

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
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December 18, 2015

Gregory Mitchell
Economic Development Department
City of Portland
389 Congress Street
Portland, ME 04101

Mark A Pettingill, President
Patrons Oxford Insurance Company
PO Box 1960
Auburn, ME 04211

Project Name: **Portland Technology Park:**
a. **Amendment to Subdivision Plat (ID # 2015-172)**
b. **Site Plan for Patrons Oxford Insurance Office Building, LCE#4 (ID #2015-171)**
Address: Rand Road
(in 2015 the drive was given the E911 name of Technology Park Drive; LCE#4 is known henceforth as 97 Technology Park Drive)
CBL: CBL: 249-A-001-001
Applicants: a. Amendment to Subdivision Plat: City of Portland
b. Site Plan for Patrons Oxford Building on LCE#4: Patrons Oxford Insurance Co.
Planner: Jean Fraser

Dear Mr Mitchell and Mr Pettingill:

On December 8, 2015, the Planning Board considered the Level III Subdivision and Site Plan applications that include proposals for a new 19,000 sq ft office development on Limited Common Element (LCE) #4 within the Portland Technology Park (PTP), and for associated amendments to the PTP Subdivision Plat. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision and Site Plan Ordinances. The Planning Board voted 6-0 to approve the applications with the following conditions as presented below.

SUBDIVISION 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 December 8, 2015 for application #2015-172 (Portland Technology Park) relevant to the Subdivision regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 to find that the plan is in conformance with the subdivision standards of the land use code and to approve the application, subject to the following condition of approval:

- i. The applicant shall finalize the amended subdivision plat to address Planning Board and staff comments; the final plat to be submitted for review and approval by Corporation Counsel, Department of Public Works, and the Planning Authority prior to signature by the Planning Board.

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 December 8, 2015 for application #2015-171 (Portland Technology Park, LCE#4) relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 to find that the plan is in conformance with the site plan standards of the land use code and to approve the application, subject to the following conditions of approval:

- i. That the applicant shall obtain and submit all required State and Federal permits/amended permits prior to the issuance of a building permit; and
- ii. That the applicant shall submit revised proposals, for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit, to meet the following objectives:
 - a. To relocate and provide enhanced planting around the proposed generator to achieve a landscaped parking island that integrates with the overall landscape and provides screening from both local and distant viewpoints; and
 - b. To relocate three (3) parking spaces from the northeast corner of the parking lot to allow the extent of tree clearance to be significantly reduced.
- iii. That the Planning Board supports the signage concepts in principle, but requests that the details address the comments of the Urban Designer dated 11.25.2015 so that waivers may be considered by the Planning Authority; and
- iv. That the applicant shall introduce TDM measures as set out in the TDM plan dated 11.25.2015 and e-mail from Lauren Swett dated 11.30.2015 (confirming re van pool and other priority parking) and provide a progress report to the Planning Authority within one year of the issuance of a Certificate of Occupancy; and
- v. The developer/contractor/subcontractor must comply with conditions of the submitted and approved stormwater management plan and sediment and erosion control plan and associated inspection and maintenance manual (all from September 2015), 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. The PTP condominium documents outline the division of responsibilities in this regard; and
- vi. That the applicant shall address the comments of the Peer Engineering Reviewer Jim Seymour dated 12.3.2015 as far as possible, and work with staff to create a table of "base" information to assist with future site plan and stormwater reviews of the other lots; and
- vii. That the applicant shall prepare and submit a final Construction Management Plan, for review and approval by the Planning Authority prior to the work starting on site (including clearance of trees) that addresses the items identified in the applicants submission (Attachment J); addresses the comments of the Peer Engineering Reviewer Jim Seymour dated 12.3.2015; and requires that the boundary of the revised LCE#4 shall be marked with permanent markers such as FENO markers in the field prior to any work on the site.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in the Planning Report for applications #2015-171 and #2015-172.

STANDARD CONDITIONS OF APPROVAL

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

1. **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.
2. **Subdivision Waivers** Pursuant to 30-A M RSA 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).

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 the 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 Inspection Division.
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. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an 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 Division and Public Works 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.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **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.
10. **Department of Public Works 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.)
11. **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.
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 the Public Works 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 Jean Fraser at 874-8728.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Urban Design Comments dated 11.25.2015
2. Extract re *Construction Management Plan* from Peer Engineer Review comments dated 12.3.2015
3. Planning Board Report
4. Chapter 32
5. Performance Guarantee Packet

Electronic Distribution:

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

Planning and Urban Development Department Planning Division



Subject: PTP Design Review – Patrons Oxford

Written by: Caitlin Cameron, Urban Designer

Date of Review: Wednesday, November 25, 2015

The proposed new construction of a commercial office in the Portland Technology Park was reviewed according to the *Portland Technology Park Design Guidelines*. The project was reviewed by Caitlin Cameron, Urban Designer, Jean Fraser, Planner, and Shukria Wiar, Planner.

Findings of the Design Review:

The Technology Park Guidelines expresses the following goals for new development projects:

- Design Quality
- Durability
- Energy/Environmental Performance

The proposal for Patrons Oxford Offices is a contemporary design that conveys an identity of innovation and technology. Several energy and environmental performance strategies are integrated with the building design including roof forms to maximize photovoltaics, building orientation for passive solar, low-e windows, and a light colored roof to reduce heat island effect. The project meets the overall goals of the Portland Technology Park Design Guidelines but there are some outstanding items below regarding specific standards.

Design Review Comments (*red text denotes standards that are not met or additional information needed*):

PTP Portland Technology Park- Site Design Standards

Signage – Not Met, more information needed – The sign master plan shows three signs as part of the project. The size and proportion of signs is appropriate for the site and building. The sign materials are listed as TBD and cannot be evaluated. The letters are indicated as metal and meet the standards. The Lighting section prohibits up-lighting – the lighting on the building sign should shine downward. The freestanding and door signs meet the lighting standards using floodlights and downlights. It appears the large building sign will be visible to the drive approach. The review panel questions whether the large building sign could potentially be placed higher on the façade. A condition of approval may be sought to resolve the sign material finish and durability to ensure the design standards are met.

The Division 22 Sign Ordinance requirements will need to be met at the time of sign permit application. In the OP zone, 1 building sign is allowed at 6% maximum of the wall area. One freestanding sign is allowed with a maximum 15sf, 5' height, and 5' setback. It is not clear

whether the building may have 3 wall signs as indicated in the current proposal. Location of the freestanding monument sign appears to cross the property line - applicant should refer to the condominium documents and Division 22 Sign Ordinance for sign location compliance.

A waiver from the sign ordinance requirements can be recommended by the Planning Board and in this case staff feels the proposed building signs are appropriate for addressing different points of access and approach orientations of the building. For example, the large building sign is oriented to the vehicular approach and the two small building signs at the entrances are for the pedestrian approach to the doors. The placement of the freestanding sign is appropriate from a visibility standpoint and as long as it is not in violation of the condominium documents.

PTP Portland Technology Park- Building Design Standards

Building Massing and Form – Met – The proposed building is two stories with the long dimension oriented South. The form is a modified rectangle and the overall design is contemporary in style. Architecture provides an integrated design. Wood screens are incorporated to address the preference for natural colors and materials. The roof line is varied and will potentially provide visual interest to the highway approach.

Zoning Standards – Met – Building is proposed to be two stories with pavement setbacks.

Building Envelope

- **Exterior Siding** – Met – The proposed materials meet the standard for continuity, quality, and durability and convey a “high tech” quality. Materials include Fiber cement board, storefront, metal siding, and wood siding. No vinyl or masonry block is proposed. The review panel expressed the desire to see the vertical wood screen elements be integrated down to the ground floor if possible to provide a cohesive design element. The storefront system exceeds MUBEC by 17% in performance (10% is required).
- **Windows** – Met – Exterior window finishes appear to meet the standard.
 - o Window Transparency – Met – glass will not be reflective and will meet the requested level of transparency at VLT 70.
 - o Passive Solar - Sun shades are recommended to cover 75% of the windows on the South exposure. There is an overhang on the ground level to provide the exterior shading, but no shades or overhangs proposed on the second floor. The second floor will control solar exposure through the combination of high performance glass and
- **Entrances** – Met – The entrance faces the entry drive and includes a vestibule as recommended by the standard. A covered entrance is required to provide a transition into the building and is provided with a 10' overhang. The entrance is also demarcated by three columns.
- **Roofs** – Met – flat and sloped roofs are permitted. The project uses a light-colored roof to reduce Heat Island Effect as required by the standard.
- **Exterior Trim and Detailing** – Met – Metal trim details proposed to match siding finish. Wood screens are proposed as a natural material detail.

**EXTRACT re CONSTRUCTION MANAGEMENT PLAN
from 4 page Review Memo:**



STI # 15434

Review Memorandum

TO: Jean Fraser –City of Portland -Planner

FROM: James Seymour, P.E.
Development Engineering Review

Consultant
Sebago Technics, Inc.

DATE: December 3, 2015

RE: Final Site Plan Review –
Proposed Patrons Oxford Insurance Building
Unit 4-Technology Park, Portland Maine

Construction Management Plan:

We have asked for more details regarding dewatering or standard pumping of groundwater will be necessary to construct foundations or utilities. The impact is that this creates dirty sediment filled discharges. Thereby it will be imperative that we have a site specific construction management plans to assess all environmental point discharged flows that could be raised during this project's site construction. Items will need to include dewatering measures, discharge locations, specific erosion and sedimentation measures, excavated soil stockpiling locations, and include efforts for maintaining cleared streets by sweeping during construction activities (truck tracking). We recommend that notes relating to dewatering outfall locations shall be reviewed by the site engineer and city inspectors/ engineers prior to installation, and that all procedures shall follow the geotechnical recommendations or as directed by the Site Engineer.



PLANNING BOARD REPORT PORTLAND, MAINE

PORTLAND TECHNOLOGY PARK AMENDMENT TO SUBDIVISION PLAT AND DEVELOPMENT OF LCE (LOT) #4 FOR OFFICES

Rand Road
Level III Application for Subdivision and Site Plan Review

Project ID # 2015-172 (Subdivision Amendment) and 2015-171 (Site Plan)
CBL: 249-A-001-001

Amendment to Subdivision Plat: City of Portland Economic Development Department, Applicant
Site Plan for Patrons Oxford Insurance Office Building: Patrons Oxford Insurance Co. Applicant

Submitted to: Portland Planning Board Public Hearing Date: December 8 th , 2015	Prepared by: Jean Fraser, Planner Date: December 4 th , 2015
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I. INTRODUCTION

Woodard & Curran, on behalf of the applicants, have requested final approval to the Level III Site Plan and Subdivision applications that allow the development of Limited common element (LCE) #4 for a new 19,000 sq ft office development. This is the first building to be constructed in the Portland Technology Park, a 7-lot Office Park proposed by the City of Portland and approved by the Planning Board in January 2012.

The focus of the current proposal is a two-story office building with associated parking, utilities and stormwater infrastructure for the Patrons Oxford Insurance headquarters to be located on Limited Common Element (LCE) #4. The project also includes the realignment and construction of a small section of the phase 2 access drive, with minor adjustments to three LCEs and gravel wetlands in the vicinity.

The proposals constitute revisions to the previous approvals as follows:

- Amendment to the approved Plat to reflect minor adjustments to three LCE boundaries and the alignment of the access drive: application from City of Portland
- Amendment to the approved overall site plan, and revised detailed Site Plan proposals for the LCE #4: application from Patrons Oxford Insurance Company



Office Park Context



*2012 Site Plan approved Layout of Office Park
(areas outside green are tree preservation areas)*

Required reviews:

The focus of the review is guided by the conditions included in the 2012 Planning Board approval (Attachment 2), as extracted below:

(Subdivision) That the development of limited common element areas is subject to review and approval by the City of Portland Planning Authority for conformance with the Portland Technology Park Design Guidelines and City of Portland Code of Ordinances, Chapter 14 Land Use, Article v. Site Plan for building architecture, site landscaping, site pedestrian circulation, bicycle parking, lamp specifications and signage and any changes or alterations to approved traffic, parking, access, utility, exterior lighting, tree preservation and stormwater features; and

(Site Plan) That when individual units are proposed for site plan review the applicants should submit detailed specifications for snow storage management/protection of gravel wetlands, exterior lamp fixtures (including wall mounted), and consider the opportunity for trail links with the wider trail network on the RPZ open space part of the site; and

(Site Plan) That the site plans for individual units shall be brought before the Planning Board for review and approval, and the Board reserves the right to review individual units under the standards of the site plan ordinance.

The project is also being reviewed by the MDEP and ACOE regarding the amendments to the wetland fill (NRPA) and stormwater management (SLOD).

II. PROJECT DATA:

SUBJECT	DATA APPROVED OVERALL PARK	DATA AMENDED OVERALL PARK	DATA LCE#4 AS APPROVED	DATA LCE#4 AS REVISED
Existing Zoning	Office Park			
Existing Use	No building construction to date except access drive and stormwater infrastructure			
Proposed Use	Construction of new building for offices with associated infrastructure			
Parcel Size	OP: 26.2 acres	OP: 26.2 acres	LCE #4: 1.46 acres	LCE#4: 2.28 acres
Impervious Surface Area** --Existing - Proposed --Net Change	9.1 acres	9.31 acres	0 sq. ft. 51,700 sq. ft. 51,700 sq. ft. (1.19 acre)	7,200 sq. ft. 60,400 sq. ft. 67,600 sq. ft. (1.55 acre)
Total Disturbed Area	13.0 acres	13.7 acres	73,500 sq. ft.	94,900 sq. ft.
Total Building Footprint	81,000 sq. ft.	80,500 sq. ft.	10,000 sq. ft.	9,500 sq. ft.
Total Building Floor Area	122,000 sq. ft. (4 @ 10,000, 2 @ 20,000, and 1 at 42,000 sq. ft.)	121,000 sq. ft. (4 @ 10,000, 1 @ 19,000, 1 @ 20,000, and 1 @ 42,000 sq. ft.)	20,000 sq. ft.	19,000 sq. ft.
Parking Spaces(#handicapped)	436 spaces	428 spaces	78 spaces	70 spaces (3)
Bicycle parking Spaces Proposed	N/A	N/A	N/A	10
Estimated cost of the prj.	N/A	N/A	N/A	\$5 million

*This shows an increase of 0.36 acres, vs. the total technology park increase of 0.21 acres. There was a decrease in impervious surface in LCE 5 (shortened driveway, and an eliminated gravel wetland) that counters the increase in LCE 4.

** These figures include gravel wetlands as impervious as this is how the MDEP views them.

III. WORKSHOP SUMMARY AND PUBLIC COMMENT

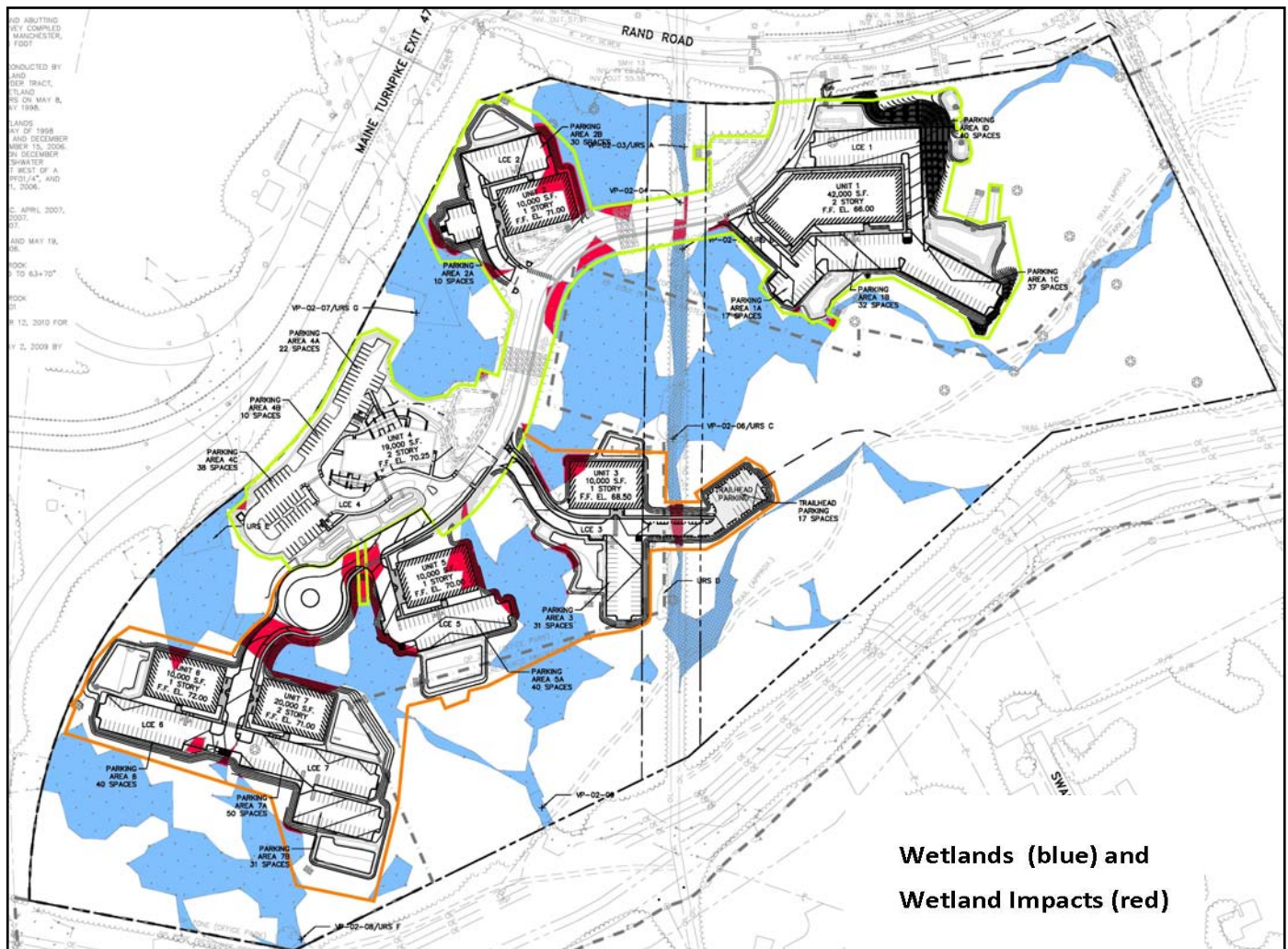
The Planning Board workshop was held on November 10, 2015 where the Board asked questions about the number of employees and requested further information on gravel wetlands. The applicant will provide details of the gravel wetlands as part of their presentation at the PB Hearing.

A total of 61 notices of this workshop were sent to property owners within 500 feet and to interested citizens and a notice was published in the November 30th and December 1st, 2015 editions of the *Portland Press Herald*. A Neighborhood Meeting was held on October 26, 2015 and there were no members of the public in attendance (see Attachment E). The Planning office has been contacted by Jaime Parker of Portland Trails and he has confirmed they do not have comments. One other e-mail (no address given) noted that an insurance office is not “Technology” but this development is in an area zoned “Office Park”.

IV. BACKGROUND AND EXISTING CONDITIONS

The Portland Technology Park is a 7 unit office park, developed as Planned Unit Development (condominium), which is currently owned by the City of Portland with no buildings constructed yet. It is located near the Maine Turnpike Exit 47 between Rand Road and Westbrook Street. It was developed by the City with the aim of providing a location for emerging high technology businesses, including but not limited to biotechnology and information technology companies. The background to its development is included in Attachment 1.

The City completed the first phase of the access drive and associated stormwater management and treatment measures in 2013 and a gas line was installed early in 2015. The park is currently being marketed.



The layout of the 26 acre office park was constrained by the extent of wetland areas, as shown in blue in the plan above; the red shows how the proposed buildings impact wetlands. LCE#4 does not directly impact wetlands, but

the proximity of wetlands is a key factor in the layout of the building and parking and the design of the stormwater management system.

The office park is associated with a 13 acre conservation area abutting the office park along the south boundaries of LCEs 1, 3, 5 and 7. This is also owned by the City of Portland and managed by Portland Trails through an agreement with the City and Condominium Association that is managing the office park area. A trailhead with parking was constructed as part of the completed first phase.

In 2012 the project was reviewed for conformance with Subdivision, OP zoning and Site Plan standards. There are a number of key issues that frame the consideration of the amendments and the specific proposals for LCE#4:

- The office park is governed by an approved Design Guide (Attachment 3);
- A Tree Preservation Plan was one of the approved plans (Plan P4);
- A waiver was given for the size of the parking spaces (8' 2" X 18 instead of 9' by 18') throughout the park in order to minimize the area of impervious surface;
- A waiver was granted for providing sidewalk on one side of Rand Road;
- A waiver was granted to allow landscaping details to be deferred to the review for each site; Condominium bylaws include conservation easement for area abutting the office park;
- A TDM was required.

V. PROPOSED DEVELOPMENT

The proposed development is to provide a headquarters building for the Patrons Oxford Insurance Company and Attachment Fi includes an explanation of how this site was selected and the philosophy that guided the design of the building, its amenities and the site layout. LCE#4 was originally envisaged to be part of phase 2 and the existing access drive does not reach this lot. In order to develop it, the project has included the extension of the access drive along a relocated route to enable the revised layout of the proposed building and parking on LCE#4. The modifications to the access drive also entail modifications to the stormwater system (gravel wetlands), and therefore the development of the LCE has also triggered amendments to the overall subdivision plat and site plan as summarized below.

A. SUMMARY OF AMENDMENTS TO SUBDIVISION PLAT AND OVERALL SITE PLAN

The amendments to the Subdivision Plat and Overall Site Plan (see Attachments A and B for applications) comprise the expansion of the northern boundary of LCE#4 and the minor adjustment of the location of the access drive and the boundaries of abutting LCE 5 and LCE6, along with a modification of the gas line where it nears the turning circle and the removal of one of the proposed gravel wetlands. The underlying detailed revisions can be seen on the Overall Revised Site Plan (Plan P13). The draft plat would need to be revised to document the MDEP/ACOE approvals and any revised or additional conditions of approval prior to signature by the Planning Board.

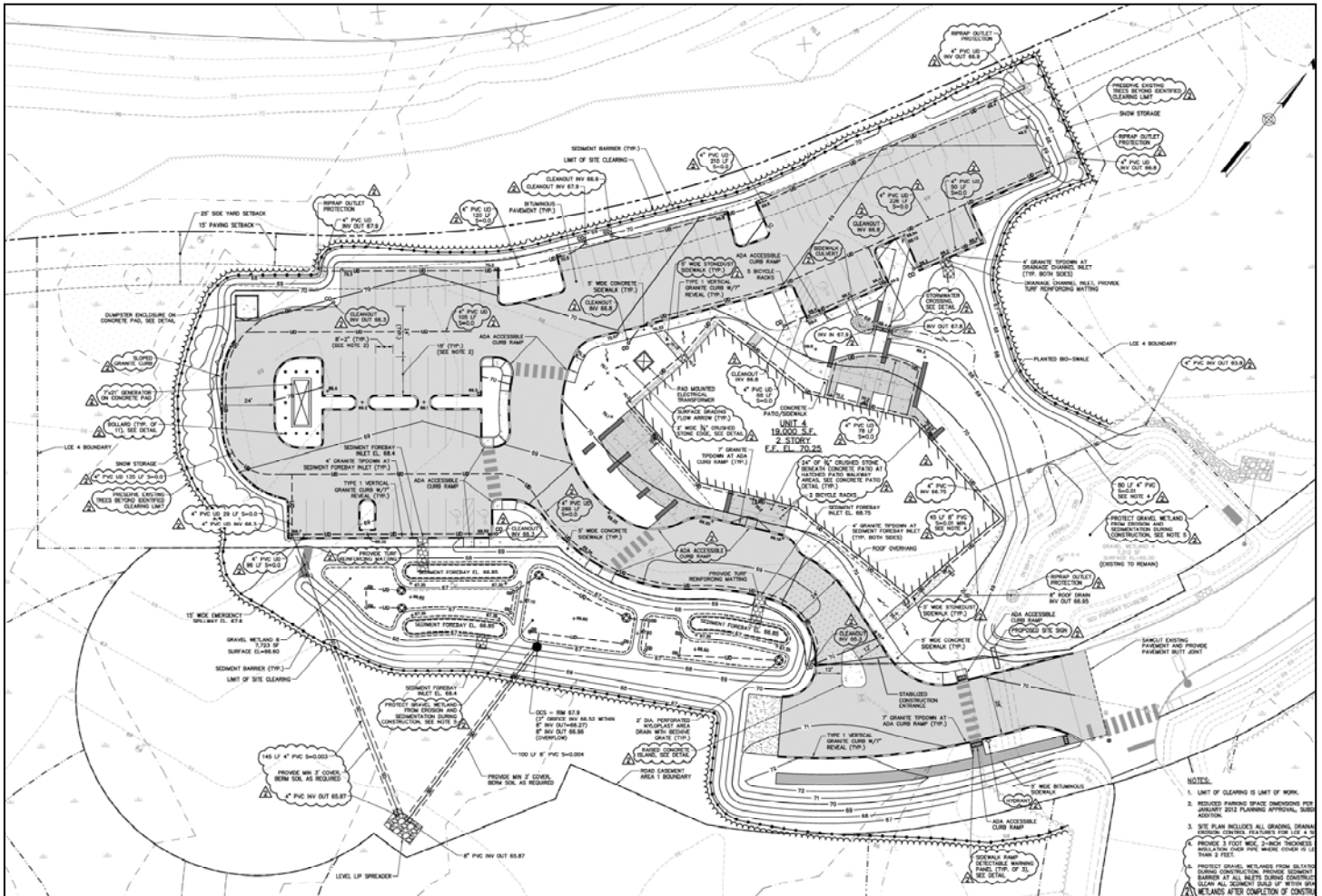
B. SUMMARY OF PROPOSALS ON LCE #4

The proposal details are found in Attachments F, G, I and J and Plans P10 to P40. The two story office building (19,000 sq. ft. total floor space) is designed with a main entrance from the south and an employee's entrance with patio on the north. The parking area for 70 vehicles is linked to the building with crosswalks and sidewalks and extensive planting is shown on the Planting Plans (Plans P31, P32 and P33). Two gravel wetlands are located along the east side of the site to drain and treat stormwater.

Since the PB Workshop a large generator has been added to the site plan and has posed a challenge due to its scale and anticipated noise levels.

The LCE boundary has been enlarged by the relocation of the access drive to allow for possible future expansion. The proposal under review is for a building with 1000 sq ft less floorspace than included in the 2012 site plan with 8 fewer parking spaces, although the impervious surface has increased because the access drive between the parking and the main access drive is longer (the impervious surfaces on LCE#5 have been reduced).

The final site plan (Plan P14) is extracted below (the bubbles denote changes from the preliminary site plan):



VI. RIGHT, TITLE AND INTEREST; FINANCIAL & TECHNICAL CAPACITY & SUBMISSION REQUIREMENTS

The application includes the Purchase and Sale Agreement between the City of Portland and Patrons Oxford Insurance Company dated March 2015 (Attachment C). The project will be funded through internal resources, and a letter from the parent company has confirmed the financial capacity of the Patrons Oxford Insurance Company to carry out the project (Attachment D).

VII. STAFF REVIEW

The staff review has focused on the subdivision and site plan issues that were referenced in the approval of the project in 2012 (see above). At that time a comprehensive review was undertaken in respect of the Office Park Zoning requirements, and the ordinance requirements under Subdivision and Site Plan.

The proposals are relatively minor amendments to the Subdivision and Overall Site Plan, although within LCE#4 the revisions are more substantial. Such changes were anticipated in the 2012 conditions of approval (above and in Attachment 2) and the following review has been structured to address these conditions:

- A. (Subdivision) That the development of limited common element areas is subject to review and approval by the City of Portland Planning Authority for conformance with the Portland Technology Park Design Guidelines and City of Portland Code of Ordinances, Chapter 14 Land Use, Article v. Site Plan for building architecture, site landscaping, site pedestrian circulation, bicycle parking, lamp specifications and signage and any changes or alterations to approved traffic, parking, access, utility, exterior lighting, tree preservation and stormwater features; and

- **Architecture**

Scott Simons Architects have designed the proposed building and this is the same firm that prepared the approved PTP Design Guidance. The underlying design philosophy and objectives are outlined in Attachments Fi, Fvi, and I.



The submitted architectural information was reviewed by staff and the Design Review comments are included in Attachment 4; they confirm that the PTP Design Guidelines have been met, except regarding signage which is discussed in detail below.

- **Site Landscaping**

The applicant has submitted Planting and Material Plans (Plans P30 to P33) which have been reviewed by the City Arborist, Jeff Tarling. Mr. Tarling’s comments on the preliminary proposals was very complementary (Attachment 5), but since then a large generator has been located within the largest parking island (resulting in the loss of four trees) with only bollards around it and no screening or planting.

Staff understand from the applicant’s consultants that there are no other suitable locations for the generator because the associated sound levels mean it must not be near a boundary nor near the building. Although the generator is at the most distant part of the site from the drive entrance, its appearance and location effectively undermine the site plan objective of requiring landscaped islands in parking areas.

Staff have suggested a number of ways that the generator could be slightly relocated on a larger island with greater screening, but there has not been time to fully explore and review the options. Staff suggest a condition of approval that allows time for further discussion at staff level to agree a revised approach. The Board may wish to provide direction to staff on this issue.

- **Site Pedestrian circulation**

The preliminary Site Plan for LCE#4 included crosswalks across the parking aisles and some sidewalks between the parking areas and the entrances. The City’s Traffic Engineering reviewer Tom Errico was concerned that in some cases these did not take account of pedestrian “desire lines” and he requested more direct routes (Attachment 8). The final site plan (Plan P14) has revised several of these routes and Mr Errico considers these to be acceptable (Attachment 8).

- **Bicycle parking**

The preliminary submission included 10 bicycle parking spaces located at the employee’s entrance and the applicant was requested to meet the numerical ordinance requirement of 14 spaces for bicycles and also provide some near the front entrance.

The final proposals have provided 10 bicycle parking spaces near the rear (employee) entrance and 4 bicycle parking spaces near the front entrance (Attachment J and Plan P14) and these meet the ordinance requirements.

- **Signage**

The applicant has submitted sign concepts in Plan P40 and Attachment I confirms that the signage will be metal lettering (images suggest these are mounted on a wood background) and lit by wall or site mounted light fixtures.

The approved Design Guidance includes a section on signage ([Attachment 3](#), page 9) which states:

“Development proposals shall identify all proposed signage. Signs shall be designed in proportion and constructed of permanent materials and shall be coordinated with the building and landscaping design through the use of appropriate materials and finishes. Well-designed signage is encouraged in the Development, both in front of the building and on the building, as allowed by the City’s existing ordinances. The use of raised metal letters, individual metal letters, and etched masonry or wood is encouraged; surface mounted plastic letters and interior –lit box signs are not allowed. Signs should be illuminated at night either from behind the raised lettering or with focused floodlights.”

The Urban Design comments ([Attachment 4](#)) notes that the concept signage generally addresses the design guidance in terms of materials, but that the proposed lighting of the signs does not meet City Technical Standards regarding site lighting, and also that it appears that the proposals would not meet the City’s Sign Ordinance in terms of size and number (although the Site Plan ordinance does allow for waivers for signs under some circumstances).

The Planning Board is requested to approve the proposed signage in principle and staff suggest that there are some unique circumstances that would support waivers from the standards. Further information and discussion is needed in order to confirm the basis for granting any waivers. A suggested condition of approval confirms the Boards approval in principle with staff to follow up regarding details.

- **Traffic and revisions**

The 2012 approval included approval to a Traffic Movement Permit (TMP) for the entire Office Park ([Attachment 2](#)). The applicant has submitted a Traffic Summary ([Attachment Fii](#)) to show how the trip generation from the proposed office development relates to the TMP, and the City’s Traffic Engineering reviewer Tom Errico has confirmed that the proposed project complies with the TMP and that a further traffic study is not required ([Attachment 8](#)).

- **Parking revisions**

The 2012 approval included a blanket waiver for the entire Office Park for parking spaces to be 8’2” wide and 18’ long. This was partly to minimize the impervious surface, and partly to allow a higher parking ratio as the anticipated occupants were likely to be more car-oriented because of the location of this site near I-95. The total number of parking spaces allowed was therefore more that we would typically allow, and a further condition required that each LCE developer had to justify the parking provision at the site plan stage ([Attachment 2](#)).

The proposals include 70 parking spaces as compared to the 78 parking spaces that were proposed for the LCE#4 in the original approved site plan (for a 20,000 sq. ft. building). The applicant has submitted a Parking Analysis ([Attachment Fii](#)) to justify the need for the 70 spaces and the City’s Traffic Engineering reviewer Tom Errico has confirmed that that the parking is acceptable ([Attachment 8](#)).

- **TDM Plan**

The original approval for the overall Office Park required a TDM Plan and the expectation was that each unit would initiate TDM actions, and as the number of developments increased the TDM would evolve as coordination and opportunities for larger scale initiatives emerged. This situation is somewhat unusual as the current applicant is operating somewhat in isolation; staff encouraged the applicant to consider what initiatives would be possible from the outset for this particular office development.

The applicant submitted a draft TDM and revised it to address the suggestions from Tom Errico, the City’s Traffic Engineering consultant, in [Attachment 7](#). The submitted TDM includes various commitments including an employee survey, monitoring and progress reports.

Mr Errico considers the revised TDM to be acceptable and notes that the applicant has agreed to designate car/van pool parking spaces ([Attachment 8](#)); a suggested condition of approval documents these commitments.

- **Access revisions**

The revised LCE#4 boundary has been enlarged to the east so that the distance to the main access drive is modified to include a longer internal drive with a channel separation (edged by a mountable curb so it's acceptable to the Fire Department) where it meets the main drive (Plan P14). The City's Traffic Engineering reviewer Tom Errico previously had some concerns about the details, but based on information in the final submission has confirmed that the access design is acceptable. (Attachment 8)

- **Exterior Lighting**

The proposals are described in Attachment Fv; a Photometric Plan is attached to that narrative and the lighting specifications were submitted as part of the final submission. The overall lighting proposals are acceptable.

- **Tree Preservation**

The expansion of LCE#4 has extended the boundary of the LCE area northwards into an area that was previously shown to be a tree preservation area in order to accommodate the parking lot and associated parking aisle with a snow storage area- compare Plan P4 (Approved Tree Preservation Plan) and Plan P5 (Revised Tree Preservation Plan).

While this area did not include any trees that were specifically identified for preservation in the previous Tree Survey, staff consider that this area should not be cleared for parking unless there are no other locations for the 3-4 parking spaces (and associated parking aisle) that result in impacts to the previously protected trees. Discussions with the applicant's consultants suggest that that 3 parking spaces can be accommodated elsewhere on the site but would likely result in reduced or eliminated landscaped islands. There has not been time to fully consider the tradeoffs in association with the City Arborist, and therefore staff recommend that this issue be the subject of a condition of approval that would allow for the balancing of tree preservation and parking lot landscape.

The limits of clearing of trees, once agreed on the plans, should be addressed in the Construction Management Plan (eg tree protection measures) and identified on site with feno markers or similar to ensure that there is no unnecessary clearance of trees.

- **Stormwater**

Overall Office Park

The applicant has included an extensive explanation of how the revised layout for LCE#4 (and relocated main drive) has resulted in the need to modify the overall number and location of gravel wetlands, and the project has also been reanalyzed in terms of the recent MDEP stormwater guidance (Stormwater Report (Attachment Fiii)). The amended overall stormwater management is subject to MDEP review under SLOD and an amended NRPA permit in relation to wetland impacts. The Stormwater Report (Attachment Fiv) along with Plans P7, P8 and P9 show the revised stormwater management proposals (note that the hydrocad calculations were submitted but are not attached). As these are being reviewed by the MDEP and ACOE and would meet City standards, the focus of this review has been on the proposals for LCE#4.

LCE#4

The MDEP review is looking at the overall Office Park and how the Stormwater Management proposals for the entire site meet Chapter 500 and NRPA standards. For LCE#4 there are no wetland impacts and the Peer Engineering review has been focused on the LCE#4 area itself to determine that it meets the City standards (Chapter 500) in respect of the LCE area itself. The construction details and management were also of concern, as the soils in this area require some special methods of stabilization (see submitted Geotechnical Report in Attachment H).

The City's Peer Engineer for this project is Jim Seymour of Sebago Technics, as Dave Senus of Woodard and Curran is the representative for the applicant Patrons Oxford. The applicant's engineers have met with Mr Seymour and the final submissions have been revised to address many aspects of the Peer Engineer's preliminary comments.

Jim Seymour has provided final comments ([Attachment 6](#)) and there are several issues that he considers still need to be addressed:

- **Stormwater within the site:** the proposals generally meet the City's Ordinance which requires compliance with Chapter 500 and ensuring that there are no stormwater impacts on abutting properties. Mr Seymour has provided comments on details and grading which could have consequences for erosion, groundwater contamination and icing of paths. Staff suggest that these be addressed by the applicant as far as is feasible given the constraints of the site.
- **Construction Management Plan:** The engineering review comments identify a number of concerns that need to be addressed in the Construction Management Plan when the final version is developed. A suggested condition of approval articulates the need to submit a more developed Construction Management Plan.
- **Tracking information:** Mr Seymour and planning staff had requested that a table of base data be compiled (some data is included in the submission but it is in several different places) that can be used in the future to track each site as its reviewed and developed against the overall permitted levels of parking, traffic, impervious surfaces etc. Staff will work with the applicant to compile this table and it is referred to in a suggested condition of approval.

In respect of impervious surfaces, LCE#4 is the first of the lots to be developed and the area of impervious surface has increased (although an abutting lot has reduced impervious surface). Staff is concerned that as other sites are developed, probably with similar revisions to impervious surfaces, that the cumulative impacts would need to be trackable and consistent with the original stormwater management regime. The applicant has confirmed (Stormwater Report in Attachment Fiv) that as each lot is developed there would need to be a similar overall review, by the MDEP and City. The expectation is that if a proposed development increased the imperious surface that it would need to revise the stormwater management and treatment accordingly within its own LCE.

- B.** *(Site Plan) That when individual units are proposed for site plan review the applicants should submit detailed specifications for snow storage management/protection of gravel wetlands, exterior lamp fixtures (including wall mounted), and consider the opportunity for trail links with the wider trail network on the RPZ open space part of the site; and*

(Site Plan) That the site plans for individual units shall be brought before the Planning Board for review and approval, and the Board reserves the right to review individual units under the standards of the site plan ordinance.

- **Snow storage management/protection of gravel wetlands**

The final submitted Site Plan ([Plan P14](#)) identifies snow storage areas that are consistent with the Landscape Plans.

- **Exterior light fixtures** - See above.

- **Trail links**

The LCE#4 is on the opposite side of the overall site from the Conservation Area and trail head, and a direct trail access is not possible. An "inter-lot" trail system has not been developed and the extent of wetlands would be a challenge in any case. The applicant has indicated in the Project Description ([Attachment Fi](#)) that the creation of pedestrian links to trails outside the site would be a future intention once nearby lots are developed. The Board may wish to consider whether a condition of approval should document the applicant's intention.

- **Other site plan standards**

The site plan application for LCE#4 is comprehensive and addresses all of the ordinance site plan and zoning standards in the narratives in [Attachment F and J](#). Other aspects that have been addressed in the narrative include significant natural features; solid waste disposal; and crime prevention through environmental design.

VIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed amendments to the subdivision plat, and the proposals for the site development of LCE#4 (for Patrons Oxford Insurance Company) within the Portland Technology Park.

IX. PROPOSED MOTIONS FOR THE BOARD TO CONSIDER

A. SUBDIVISION 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 December 8, 2015 for application #2015-172 (Portland Technology Park) 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 and **(approves/does not approve)** the application, subject to the following condition of approval:

- i. The applicant shall finalize the amended subdivision plat to address Board and staff comments; the final plat to be submitted for review and approval by Corporation Counsel, Department of Public Works, and the Planning Authority prior to signature by the Planning Board.

C. 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 December 8, 2015 for application #2015-171 (Portland Technology park, LCE#4) 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 and **(approves/does not approve)** the application, subject to the following conditions of approval:

- i. That the applicant shall obtain and submit all required State and Federal permits/amended permits prior to the issuance of a building permit; and
- ii. That the applicant shall submit revised proposals, for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit, to meet the following objectives:
 - a. To relocate and provide enhanced planting around the proposed generator to achieve a landscaped parking island that integrates with the overall landscape and provides screening from both local and distant viewpoints; and
 - b. To relocate three (3) parking spaces from the northeast corner of the parking lot to allow the extent of tree clearance to be significantly reduced.
- iii. That the Planning Board supports the signage concepts in principle, but requests that the details address the comments of the Urban Designer dated 11.25.2015 so that waivers may be considered by the Planning Authority; and
- iv. That the applicant shall introduce TDM measures as set out in the TDM plan dated 11.25.2015 and e-mail from Lauren Swett dated 11.30.2015 (confirming re van pool and other priority parking) and provide a progress report to the Planning Authority within one year of the issuance of a Certificate of Occupancy;
- v. The developer/contractor/subcontractor must comply with conditions of the submitted and approved stormwater management plan and sediment and erosion control plan and associated inspection and maintenance manual (all from September 2015), 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. The PTP condominium documents outline the division of responsibilities in this regard.

- vi. That the applicant shall address the comments of the Peer Engineering Reviewer Jim Seymour dated 12.3.2015 as far as possible, and work with staff to create a table of “base” information to assist with future site plan and stormwater reviews of the other lots; and
- vii. That the applicant shall prepare and submit a final Construction Management Plan, for review and approval by the Planning Authority prior to the work starting on site (including clearance of trees) that addresses the items identified in the applicants submission (Attachment J); addresses the comments of the Peer Engineering Reviewer Jim Seymour dated 12.3.2015; and requires that the boundary of the revised LCE#4 shall be marked with permanent markers such as FENO markers in the field prior to any work on the site.

ATTACHMENTS:

Report attachments

1. Background to PTP
2. 2012 Planning Board approval letter
3. PTP Design Guidelines August 2012
4. Urban Design Review comments 11.25.2015 & 11.4.2015
5. City Arborist comments 11.4.2015
6. Peer Engineering Reviewer J Seymour Sebago Technics 12.3.2015
7. Traffic Engineering suggestions for TDM
8. Traffic Engineering Reviewer Tom Errico 12.3.2015

Public Comments

None

Applicants submittal

- A. Cover letter & Subdivision Amend. Application
- B. Site Plan Application incl Fire Dept Info
- C. P&S Agreement
- D. Letter of financial capacity
- E. Neighborhood Meeting Certificate
- F. Site Plan Subject Narratives including:
 - i. Project Description incl Schematic Design
 - ii. Traffic
 - iii. Significant Natural Features
 - iv. Stormwater Report
 - v. Design Narrative including photometric
 - vi. Other narratives
- G. Additional Information re Site Plan
- H. Geotechnical Report
- I. Written response to Design Review comments
- J. Final submission- response to review comments 11.20.2015
- K. Updated Wastewater Capacity application
- L. Updated TDM Plan

Overall Plans

- P1. Survey
- P2. Overall approved Site Plan
- P3. Most recent approved plat
- P3. Draft revised subdivision plat
- P4. Approved Tree Preservation Plan
- P5. Revised Tree Preservation Plan
- P6. Wetland Impact Figures
- P7. Pre-development & Post Development Drainage Area maps
- P8. Post development Subcatchment area map
- P9. Post development Stormwater treatment overall plan

Site Plans

- P10. Cover Sheet
- P11. Notes
- P12. Existing Conditions
- P13. Overall proposed Site Plan
- P14. Proposed LCE#4 Site Plan
- P15. Proposed LCE#4 Grading and Drainage Plan
- P16. Overall proposed Grading and Drainage Plan 1
- P17. Overall proposed Grading and Drainage Plan 2
- P18. Overall proposed Utility Plan 1
- P19. Overall proposed Utility Plan 2
- P20. Roadway Profile
- P21. to P28. Details (8 plans)
- P29. LCE#4 Materials Plan
- P30. LCE#4 Shrub and Herbaceous Planting Plan
- P31. LCE#4 Tree Planting Plan
- P32. LCE#4 Landscape Details
- P33. to P35. Floor Plans (3 plans)
- P36. & P37. Building elevations
- P38. Fire and Life Safety Plans
- P39. Building renderings
- P40. Signage concepts