

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Carol Morrissette, Chair  
Stuart O'Brien, Vice Chair  
Timothy Dean  
Bill Hall  
Joe Lewis  
David Silk  
Patrick Venne

May 14<sup>th</sup>, 2012

Christopher Ward  
Berlin City of Portland  
191 Riverside Street  
Portland, ME 04103

Jim Seymour, P.E.  
Sebago Technics  
One Chabot Street  
P.O. Box 1339  
Westbrook, Maine 04098

Project Name: **Berlin City Toyota Expansion**  
Address: 191 Riverside Street  
Project ID: 2012-472; CBL: 268-A-2  
Applicant: Berlin City of Portland, Inc.

Dear Mr Ward:

On May 8<sup>th</sup>, 2012, the Planning Board considered the Level III Site Plan application to expand the Toyota showroom at the front of the existing building by 1,910 sq ft and add a service area building of 11,792 sq ft to the rear of the existing building. The Planning Board reviewed the proposal for conformance with the Site Plan standards.

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 20 -12 for the Berlin City Toyota Expansion at 191 Riverside Street, application 2012-472 relevant to the Site Plan review, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 5-0 (Lewis and Silk absent) to approve the application with the following waivers and conditions as presented below:

### WAIVERS

1. The Planning Board voted 5-0 (Lewis and Silk absent) to waive the Technical Standard, Section 1.14 to increase the parking space dimensions to 9' X 19' in some locations as shown on the approved plan; and
2. The Planning Board voted 5-0 (Lewis and Silk absent) to waive the Technical Standard, Section 1.7.1.4 to increase the parking aisle width to 26 feet in view of the large truck carrier movements into and out of this site.

## SITE PLAN REVIEW

The Planning Board voted 5-0 (Lewis and Silk absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

1. That snow storage areas shall be shown on the final plans for review and approval by the Planning Authority and the Department of Public Services prior to the issuance of a building permit; and
2. All signage (both free standing and wall mounted), whether included in the approved plan set or not, shall be subject to separate sign permits and approvals.

## 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, 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 Jean Fraser at (207) 874- 8728.

Sincerely,



Carol Morrissette, Chair  
Portland Planning Board

**Attachments:**

1. Planning Board Hearing Report #20-12
2. Portland City Code: Chapter 32
3. Performance Guarantee Packet

**Electronic Distribution:**

cc: Greg Mitchell, Interim Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, 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  
Matt Doughty, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Captain Chris Pirone, Fire Department  
Thomas Erriso, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter Fil



# PLANNING BOARD REPORT PORTLAND, MAINE

Berlin City Toyota Expansion  
191 Riverside Street

MAJOR SITE PLAN

BERLIN CITY OF PORTLAND, INC, APPLICANT

Project No: 2012-472

CBL: 268-A-2

Submitted to: Portland Planning Board  
Public Hearing Date: May 8th, 2012

Prepared by: Jean Fraser, Planner  
Date: May 4th, 2012  
Planning Board Report #20 -12

## I. INTRODUCTION

Sebago Technics, on behalf of Berlin City of Portland Inc, have requested approval to a Level III Site Plan proposal to expand the showroom at the front of the existing building by 1910 sq ft and add a service area building of 11,792 sq ft to the rear of the existing building. The property totals 9.8 acres and is located in the B-4 Commercial Corridor Zone at 191 Riverside Street.

The proposed service area building was previously approved (at 9312 sq ft) as part of a Site Plan for substantial enlargement of the parking area approved on February 10, 2009 ([Attachment 1](#)). However, the previous approval has expired since the service area building was not constructed at the time the other approved site work was carried out, and the site has been dormant of construction activity for more than a year.

The Maine Department of Environmental Protection (MDEP) issued a stormwater permit for the proposals approved in 2009.

The applicant has submitted final plans and requested to go direct to a Hearing, in view of the minor nature of the revisions proposed to the recently approved site plan.

## II. PUBLIC NOTICING AND WORKSHOP SUMMARY

This hearing was noticed to 72 area residents and interested parties. A notice also appeared in the April 30 and May 1, 2012 editions of the *Portland Press Herald*. As of the time this Report was prepared, the Planning Division has received no public comments.

A Neighborhood Meeting was held on April 16, 2012 and there were no neighbors in attendance. Certification details are included in [Attachment F](#).

## III. PROJECT DATA

<b>Zone</b>	B-4
<b>Parcel Size</b>	9.84 acres (428,839 sq ft)
<b>Impervious Surface Area</b>	<i>Existing: 304,500 sq ft</i> <i>Proposed: 304,750 sq ft</i>
<b>Disturbed Area:</b>	<i>36,650 sq ft</i>

<b>Building Floor Area</b>	<i>Existing:</i> 51,548 sq. ft.
	<i>Proposed Additions:</i> 13,702 sq ft for total floorspace of 65,250 sq. ft.
<b>Building Height</b>	<i>Existing:</i> 30 ft.
	<i>Proposed:</i> 30 ft.
<b>Parking Spaces</b>	<i>Existing:</i> 628 inventory and 88 parking
	<i>Proposed:</i> 610 inventory and 92 parking
<b>Bicycle parking Spaces</b>	<i>Existing:</i> 5
	<i>Proposed:</i> 5

**IV. BACKGROUND**

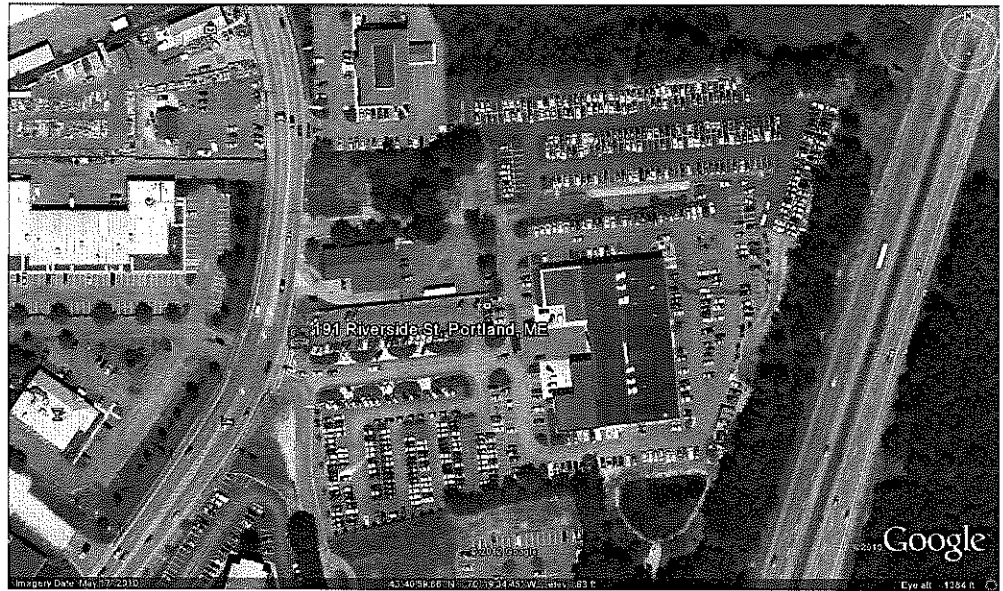
In 2008 Berlin City embarked on major modifications to the site comprising the acquisition of over 2 acres of land to the north for a new parking area for car inventory. The developments included the creation of 308 parking spaces, new stormwater management infrastructure, lighting, utilities and landscaping, along with a proposed 9312 sq ft building addition on the rear of the existing building. These proposals received City of Portland Site Plan (Site Location) approval in February 2009 (Attachment 1) and DEP Stormwater Permit in March 2009 (Attachment D).

The applicant proceeded to complete all of the proposals as approved except for the building addition for the service area.

**V. EXISTING CONDITONS**

The site is located on the east side of Riverside Street and abuts the Interstate 95 to the east and Home Depot to the north.

The aerial photograph shows the site after completion of the approved proposals for the inventory parking to the north. The main building was approved in 2003 as Maine Mall Motors Auto Dealership.



**VI. PROPOSED DEVELOPMENT**

The proposals comprise two building additions (see Site Plan in Attachment I.3 and Elevations in Attachments H & I.8):

- Small expansion of the showroom at the front, filling in a corner and totalling 1920 sq ft of additional floor area; it includes a “portal” detail and revisions to the elevations and immediate parking to accommodate the revised entrance; and
- A substantial new building addition for the vehicle service area, totaling 11,792 sq ft and added to the rear of the building on the side towards the Turnpike. The new addition is somewhat larger than previously approved but located on existing impervious surfaces. Additional landscaping and wall mounted lighting is included in the proposals.

**VII. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY**

The applicant has submitted evidence of right, title and interest (Attachment G).

## VIII. STAFF REVIEW

### A. ZONING

The property is located in the B-4 zone. The proposed additions do not have any zoning implications.

### B. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with all of the relevant review standards of Portland's site plan ordinance and applicable regulations. In view of the fact that the bulk of the site has not been altered from the approved site plan approved in 2009, the Staff comments focus on the revisions and are listed below.

#### 1. Transportation Standards

##### *Impact on Surrounding Street Systems and Site Vehicle Access*

The proposals add a total of 13,702 sq ft and an estimated 10 new employees. Most of the potential associated traffic generation was taken into account in the traffic analysis undertaken as part of the review of the approved proposals. The previous approval included a condition (Attachment 1) requiring a traffic signal warrant at the intersection of Riverside Street and Riverside Court. That has been undertaken and determined a signal was not required.

Regarding the slight increase in employee trip generation, Tom Errico, Traffic Engineering Reviewer, has requested crash data. This was submitted by the applicant (Attachment C) and Tom Errico has commented (Attachment 4):

- *I have reviewed the requested traffic safety data and I have determined that a traffic signal is not warranted at the Riverside Street/Riverside Court intersection at this time.*
- *The new parking spaces are proposed to be 9'x19' and do not meet City standards. I support a waiver from our standard given existing parking space dimensions.*
- *The parking aisle width is 26' and does not meet City standards. I support a waiver given large truck carrier movements into and out of the site.*

The motion for the Board to consider includes the two waivers as supported by Tom Errico.

##### *Pedestrian Access*

The small enlargement of the showroom at the front includes a relocated entrance and therefore a minor re-adjustment of the access and associated detailing, as shown in the site plan in Attachment I.3.

##### *Public Transit*

The site is not located on a transit route thus the standard is not applicable.

##### *Parking*

The proposals include a net increase of 4 parking spaces and a net reduction of 18 inventory spaces. These numbers largely reflect reallocations within the existing parking areas, except that an area of 6 parking spaces has been added at the rear "bumping out" towards the I-95 boundary. Otherwise the layout of the site remains as per the approved layout, with minor adjustments near the area of new showroom frontage.

##### *Snow Storage*

The open areas available for snow storage have been reduced as a result of the building addition for the vehicle servicing and the site plan does not identify snow storage areas. The motion for the Board to consider includes a suggested condition of approval requiring the review and approval of a snow storage plan prior to the issuance of a building permit.

#### 2. Environmental Quality Standards

##### *Preservation of Significant Natural Resources and Site Landscaping*

Planting of 10 new trees is proposed around the new and expanded parts of the building to soften and integrate the enlarged building (Attachment I.3). Four trees have been proposed (originally three, but the City Arborist suggested an additional tree here) to buffer and screen the small new parking "bump out" where it is nearest to the I-95 corridor. Existing vegetation along this boundary provides buffering and screening for the remainder of the development.

### *Water Quality, Stormwater Management and Erosion Control*

The proposals are almost entirely located on areas that are currently impervious and which were addressed (in terms of stormwater management requirements) during the previous review and DEP permitting process. The current proposals result in an increase of 200 sq ft of impervious surface, which in the context of the 304,500 sq ft of existing impervious surface. The proposals have been reviewed by the Peer Engineer and he has confirmed that the project is in compliance with the original approvals and current standards (Attachment 2).

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

#### *Consistency with City Master Plans*

The proposals comprise additions onto an existing business which was previously approved. The Department of Public Services have confirmed that they have no comments on this proposal (Attachment 3).

#### *Public Safety and Fire Prevention*

Comments have not been received at the time of preparing this Report.

#### *Availability and Adequate Capacity of Public Utilities*

There are no impacts on utilities.

### **4. Site Design Standards**

These standards do not apply to the proposal except for *Exterior Lighting*.

#### *Exterior Lighting*

The applicant proposes several new wall mounted lights along the new rear addition, facing towards the Turnpike. The lighting catalog cuts have been submitted (Attachment E) and confirm that the lights meet the City lighting standards in terms of design and light levels.

#### *Signage*

The applicant has submitted information regarding signage as part of the submission showing details of the elevations of the new additions (Attachment H and I.8), but the signage is not before the Board for approval and a suggested condition of approval clarifies that separate sign permits would be required for any new signage.

## **IX. STAFF RECOMMENDATION**

Staff recommends that the Board approve the proposals, subject to the suggested conditions.

## **X. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 20 -12 for the Berlin City Toyota Expansion at 191 Riverside Street, application 2012-472 relevant to the Site Plan review, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

### **WAIVERS**

- i. The Planning Board (**waives/ does not waive**) Technical Standard, Section 1.14 to increase the parking space dimensions to 9' X 19' in some locations as shown on the approved plan; and
- ii. The Planning Board (**waives/ does not waive**) Technical Standard, Section 1.7.1.4 to increase the parking aisle width to 26 feet in view of the large truck carrier movements into and out of this site.

### **SITE PLAN REVIEW**

The Planning Board finds that the plan (**is/is not**) in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

Potential conditions of approval:

- i. That snow storage areas shall be shown on the final plans for review and approval by the Planning Authority and the Department of Public Services prior to the issuance of a building permit; and
- ii. All signage (both free standing and wall mounted), whether included in the approved plan set or not, shall be subject to separate sign permits and approvals.

**Attachments:**

**Attachments to the Staff Hearing Report**

1. 2009 Approval letter
2. Peer Engineer comments; David Senus of Woodard & Curran May 3, 2012
3. DPS David Margolis Pineo, May 3, 2012
4. Traffic Engineer Reviewer, Tom Errico of T Y Lin, May 4, 2012

**Applicants Submittal**

- A. Cover letter and application dated March 27, 2012 (2009 Site Plan approval letter also submitted)
- B. Project narrative
- C. Traffic Crash Data Summaries (State of Maine Crash Reports were submitted and available on request)
- D. MDEP Stormwater Permit 3.16.2009
- E. Lighting Catalog Cuts
- F. Neighborhood Meeting Certification 4.17.2012
- G. Financial Capability letter
- H. Elevations and signage 5.3.2012
- I. Plan Set
  1. Cover sheet
  2. Existing Conditions Plan
  3. Site and landscape plan Rev 5.3.2012
  4. Grading and utilities plan Rev 5.3.2012
  5. Details
  6. Details
  7. Details
  8. A200 Elevations