



PLANNING BOARD REPORT PORTLAND, MAINE

Three-Lot Subdivision
Vicinity of 120 Veranda Street
Level III Subdivision
Project ID 2013-058
Steve and Roberta Cope, Applicants

Submitted to: Portland Planning Board Public Hearing Date: April 9, 2013	Prepared by: Shukria Wiar Date: April 9, 2013 Planning Board Report Number: 20-13
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I. INTRODUCTION

The applicant is proposing a three (3)-lot subdivision located at 120 Veranda Street. This residential subdivision is intended to provide infill within an existing residential neighborhood and is compatible with the adjacent neighborhood development. The lots are intended to be single family homes. The property is located within the R-5 Residential Zone District, and meets all applicable zoning standards.

The total subdivision area is approximately 18,094 square feet in size and includes two lots of record recently split from a larger parcel of land acquired by the owners in November 2012. A driveway curb cut is proposed to provide access for this Lot A from Veranda Street. Lot B1 contains 6,532 square feet and will also have frontage on Veranda Street; however, its access is proposed from Hodgins Street in a shared access easement with Lot B2. Lot B2 contains approximately 5,557 square feet and is proposed utilizing the Small Lot Development Standards under the R-5 Zone District (Section (14-120(b))).

The proposed lot split was reviewed by Marge Schmuckal, Zoning Administrator, in October 2012 and a Determination Letter was issued stating that Lot B2 is a small residential lot development and buildable only as a single family.

Required reviews: The proposal is being reviewed by the Planning Board under the Land Use Code provisions 14-497 (Subdivisions).

Applicant Name: Steve and Roberta Cope
Consultants: Patrick Carroll of Carroll Associates

A total of one hundred and twenty-eight (128) notices were sent to area residents and the city's interested party list. A notice also appeared in the April 15th and April 16th editions of the *Portland Press Herald*.

Waiver Request	Applicable Standard
Sidewalk along Hodgins Street frontage	<i>Subdivision Standard Section 14-498 (8) and Modifications Sec. 14-506 (b)</i> , Requires a sidewalk for subdivisions and waiver criteria.
Curbing Along Hodgins Street frontage	<i>Subdivision Standard Section 14-498 (8) and Modifications Sec. 14-506 (b)</i> , Requires the installation of curbing for subdivisions and waiver criteria.
Driveway Separation of approximately 108 and 92 between driveway and intersections	<i>Technical Manual 1.7.2.7 Location and spacing of driveway:</i> Requires 150 feet between driveway and intersection along arterials and collectors.
Waiver of Flooding standard for stormwater due to insignificant increase in amount	<i>Technical Manual 5 (III) (4) (e)</i> Requires designing system to address flooding
Subdivision	Subdivision Standards - Section 14-497

II. PROJECT DATA

Existing Zoning:	Residential R-5
Existing Use:	Single Family Home and Vacant Land
Proposed Use:	Three Single Family Homes
Existing number of lots:	One
Proposed number of lots:	Three
Parcel Size:	Lot A 6,005 sq. ft.; Lot B1 6,532 sq. ft.; B2 5,557 sq. ft.
Impervious Surface Area:	
Existing:	2,385 sq. ft.
Proposed:	6,265 sq. ft.
Net Change:	3,880 sq. ft.
Total Disturbed Area:	9,850 ± sq. ft.
Building Area:	
Existing Building Area:	1,380 sq. ft.
Proposed Building Area:	5,660 sq. ft.
Proposed Building Net Change:	4,280 sq. ft.
Existing Building Footprint:	690 sq. ft.
Proposed Building Footprint:	2,830 sq. ft.
Parking Spaces:	
Existing:	Two
Proposed:	Six
Estimated Cost of Project:	\$31,060
Uses in Vicinity:	Single family and multi-family homes

III. EXISTING CONDITIONS

Lots A and B2 are currently undeveloped. Lot B1 has an existing 2-story single family structure that will remain. It contains approximately 1,350 square feet on two floors, or 675 square feet per floor. It is anticipated that two story homes will be built on the two undeveloped lots, and that these structures will average 2,000-2,500 square feet in total size.

There is an existing access easement crossing the abutting property (Meara, property owner) along Hodgins Street that currently serves as a driveway to Lot B2. This easement will be widened to a total of 15 feet onto the Lot B2 property to allow a 12 foot driveway to access both Lots B1 and B2. There is also a Central Maine Power (CMP) pole at the same location that currently serves the existing house on Lot B2.

IV. PROPOSED DEVELOPMENT

The applicant is proposing a three (3)-lot subdivision along Veranda and Hodgins Streets. A new curb cut is proposed on Veranda Street to provide access for Lot A, which is located approximately midpoint in the block,



Existing Single Family House on Lot B2

and Lots B1 and B2 will both be accessed from Hodgins Street along an existing access easement crossing the abutting property (Meara). This easement will be widened to a total of fifteen (15) feet onto the Lot B2 property to allow a twelve (12) foot driveway to access both lots.

All utilities are available in Hodgins and Veranda Street and utility capacity letters from appropriate public utility companies have been submitted. Utilities for Lot A will come in from Veranada Street and for Lot B1 and B2 will come in from Hodgins Street. The electrical utility for the latter lots will be from the existing CMP pole in the access

easement. All utilities will be underground. The lots will be subject to the access easements as described above in addition to the existing utility easements benefiting CMP and New England Telephone & Telegraph.

The applicant will provides bio-filters (rain gardens) on Lot A and B2 to accommodate the projected increase in stormwater runoff from the project. These two treatment areas will be piped into existing stormwater piping in Hodgins and Veranda Streets.

In order to meet the street trees standard, a total of six Red Maple street trees are proposed for the project. These will be located within the front yard setbacks for the three lots.



Proposed Lot A Parcel

V. PUBLIC COMMENT

The Planning Division has not received any public comment as of the date of preparing this report. A Neighborhood Meeting was not held since the proposal of a three-lot subdivision does not require a neighborhood meeting.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

a. The owners of the property are Steven and Roberta Cope. The applicant has provided a copy of Warranty Deeds, recorded at the Cumberland County Registry of Deeds (Book 30172 Page 1 and Book 30394 Page 138), which demonstrates their right, title and interest in the property.

b. The estimated cost of the development is \$31,060. The applicant has submitted a letter from Bangor Savings Bank dated February 7th, 2013 as demonstration of their financial and technical capacity to complete the proposed development.

VII. ZONING ASSESSMENT



A. ZONING REVIEW

Marge Schmuckal, Zoning Administrator, has reviewed the revised plans and documents. All zoning concerns and issues have been addressed. The applicant understands that separate permits will be required for the future build-out of the new lots. All of the Residential R-5 Zone requirements for the subdivision review are being met.

VIII. DEVELOPMENT REVIEW

A. SUBDIVISION PLAN AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The draft subdivision plat (Attachment Plan 1) has been submitted for review. Based on discussions with staff the plat will need to be amended to address the following issues:

- There should be references to filtration pond maintenance on Lot A and Lot B1. The filtration ponds shall also be illustrated on the plat; and
- A note shall be added that references the requirement for a Stormwater Drainage System Maintenance Agreement.

B. SUBDIVISION (Section 14-497)

The proposed development has been reviewed by staff for conformance with the relevant review standards and applicable regulations of the City of Portland's Subdivision Ordinance. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

Staff finds the proposed project in conformance with this standard.

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

There are currently no connections to Lot A and Lot B2. The applicant has submitted capacity letter from Portland Water District stating that there should be adequate pressure and volume to serve the domestic water needs of the two proposed residential buildings.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

The proposed project is not anticipated to have any significant adverse effect on regional traffic.

The applicant is proposing one curb cut from Veranda Street to service one of the proposed single family homes. This new driveway cut on Veranda Street does not meet the technical standards for spacing between driveways and the applicant has requested a waiver of the standard. Lots B1 and B2 will have a shared driveway on Hodgins Street. Each home will be accompanied by two parking spaces.

Tom Errico, consulting Traffic Engineer, has reviewed the request for a driveway spacing waiver and recommends granting the waiver since the proposed house will not generate significant traffic (See Attachment 2).

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. The application includes a Site Utility and Grading Plan (Attachment Plan 2), Filtration Ponds Details (Attachment 4) and a Stormwater Report and Water Quality Plan (Attachments G and Plan 5). These address the stormwater management for the subdivision.

Site topography generally slopes towards the northwest corner of the property. Slopes are mostly mild to moderate. Currently, the stormwater runoff discharges via overland sheet flow to the northwest of the property where it drains along the abutting property line, eventually entering the enclosed drainage system in Hodgins Street.

The proposed improvements include two filtration ponds in front of the buildings on each lot to mitigate stormwater. These ponds are to provide treatment for the increase in impervious areas associated with the construction of buildings and driveways, and are designed as rain gardens with plantings. In terms of stormwater management, the proposed filtration ponds are acceptable. The flows going into the city's system will not increase.

The applicant has requested a waiver of the reporting and filing requirements as identified in Section 32-38 (c) and 32-38 (d) of the Post-Construction Stormwater Management Plan Standards. These sections state:

- (c) *Annual report.* The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification to DPS in a form provided by DPS, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective action(s) taken.
- (d) *Filing fee.* Any persons required to file and annual certification under this section shall include with the annual certification a filing fee established by DPS to pay the administrative and technical costs of review of the annual certification.

Section 5 (III) F (6) of the Technical Manual states:

F. Maintenance and transfer. Areas revegetated to off-set project impacts must be maintained as required by the permit, and any transfer of these areas must be made subject to deed restrictions that require such maintenance and are enforceable by the department. These covenants must specify that they may only be modified with department approval.

Chapter 32 of the City Ordinance does not include any provision for waivers of the stormwater management reporting and filing requirements. For the Planning Board's information, the City has not granted such a waiver to any development to date. The Department of Public Services recommends that the waiver request be denied.

The applicant also has requested a waiver of the Flooding Standards of Maine DEP Chapter 500 Stormwater Management. David Senus, consulting Engineer with Woodard and Curran, has reviewed the stormwater management report and site plans and supports this waiver:

The Applicant has provided sufficient information on anticipated runoff from the 2, 10 & 25 year storm events, and has designed storm drain connections from the lots into the City's storm drain system. The project will result in a slight reduction in flow to Hodgins Street and a slight increase in flow to Veranda Street. The Applicant proposes direct connections from the site's stormwater management systems into the roadway drainage systems. The slight increase in flow into the Veranda Street storm drain system is insignificant even in large storm events, and as such, the project qualifies for a waiver from the Flooding Standard.

5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)

The proposed site is not within an historic district and is in an urban neighborhood surrounded by a variety of residential building types.

The proposed subdivision does not impact the natural beauty of the area or adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline.

There is an existing concrete sidewalk on Veranda Street that is in good condition and does not need to be replaced. There is no sidewalk on Hodgins Street along the frontage of the proposed subdivision. There are no sidewalks on either side of the remainder of Hodgins Street except for a small portion from the proposed site



**Existing sidewalk on Hodgins Street
overgrown with vegetation**

southeastward to Veranda Street. The sidewalk along the frontage of the Meara property (next to the proposed site) is a brick sidewalk that has not been maintained and had been overgrown with grass (See photograph below). The applicant has requested a waiver of the sidewalk and curbing requirement along Hodgins Street (See Attachment ## for the applicant's explanation).

The Department of Public Services has reviewed the curbing and sidewalk waiver requests. The Department does not support a sidewalk waiver and recommends the installation of forty-five (45) feet sidewalk along the frontage on Hodgins Street. The Department is also researching if Hodgins Street had not been slated for a sidewalk for a recent stormwater project installed by the City. If the City determines that no sidewalk was required by the City for Hodgins Street, the Department will waive the sidewalk installation requirement. The DPS final recommendation will be available for the public hearing. David Margolis-Pineo, Deputy Engineer, states the following in his memo dated April 17, 2013:

After further consideration by city staff and review of the applicant's request to waive the asphalt sidewalk on Hodgins Street, staff does not feel the applicant has met the waiver criteria, i.e. "a safe alternative walking route is available....." We are therefore requesting the asphalt sidewalk to be built on Hodgins St. However, if it can be determined that the city chose not to install a sidewalk when this street was rebuilt to install a stormwater system, this requirement will be waived. Key people who made this determination are currently unavailable to discuss.

As for the curbing waiver, the Department of Public Services recommends waiving the curbing on Hodgins Street.

5. Comprehensive Plan (Section 14-497 (a) 9)

The following statement is housing policy that is relevant to this proposal. The first policy of Housing: Sustaining Portland's Future is to ensure an adequate and diverse supply of housing for all. Objectives under that policy include the following:



**Existing sidewalk on Hodgins
Street-looking towards Veranda**

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied. The list of potential housing options under this objective include:
 - ii. Housing units for decreasing household sizes, such as young professionals, empty nesters, single parent households and senior citizens.
 - v. Higher density housing, such as row houses, small lots, reuse of non-residential buildings, and mixed use buildings.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers and public transportation.
- Encourage housing within and adjacent to the downtown. Evaluate and update current zoning and building codes, as needed, to facilitate new housing and redevelopment opportunities....

This proposal advances these objectives of the Comprehensive Plan.

6. Easements

The applicant is proposing multiple easements for the site. The proposed easements are for the shared driveway for Lots B1 and B2, shared utilities for Lots B1 and B2, and the utility easement for Lot A. The draft easement language has been submitted for the shared driveway and utilities for Lots B1 and B2 (Attachment J). The draft language for the utility easement for Lot A has not been submitted. The review of the easements is pending. City staff will work with the applicant to finalize these easements.

7. Financial Capability (Section 14-497 (a) 10)

The applicant has submitted a financial capacity letter from Bangor Savings Bank, dated February 7, 2013 (Attachment E).

IX. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approves the proposed development of a three-lot subdivision in the vicinity of 120 Veranda Street.

X. PROPOSED MOTIONS

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 # 20-13 for application #2013-058 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. The Planning Board [**waives** or **does not waive**] the requirement of Section 14-498 (8) of the Subdivision Ordinance that requires sidewalks along all street frontages, to allow no sidewalk on Hodgins Street.
2. The Planning Board [**waives** or **does not waive**] the requirement of Section 14-498 (8) of the Subdivision Ordinance that requires curbing along all street frontages, to allow no curbing on Hodgins Street.
3. The Planning Board [**waives** or **does not waive**] the requirement of Section III (2) (e) of the Technical Standards for driveway spacing, to allow a new driveway on Veranda Street to access the new Lot A.
4. The Planning Authority [**waives** or **does not waive**] the requirement of Section 5 (III) (4) (E) Flooding

Standard due to the small increase in flow into the Veranda Street storm drain system.

DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #20-13 for application #2013-058 relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. SUBDIVISION:

That the plan [**is** or **is not**] in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

- i. The applicant must comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Stormwater Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on our standards and state guidelines. A maintenance agreement for the rain gardens acceptable to Corporation Counsel must be submitted and signed prior to the issuance of a certificate of occupancy;
- ii. The applicant shall submit the proposed easements for the shared driveway for Lots B1 and B2, shared utilities for Lots B1 and B2, and the utility easement for Lot A for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy;
- iii. A final site plan must be submitted for review that incorporates the review comments of David Margolis-Pineo, Deputy Engineer, dated 04.17.2013.

If the sidewalk waiver is not granted:

- i. The applicant shall submit the plans for the Hodgins Street sidewalk for review and approval by the Department of Public Services and the Planning Authority prior to the release of a building permit. The sidewalks shall be installed prior to the issuance of a certificate of occupancy.

ATTACHMENTS:

PLANNING BOARD MEMO ATTACHMENTS

1. Marge Schmuckal Review 04.17.2013
2. Tom Errico Review 03.18.2013
3. David Sensus Review 04.10.2013
4. David Margolis-Pineo Review 04.17.2013
5. Captain Chris Pirone Review 04.01.2013

APPLICANT'S SUBMITTAL

- A. Written Description of Project
- B. Application
- C. Marge Schmuckal's Determination Letter 10.19.2012
- D. Warranty Deeds
- E. Financial Letter from Bangor Savings Bank 02.07.2013
- F. Utility Capacity Letters
- G. Post Construction Stormwater Management Report 02.22.2012
- H. Applicant's Letter Addressing Staff Comments 04.01.2013
- I. Waivers Request
- J. Draft Easement Language
- K. Post Construction Stormwater Management Report, Revised 03.27.2013
- L. Opinion of Development Costs

PLANS

- Plan 1 Subdivision Plat
- Plan 2 Site Utilities and Grading Plan
- Plan 3 Erosion Control Notes and Details
- Plan 4 Site Details
- Plan 5 Pre and Post Development Drainage