

Comments Submitted 8-16-13

City of Portland
Development Review Application
Planning Division Transmittal Form

Application Number: 2013-188 **Application Date:** 07/26/2013
CBL: 259 D001001 & D-2 **Application Type:** Level II Site Plan
260-A-1001
Project Name: Community Park
Address: 856 BRIGHTON AVE
Project Description: Community Park - Breakwater School and Nason's Corner Community
Zoning: R3

Other Required Reviews:

- | | | |
|---|---|--|
| <input type="checkbox"/> Traffic Movement | <input type="checkbox"/> 14-403 Streets | <input type="checkbox"/> Housing Replacement |
| <input checked="" type="checkbox"/> Storm Water | # Units _____ | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Flood Plain | <input type="checkbox"/> Other: |
| # Lots _____ | <input type="checkbox"/> Shoreland | |
| <input type="checkbox"/> Site Location | <input type="checkbox"/> Design Review | |
| # Unit _____ | | |

Distribution List:

Planner	Shukria Wiar	Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Danielle West-Chuhta
Civil Engineer	David Sensus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by 8/6/2013

Brightwater/Community Park

Applicant:

Date:

7/30/13

Address: 856 Brighton Ave

C-B-L:

259-D-001

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location -

R-3

Interior or corner lot -

Proposed Use/Work -

"Greening" of the Park

Seepage Disposal -

Lot Street Frontage -

Front Yard -

Rear Yard -

Side Yard -

Projections -

Width of Lot -

Height -

Lot Area -

Lot Coverage/ Impervious Surface -

Area per Family -

Off-street Parking -

Loading Bays -

Site Plan -

2013-18% - level II

Not a condition of use expansion

Shoreland Zoning/ Stream Protection -

Flood Plains -

MEMORANDUM

To: FILE

From: Shukria Wiar

Subject: Application ID: 2013-188

Date: 8/16/2013

Comments Submitted by: Marge Schmuckal/Zoning on 8/16/2013

This project is located in the R-3 zone and is already classified as a school use/playground area. The new playground infrastructure does not fall under setback requirement except for the 8'x14' platform structure located behind the Jessie Bullens-Crewe Bldg. That structure is meeting the required setback allowed in the R-3 Zone.

The work will required a building permit thru Inspection Services.

Marge Schmuckal
Zoning Administrator

Project Narrative

Imagine a place in the heart of Portland where children can engage with the natural world. An urban park serving as an outdoor classroom nurturing a child's curiosity and wonder in exploring micro-ecologies comprised of native Maine rocks, plants, and animal habitats. Imagine families coming together in an ecological play space, thoughtfully landscaped with natural elements that encourage children to creatively experience their surroundings. The Nason's Corner Community Park will be such a place.

The Nason's Corner Community Park Project (Project) is a collaborative initiative of Breakwater School (501c3), Portland Trails School Ground Greening Coalition (501c3), Nason's Corner Neighborhood Association and The City of Portland. The primary designers are Terrence J. DeWan & Associates and Pinkham & Greer Consulting Engineers, with play space design assistance from Sashie Misner.

The Project consists of a number of smaller projects that will be completed on Breakwater property as well as the improvements to the easement area on the City land. It is anticipated that the improvements will be phased in over the course of the next few years. Breakwater would like to request an approval for the maximum allowable time to maximize fundraising opportunities.

East Side of Main School Building and Easement Area

The anticipated first phase would encompass the land to the east of the main school building and the area within the recreational easement. This area currently consists of an area of asphalt, play fields (Nason Park), and play equipment that marginally meets basic playground safety standards. The Project proposal calls for a $\pm 2,500$ sf paved semi-circular area directly adjacent to the school to be used for pavement games (four-square, hopscotch, jump rope, handball, and chalk art), and also for graduation ceremonies. The hardscape will be encompassed by stone seating walls and earth berms that will support both structured and natural play areas. The structured play areas will include a code compliant climbing structure and a wooden fort, as well as a hill slide, tunnel, bridge, and post and rope balance beam integrated into the landforms. The surrounding un-programmed areas will include native materials (trees, shrubs, logs, and climbing boulders) for imaginative/creative play.

No structures or fixed elements will encroach further toward the adjacent ballfields than currently exists. The earthen berms on the south east side of the proposed play area will be seeded with grass and the backside planted with shade trees designed for sports spectators to enjoy.

A new more formal entrance area to the Park and school will be established along Capisic Street. The current sidewalk ramp, bump out, and crosswalk at the main school entrance are located too close to the intersection of Capisic and Brighton where traffic waiting at the light is consistently in conflict with the school pick-up/drop-off area. The new entrance and crosswalk would be approximately 125' to the east and allow for safer and easier use for both parents/students and vehicles. A small seat wall gathering area, vegetated buffer plantings, and two new pedestrian scale pole top lights will be located along the new shared entrance path. New way finding signage near the entrance will greet visitors to the Nason Park and school. The existing sidewalk bump-out and gated entrance will remain but the crosswalk closer to Brighton Avenue intersection will be removed, subject to final recommendation of the City of Portland Crosswalk Committee.

Jessie Bullens-Crewe building Area

This area behind the Jessie Building on Breakwater property currently includes a small play structure (for the early childhood education students), sand box, movable greenhouse, gardens, and a small yard area; all of which are enclosed within a fence. The proposal includes removing the play equipment, and

relocating it to the Capisic Street side of the main school building where the early childhood education program is located. This area on the side of the Jessie building will then be transformed into a small outdoor classroom/performance area more suitable for middle school aged students. A 142 sf wooden platform will become the focal point. It will be flanked by plantings to provide enclosure with seating on the grass, boulders, and sitting fence.

A new public walkway will lead from Brighton Avenue to Nason Park between the parking lot and the Jessie building. There will be another small welcome sign near Brighton Avenue to identify the new park entrance. The existing chain link fence along the shared Park property line will be removed to enhance connections both visually and physically.

Brighton Avenue Parking Lot

Portions of the current parking lot are inefficiently designed. Currently it contains 33 spaces including two handicapped spaces. The proposal calls for the parking at the eastern edge to be reconfigured to become more efficient from an access/circulation standpoint, continue to provide two accessible spaces, allow for snow storage, and improve the access to the Jessie Building. While the parking lot is being reconfigured it will also be slightly reshaped to improve stormwater drainage. An existing catch basin will be removed, a bio retention stormwater filtration cell installed, and connected to the City storm drain system in Capisic Street. This will handle the stormwater from a portion of the existing parking area and adjacent walkways. See Stormwater Management Report from Pinkham & Greer Consulting Engineers for more specifics and technical information.

Along the Brighton Avenue frontage a new granite post and timber guardrail will be installed to match the existing located along the western portion of the parking lot. Street trees will be installed along this frontage to replace trees that died and were removed. A new bike rack will be located between the parking lot and the main school building.

Capisic Street Side of Main School Building

This area currently consists of the main entrance to the school and play areas on either side of it. The area to the west of the main entrance is comprised of two small spaces, a gardening area and the “wildlife park” (natural play area) and the area to the east is a typical asphalt paved school yard. The entire area is enclosed with fencing; wrought iron at the main entrance and chain link along the rest. There are a number of large street trees which provide nice shade and buffering which will remain. The current sidewalk ramp and bump out is aligned with the main entrance where traffic waiting at the light is consistently in conflict with the school arrival and drop-off.

On the eastern side of the school yard, the proposal calls for the removal of the asphalt and conversion to structured play areas for the younger children and planting beds. The play structure and shed currently located behind the Jessie Building will be relocated to this area. A narrow paved loop for ride-on toys will surround the wood chip safety zone around the play structure. New trees and other vegetation will be planted to help soften the area and provide more shade.

Assessment of Zoning

The Breakwater property is 1.19 acres in size and is divided by two zoning districts, the Business 1 (B-1) and the Residential 3 (R-3). Nason Park and the abutting neighborhoods are zoned R-3. Within the B-1 zone an institutional use is a “permitted use” and in the R-3 zone an institutional use is considered a “conditional use”. Based on the current space and bulk requirements for the two zones, the

subject property is legally nonconforming. Since no “structure” is being proposed as part of this proposal it is understood that the status of legally nonconforming use can continue as long as the proposal is not more non-conforming. Please see space and bulk table located on the Site Plan.

Description of Easement

In 1984 the City granted Breakwater an easement over all of Nason Park. The easement allows Breakwater to “make reasonable recreational use of the adjoining premises of the Grantor herein [Nason Park], which easement rights shall be exercised in common with members of the public who enjoy the same or similar rights, together with the right to make improvements to the premises described below [Nason Park], pursuant to written consent of the City Manager of the City of Portland”. Breakwater currently uses the area immediately adjacent to the Main Lot as an open playfield and for multiple play areas/structures. Please see attached copy of Deed and Agreement between the City of Portland and Breakwater School conveying the easement and Memorandum of Understanding, between Breakwater and the City granting City Manager’s written approval of the proposed improvements. The City Manager is anticipated to sign the MOU on or about July 29, 2013.

Traffic Analysis

We do not believe a traffic analysis or traffic movement study is warranted due to the fact that we are not changing current uses or altering parking in a significant way. The only traffic related issue is the request for a crosswalk at the new entrance to the park and school on Capisic Street. This new cross walk would be 125 feet south of the existing crosswalk at the Breakwater school entrance and 200 feet north of the existing speed table (to remain). The existing crosswalk at the main entrance to the school will be removed to eliminate pedestrian/vehicular conflicts, subject to Crosswalk Committee recommendation.

Summary of Significant Natural Features

There are no significant natural features on the subject property besides the mature trees; it is almost entirely developed and has been for decades with various forms of institutional, religious, or commercial development. The abutting property to the east is the City owned Nason Park. It is an open field with two ballfields with backstops and dugout benches, an outdoor ice skating rink area, old play equipment near the school, and a small parking area off Albion Street. The park is used heavily by the school, neighborhood, and community and is programmed for numerous sports and recreational activities in all seasons. Breakwater holds an easement over the park.

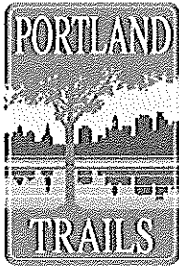
The proposal calls for the new play equipment, a gathering area, and natural play areas defined by earthen berms and landscaping to be created within the park. All of the existing trees along Capisic Street will remain. The weed trees that have grown into the chainlink fence behind the Jessie Building will be removed when the damaged fence is removed. New trees will be planted along Brighton Avenue and within the play space. Refer to Landscape Plan.

Summary of Solid Waste Generation and Proposed Management of Solid Waste

All construction debris will be collected and removed by a private collector. All regular/typical school generated waste will continue to be removed by a private collector.

Summary of Project’s Consistency with City Master and Comprehensive Plans

From the numerous meetings and volumes of correspondence that Breakwater has had with various City Departments, Staff, and others, it is understood that the project is consistent with the City’s Master and



A Non-Profit Urban Land Trust
305 Commercial Street Portland, ME 04101

July 29, 2013

Ms. Barbara Barhydt
City of Portland Planning Department
Portland City Hall
389 Congress Street
Portland ME 04101

Subject: Breakwater School & Nason Corner Community Park Project

Dear Barbara,

On behalf of Breakwater School and the Portland Recreation and Facilities Department, we are pleased to submit this Level II Site Plan Application for review.

The project in brief consists of the proposed "greening" of the Breakwater Schoolyard and other improvements to the western portion of Nason Park, which is located between Brighton Avenue, Capisic and Albion Streets. The land is identified on the City's Tax Map 259, Block D, Lot 1, and Lots 1 and 2 and on Map 260, Block H. The Breakwater property is 1.19 acres in size and is divided by two zoning districts, the Business 1 (B-1) and the Residential 3 (R-3). Nason Park is approximately 2.37+/- acre in size and is zoned R-3.

The Breakwater property consists of three parcels; The 'Dan Lot' (Lot 2, Block H, Map 260) which contains a multi-purpose gymnasium at the intersection of Capisic Street and Brighton Avenue known as the Daniel Crewe Building, the 'Main Lot' (Lot 1, Block H, Map 260) with the three-story brick Main Building and parking lot, and the 'Jessie Lot' (Lot 1, Block D, Map 259) with a two-story office space known as the Jessie Bullens-Crewe Building (former church) fronting on Brighton Avenue. The property is bound to the north by Brighton Avenue and a mixed use zone of residential and business; to the east by residential uses and Nason Park; to the south and west by Capisic Street and residential uses.

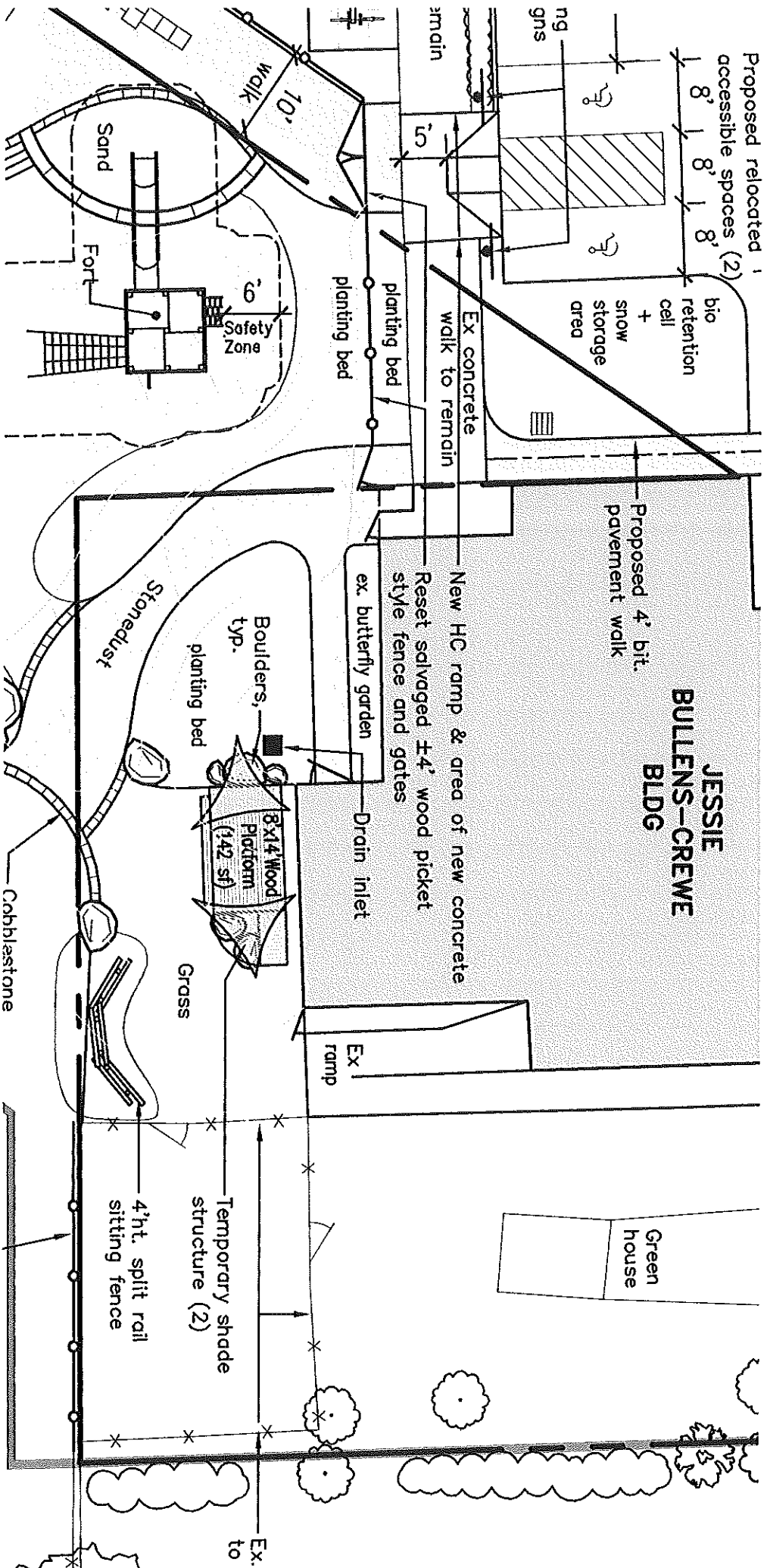
The subject property is truly an urban school yard. The majority of the property is comprised of buildings, paved parking, and paved play areas/school yard. There are a few small oases of "green space" on the property which are used as a "wildlife park", play spaces, and small garden areas. Abutting the property to the east is Nason Park; a 2.37+/- acre park/recreational field owned and managed by the City's Facilities and Recreation Department. In 1984, when the school was sold to Breakwater, the City entered into an agreement with Breakwater for a

recreation easement over the park. The easement allows Breakwater to “make reasonable recreational use of the adjoining premises”. Breakwater installed the current wooden play structure within the easement area in the late 90’s. The structure has been modified to meet basic safety standards but is out dated, worn, and does not adequately serve the needs and play value goals of the school.

The proposed “greening” of Breakwater School and Nason Park would transform the well-used and well-worn school yard and City Park into a more ecologically responsible and inspiring green space. The proposed play space is designed as a natural playground that will inspire a child’s curiosity and sense of wonder while providing a number of outdoor classrooms and natural play areas.

This submission consists of the following:

- A site narrative describing the property, proposed improvements, zoning assessment, description of the recreational easement, summary of natural features, summary of project’s consistency with City’s Master & Comprehensive Plans, etc.
- Completed Development Review Application
- Letter of Technical Ability
- Copy of property deeds and recreational easement.
- Memorandum of Understanding, anticipated to be signed by the City Manager on July 29, 2013
- Application Fee (\$400 Level II Site Plan + \$250 Stormwater Quality) = \$650
- Plans (One set of 24”x36”)
 1. Boundary and Topographic Survey, prepared by Owen Haskell, Inc., dated 01.12.2012 and revised 08.09.2012
 2. Demolition and Site Prep Plan, prepared by Terrence J. DeWan & Assoc. (tjd&a), dated 07.29.2013
 3. Site Layout Plan, prepared by tjd&a, dated 07.29.2013
 4. Site Grading Plan, prepared by tjd&a, dated 07.29.2013
 5. Stormdrain Plan, Profile, & Details, prepared by Pinkham and Greer, Consulting Engineers (PG), dated 05.21.2013
 6. Bioretention Cell Plan & Details, prepared by P&G, dated 05.21.2013
 7. Landscape Plan, prepared by tjd&a, dated 07.29.2013



[illegible]

REV. 1 8/9/12 USE: RESPONSE FOR CLIENT

BOUNDARY & TOPOGRAPHIC SURVEY

CM

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	1.19 ac or 52,007 sq. ft.
Proposed Total Disturbed Area of the Site Breakwater 12,811 sf & City 13,262 sf = 26,072 sq. ft.	
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)	
IMPERVIOUS SURFACE AREA	
• Proposed Total Paved Area	same as below sq. ft.
• Existing Total Impervious Area Breakwater 38,336 sf & City 570 sf = 38,906 sq. ft.	
• Proposed Total Impervious Area Breakwater 37,895 sf & City 4,120 sf = 42,015 sq. ft.	
• Proposed Total Impervious Area	same as above sq. ft.
• Proposed Impervious Net Change Breakwater -441 sf & City +3,550 sf = +3,109 sq. ft.	
BUILDING AREA	
• Proposed Building Footprint	N/A sq. ft.
• Proposed Building Footprint Net change	N/A sq. ft.
• Existing Total Building Floor Area	3 buildings - 36,484 sq. ft.
• Proposed Total Building Floor Area	N/A sq. ft.
• Proposed Building Floor Area Net Change	N/A sq. ft.
• New Building	NO (yes or no)
ZONING	
• Existing	R-3 Residential and B-1 Business
• Proposed, if applicable	same
LAND USE	
• Existing	Private school and City Park
• Proposed	Same
RESIDENTIAL, IF APPLICABLE	
• Proposed Number of Affordable Housing Units	n/a
• Proposed Number of Residential Units to be Demolished	
• Existing Number of Residential Units	
• Proposed Number of Residential Units	
• Subdivision, Proposed Number of Lots	
PARKING SPACES	
• Existing Number of Parking Spaces	33 including 2 HC stalls
• Proposed Number of Parking Spaces	33 but reconfigured
• Number of Handicapped Parking Spaces	2 existing stalls
• Proposed Total Parking Spaces	33 including 2 HC stalls
BICYCLE PARKING SPACES	
• Existing Number of Bicycle Parking Spaces	0 bike spaces
• Existing Number of Bicycle Parking Spaces	0 bike spaces
• Proposed Number of Bicycle Parking Spaces	7 bike spaces
• Total Bicycle Parking Spaces	7 bike spaces
ESTIMATED COST OF PROJECT	
	\$431,285



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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

September 20, 2013

Breakwater School
David Sullivan, Head of School
856 Brighton Avenue
Portland, ME 04102

Jaime Parker, Portland Trails
305 Commercial Street
Portland, ME 04101

Project Name:	Breakwater School and Nason Park Greening Project	Project ID: 2013-188
Address:	856 Brighton Avenue	CBL: 259 D001 001
Applicant:	Breakwater School	
Planner:	Shukria Wiar	

Dear Mr. Sullivan:

On September 18, 2013, the Planning Authority approved with conditions a Level II site plan for Breakwater School for landscaping and playground improvements at Nason Park and Breakwater Schoolyard at 856 Brighton Avenue. The decision is based upon the application, documents and plans as submitted by Jaime Parker and prepared by Terrence J. DeWan and Associates with a revision date of 08.30.2013. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

SITE PLAN REVIEW

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval:

1. 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.

2. A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted and signed by Breakwater School prior to the issuance of a building permit with a copy to the Department of Public Services.
3. The applicant shall pay an Urban Impaired Stream fee of \$357.00 to the Planning Division office, prior to the issuance of a building permit.

4. Breakwater School shall be responsible for the maintenance of the playground and landscaping improvements on the City owned property. As part of the maintenance plan, Breakwater School shall make sure that the playground features meet playground safety standards.
5. The improvements to the bump out and crosswalk on Capisic Street are no longer being proposed part of the project, the final site plans shall omit these improvements.
6. The 'line of limits' on the site plan shall be accurately shown on the final site plans as approved in the agreement between the City of Portland and Breakwater School and no site improvements shall extend beyond the line of limits. The final plans shall be reviewed by the Planning Authority for conformance with the City agreements prior to the issuance of a building permit.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

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

1. **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.
2. **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.
3. **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.
4. **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 Division and Public Services 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.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **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.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site.

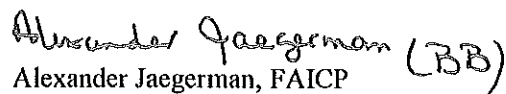
Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

8. **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.

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 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 Shukria Wiar at (207) 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,


Alexander Jaegerman, FAICP
Planning Division Director

Attachments:

1. Sample Stormwater Maintenance Agreement
2. Performance Guarantee Packet

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File