

Planning Report #63-82

SUBDIVISION REVIEW OF  
DR. RICHARD BRIGGS PARCEL  
AT 214-244 AUBURN STREET

Submitted to:  
City Planning Board  
August 24, 1982

## I. INTRODUCTION

The Planning Board has received a subdivision application from Dr. Richard Briggs to create a 3 lot subdivision at 214-244 Auburn Street. Dr. Briggs is being represented by Attorney E. Stephen Murray. No development is proposed at this time.

Thirteen notices were sent to area property owners. An advertisement of this public hearing appeared in the August 14, 1982 editions of the Guy Gannett newspaper.

## II. BACKGROUND

Following Planning Board review, the City Council on March 16, 1981 approved two zone changes for this parcel including the establishment of a Residence-Professional and a R-5 zone designation from R-2. The Residence-Professional zone was created along Auburn Street frontage while the interior portion of the parcel was zoned R-5.

The Planning Board on May 26, 1981 approved a site plan for a 15,000 square foot building for the R-P zoned portion of the site. A 52 unit condominium project which was originally proposed at the time of the zone change is not included in this subdivision application. Development of that project would require Planning Board subdivision and site plan review at a later date.

## III. PROPOSED SUBDIVISION

The proposed subdivision would include the following three parcels:

LOT#	LAND AREA	USE	OWNER
1	10,553 sq.ft.	two family res.	Chase
2	44,880 sq.ft.	offices	Briggs
3	235,546 sq.ft.	vacant	Briggs

Lot number 3 will have frontage on Auburn Street sufficient for a 50 foot right-of-way providing access for future development. A 20 foot wide fire lane is indicated on the plat providing a second access for the rear lot to Auburn Street.

There is an existing sidewalk that extends along the Auburn Street frontage of this property.

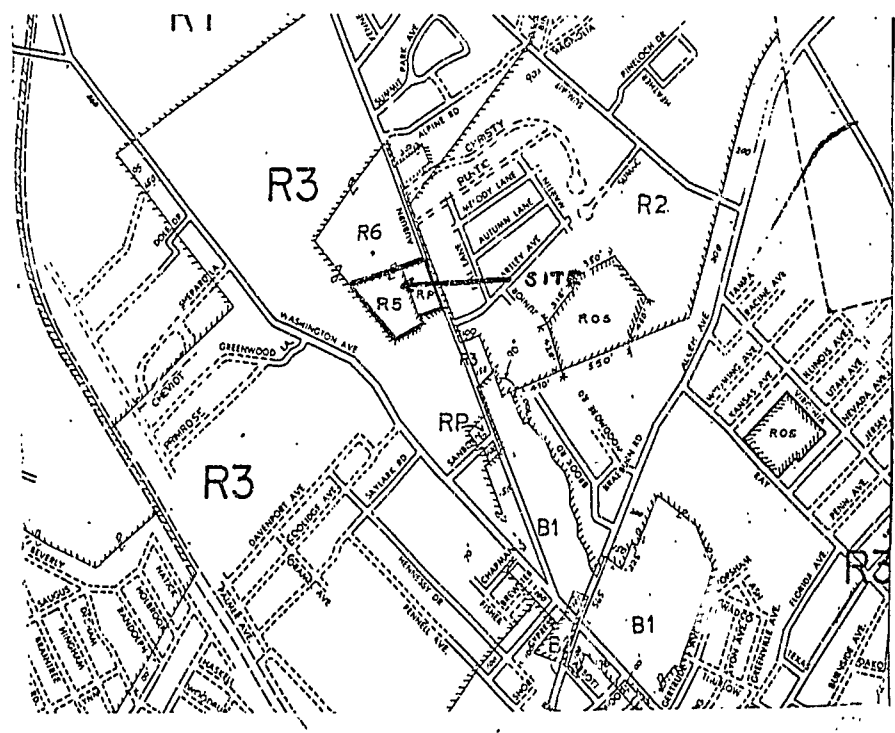
## IV. STAFF REVIEW

This project has been reviewed and approved by Public Works, Fire Department, Building and Inspection Services in accordance with the review criteria set forth in section 603.8 of the Subdivision Ordinance. The subdivision review criteria includes the following:

- a. water and air pollution
- b/c adequacy of water supply
- d. soil erosion
- e. traffic
- f. sanitary waste and stormwater disposal
- g. solid waste and sewage
- h. historic sites, irreplaceable natural areas
- i. conformance with Land Development Plan
- j. financial and technical capacity
- k. shoreline

#### V. ISSUES

Although a fire lane is denoted on the subdivision plan providing a second access for the rear lot, there is no specific indication who would be responsible for maintaining (snow removal) it, should the rear parcel be developed. The applicant is expected to address this issue at the Planning Board meeting.



*RUE*  
*Please write*  
*approval letter*

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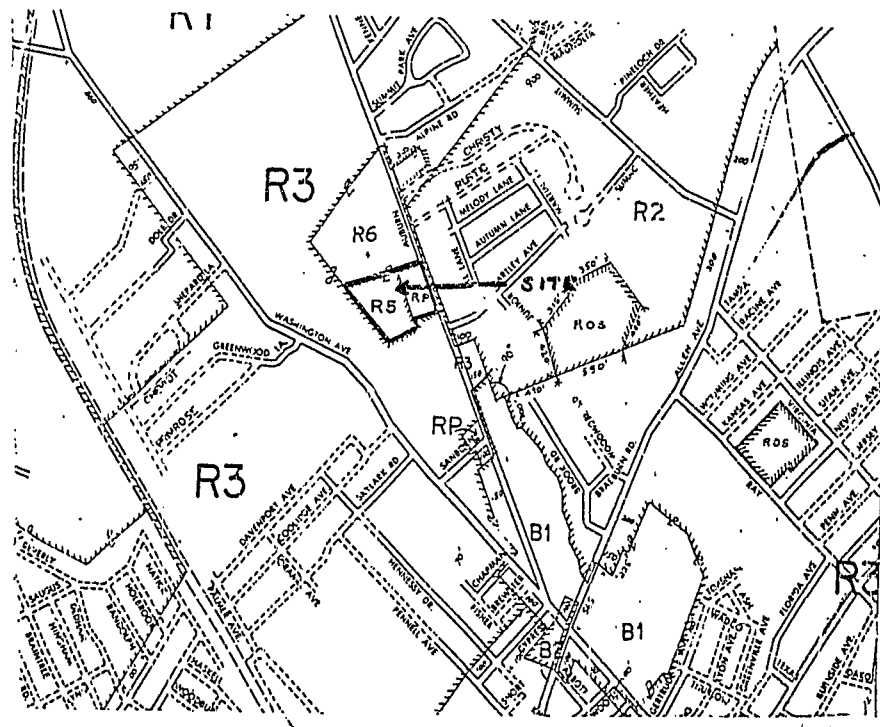
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CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Stephen T. Honey, City Manager

DATE: 10/11/83

FROM: Alexander Jaegerman, Chief Planner AS

SUBJECT: Request for Inclusion of Item on City Council Agenda  
for Monday, October 17, 1983

It is requested that the following item be included on the City Council agenda for Monday evening, October 17, 1983:

Amendment to the Portland City Code Chapter 17, Article III.  
(Zoning Ordinance) Re: Change of Zone from R-5 Residence to  
R-P Residence-Professional in the vicinity of Rear 238 Auburn  
Street - Richard S. Harris, Jr., Applicant.

Statement of Facts

A change of zone from R-5 Residence to R-P Residence Professional has been requested for 13,000 sq.ft. of land area in the rear of 238 Auburn Street to provide parking spaces for 30 cars for lease to the Professional Office Building at 222 Auburn Street.

Following the public hearing on Tuesday evening, September 27, 1983 the Planning Board voted unanimously to recommend approval to the City Council of this zoning amendment. A Planning Board report is enclosed.

cc: Jane Durgin, City Clerk  
David Lourie, Corporation Counsel

# 235  
10/17/83

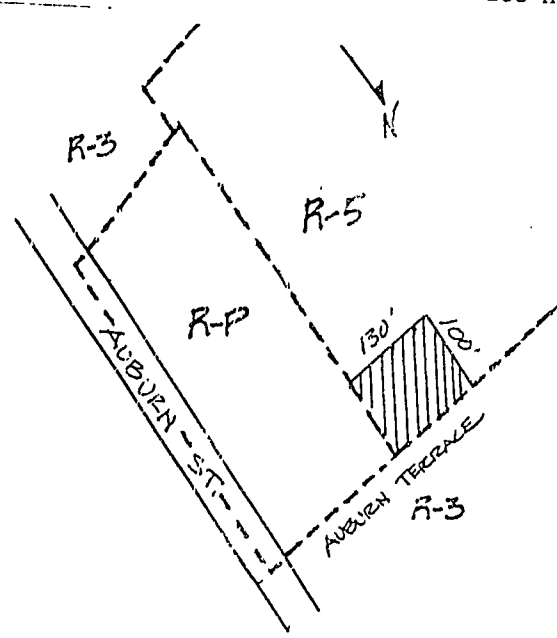
City of Portland, Maine  
In the City Council

AMENDMENT TO THE PORTLAND CITY CODE SECTION 14-49 (ZONING MAP)  
RE: R-P RESIDENCE-PROFESSIONAL ZONES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE,  
AS FOLLOWS:

THAT the Zoning Map of the City of Portland and on file in the office of the City Clerk (incorporated into this Code by Section 14-49) be further amended as shown on the fragmentary map below entitled 'Change of Zone from R-5 Residence to R-P Residence Professional in the vicinity of Rear 238 Auburn Street,' which fragmentary map is hereby incorporated in and made a part of said Zoning Map.

CHANGE OF ZONE  
FROM R-5 RESIDENCE TO R-P RESIDENCE PROFESSIONAL  
IN THE VICINITY OF REAR 238 AUBURN STREET



October 17, 1983

Changed from R-5  
Residence to R-P  
Residence Professional

235

AMENDMENT TO THE PORTLAND  
CITY CODE CHAPTER 17,  
ARTICLE III (ZONING  
ORDINANCE) RE: CHANGE OF  
ZONE FROM R-5 RESIDENCE TO  
R-P RESIDENCE-PROFESSIONAL  
IN THE VICINITY OF REAR  
238 AUBURN STREET

IN THE CITY COUNCIL

October 17, 1983

(Portland Planning Board)

Attest:

*Joan Huggin*  
City Clerk.

TO: Mayor William B. Troubh and Members of the Portland  
City Council  
FROM: Chairman Jean E. Gilpatrick and Members of the Portland  
Planning Board  
DATE: October 17, 1983

PLANNING BOARD REPORT

RECOMMENDING APPROVAL OF THE PROPOSED CHANGE OF ZONE  
FROM R-5 RESIDENCE TO R-P RESIDENCE-PROFESSIONAL IN  
THE VICINITY OF REAR 238 AUBURN STREET FOR PARKING  
ACCESSORY TO THE PROFESSIONAL BUILDING AT 222 AUBURN  
STREET.

Introduction:

An application for a change of zone from R5 to RP Residence Professional has been received from Mr. Richard S. Harris, Jr. for 7,432.02 sq.ft. of land area in the rear of 238 Auburn Street. If this zone change is adopted the applicant would be enabled to install additional parking for 30 cars for lease to the Professional Office Building tenants at 222 Auburn Street. This zone change was recommended by the Code Enforcement Officer. Such re-zoning will require that adequate buffer or screening will be provided for this additional parking area, in accordance with the RP zone provisions.

The area requested by the applicant for this zone change encompasses only 7,432.02 sq.ft. of land areas. However in order to include a more logical rectangular area for a zoning map amendment, the area for the proposed change was expanded to 100 ft. x 130 ft for a total of 13,000 sq.ft., at the September 13th meeting of the Board.

Background Information:

Assessed Valuations:

Assessor's Chart: 373-B-3 (portion only)  
Address: 212-236 Auburn Street  
Owners: Philip M. and Richard H. Briggs  
Area: 278,908 sq.ft.  
Land: \$127,640.  
Bldg: 584,980.  
Total \$712,620.                      1983 taxes: \$17,500.45

Density Requirements for the Proposed Brookfield Apartments

The following figures have been furnished by Herbert Gray the Engineer for the applicant regarding density for the proposed 60 unit apartment project to be called Brookfield Apartments:

Size of Lot 3	235,546 sq.ft. (Gross)
Less parking for RP zone (to be leased for parking for Professional Building)	9,216 sq.ft.
	<hr/>
	226,330 sq.ft. (balance)
Less 20% Requirement for access	- 45,266 sq.ft.
	<hr/>
	181,064 Net Area
	divided by 3,000 sq.ft. per unit = 60.35+ units

Parking Requirements for RP Professional Building at 222 Auburn Street

17,480 sq.ft. of total floor area	
divided by 400 sq.ft. per car space =	
43 car spaces (required by City Zoning Ordinance)	
Accessory parking now furnished on site:	43 car spaces (existing)
	new 30 car spaces (to be leased)
	Total 73 car spaces (if this zone change is adopted)

Discussion of Zoning for the area

In attempting to provide an even four-sided area for re-zoning boundary for the RP zone extension the result would not automatically restrict the density of the proposed 60 unit apartment project. According to the Code Enforcement Officer, the density would be determined by the amount of land area actually utilized for parking purposes, as determined by the lease arrangement.

The RP zone requirements for parking lots abutting residential zones are as follows:

Section 14-149 2 (c) provides:

"When a side yard abuts a residential zone or use, non residential usage requires solid fencing not less than five (5) feet in height and a seven (7) foot deep planting strip planted with trees and shrubs, as appearing on the approved list in the Building Inspection Office.

Public Notice

In addition to the newspaper advertisement which appeared in the daily newspapers on Wednesday, September 21, 1983, letters were sent to 52 residents and property owners in the immediate area. No one spoke in opposition to this change of zone at the Planning Board's public hearing on this matter. One person indicated that the expanded parking did not appear to be necessary to the partially unoccupied office building.

Planning Board Recommendation:

The Planning Board voted unanimously to recommend that the larger area be subject to the re-zoning as shown on the attached Council Amendment based on the following Planning considerations:

1. The density for the proposed 60 apartment units will be unchanged by this zoning amendment, and 30 car spaces of accessory off-street parking would be made available for the Professional Building in accordance with a lease agreement.
2. The irregular area would be difficult to draw on an 800 scale Zoning Map and would be awkward to administer.
3. The rezoned area is not a primary determinant of density for the proposed Brookfield Apartments as residential density is the same for the R 5 and RP zones and only the smaller leased area (9,216 sq.ft.) would be deducted when density is computed for the proposed 60 unit project.

Herbert P. Gray

*Consulting Engineer*

482 CONGRESS STREET, SUITE 404, PORTLAND, MAINE 04101 TEL. 207-775-1207

September 7, 1983

City Planning Board  
City Hall  
Portland, Maine 04101

Dear Members of the Planning Board:

The option holder, Richard Harris Jr., requests that the planning board recommend to the City Council that the Zoning Ordinance of the City of Portland, Maine be amended by reclassifying 7,432.02 square feet of property situated on 238 Auburn Street from R-5 Zone to R-P Zone.

This property is to be held in reserve and leased for parking by the employees, licensees, and invitees of the owners of 222 Auburn Street.

This condition fulfills a condition of the agreement between Philip M. Briggs and Richard Briggs, M. D. (Sellers) and Richard Harris (Buyer) dated June 22, 1983.

Respectfully submitted:

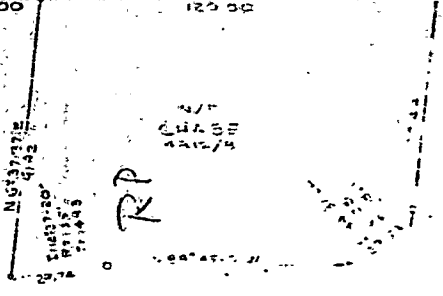
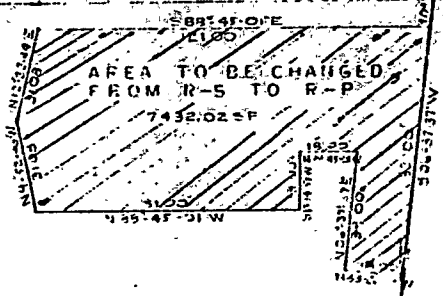
*Herbert P. Gray*

Herbert P. Gray

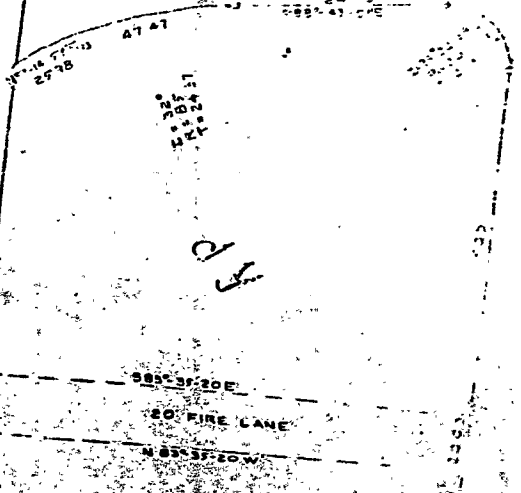


R-3 ZONE

R



R-5



WILSON STREET



LEGAL ADVERTISEMENT

LEGAL ADVERTISEMENT

*Effective -  
10/17/83*

PORTLAND PLANNING BOARD

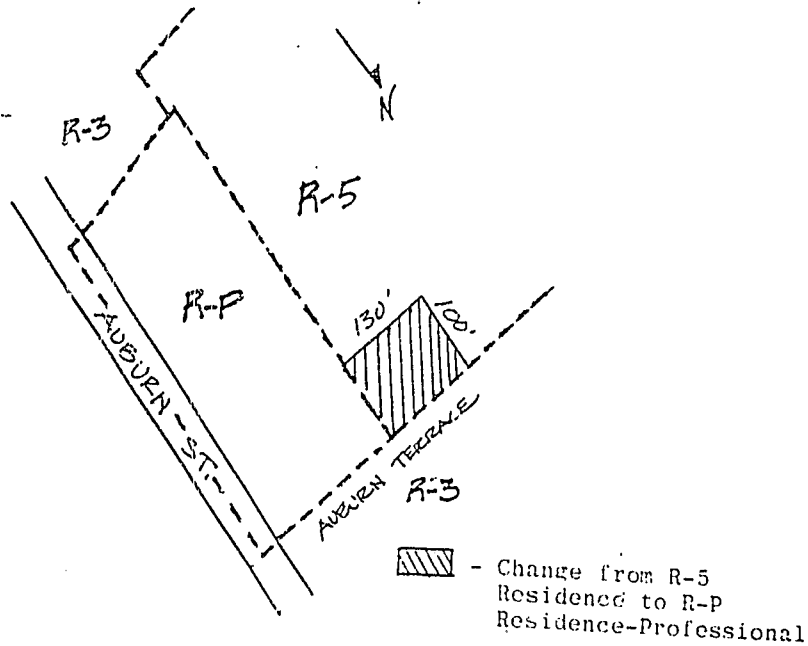
PUBLIC NOTICE

Notice is hereby given that the Planning Board of the City of Portland Maine will hold a public hearing on Tuesday evening, September 27, 1983, at 7:30 P.M. in Room 209, City Hall, Portland, to consider a proposed change of zone from R-5 Residence to R-P Residence Professional in the vicinity of 238 Rear Auburn Street as shown below. This zoning amendment will enable the applicant to provide by lease 30 car spaces for additional off street parking to the occupants of the professional office building at 222 Auburn Street. The R-P zone requires landscaping and buffering of the parking area from residential uses.

September 15, 1983

Jean E. Gilpatrick, Chairman  
Portland Planning Board

Proposed Change of Zone  
From R-5 Residence to R-P Residence-Professional  
In the Vicinity of Rear 238 Auburn Street



MURRAY, PLUMB & MURRAY

ATTORNEYS AT LAW  
36 EXCHANGE STREET  
PORTLAND, MAINE 04101  
207 773-5051

PETER L. MURRAY  
E. STEPHEN MURRAY  
PETER S. PLUMB  
JOHN C. LIGHTBODY  
ELLYN C. BALLOU  
CLARKE C. HAMBLEY, JR.  
THOMAS C. NEWMAN  
JOHN C. BANNON

CHARLTON S. SMITH  
OF COUNSEL

RECEIVED  
FOR INFORMATION

August 17, 1982

Philip Briggs  
ADD, Inc.  
80 Prospect Street  
Cambridge, MA 02139

Re: Auburn Street Project

Dear Phil:

On August 13, 1982, I spoke by telephone with Rick Knowlton of the City of Portland Planning staff. He told me that everything was set for the Planning Board's meeting of August 24th at 7:30 p.m. He did ask, however, that we provide him with something in writing indicating who will maintain the fire lane.

I told him that I would suggest to you that you write directly to him.

I would recommend to you that you advise Rick that if and when the rear parcel of land is conveyed, it will be conveyed with a right-of-way for fire and emergency vehicles and purposes over the 20 foot wide fire lane on the front property. With respect to the maintenance of the right-of-way, I recommend that either the new owner and his assigns will be responsible for maintenance and the deed will contain such maintenance clause, or that you and your brother as partners and owners of the medical building will be responsible for maintaining the right-of-way with the ability to charge the owner of the back property pro rata portion of such cost of maintenance and that that arrangement would be spelled out in any deed. The precise nature of the

Philip Briggs  
ADD, Inc.  
August 17, 1982  
Page 2

undertaking will, of course, be a function of the commercial negotiations which would ensue, if and when you sell the back parcel.

Rick Knowlton's address is City Hall, 389 Congress Street, Portland, ME., 04101. I would appreciate it if you would send me a copy of whatever you send to Rick Knowlton. Thank you.

Sincerely

*Steve*  
E. Stephen Murray

ESM/lz

cc: Rick Knowlton, Portland Planning Board

Dictated but not read.

ADD Inc Architecture Design Development

80 Prospect Street  
Cambridge Massachusetts 02139  
617 661 0165

Philip M Briggs  
Wilson F Pollock Jr  
Michael E Hallor  
Michael S Hass  
Michael E Hickok  
Schuyler G Larrabee II

20 August 1982

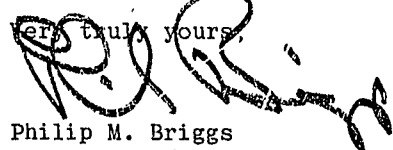
Mr. Rick Knowlton  
Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Re: 222 Auburn Street

Dear Mr. Knowlton:

This letter is to confirm our agreement with the City of Portland that we will provide a right-of-way for fire and emergency vehicles 20 feet wide through the front lot to the rear lot. If and when the rear lot is conveyed, it will be conveyed with this right-of-way and we will be responsible for its maintenance.

Please let me know if you need further information. Thank you again for your help.

Very truly yours,  


Philip M. Briggs

cc: Steve Murray

1731 21st Street N.W.  
Washington, DC 20009  
202 797 9000

ADD Inc Architecture Design Development

80 Prospect Street  
Cambridge Massachusetts 02139  
617 661 0165

Philip M Briggs  
Wilson F Pollock Jr  
Michael E Hallor  
Michael S Hass  
Michael E Hickok  
Schuyler G Larrabee II

26 August 1983

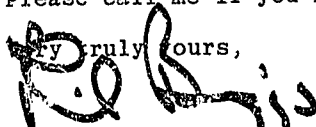
Mr. Joseph Gray  
Planning Department  
City Hall  
Portland, ME

Re: Auburn Street Apartments

Dear Mr. Gray:

I have reviewed and approved the site, landscape and building plans prepared by Harris & Steele. The scale of the project is, in our opinion, consistent with the neighborhood and the professional building.

Please call me if you need further information.

Very truly yours,  


Philip M. Briggs

PBM/trl  
10-54

cc: B. Steele  
H. Gray  
R. Harris  
R. Briggs  
S. Murray

1731 21st Street NW  
Washington, DC 20009  
202 797 9000

MURRAY, PLUMB & MURRAY  
ATTORNEYS AT LAW  
30 EXCHANGE STREET  
PORTLAND, MAINE 04101  
207 7735651

PETER L. MURRAY  
E. STEPHEN MURRAY  
PETER S. PLUMB  
JOHN C. LIGHTBODY  
ELLYN C. DALLOU  
CLARKE C. HAMBLEY, JR.  
THOMAS C. NEWMAN  
JOHN C. RANNON

CHARLTON S. SMITH  
OF COUNSEL

September 20, 1982

Rick Knowlton  
Portland Planning Board  
City Hall  
Portland, ME 04101

Dear Rick:

Enclosed is the original of a "declaration" I propose you have signed by Joe Gray. Please note his signature needs to be acknowledged.

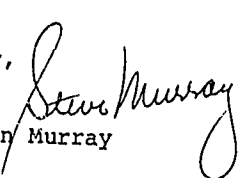
While you and I agree it would have been better for the Planning Board to have required this language to have appeared on the plan which the Board signed, I agree that this declataion will be equally effective and will save a great deal of time and will save the hassle of dealing with the surveyor who drew the plan. The document will be indexed under the Briggses name and thus anyone searching the title for the purchase of Lot #3 or Lot #2 will be placed on notice. In addition, the document will act as a restriction on Lot #2 so that anyone who may purchase Lot #2 will be subject to the requirements set forth in the document.

I hope that this can simply be run past your legal staff, signed by Joe Gray and returned to me for recording.

Please note that I omitted the recording data on the plan, inasmuch as you are holding the plan and it has not yet been recorded. I propose to have the plan recorded and immediately thereafter record the document. I will then return the original document to you after I receive it back from the Registry of Deeds.

Thank you for your anticipated cooperation in this matter.

Sincerely,

  
E. Stephen Murray

ESM/lz  
Enc.  
cc: Richard Flewellyn, Esq.

STATE OF MAINE  
CUMBERLAND, ss

CITY OF PORTLAND  
DEPT. OF PLANNING AND  
URBAN DEVELOPMENT

STATEMENT OF CONDITION OF APPROVAL

BY

PLANNING BOARD

(IN RE: SUBDIVISION PLAN OF BRIGGS)  
(PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_)

KNOW ALL MEN BY THESE PRESENTS that on August 24, 1982 the City of Portland Planning Board approved the "Subdivision Plan of Land of Briggs, Auburn St., Portland, Me., prepared by: Jack Berman, P.E., R.L.S., School St., Gorham, Me." dated May 27, 1982 for certain land owned by Richard and Philip Briggs at 222 Auburn Street, Portland, Maine. This approved subdivision plan was filed in the Cumberland County Registry of Deeds on \_\_\_\_\_ in Plan Book \_\_\_\_\_, Page \_\_\_\_\_.

The condition of the City of Portland Planning Board approval to which the owners have agreed, is that the twenty foot (20')-wide fire lane shown as running east-west from Auburn Street through Lot #2 as shown on the said plan to Lot #3 as shown on the said plan, be maintained by the owners of said Lot #2, their heirs, successors and assigns as an emergency fire lane for the benefit of the owners of the said Lot #3, their heirs, successors and assigns, and that any deed conveying a portion or all of the said Lot #3 contain an easement appurtenant to and running with said Lot #3 permitting access to Lot #3 by emergency vehicles over the aforesaid twenty foot (20')-wide fire lane for use as an emergency firelane and permitting the exercise of reasonable and peaceable self-help by the owners of said Lot #3, their heirs,

successors and assigns, in the event that said access is at any time not so permitted or maintained.

DATED at Portland, Maine this            day of September, 1982.

\_\_\_\_\_  
Joseph E. Gray, Jr., Director  
Planning & Urban Development  
City of Portland

STATE OF MAINE  
CUMBERLAND, ss

Personally appeared before me the above-named JOSEPH E. GRAY, JR. and made oath that the foregoing Statement of Condition of Approval is true and correct.

\_\_\_\_\_  
Notary Public



STATE OF MAINE  
CUMBERLAND, ss

CITY OF PORTLAND  
DEPT. OF PLANNING AND  
URBAN DEVELOPMENT

STATEMENT OF CONDITION OF APPROVAL

BY

PLANNING BOARD

(IN RE: SUBDIVISION PLAN OF BRIGGS)  
(PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_)

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successors and assigns, in the event that said access is at any time  
not so permitted or maintained.

DATED at Portland, Maine this            day of September, 1982.

\_\_\_\_\_  
Joseph E. Gray, Jr., Director  
Planning & Urban Development  
City of Portland

STATE OF MAINE  
CUMBERLAND, ss

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Approval is true and correct.

\_\_\_\_\_  
Notary Public



## CITY OF PORTLAND

JOSEPH E. GRAY, JR.  
DIRECTOR OF PLANNING  
AND URBAN DEVELOPMENT

August 17, 1982

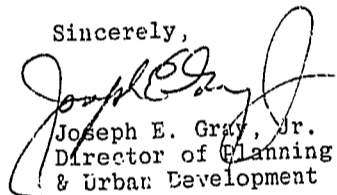
TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF  
214-244 AUBURN STREET

The Portland Planning Board will hold a public hearing on Tuesday evening, August 24, 1982. The meeting begins at 7:30 P.M. in Room 209, City Hall, Portland, Maine.

The Board will consider a proposal by Richard Briggs, M.D. to subdivide a 6.6 acre parcel into 3 separate lots located in the vicinity of 214-244 Auburn Street. No specific development is proposed at this time. Present buildings on the site include a professional office building and a single family residence. The site is zoned Residence-Professional and R-5 Residence. The subdivision will be reviewed for compliance with the Subdivision Ordinance.

Should you wish to review the plans in advance, they are available in the Portland Planning Department, Room 211 of City Hall. If you are unable to attend the public meeting of the Planning Board, please send your comments in writing to Mr. Joseph E. Gray, Director of Planning and Urban Development, City Hall, 389 Congress Street, Portland, Maine 04101.

Sincerely,

  
Joseph E. Gray, Jr.  
Director of Planning  
& Urban Development

cc: Jean E. Gilpatrick, Chairman, Planning Board

LEGAL ADVERTISEMENT

LEGAL ADVERTISEMENT

PORTLAND PLANNING BOARD

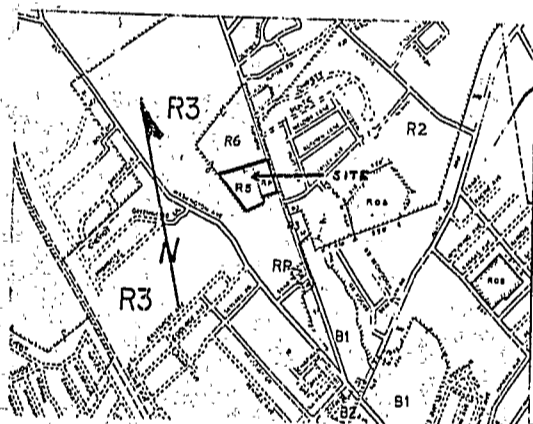
PUBLIC NOTICE

Notice is hereby given that the Planning Board of the City of Portland, Maine will hold a public hearing on Tuesday, August 24, 1982, at 7:30 P.M. in Room 209, City Hall, Portland, Maine to consider a three lot subdivision in the vicinity of 212-244 Auburn Street, as shown on the fragmentary map below. The proposal includes the division of a 6.68 acre parcel into three separate parcels. No specific development is proposed at this time. Present buildings on the site include a professional office building and a single family residence. The site is zoned Residence-Professional and R-5 Residence and is owned by Dr. Richard H. Briggs.

August 13, 1982

Jean E. Gilpatrick, Chairman  
Portland Planning Board

PROPOSED SUBDIVISION  
AT 212-244 AUBURN STREET



CURTIS RD <sup>CC</sup>  
for sum 388A

394 H

A

C

B

393 I=

G

H

A

BRIGGI

~~373~~ B  
A 14, 15, 3, 5, 6, 2

383 A 8, 16

~~374~~ A 21, 23, 30, 4  
B 14, 2, 5  
C 1

~~379~~ A 19, 20, 21, 6, 3, 24, 2, 1, 4

389 B 16, 10  
A 6

lease but no taxes \$72,000

① p2 fill space between parking garage & townhouse  
needs on roof floor office or parking garage  
suburban walk; needs more conveyance of  
diversity

② windows need to protect eyes more protection  
lines needed  
looks to indented like a blackhouse

To  
Rick.

From - Hugh.

Re Dr. Briggs of McChase  
Suburban St - City.

Bob Chase bought the  
672 Electric St. Family # 797-4868  
2 family dwelling from  
Dr. Briggs, one yr ago.

The 3rd meter goes  
to the barn for which  
they have an approved  
home occupation.

Should you have any  
questions, do not hesitate  
to call me

Sincerely  
Hugh.



Close  
to

owner of lot  
2 will be responsible  
for maintenance

BR1661 SUBDIVISION

presented  
attorney  
warrant

- 3 lot subdivisions in the range of 214-244  
Auburn St

- no development is proposed at the time

- site includes 2 zones: (1) Residence Professional along  
Auburn Street (2) R-5 interior

zoned from 12-2

the new use is before the PD

applicant promise to create 3 lots within  
5 years

property is  
all shown in red

① - 2 family residence lot per 1<sup>st</sup> drawing

② - professional office building

③ - new parcel <sup>development</sup> <sup>with</sup> <sup>proposed</sup> <sup>for</sup> <sup>an</sup> <sup>8-2</sup> <sup>lot</sup> <sup>corner</sup> <sup>project</sup>  
Development of lot on parcel with  
requires P.C. approval at a later date

20' foot fire lane responsibility of maintenance <sup>has</sup> <sup>and</sup> <sup>applicant</sup>

since should the new parcel be developed

this would be a 2<sup>nd</sup> access required by Fiscal  
Dept

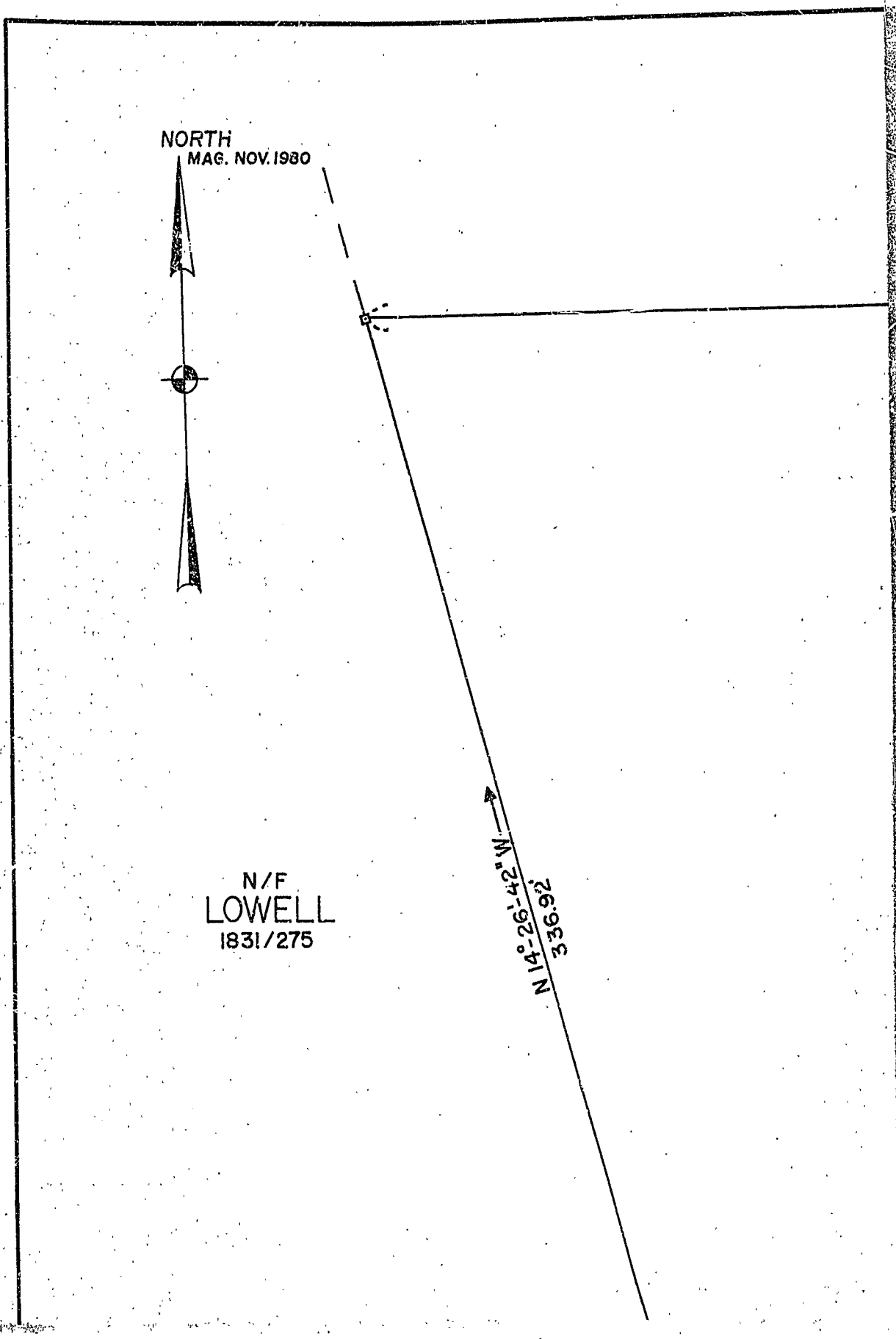
letters from applicant attorney outlining possible  
options

NORTH  
MAG. NOV. 1980



N/F  
LOWELL  
1831/275

N 14° 26' 42" W  
336.92



N/F  
MASSENGALE  
2108/94

N/F  
WORMELL  
2645/63

N/F  
DEERING  
1715/415

N 161° 14' 30" W 168.9

N 161° 56' 30" W 127.4

N/F  
AUBURN TERRACE  
3191/227

672.83' S 88° 45' 01" E →  
552.83'

LOT 3