

CITY OF PORTLAND, MAINE

PLANNING BOARD

Stuart O'Brien, Chair
Timothy Dean, Vice Chair
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Bill Hall
Carol Morrissette
Jack Soley

June 2nd, 2014

Peter F Holmes
PH Warren Avenue, LLC
401 Warren Avenue
Portland, ME 04103

Stephen Bushey, P.E.
Fay, Spofford & Thorndike
778 Main Street, Suite 8
South Portland, ME 04106

Project Name: **Six Unit Commercial Building**
Project ID: 2014-016 CBL: 296-A006001
Address: 421 Warren Avenue, Portland
Joint Applicants: PH Warren Avenue, LLC
Planner: Jean Fraser

Dear Mr Holmes and Mr Bushey:

On May 27th, 2014, the Planning Board considered the Level III Site Plan application for the proposed 25,040 sq ft single story industrial building to provide 6 commercial units, with 36 parking spaces and associated landscaping, at 421 Warren Avenue. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance, and other regulations.

The approval is based upon the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in in the Planning Board Report for the public hearing on May 27, 2014 for application #2014-016 (attached), and the testimony presented at the Planning Board hearing. The Planning Board voted 5-0 (Morrissette and O'Brien absent) to approve the application with the following waivers and conditions as presented below:

WAIVER

1. The Planning Board voted 5-0 (Morrissette and O'Brien absent) to waive the Technical Standard Section 1.7.1.4 *Maximum Driveway Width* which specifies a maximum of 36 feet wide for a major commercial driveway, to allow the drive entrance to be 45 feet wide.
2. The Planning Board voted 5-0 (Morrissette and O'Brien absent) to waive the Technical Design Standard Section 1.14 *Parking Lot and Parking Space Design* to allow the drive aisles to be greater than 24 feet, as shown on Plan P6.
3. The Planning Board voted 5-0 (Morrissette and O'Brien absent) to waive the Site Plan Ordinance Section 14-526 (a) (4) (b) and (c) *Bicycle, Motorcycle and Scooter Parking* to allow the proposed parking in commercial units to meet the standard, subject to 2 outside bicycle parking spaces being provided as shown on Plan P6.

SITE PLAN REVIEW

The Planning Board voted 5-0 (Morrissette and O'Brien absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following eleven conditions of approval to be met prior to the issuance of a building permit unless stated otherwise:

- i. That the applicant shall submit, for the City's Associate Corporation Counsel and Department of Public Services review and approval prior to the issuance of a building permit, and submit recorded copies prior to the issuance of a Certificate of Occupancy for any part of the principal structure, easements for joint use of the existing drive access from Warren Avenue, and paving, local drive access, parking, landscaping and other proposed elements that are encroaching on the abutting lot; and
- ii. That the applicant shall submit a Landscape Plan, based on an a submitted assessment of the trees on the site, that shows the following: tree saves; any required replacement planting; and additional planting; snow storage areas; all to address the landscape preservation and parking lot landscaping requirements of the Site Plan Ordinance (14-526), for review and approval by the Planning Authority and City Arborist; and
- iii. That the applicant shall contribute \$6,950 to the Capisic Brook water quality treatment program to address the required mitigation of project impacts in the Urban Impaired Stream Watershed; and
- iv. That the applicant shall address the Fire Prevention concerns, as outlined in the e-mail from Captain Chris Pirone of the Fire Department dated April 30, 2014, to the satisfaction of the Fire Department; and
- v. The stormwater inspection and maintenance plan should include provisions for the inspection and maintenance of the Roof Drip-line Filtration BMP as outlined in Section 7.6 of Volume III of the MaineDEP Stormwater BMP Manual and the post-construction stormwater management plan requirements outlined in Chapter 32 of the City of Portland Code of Ordinances; and
- vi. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan submitted and dated February 2014, as revised April 2014, and revised to address condition v. above, 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. A maintenance agreement for the stormwater drainage system shall be submitted and signed for the principal structure with a copy to the Planning Division and Department of Public Services; and
- vii. That the applicant shall close the existing curb cut on Warren Avenue (east of the joint access from Warren Avenue into the site); install three signs along the back of the property where the asphalt ends stating: DO NOT DUMP - IMPAIRED WETLANDS; and shall mark with paint the pedestrian walking area in front of the building and between the building and Warren Avenue sidewalk; all prior to the issuance of a Certificate of Occupancy; and
- viii. That this approval relates to the 9.2 acre site identified in Plan P6 fronting onto Warren Avenue, which at the time of this approval is part of a 48+acre site owned by the applicant. If any part of the 48+acre lot is sold off or further developed, the applicant would need to retain the 9.2 acre site that is subject of this approval and include it in any subdivision review, and obtain verification from the Zoning Administrator and Planning Authority that the subject site, as created by any sale, remains in conformity with zoning and site plan requirements; and
- ix. That the applicant shall submit a copy of the ability to serve (wastewater) letter; and
- x. That separate reviews and permits are required the principal structure and separate use permits are required for each unit before occupation. Separate permits are also required for new signs, including those on the building, and for HVAC systems, which require submission of dBA levels to confirm compliance with the maximum sound limits of the B4 zone; and
- xi. That the applicant shall submit the approved Tier I NRPA Permit to the Planning Authority.

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 Jean Fraser at (207) 874-8728.

Sincerely,

Stuart O'Brien, Chair
Portland Planning Board

Attachments:

1. Fire Prevention comments, Captain Chris Pirone e-mail of April 30, 2014
2. Planning Board Report for the public hearing on May 27, 2014, for #2014-016 421 Warren Avenue
3. Portland City Code: Chapter 32
4. Sample Stormwater Maintenance Agreement
5. Performance Guarantee Packet

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, 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
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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
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John Low, Associate Engineer, Public Services
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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

From: Chris Pirone
To: JF@portlandmaine.gov
Date: 4/30/2014 9:55 AM
Subject: 421 Warren ave

Initial Fire Comments:

Access looks good as aisle widths are presently 38'.
Is the 20' access at the rear of the building being proposed for the Fire Department?

It appears a sprinkler system is being installed.
The fire department connection for the sprinkler system will need to be located on the front of the building and will need to have a fire hydrant within 100' of the connection but no closer than 40'.

Has an NFPA 1 code analysis been performed for the site?

A private fire hydrant may need to be installed per NFPA 1 on site.

Identification of the building shall have the address at the entrance and on the building which each unit being identified by Suite and letter such as 421 Warren Ave. Suite A.

Exits from the building shall continue from the building onto the site with clear walkways for the occupants to stage if an emergency happens in the building.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405