

Common  
Submit #2

CITY OF PORTLAND, MAINE  
DEVELOPMENT REVIEW APPLICATION  
PLANNING DEPARTMENT PROCESSING FORM  
Zoning Copy

2007-0189  
Application I. D. Number  
10/23/2007  
Application Date  
Pharmacy  
Project Name/Description

The Richmond Company  
Applicant  
23 Concord Street, Wilmington, MA 01887  
Applicant's Mailing Address

10/23/08

Consultant/Agent  
Applicant Ph: (978) 988-3900 Agent Fax:  
Applicant or Agent Daytime Telephone, Fax

340 - 340 Allen Ave, Portland, Maine  
Address of Proposed Site  
344 E038001  
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Apt 0  Condo 0  Other (specify)

Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ Zoning B2

Check Review Required:

- Site Plan (major/minor)  Zoning Conditional - PB  Subdivision # of lots \_\_\_\_\_
- Amendment to Plan - Board Review  Zoning Conditional - ZBA  Shoreland  Historic Preservation  DEP Local Certification
- Amendment to Plan - Staff Review  Zoning Variance  Flood Hazard  Site Location
- After the Fact - Major  Stormwater  Traffic Movement  Other \_\_\_\_\_
- After the Fact - Minor  PAD Review  14-403 Streets Review

Fees Paid: Site Plan \$500.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 10/24/2007

Zoning Approval Status:

Reviewer Morgan S. - JMD/p

- Approved  Approved w/Conditions See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached

Condition Compliance \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	date	amount	
<input type="checkbox"/> Building Permit Issue	date		
<input type="checkbox"/> Performance Guarantee Reduced	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	date	Conditions (See Attached)	expiration date
<input type="checkbox"/> Final Inspection	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	date		
<input type="checkbox"/> Performance Guarantee Released	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	date	signature	

DEFECT INSPECTION  
MAY, ME  
signature: 2-3-2008  
I RECEIVED

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2007-0189

**Date:** 10/10/2008

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I have reviewed the most current submittals received on 9/24/08. The property is located within a B-2 zone. This project requires a Planning Board approval for the drive-thru retail and pharmacy as proposed. The applicant received a reversal of my zoning determination on 7/17/08 concerning the interpretation of required front yard setback. Therefore, the location of the building as presented with the front yard facing Washington Avenue, was allowed by the Zoning Board of Appeals.

All other B-2 zoning dimensional requirements are being met. The most recent plan does show a 14'x50' loading area as required. The information given on plan entitled "Landscaped Areas" has been reviewed. The applicant needs to revise the impervious calculations because areas have been included for pervious areas which by definition can not be included. By definition, "Landscaping island or strips of two hundred (200) square feet or less shall be included in the calculations as IMPERVIOUS surfaces". Many of the landscaped island strips are less than two hundred square feet.

Planning staff expressed concern about front yard parking. Section 14-186(d)1 states that in a B-2 zone, "There shall be no off-street parking in the front yard between the street line and the REQUIRED minimum setback line". The applicant is not showing parking in the required setback line as indicated on the plans. It is noted that the next sentence does not apply to this particular building because it refers to existing buildings, and not to new structures. The minimum number of parking spaces based on information provided by the applicant (given size of bulk storage area) is 48 parking spaces. 48 parking spaces are shown on the plan.

14-434 restricts corner signs to meet certain height restrictions if it is located in a designated area as defined by that section. I will need to confirm the size and location of the corner sign before final approvals.

This project also encompasses a reconfiguration of an adjoining property, Espos, as part of this site plan approval. This property is also located within a B-2 zone. The impervious surface ratio needs to be revised for this lot as well as described above.

Because the existing front parking is being reconfigured, I reviewed conformance with the ordinance. Currently there are 19 parking spaces in the entire front yard of Espos's parking lot which are considered to be legally nonconforming. The reconfiguration with the Walgreen's proposal is showing 15 parking spaces in the entire front yard, thereby lessening the legal nonconformity. Section 14-186(d) under the front yard parking requirements state, "Where EXISTING buildings exceed the minimum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street". The existing parking configuration on the Espos's lot shows 9 parking spaces between the principal structure and the street. The reconfiguration of the Espos's parking is showing 6 parking spaces between the principal structure and the street, thereby lessening the legal nonconformity.

All other dimensional setbacks are being met with the new reconfiguration of the Espos's lot.

Marge Schmuckal  
Zoning Administrator

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2007-0189

**Date:** 1/8/2009

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I have reviewed the most recent submittals for updated zoning compliance. These submittals show that the maximum 80% impervious surface ratio is being met at 78.1%. All the other B-2 zone requirements are being met.

It is noted that the applicant is limiting their hours of operation as part of their application. If there are any changes or allowances for other hours, Zoning staff would like it to be part of the conditions for any future enforcement issues.

Again, any signage approvals will require separate building permits and approvals.

Marge Schmuckal  
Zoning Administrator