, for review and approval by the Planning Authority and the Department of Public Works, that are in conformance with the proposed LED fixture specifications for the street lights.
4. The applicant shall submit a revised landscaped plan that addresses the City Arborist's comments (dated 11.22.2017), including a vegetated buffer between the development and the existing abutter lots, excluding the abutter who wanted the fence, for review and approval by the City Arborist and Planning Authority.

The approval is based on the submitted plans and the findings related to subdivision review standards as contained in Planning Report for application 2017-193 which is attached.

## STANDARD CONDITIONS OF APPROVAL

Please Note: The following standard conditions of approval and requirements apply to all approved site plans:

1. **Subdivision Recording Plat** A revised recording plat, listing all conditions of subdivision approval, must be submitted to the Planning and Urban Development Department for review. Once approved, the plat shall be signed by the Planning Board 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.
2. **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. The plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.
3. **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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **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 Permitting and Inspections Department.
5. **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.
6. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department 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.
7. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
8. **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 Works 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.
9. **Construction Management Plans** The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan

shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

10. **Department of Public Works Permits** If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department 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 Shukria Wiar at 207.756.8083 or at [shukriaw@portlandmain.gov](mailto:shukriaw@portlandmain.gov)

Sincerely,



Elizabeth, Boepple, Chair  
Portland Planning Board

**Attachments:**

1. City Arborist's comments (dated 11.22.2017)
2. Planning Board Report
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

**Electronic Distribution:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Stuart G. O'Brien, City Planning Director, Planning and Urban Development  
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development  
Shukria Wiar, Planner, Planning and Urban Development  
Philip DiPierro, DRC, Planning and Urban Development  
Mike Russell, Director of Permitting and Inspections

Ann Machado, Zoning Administrator, Permitting and Inspections  
Jonathan Rioux, Deputy Director, Permitting and Inspections  
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections  
Chris Branch, Director of Public Works  
Keith Gray, Senior Engineer, Public Works  
Doug Roncarati, Stormwater Coordinator, Public Works  
Jane Ward, Engineering, Public Works  
Rhonda Zazzara, Construction Engineering Coordinator, Public Works  
Jeff Tarling, City Arborist, Public Works  
Jeremiah Bartlett, Transportation Systems Engineer, Public Works  
William Scott, Chief Surveyor, Public Works  
Mike Thompson, Fire  
Danielle West-Chuhta, Corporation Counsel  
Jennifer Thompson, Corporation Counsel  
Victoria Volent, Housing Program Manager, Housing and Community Development  
Thomas Errico, P.E., TY Lin Associates  
Lauren Swett, P.E., Woodard and Curran  
Christopher Huff, Assessor



Shukria Wiar &lt;shukriaw@portlandmaine.gov&gt;

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## Stroudwater Preserve

1 message

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Jeff Tarling <jst@portlandmaine.gov>  
To: Shukria Wiar <shukriaw@portlandmaine.gov>

Wed, Nov 22, 2017 at 4:13 PM

Hi Shukria -

Tree & landscape review of the proposed Stroudwater Preserve sub-division.

**a) Tree Save** - All tree save areas should receive adequate protection during construction site work. This would include the traditional construction fencing at the drip line, where applicable, no storage of equipment or materials nearby. 'Tree Save' areas should be marked in construction documents and discussed at the pre-construction meeting. 'Tree Save' areas appear to be near the project edges and areas impacted by grading.

**b) Street Trees** - The tree and landscape plan lists out Red Maple and Swamp White Oak as street trees in the project. In reviewing this plan it might be sense to take a closer look at the actual tree placement locations.

Red Maples at mature size could fit between the street and sidewalk. The second tree type mentioned Swamp White Oaks mature size is too large to fit in the space between the street and sidewalk. Options could include setback planting behind the sidewalk and / or medium size trees vs large size trees.

We can work with the project team to solve this issue.

### Tree sizes -

**Street trees** - the project lists street sizes at 3" caliper, we know from experience that smaller 2" trees will adapt quicker due to less transplant shock. We would recommend 2" caliper street trees as a minimum size and the project could go to larger 3" trees if desired.

**Street tree per unit standard** - We would recommend to have at least a 1 tree per unit planting goal with some lots with limited frontages, utilities or street lights effecting spacing where applicable. The tree count below the standard could be planted along the 'open space' parcel as a compromise as this is somewhat unique subdivision with public land in addition to the street frontage.

**c) Conifers / Evergreen trees** - the project proposes to plant a mix of native White Pine and Pitch Pine in groves to create buffers. The tree sizes are listed at 6' - 7' height, we would recommend a mix of sizes to help make the trees look more natural vs all uniform sizes. That would include tree sizes 4 - 5', 5 - 6' and 7 - 8' height. The size mix should target the majority of trees near 6' when planted. The mix will also be easier to source in the landscape trade and have a better overall look. Additional native conifer types are acceptable - Red Pine, White Spruce, Red Cedar.

**d) Recreation & Open Space** - The open space area should provide passive recreation areas for Stroudwater residents and visitors. This area is currently undeserved for active recreation play space, the proposed subdivision will add to the need to have some component of active recreation. A community garden need is also a possibility to be designed.

We would ask that the project team meet with City Parks & Recreation staff to solve the predictive need for these future residents. At this time we do not have a budget figure or concept plan in place.

In review, this is the largest single family sub-division plan this century in Portland, it should be a model of residential land use.

The above mentioned recommendations should be considered as conditions of approval or amended into the construction plans.

Thanks

Jeff Tarling

12/21/2017

City of Portland Mail - Stroudwater Preserve

Jeff Tarling  
City Arborist - City of Portland Maine  
Parks, Recreation & Facilities Department  
Forestry & Horticulture  
[212 Canco Road](#)  
[Portland, ME. 04103](#)  
[\(207\) 808-5446](#)  
[jst@portlandmaine.gov](mailto:jst@portlandmaine.gov)





# PLANNING BOARD REPORT PORTLAND, MAINE

Stroudwater Preserve  
1700 Westbrook Street  
Level III Site Plan and Subdivision  
2017-193  
Stroudwater Development Partners LLC, Applicant

Submitted to: Portland Planning Board Public Hearing Date: November 28, 2017	Prepared by: Shukria Wiar, Planner Date: November 22, 2017
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## I. INTRODUCTION

Stroudwater Development Partners LLC has requested a public hearing with the Planning Board to consider a proposed subdivision and site plan (for the planned residential unit development portion of the project) at 1700 Westbrook Street. The applicant is proposing a traditional single-family neighborhood with ninety-eight (98) house lots and a planned residential unit development (PRUD) with twenty-five (25) townhouses adjacent to the Maine Turnpike. Stroudwater Preserve includes one open space lot for a total of twenty-four acres of open space within the project limits.

The development is proposing to include a minimum of 10% workforce housing units in accordance with Division 30, Affordable Housing of the Land Use Ordinance. The Planning Board is being requested to review the application under Portland's Site Plan and Subdivision Ordinances, Conditional Use standards to Ensure Workforce Housing under the Affordable Housing Ordinance, and the Design Standard for PRUDs in the R-3 Residential Zone.

**Property Owner:** Stroudwater Preserve  
**Applicant:** Michael Barton, Stroudwater Development Partners, LLC  
**Agent and Engineer:** William Savage, Acorn Engineering Inc.  
**Architect:** Ryan Senatore, Senatore Architecture  
**Surveyor:** David Titcomb, Titcomb Associates

## II. PUBLIC COMMENT

Notices were sent to ninety-five (95) residents and the interested citizen list. The notice also appeared in the Portland Press Herald on November 20<sup>th</sup> and 21<sup>st</sup>, 2017, as well as being posted on the City's web page. E-mail notices were sent at the same time as the mailed notices as well as being posted on the City's web page and posted on the legal ad. Two public comments have been received by the Planning Office both from the same person.

The applicant held a neighborhood meeting, as required as part of this application, on September 19<sup>th</sup> meeting with the neighborhood with over thirty (30) attendees ([Attachment ZK to ZN](#)).

## III. REQUIRED REVIEWS

<b>Waiver Requests</b>	<b>Applicable Standards</b>
Sidewalk Waivers	Section 14-498 8a
<b>Review</b>	<b>Applicable Standards</b>
Subdivision (creation of 3 or more lots)	Section 14-497

Workforce Housing Inclusionary Zoning	14-484 (Applicant is required to have twelve, which is are being proposed to be located on site)
Design Review of PRUD	Planned Residential Unit Developments (PRUDs) in the R-3, R-5, And R5-A Residential Zones and Manufactured Housing Parks in Any Zone.  Two-Family, Special Needs Independent Living Units, Multiple-Family, Lodging Houses, Bed and Breakfasts, And Emergency Shelters

**IV. PROJECT DATA**

Existing Zoning	Residential R-3		
Existing Use	Single-family home		
Proposed Use	Ninety-eight (98) single-family lots and 25 Townhouses PRUD		
Parcel Size	2,408,860 SF (55.3 acres)		
	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Impervious Surface Area	34,715 SF	182,657 SF	147,942 SF
Building Footprint	8,928 SF	22,400 SF (Based on the PRUD only)	13,472 SF
Number of Residential Units	One Lot	100- 98 single family lots, one open space, and one PRUD lot	100
Number of Affordable Units	None	12	12
Proposed Bedroom Mix			
Three-bedroom	74		
Four-bedroom	49		
Estimated Cost of Project	\$2,054,400		

**V. BACKGROUND**

The Board reviewed the applicant’s request for zoning map amendments to this site at a public hearing held on May 9<sup>th</sup>, 2017. The Board voted unanimously to recommend adoption of the map change to R-3 and Recreation and Open Space (ROS) for an area along outer Westbrook Street where the project is located. The City Council enacted the map change on July 24<sup>th</sup>, 2017 officially adopted the zone change to R-3 and Recreation and Open Space (ROS) on August 23<sup>rd</sup>, 2017. The order as passed by the Council is included as Attachment 4. In order to rezone a portion of the property to ROS, there were easements on the that portion of the site that were conveyed to Portland Trails for public access and others to the City of Portland to create public open space that are being held in escrow until the property closing, see Attachment 5.

Although the City understands that a lawsuit challenging the recent zoning decision may have been filed, that action does not in any way purport to stay the effectiveness of the Council's decision on the zoning this area. Therefore, the Planning Board can and should consider any application under the current zoning, including any recent amendment that is in effect and applicable to a particular application. A workshop was held with the Planning Board on October 4<sup>th</sup>, 2017. Since the workshop, the applicant and City staff have met approximately five times to discuss the issues and concerns of the project.

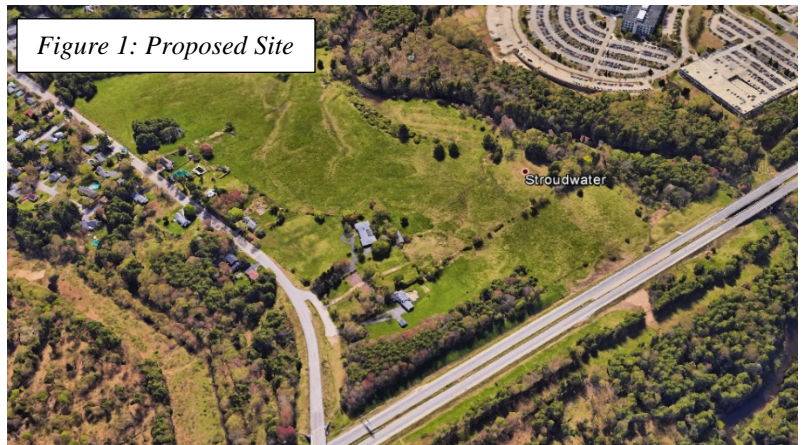


Figure 1: Proposed Site

**VI. EXISTING CONDITIONS**

The development parcel is approximately 55.3 acres comprised of five different parcels. The

property has frontage along Westbrook Street and extends to the Maine Turnpike and Stroudwater River. Presently the parcel has a single-story ranch house and a small barn on it, built in 1961. The majority of the site is pervious with dense overgrowth and some mature tree growth. The average grade, closer to Westbrook Street, is relatively flat. The surface drops off closer to the Stroudwater River, with signs of erosion throughout the change in elevation. The property has a total of 1,500 feet of frontage along the Stroudwater River.

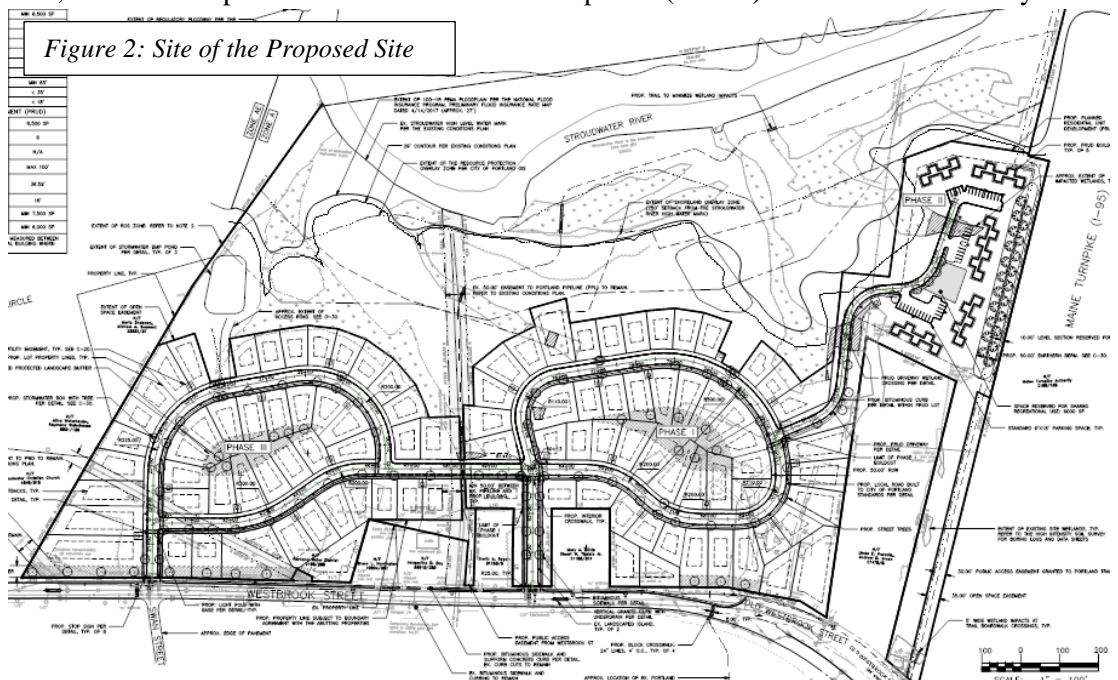
A portion of the site is zoned Resource Protection along the river and the Shoreland Overlay Zone extends 250 feet from the high-water line, which is subject to Shoreland Zone site development standards. The site has two existing utility easements for the Portland Water District and Portland Pipeline Company, which bisect the property. There are single-family homes along both sides of Westbrook Street and the surrounding neighborhoods.

### VII. PROPOSED DEVELOPMENT

The project proposes to develop a traditional single-family development for the majority of the site and a planned residential unit development near the Turnpike. Ninety-eight (98) single family house lots are proposed, ranging in size between 6,500 sf to 20,000 SF. The planned residential unit development (PRUD) lot will include twenty-five (25) townhomes

and is located along the westerly edge of the site. Two looped streets are proposed within the single-family subdivision and the roads are to be built to City standards. The road serving the PRUD development is to be a private road maintained by the PRUD.

The applicant is proposing to phase the development into three phases; single family homes, followed by the townhouses, and ending with the remaining single-family homes. The first phase will include fifty-two (52) single family homes along the loop road on the westerly side of the property. The second phase consist of the PRUD development with twenty-five (25) townhouses and the private road that leads to it. The third and last phase will have a total of forty-six (46) single family homes and the second loop road on the easterly of the property. Section 14-495 (h) of the Subdivision Ordinance states:



*Sectional recordings: Following subdivision plat approval, the Planning Board may permit the subdivision to be divided into two (2) or more sections for recording purposes subject to any conditions that the board deems necessary in order to insure the orderly development of the plan. The applicant may seek approval of and record a sectional recording plat with the county registry of deeds only if the section constitutes at least twenty (20) percent of the total number of lots contained in the approval plat and, in addition, shows the entire tract or parcel. In these circumstances, if the first section of the plat has been recorded within three (3) years after Planning Board approval, subdivision plat approval of the remaining sections of the plat shall remain in effect for five (5) years after Planning Board approval.*

Section 14-524 (3) (f) iii of the Site Plan Ordinance states the following about phased development:

*A phased development plan may be proposed for a Level III site plan. The Planning Board may permit the Level III site plan to be divided into up to three (3) sections for phased development purposes and subject to any conditions that the board deems necessary in order to insure the orderly development of the plan. The applicant may seek approval of a phased development only if the section constitutes at least twenty (20) percent of the total development and in addition, shows the entire tract or parcel. Each phase of such project shall conform to all standards of this article in the event that subsequent phases do not go forward. The Planning Board may extend the site plan approval for all phases up to three years from the date of approval.*

Each phase of the project is 20% of the project. As part of the project, thirty-foot-wide landscape buffers are proposed along portions of Westbrook Street and additional landscape buffers are proposed within the center of each of the loop roads, as a buffer between the lots.

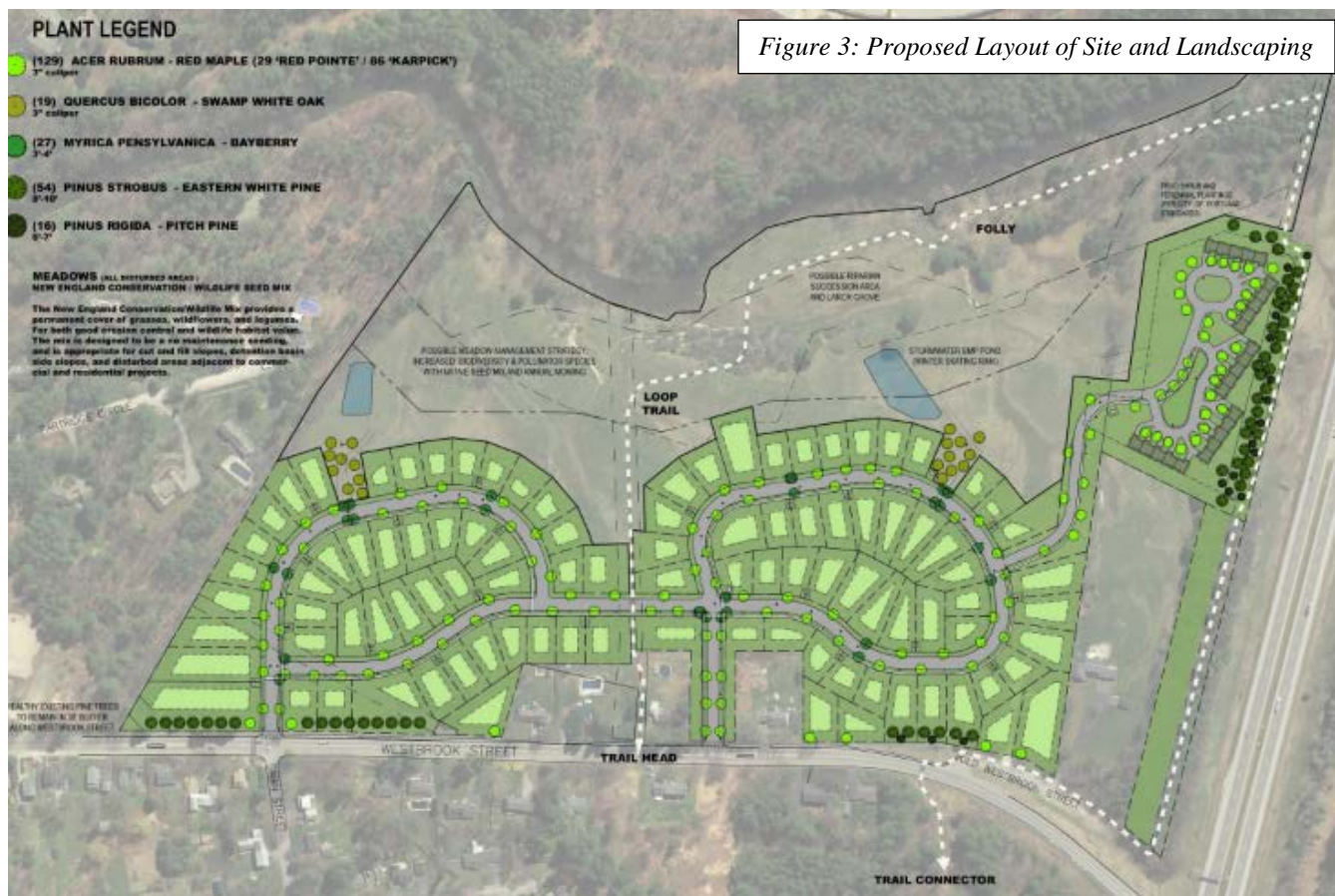


Figure 3: Proposed Layout of Site and Landscaping

The applicant is proposing a dense landscape buffer parallel to the Turnpike in order to mitigate noise from the highway. Easements have been prepared and are being held in escrow until the closing on the land. The easements convey public access and preserve open space primarily along the Stroudwater River. The intent is for the property to be used for passive recreation with connection into the neighborhood trail system and to offer other shared amenities. The open space area provides direct waterfront access to the river. The open space easement extends from the Stroudwater River high water line to the single-family subdivision.

*Figure 4: Proposed Design of PRUD Townhouses*



The property is subject to the Shoreland Overlay Zone, which requires that development be 75 feet from high watermark and additional development standards apply within 250 feet from the river. The Resource Protection Zone, does allow for some limited development, but does not permit residential structures and in general, is a conservation zone. The site does have steep slopes around the bank of the Stroudwater River; it is the intent of the applicant to keep most of the development away from these slopes develop on the more level portion of the site. The parcel also has flood plain areas identified on the FEMA maps which will further regulate construction of any proposed structures.

#### **VIII. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY**

a. The owner of the property is Onex Company by deeds recorded at the Cumberland County Registry of Deeds (Book 14598 Page 346). The applicant has provided a copy of a purchase and sale agreement, which demonstrates their right, title and interest in the property.

b. The estimated cost of the development is \$2,054,400. The applicant has submitted a letter from Bath Savings Institution, dated August 18, 2017, as demonstration of their financial and technical capacity to complete the proposed development.

#### **IX. ZONING ANALYSIS**

The proposed subdivision is within Residential R-3 zone. The proposal is to develop approximately thirty-one (31) acres of the 55.3 acres site into a traditional single-family housing development and planned residential development. The proposed development includes 100 lots of which 98 are single family house lots, one planned unit residential lot and one open space lot. A final review of the zoning for the site been conducted and both the proposed single-family lots and the PRUD development meets standards, minimum lot size, minimum street frontage, and lot width requirements, of the R-3 zoning; the following is the zoning assessment included on the proposed application.

	<i>R-3 Zone</i>	<i>Proposed</i>
<b>Single Family House Lots</b>		
Minimum Lot Size	6,500 SF	Min 6,500 SF
Minimum Street Frontage	50'	Min 50'
Front Yard	25'	25'
Rear Yard – Principal	25'	25'
Rear Yard – Accessory	5'	5'
Side Yard – 2 ½ Stories	16'	16' <sup>1</sup>
Side Yard – 2 Stories	14'	14'
Side Yard – 1 & 1 ½ Stories	8'	8'
Maximum Lot Coverage	35%	Max 35%
Minimum Lot Width <sup>2</sup>	65'	Min 65'
Maximum Building Height	35'	< 35'
Maximum Accessory Height	18'	< 18'
<b>Planned Residential Unit Development (PRUD)</b>		
Minimum Lot Area Per Dwelling Unit	6,500 SF	Min 6,500 SF
Maximum Number of Units Per Building (> 5 ac.)	6	6
Maximum Number of Units Per Building (< 2 ac.)	2	N/A
Maximum Length of Building without Garages	100'	100'
Maximum Length of Building with Integral Garages	140'	140'
Minimum Building Setback from External Property Lines (> 4 Units Per Building)	35'	36.59'
Minimum Distance Between Buildings	16'	16'
Minimum Recreational Open Space Per Dwelling Unit	300 SF	Min 300 SF
Minimum Contiguous Area of Recreational Use <sup>3</sup>	6,000 SF	Min 6,000 SF
Minimum Recreational Use Setback from Buildings	25'	25'

Included below is a summary of the unit area calculations for the PRUD lot per the definitions for gross and net land area provided in Section 14-47 of the Land Use Ordinance.

	SF	AC
PRUD Lot Size	310,193	7.12
Lot Area within 1700 Westbrook Street	276,133	6.34
Areas of Special Flood Hazard	0	0
<b>Gross Land Area</b>	<b>276,133</b>	<b>6.34</b>
Existing Watercourses	0	0
Wetlands	20,073	0.46
Slopes of 25% or greater	0	0
<b>Net Land Area</b>	<b>256,060</b>	<b>5.88</b>

The allowable dwelling units per zoning for the PRUD portion of the project is 36 units. The applicant is proposing 25 units.

The southernmost edge of the property resides along the Stroudwater River and is located within the Shoreland Overlay Zone; the Shoreland Overlay Zone applies to areas within 250 feet (horizontal distance) of the normal high-water line of any river. Ann Machado, Zoning Administrator, has reviewed the plans and states that the development meets the applicant standards. All development is outside the Shoreland zone; any trails connection or stormwater infrastructure will need to meet standards.

**X. ENSURE WORKFORCE HOUSING CONDITIONAL USE (Victoria Volent, Housing Programs Manager, Attachment 7)**

All developments of ten (10) units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements set forth in Division 30, Section 14-487 of the Zoning Ordinance.

Division 30, Section 14-487, Ensuring Workforce Housing, requires at least ten percent (10%) of the dwelling units in the development shall meet the definition of Workforce Housing units for sale or for rent. The ordinance under Section 14-487 e 3 also requires the number of bedrooms in the units shall be 10% of the total number of bedrooms in the development.

The development located at 1700 Westbrook Street proposes the creation of ninety-eight (98) single family house lots, and one planned unit residential development (PRUD) lot that will include twenty-five (25) townhouses. The project proposes being completed over three phases starting with fifty-two (52) single family units in Phase I,

twenty-five (25) townhouses in Phase II, and forty-six (46) single family units in Phase III. In accordance with Division 30, section 14-487, Phase I requires a minimum of five (5) workforce single family dwelling units of owner occupied housing consisting of two (2) three-bedroom units, and three (3) four-bedroom units. Phase II requires a minimum of two (2) workforce dwelling units of owner-occupied townhouses consisting of two (2) three-bedroom units. Phase III requires a minimum of five (5) workforce single family dwelling units of owner occupied housing consisting of three (3) three-bedroom units, and two (2) four-bedroom units. As dwelling units for sale, the designated Workforce Units will be restricted to households earning up to 120% of Area Median Income (AMI). Based on the requirements outlined in Section 14-487, the development is required to provide a minimum of twelve (12) workforce units with seven (7) three-bedroom units, and five (5) four-bedroom units. The Applicant has elected to provide twelve (12) Workforce Units, on-site, consisting of seven (7) three-bedroom units, and five (5) four-bedroom units to satisfy the ordinance's minimum requirements. As such, the project has met the minimum requirements set forth in Section 14-487.

Staff recommends the Board Approve this Conditional Use provided the Applicant and the City enter into an agreed upon Affordable Housing Agreement (AHA) before a Building Permit may be issued. The Affordable Housing Agreement will outline the details of the affordability restrictions placed on the Workforce Unit and will be filed as covenant to the property's deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued.

The applicant has submitted a plan that shows that potential affordable lot and units in each phase, [Attachment Plan 32](#).

#### **XI. TRAFFIC MOVEMENT PERMIT**

For any project that generates 100 or more passenger car equivalents at peak hour, the applicant is required to make adequate provision for traffic movement of all types into and out of the project area. Before issuing a permit, it determined if any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed project. The Traffic Study and Scoping Report ([Attachment ZV](#)) confirmed that a Traffic Movement Permit is required because the proposed trip generation reaches a high of 116 trip ends in the weekday PM peak. A Scoping meeting was held on October 10, 2017 and a further Traffic Impact Study was received to address the several issues raised at the Scoping meeting.

Tom Errico, Consultant Traffic Engineer with TY Lin, had reviewed the TMP application and states the following:

Status: The applicant has submitted a traffic impact study and I find the methods and contents to be acceptable. The following should be noted:

- o We concur that the need for a dedicated left-turn lane on Westbrook Street shall be monitored by the applicant in the future. If it is determined that a lane is needed, the applicant shall be responsible for all cost for implementation and the design shall meet with the approval of DPW.
- o In conjunction with an approved Outer Congress Transportation and Streetscape Plan, the applicant shall make a \$12,600 contribution. The contribution was based upon project trip generation and assignment added to Congress Street.
- o The applicant conducted a speed study on Westbrook Street and determined vehicle speeds exceed the posted speed limit. [Accordingly, a variable speed indicator is required to be installed on Westbrook Street at a location acceptable.] The City has been implementing traffic strategies along Westbrook Street and request that [an additional] speed study be conducted following construction of Phase 1 and implementation of the associated crosswalks and sidewalk on Westbrook Street. If the speed study indicates excessive vehicle speeds, the applicant shall implement traffic calming mitigation strategies acceptable to the City.

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

The applicant has provided evidence of the trail easement that they have signed with Portland Trails, which is being held in escrow until the time of closing (Attachment 5). The easement gives Portland Trails permission to construct and maintain unpaved footpath or walking trails within the ROS portion of the site. A condition of approval will be suggested at the public hearing that requires evidence that the easement has been recorded at the Cumberland County Registry of Deeds. A final subdivision plat will need to be revised to reflect any waivers, conditions of approval, stormwater drainage easements, and open space easements that relate to the subdivision plan.

The draft Homeowners Association Documents has been submitted for review by Jennifer Thompson, Associate Corporation Counsel. The HOA will need to address stormwater drainage, individual lot's sewer line pumps, open space and trails, and stormwater maintenance.

## **XIII. SUBDIVISION REVIEW (14-497(a). Review Criteria; 14-198. Technical and Design Standards; & 14-499. Required Improvements)**

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plan and determines that plans meet this standard.

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The development will be serviced by the existing 8" municipal water within Westbrook Street supplied by the Portland Water District. The Applicant has contacted the Portland Water District requesting ability to serve water and awaits response; confirmation of ability to serve should be forwarded to the Planning Authority upon receipt. Confirmation of ability to serve sewer from City Department of Public Services has been submitted.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

Currently there is an existing curb cut along Westbrook Street that provide access to the single-family home on the site. The applicant is proposing to have two access points from Westbrook Street to the site, one right across from Swan Street and the other is approximately 500 feet west of the entrance of Old Westbrook Street. The latter entrance has changed since the conceptual site plans that Board saw as part of the rezone application. According to the applicant, sight distance and driveway clearance are the reasons for the change. The two looped streets will have access at these points; the roads are to be built to City standards. The majority of the lots' driveways will have access off the new roads, except six lots will have driveways off Westbrook Street. The road accessing the PRUD project will be private. The City's Traffic Engineering Reviewer Tom Errico has reviewed the plans and offers preliminary comments below:

### ***Sidewalk Requirement***

The applicant is proposing to install a new sidewalk along their frontage on Westbrook Street, as well as sidewalk on one side of the street within the proposed development. Approximately the first 100 feet of the new streets will have sidewalks on both sides from the intersection with Westbrook Street. In the development, on the looped roads, the sidewalk is on one side. The reason for this is that stormwater management is being proposed on the other side of the street. The Subdivision Ordinance includes a number of provisions that the applicant will need to consider carefully as the final plans are being developed, Section 14-498 8a:

*Sidewalks and curbs: Sidewalks shall be constructed on each side of each street in accordance with article III of chapter 25. Sidewalks to be used by pedestrians are to be so located as to minimize contacts with normal automotive traffic, with preference given to interior walks away from streets in common open space in block interiors.*



The applicant has request a waiver of sidewalks on both side of the new streets. Staff supports a sidewalk on one side of the street, but recommends that it be on the outer side of the street. This will accomplish a better connection to the trails without crossing the roads and there will be more on-street parking (applicant is proposing on-street parking on one side of the street). The road profile has been revised to show this change.

Tom Errico, Consultant Engineer with TY Lin, has reviewed this request and has offered the following:

- All proposed public roads shall meet City standards regarding cross-section details. The applicant has provided a waiver request for some roadways to have sidewalks on only one side. I will review the waiver analysis with City staff and provide direction in the future.

Status: I support the request for a waiver for the provision of a sidewalk on only one side of the street based upon minimizing the amount of impervious surface area. Accordingly, I find the project to meet the City Waiver criteria and I have no further comment.

- The applicant is requesting a waiver from the City's Technical standard for intersection separation between the easterly Westbrook Street intersection and the nearby internal street intersection. Based upon low traffic volumes, I support a waiver for the proposed intersection spacing.
- The proposed sidewalks shall be designed such that a grass esplanade is provided along the entire length of sidewalk on both the internal streets and along Westbrook Street.

### ***Crosswalks***

As part of the application, crosswalks are proposed within the new streets in the development. Mr. Errico has reviewed this and is okay with proposed crosswalks. There will also be three crosswalks are proposed on Westbrook Street; one at the new intersection at Swan Street and two at the trails intersections. Mr. Errico has reviewed this and offers the following recommendation:

The applicant should provide greater detail on the proposed crosswalks on Westbrook Street. Given traffic conditions, enhanced crosswalks – from a safety perspective - may be warranted. Additionally, the crosswalks shall be designed to be fully ADA compliant (the site plan does not provide ramp details).  
Status: It is recommended that the installation of the RRFB warning lights for the proposed crosswalks be reviewed in the field during construction to determine need at each of the proposed crosswalk. The applicant shall be responsible for the installation of the RRFB's following the field review. The City is requesting that the applicant evaluate and if necessary install lights for safe illumination of the proposed crosswalks.

#### **4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)**

The Applicant has applied for several state permits. The applicant will need to provide the City with evidence of approval upon receipt for the following permits per Sec 14-527. Content of Site Plan Applications (c) 5:

- a. Maine DEP Construction General Permit
- b. Maine DEP Tier 2 NRPA Permit
- c. Maine DEP Chapter 305 – Permit by Rule for Section 2. Activities adjacent to protected natural resources and Section 7 - Outfall pipes.

The subdivision is subject to review under Maine's Site Location of Development Act. The City has submitted the required paperwork to DEP in order to conduct the delegated review of this subdivision; DEP has submitted a letter stating that the City could do the review. The project is also subject to review for a Stormwater Permit. Under Section 5 of the City of Portland Technical Manual, a subdivision development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. The MDEP Chapter 500 rules describe stormwater management requirements for new development projects.

Originally the Applicant was proposing Filterra units and a Vegetated Underdrained Soil Filter to provide stormwater treatment. At the time of the review, it was noted that the City of Portland is no longer allowing stormwater treatment systems to be installed within road right-of- ways. The applicant is now proposing FocalPoint as stormwater treatment. Staff has met with Will Savage, the applicant's engineer a number of time to this discuss this. Mr. Savage submitted a cover letter which explains the situation:

Following the October 4th, 2017 Planning Board Workshop, the Applicant and Engineer held three additional coordination meetings with the Department of Public Works (DPW) to review the proposed Stormwater Best Management Practices (BMPs) within the development's future public Right-of-Way (ROW).

As a result of these meetings DPW supported the use of water quality stormwater BMPs within the public ROW, with conditions and provided the respective party maintain the percentage of the contributing impervious area from the public ROW and Lot Area to the stormwater BMP. The Applicant was supportive of this compromise which results in the following:

- The Homeowners Association (HOA) will maintain approximately 43% or 9 of the stormwater BMPs where the majority of the flow is from the single-family house lots. These BMPs may be FocalPoints or an approved equivalent. The lots tributary to the stormwater BMP will be eligible for the stormwater credit. DPW has also requested that the BMPs be designed a minimum 5 ft away from curb line.
- DPW will maintain approximately 57% or 11 of the stormwater BMPs. DPW has requested that these BMPs be FocalPoints and be designed a minimum 5 ft away from the curb line.

The Stormwater quality and quantity, as designed, will exceed the requirements set forth within the Maine Department of Environmental Protection Chapter 500 Rules. The stormwater runoff from new roadways and sidewalks will be treated by high-performance filtration systems before being redirected towards dry detention basins. Both the Filterra and FocalPoint are proprietary highperformance filtration systems that meet the following stringent MaineDEP requirements, "livetested for a variety of storm lengths and intensities. The system must remove at least 60% total phosphorus, with at least similar removals metals (zinc and copper), and hydrocarbons; it must provide temperature reduction and channel protection storage detention either independently or in combination with another measure; and it must also be maintainable."

The detention basins will provide both channel protection and stormwater flood control with the center basin designed to provide the community with an ice skating pond. We believe the collaboration and comprise between the Applicant and DPW will result in a model project that fosters educational opportunities and public interaction with green infrastructure.

The City's Consultant Engineering Review (see Attachment 2 for complete list of recommendations) and offer the following comments:

- 1) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:
  - a) Basic Standard: The Applicant has provided a plan, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.
  - b) General Standard: The project is required to include stormwater management features for stormwater quality control. See general stormwater comment below.

- c) Flooding Standard: The project is required to control the rate or quantity of stormwater runoff from the site. See general stormwater comments below.
- 2) The Applicant has been actively working with Public Works to determine the acceptable approach to stormwater management, both in and out of the proposed City Right-of-Way. The Applicant is proposing to utilize FocalPoint treatment systems. Some of these systems will be maintained by the City of Portland and some will be maintained by the HOA for the development. In addition, tree box filters, underdrained soil filters, and detention basins are proposed on the site, all to be owned and maintained by the development. The Applicant has provided an updated report that addresses most stormwater management concerns, and we are in agreement that the proposed system will address the General and Flooding Standard. Since we are reviewing stormwater infrastructure that will be partly maintained by the City, and we are also reviewing the documents as part of the City's Delegated Review Authority with the Maine DEP, we request that the following additional information be provided:
  - a) Sizing calculations for all stormwater treatment/storage systems. Some components of the sizing information have been provided (FocalPoint table, underdrain soil filter surface areas, pond water quality volumes), we ask that the complete design calculations for all of the proposed systems be provided for the record.
  - b) A simple stormwater treatment plan should be provided that shows all of the treatment systems, and their tributary drainage areas.
  - c) The Applicant has sized their stormwater piping based on the Hydraflow modeling software. A detailed check of rim inverts with peak flow elevations is required.
- 3) The Applicant may want to consider using underdrain in the central areas between lots where foundation drains are currently proposed to connect. This is not a requirement, but a suggestion on how to provide some stormwater relief between lots.

5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)

The site is not within an historic district. The proposed lots are located closer to Westbrook Street with open space preserved along the Stroudwater River. The applicant has submitted determinations from Department of Agriculture, Conservation and Forestry and Maine Historic Preservation Commission, and the proposal does not impact any rear botanical features or archaeological sites. The subdivision does not impact the natural beauty of the area, which is an open field, or adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline.

The proposed subdivision includes approximately twenty-four (24) acres of open space, located along the Stroudwater River with the proposed stormwater management (two detention ponds) areas. The maintenance and management of this open space area needs to be clarified in the context of the Subdivision Ordinance (14-498):

(i) *Public open space:*

*1. In all subdivisions open space may be provided for parks, recreational and other public areas. Where no public open space or recreational areas exist in close proximity to the subdivision, or where a lack of such areas in the subdivision would require its disapproval under section 14-497(a), general requirements, the Planning Board may require provision of land for park or recreational purposes. Such lands may be designated for public or private ownership in accordance with the conditions stated in this section, subject to the approval of the Planning Board.*

*If a tract or parcel is designed or intended to be owned and used in common for recreational or other public or semipublic purposes and such intent is so designated on the subdivision plat, appropriate documents in form approved by the corporation counsel shall be submitted to the Planning Board. Such documents shall clearly:*

- a. *Set forth the nature of the permanent organization under which common ownership is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property for its share of the cost of administering and maintaining such common property;*
- b. *Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.*

A revised landscaping plan has been submitted for review. According to the plan, the applicant is proposing two hundred and forty-four (245) street trees as part of the project. Per the technical standards, the single-family lots and the PRUD are required to have two street trees per lot and per unit:

*4.6.1. Residential Development- Single-family residential subdivisions: Single-family residential subdivisions shall provide a minimum of two (2) trees per lot, planted in the City right of way unless otherwise approved and spaced thirty (30) to forty-five (45) feet on center.*

*4.6.2. Planned Residential Unit Developments (PRUDs): Where a manufactured housing park or subdivision is also a planned residential unit development (PRUD), the development shall provide a minimum of two (2) street trees per unit, planted within 8-10 ft of the City right of way and/or private roadway proposed as part of the development.*

The total required street trees is 246 trees.

6. Comprehensive Plan (Section 14-497 (a) 9)

The applicant has submitted their analysis of the projects conformance with the Comprehensive Plan (refer to Attachment ZF). The staff has identified goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the adapted Comprehensive Plan.

Housing: A Livable City

*State Goals:* To encourage and promote affordable decent, housing opportunities for all Maine citizens

*Local Goals:*

- Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households.
- Encourage additional contextually-appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.

Goals from Future Strategies:

9. Adopt Affordable Housing

- Pursue new opportunities for increased energy efficiency, increased densities, mixed incomes, and greater connectivity to surrounding neighborhoods.

7. Financial Capability (Section 14-497 (a) 10)

As noted above, the applicant has submitted a letter from Bath Savings Institution, dated August 18, 2017 indicating the intent to finance the project.

8. Wetland and Groundwater Impacts, Flood-Prone Area

Portions of the site is located in the Shoreland Zone and in the FEMA Flood Zone A. The Zoning Administrator will be reviewing the project against the FEMA standards. There will be no groundwater use or underground wastewater disposal. Potable water will be provided by Portland Water District.

#### **XIV. SITE PLAN REVIEW FOR PRUD PORTION**

The site plan ordinance contains specific standards for PRUDs. These standards relate to design relationship to site, internal design character and relationship to surrounding neighborhoods, and recreation and open space. The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

##### *1. Transportation Standards*

a. Impact on Surrounding Street Systems and Access and Circulation- see Subdivision, Paragraph VIII (B) (3), above.

b. Construction Management Plan

A construction management plan has been submitted by the applicant for review. All the construction is proposed within the limits of the property lines. Keith Gray has reviewed the plan and finds the plan to be acceptable with the addition of the following recommendations:

- Contractor shall coordinate construction activities with all abutters.
- Contractor shall be responsible for the sweeping of Westbrook Street as required.
- At no time can construction activity, including delivery vehicles, close or block Westbrook Street.
- Primary construction access is intending to be off from the proposed street entrances. Construction access shall be limited on Old Westbrook Street.

c. Sidewalks

Sidewalks are proposed on both sides of the two streets connecting with Westbrook Street and then bituminous sidewalks are proposed on one side of the streets throughout the subdivision. In lieu of the second sidewalk, esplanades are proposed to be constructed to better manage stormwater runoff.

d. Public Transit Access

The project parcel is on a major urban collector roadway. Currently, Metro does not provide service along Westbrook Street. At the workshop, some members of the Board inquired about possibly extending the Metro bus line to this location and adding a bus shelter. Bruce Hyman, Transportation Director, has stated that there will be new bus line to the City of Westbrook, but the route is not on Westbrook Street. A discussion with the Metro System is ongoing. Space has been noted and designated as potential Metro bus stop, (Attachment Plan 5 to 8).

e. Parking

The internal roadways will be built to the City standard width of twenty-eight (28) feet and allow for on-street parking on one side of the roadway. There will be four parking spaces at the end of Old Westbrook Street for trail users. Each PRUD unit will have an integral garage for parking. The individual single-family lots, as well as the townhouse will have a garage and an additional parking space which equals two parking spaces per dwelling unit. The PRUD townhouses will have first floor garages.

f. Bicycle Parking

The proposals include six bicycle parking spaces at the entrances of the townhouse buildings, as well as storage spaces in the building for bicycle. This meets the intent of ordinance standard of bicycle spaces.

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

a. Preservation of Significant Natural Features

The development abuts the Stroudwater River. As part of the application, a total of 24 acres, along river, will be preserved and public access provided to the open spaces and trails. Please refer to Paragraph XIII (5), above.

b. Landscaping and Landscape Preservation

The landscaping plan calls for evergreens along Westbrook Street, street trees on the proposed roads, and a landscaped berm on the PRUD property. The street tree requirement for single family residential subdivisions and PRUDs is two trees per unit in or near the ROW. The applicant is proposing 245 trees on the entire site. Please refer to Paragraph XIII (5), above.

c. Water Quality, Storm Water Management and Erosion Control

Under Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. Luran Swett, Consultant Engineer with Woodard and Curran Engineering, has reviewed the drainage plan and stormwater report, and offers her recommendations; please see Attachment 2 for the complete analysis.

3. *Public Infrastructure and Community Safety Standards*

a. Consistency with Master Plans

See Subdivision, Paragraph VIII (B)6 above.

b. Public Safety and Fire Prevention

The Crime Prevention through Environmental Design (CPTED) standards in the site plan ordinance address the principles of natural surveillance, access control and territorial reinforcement so that the design of developments enhance the security of public and private spaces and reduce the potential for crime.

The site has been designed to promote safe and inviting public access. Adequate emergency access will be provided. The turning radii of the driveway are large enough to allow for emergency vehicles to enter and exit the proposed street. Two fire hydrants are located along Westbrook Street. The hydrant within the PRUD lot is proposed to be private and maintained as such.

c. Availability and Adequate Capacity of Public Utilities

The development will be serviced by the existing 8" municipal water within Westbrook Street supplied by the Portland Water District. The Applicant has contacted the Portland Water District requesting ability to serve water and awaits a response; confirmation of ability to serve should be forwarded to the Planning Authority upon receipt and is prepared as a condition of approval. Confirmation of ability to serve sewer from City Department of Public Services has been submitted.

4. *Site Design Standards*

a. Snow and Ice Loading

The applicant is proposing on-site snow storage. Snow within the PRUD lot is to be stored along the side slopes of the driveway. It is anticipated that snow will be stored along the roadway within the esplanade or 11-foot buffer between the curb face and property lines.

b. View Corridors

This site is not within a Protected View Corridor as per the "View Corridor Protection Plan" approved by the Portland City Council in 2001.

c. Historic Resources

The site is just outside the Stroudwater historic district; therefore, the project does not have to be reviewed by Historic Preservation.

d. Exterior Lighting

A lighting and photometric plan has been submitted for review and meets the Technical Standards.

According to the applicant, the any proposed street lighting will meet the City's standards. All exterior

site lighting including lighting of building entrances will have to be cutoff with no light emitted above the horizontal plane or spilled onto adjacent properties or streets.

e. Noise and Vibration

All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. These mechanical equipment should be located to the interior of the site, away from abutting residential properties and be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof.

f. Signage and Wayfinding

This standard does not apply to the proposal.

g. Zoning Related Design Standards

A design review according to the *City of Portland Design Manual* Standards was performed for the resubmission of the proposed new construction of the PRUD townhouses. The review was performed by Caitlin Cameron, Urban Designer, and Shukria Wiar, Planner, and Nell Donaldson, Senior Planner, within the Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *Planned Residential Unit Developments (PRUDs) in the R-3, R-5, And R5-A Residential Zones and Manufactured Housing Parks in Any Zone* (Sections h) and meets design standards, see Attachment 8 for a complete analysis.

## **XV. STAFF RECOMMENDATION**

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed development.

## **XVI. PROPOSED MOTIONS**

### **A. CONDITIONAL USE**

On the basis of the application, plans, reports and other information submitted by the applicant, findings to the Ensure Workforce Housing and recommendations contained in the Planning Board Report, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds the proposed conditional use for workforce housing [**does** or **does not**] meet the standards of Section 14-484 with the following conditions:

1. That the Applicant and the City shall enter into an agreed upon Affordable Housing Agreement (AHA) prior to the issuance of a building permit. The Affordable Housing Agreement shall outline the details of the affordability restrictions placed on the Workforce Units; and
2. That the Affordable Housing Agreement shall be filed as covenant to the property's deed with the Cumberland County Registry of Deeds prior to the issuance of a Certificate of Occupancy.

### **B. 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 November 28, 2017 for application 2017-193 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. *Sidewalks*

*The Planning Board finds that two criteria **do/do not** apply, and therefore **waives/does not waive** the requirement for a sidewalk along the north side of the new street within the new subdivision with the*

*condition that final plan show the sidewalk relocated to the outer side of the street network, as depicted on the revised road profile.*

#### **C. 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 November 28, 2017 for application 2017-193 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, with the following conditions of approval:

1. If it is determined that a dedicated left-turn lane on Westbrook Street is warranted, the applicant shall be responsible for all cost for implementation and the design shall meet with the approval of Department of Public Works.
2. In conjunction with an approved Outer Congress Transportation and Streetscape Plan, the applicant shall make a \$12,600 contribution prior to the issuance of a building permit. The contribution was based upon project trip generation and assignment added to Congress Street.
3. A variable speed indicator shall be required to be installed on Westbrook Street at a location acceptable and the City request that an additional speed study shall be conducted upon completion of Phase 1 and implementation of the associated crosswalks and sidewalk on Westbrook Street. If the speed study indicates excessive vehicle speeds, the applicant shall implement traffic calming mitigation strategies acceptable to the City.

#### **D. 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 November 28, 2017 for application 2017-193 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 conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall submit Homeowner Association Documents for review and approval by Corporation Counsel that address:
  - a. the Stormwater maintenance agreements for the development;
  - b. Stormwater drainage easements; and
  - c. easements for the open space lot; and
  - d. final conditions of approval.
2. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Department of Public Services and Corporation Counsel and to include references to stormwater drainage, stormwater management, and open space and public access and final conditions of approval; and
3. The applicant shall submit a final plan and specifications, for review and approval by the Planning Authority and the Department of Public Works, that are in conformance with the proposed LED fixture specifications for the street lights; and
4. The applicant shall be responsible for the installation of the RRFB's following the field review. The City is requesting that the applicant shall evaluate, and if necessary, shall install lights for safe illumination of the proposed crosswalks; and



5. The applicant shall submit the following for review and approval by the Planning Authority and Department of Public Services:
  - a. sizing calculations for all stormwater treatment/storage systems; and
  - b. A simple stormwater treatment plan shall be provided that shows all of the treatment systems, and their tributary drainage areas; and
  - c. The stormwater piping has been sized based on the Hydraflow modeling software and a detailed check of rim inverts with peak flow elevations shall be submitted.
6. 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. That the applicant shall provide a stormwater maintenance agreement for the stormwater drainage system, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services; and
7. Confirmation of ability to serve water from PWD shall be submitted to the Planning Division prior to the issuance of a building permit; and
8. Confirmation letters from the Department of Environmental Protection shall be submitted to the Planning Division upon receipt.

#### E. **SITE PLAN**

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 November 28, 2017 for application 2017-193 relevant to the site plan regulations and the Site Location of Development Act, 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 conditions of approval, which must be met prior to the issuance of the building permit:

1. Confirmation of ability to serve water from PWD shall be submitted to the Planning Division prior to the issuance of a building permit; and
2. Confirmation letters from the Department of Environmental Protection shall be submitted to the Planning Division upon receipt; and
3. 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. That the applicant shall provide a stormwater maintenance agreement for the stormwater drainage system, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services; and
4. The applicant shall submit a final plan and specifications, for review and approval by the Planning Authority and the Department of Public Works, that are in conformance with the proposed LED fixture specifications for the street lights.

## **XVII. ATTACHMENTS**

### **PLANNING BOARD MEMO ATTACHMENT**

1. Traffic Engineer review (memo from Thomas Errico, 11.22.2017)
2. Civil Engineer (memo from Lauren Swett, 11.22.2017)
3. Department of Public Services review (memo from Keith Gray, 11.22.2017)
4. Fire Department (memo from John Brennan, 09.28.2017)
5. Rezone Council Orders
6. Open Space and Trail Easements
7. Housing Planner review (memo from Victoria Volent, 11.17.2017)
8. Urban Designer review (memo from Caitlin Cameron, 11.15.2017)
9. Public Comments- Eugenia O'Brien 11-1-17
- 9a. Eugenia O'Brien 11-20-17

### **APPLICANT'S SUBMITTAL**

- A. Cover Letter
- B. Table of Contents
- C. Level III Site Subdivision Plan Application
- D. Site Location of Development Permit Application
- E. Wastewater Capacity Application
- G. Section 2 - Title, Right or Interest
- H. Section 3 - Financial Capacity
- I. Section 4 - Technical Ability
- J. Section 5 – Noise
- K. Section 6 - Visual Quality & Scenic Character
- L. Section 7 - Wildlife and Fisheries
- M. Section 8 - Historic Sites
- N. Section 9 - Unusual Natural Areas
- O. Section 10 – Buffers
- P. Section 11 - Soils
- Q. Section 12 - Stormwater Management
- R. Section 13 - Urban Impaired Stream Submissions
- S. Section 14 - Basic Standards Submissions
- T. Section 15 – Groundwater
- U. Section 16 - Water Supply
- V. Section 17 - Wastewater Disposal
- W. Section 18 - Solid Waste
- X. Section 19 – Flooding
- Y. Section 20 – Blasting
- Z. Section 21 - Air Emissions
- ZA. Section 22 – Odors
- ZB. Section 23 - Water Vapor
- ZC. Section 24 - Sunlight
- ZD. Section 25 – Notices
- ZE. Section 26 - Fire Department Letter
- ZF. Section 27 - Conformity with Applicable Zoning Standards
- ZG. Section 28 - Utility Cover
- ZH. Section 29 - Written Request for Waivers
- ZI. Section 30 - Construction Management Narrative
- ZJ. Section 31 - Conformity with Shoreland Standards
- ZK. Neighborhood Meeting Letter
- ZL. Neighborhood Meeting Certification

- ZM. Neighborhood Meeting Minutes
- ZN. Neighborhood Meeting Sign-In Sheet
- ZO. Section 32 - Homeowners Association & Condo Documents
- ZP. PRUD Design Narrative
- ZQ. Section 33 - Conformity with Land Use Ordinance PRUD
- ZR. Section 34 - Stormwater Maintenance Agreement
- ZS. Section 35 - Traffic Impact Study
- ZT. Design Review Response
- ZU. NRPA Tier I Freshwater Wetland Alteration - Approved Permit
- ZV. Traffic Movement Plan

### **PLANS**

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- Plan 2. General Notes
- Plan 3. Existing Conditions Plan
- Plan 4. Construction Management Plan
- Plan 5. Subdivision Plan
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- Plan 7. Subdivision Plat - Phase I
- Plan 8. Subdivision Plat - Phase II
- Plan 9. Landscape Plan
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- Plan 11. Road Profile – 2
- Plan 12. Road Profile – 3
- Plan 13. Road Profile – 4
- Plan 14. Grading & Drainage Plan - Phase III
- Plan 15. Grading & Drainage Plan - Phase I
- Plan 16. Grading & Drainage Plan - Phase II
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- Plan 18. Site Details – 2
- Plan 19. Site Details – 3
- Plan 20. Utility Details - 1
- Plan 21. Utility Details – 2
- Plan 22. Utility Details – 3
- Plan 23. Drainage Details
- Plan 24. Detention Basin Details
- Plan 24. Photometric Plan
- Plan 25. Vegetated Underdrained Soil Filter Details
- Plan 26. Filterra BMP Details
- Plan 26a. Filterra BMP Details
- Plan 26b. Focalpoint BMP Details
- Plan 27. Erosion & Sedimentation Control Notes
- Plan 28. Erosion & Sedimentation Control Details
- Plan 30. PRUD Rendering
- Plan 31. PRUD Floor Plans & Elevations
- Plan 32. Potential IZ units to be Identified