

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
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Dave Eaton

December 15, 2015

Mark Lowen
Lenity Architecture and Hawthorne
Development Group
3150 Kettle Court SE
Salem, OR 97301

Robert A. McSorley, PE
Sebago Technics, Inc.
75 John Roberts Road, Suite 1A
South Portland, ME 04106

Project Name:	Portland Retirement Residence	Project ID:	2015-164
Address:	802 Ocean Avenue	CBL:	Map 411, Lot 7A,
Applicant:	Lenity Architecture and Hawthorne Development Group		Map 416, Lots, A -6,7 and 21
Planner:	Barbara Barhydt, Development Review Services Manager		

Dear Mr. Lowen and Mr. McSorley:

On December 8, 2015, the Planning Board considered the Portland Retirement Residence for 150 congregate care units at 802 Ocean Avenue. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance and Stormwater Permit under Chapter 500. The Planning Board voted unanimously to approve the application with the following waivers and condition(s) as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on December 8, 2015 for application 2015-164 relevant to Portland's site plan ordinance and technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. The Planning Board **does not find**, based upon the waiver criteria of Section 14-526 4.b. ii and the recommendation of the Consulting Traffic Engineer, the number of bicycle parking spaces may be reduced due to the reduced demand for elderly residents. The Planning Board **does not waive** the bicycle space requirement from 10 to 6 spaces.
Vote: 5-1 (Eaton opposed) – waiver denied)
2. Based on the fact that the Portland Retirement Residence is a congregate care facility that provides transportation services for the residents and on the Consulting Traffic Engineer's positive recommendation to waive this standard and, the Planning Board finds, that extraordinary conditions exist or undue hardship may result from strict compliance with the site plan standard Section 14-526 5. Transportation Demand Management (TDM) and waives this requirement. Vote: 6-0

SITE PLAN REVIEW STORMWATER MANAGEMENT PERMIT

The Planning Board voted unanimously (6-0) that the plan is in conformance with the site plan standards of the Land Use Code and the requirements of Chapter 500 for a Stormwater Permit under delegated review, subject to the following conditions of approval:

1. The applicant shall submit evidence that the easement to Portland Trails has been recorded at the Cumberland County Registry of Deeds.
2. The applicant shall revise the trail plan to address trail safety concerns with fencing, caution signage or other means to minimize the potential risk of fall from the existing wooded trail along the north side of the site for review and approval by the City Arborist and Planning Authority.
3. The applicant shall construct a crosswalk across Ocean Avenue that includes ADA compliant ramps, pavement markings and signs. The crosswalk shall be located between the proposed driveway and the driveway to Ocean Ridge. The applicant shall provide a plan for review and approval by the Traffic Engineer and Planning Authority.
4. The Ocean Avenue roadway width and alignment is not consistent in the area of the proposed driveway and the applicant shall revise the curb alignment design to provide a uniform roadway width. The applicant shall provide a revised plan for review and approval by the Traffic Engineer.
5. The applicant shall obtain a Notice of Intent (NOI) to comply with the Maine Construction General Permit must be filed with the MaineDEP. A copy of this NOI should be forwarded to the City Planning Office.
6. The applicant shall submit revised final grading plans that include a note or additional spot grades / flow arrows in the area of the proposed snow storage area near the southeasterly corner of the site to ensure that the finish grade is constructed to direct the water to the nearby catch basin (CB-3) to receive treatment in the subsurface sand filter for review and approval by the Consulting Civil Engineer. In addition, a revised final Landscape Planting Plan that takes into consideration the proposed snow storage locations be submitted for review and approval by the Consulting Civil Engineer and City Arborist.
7. The developer/contractor/subcontractor must comply with conditions of the submitted and approved stormwater management plan and sediment and erosion control plan and associated inspection and maintenance manual (all from September 2015), 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.
8. The pump station and hydrant shall be maintained as presented in the “Yearly Fire System Maintenance for Hydrant and Pump Facility” as presented in the supplemental fire information submitted for the application.
9. Any proposed blasting on the site shall require the appropriate permits and approvals under Article VII Regulation of Explosives of Portland’s Land Use Code and the blasting regulations contained in the Technical Manual.
10. The manufacturer specifications for the mechanical equipment must be submitted for final review prior to the issuance of a certificate of occupancy.
11. The applicant shall obtain all required sign permits for any proposed signage under the zoning ordinance.
12. All exterior light fixtures, except for the lighting of the flag pole, shall be full cut off fixtures.

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 Barbara Barhydt at (207) 874- 8699 or at bab@portlandmaine.gov.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report with attachments
2. Portland City Code: Chapter 32
3. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
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Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File