

May 6, 2014



Ms. Jean Fraser, Planner  
Planning and Development Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101-3509

**Subject: 421 Warren Avenue  
Final Site Plan Application/Delegated Review Stormwater  
Comment Response #1 Supplemental information**

Dear Jean:

We have received the staff comments sent via your email message of today and we offer the following responses to each. The comments are stated again below followed by our response.

**Jeff Tarling Comments from 03/13/2014**

*Comment 1: The proposed 421 Warren Avenue project is in need of a “Tree Save” Plan. Hopefully trees along the edge of the proposed development could be saved and if not the project should show replacement planting plans per City Standards.*

Response: The project involves approximately 2.25 acres of developed area out of the 48 acres that the applicant owns. The applicant is currently negotiating with City officials for the sale of 40 or more acres of the property to the City, hence we believe a substantial “tree save” effort will be made if these discussions are successful. There are significant areas of trees within the property off Lane Avenue and south of Iffley Street that could become large open spaces, if the City acquires the property. The few trees in the area of the proposed development are largely immature hard woods and wetland species. The development plan does include 5 tree plantings along Warren Avenue. The site development area has been minimized as much as practicable to reduce wetland impacts; hence the project size has been scaled back now several times due to regulatory issues. The applicant is reluctant to scale the project back any further otherwise project viability becomes tenable.

**Marge Schmuckal Zoning comments from 4/28/2014**

*Comment 1: The project is in the B-4 zone. I would like a little more detail on the “commercial” use that is proposed. What kinds of businesses are being marketed? Each unit will need a separate permit to establish their use. The proposed use must be one of the listed permitted uses.*

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Response: The building is proposed to basically match the use types currently occupying the applicant's two buildings at 429 Warren Avenue. These uses include several auto care tenants, some warehouse space and Crossfit MF, a specialty fitness center. These uses are all compliant with the list of permitted uses within the B-4. Specifically these uses are compliant with Section 14-229.11, parts (1), (10), (11), (14), (19), among others. These uses are also consistent with the general theme of businesses within the Warren Avenue corridor. The applicant is aware of the lengthy list of permitted uses in the B-4 zone and will be seeking generally only those uses as tenants that are permitted within the zone.

*Comment 2: The uses affect the parking requirements.....Hopefully there are easements that run with the property for those spaces.*

Response: The applicant is the owner of the abutting property. The applicant intends to provide a cross access easement to benefit the 421 Warren Avenue property.

*Comment 3: Separate permits are required for the construction of the building and for each unit before the use of each unit. Separate permits are required for new signage. It is noted that an illegal sign is still present on the adjoining property that should be removed.*

Response: The applicant's contracting team is aware of the city's procedures for building permits and related use permits. We have made the applicant aware of the sign comment and they will be addressing that issue separately.

#### **David Margolis Pineo Comments March 11, 2014**

*Comment 1: Since the curb cut on Warren Ave in front of this project is not proposed to be used, the applicant is requested to close the curb cut. The curbing shall be set in concrete to match the abutting curb cut. Please contact Rhonda Zazzara for details 874-8831*

Response: The applicant will complete the curb cut closure in accordance with the City standards.

*Comment 2: It would be desirable for the applicant to tap for the 2" domestic water service behind the sidewalk to avoid cutting the sidewalk.*

Response: It is the applicant's intention to complete the domestic water service tap per this recommendation. The tap will be behind the sidewalk to the extent practicable, but within the ROW limits per the PWD requirements.

*Comment 3: Please note on survey plan that Saville Street and Newcomb Street are continued paper streets as per City Council Order #84 in September 1997.*

Response: The applicant's surveyor has been made aware of this comment. Staff should advise as to the need for an updated plan if necessary.

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*Comment 4: Please add State Plane Coordinates for four (4) corners; at both ends of the rear 657.94' line and at both ends of the 140.51' line along Warren Avenue.*

Response: This information will be provided on an updated plan once received from the surveyor. This will be provided to your attention under separate cover in advance of the Public Hearing.

If you have any questions regarding these materials please contact this office.

Sincerely,

FAY, SPOFFORD & THORNDIKE

A handwritten signature in black ink, appearing to read "Stephen R. Bushey", is written over a light yellow rectangular background.

Stephen R. Bushey, P.E.  
Senior Engineer

SRB/smk

c: Peter Holmes  
Jim Biskup, Biskup Construction