

PLANNING BOARD

Elizabeth Boepple, Chair  
Sean Dundon, Vice Chair  
Carol Morrisette  
David Eaton  
Kristien Nichols  
Lisa Whited  
Maggie Stanley

December 16, 2016

Lou Woods  
A&M Partners Inc  
120 Exchange Street  
Portland ME 04101

Thomas S Greer, P.E.  
Pinkham & Greer, Civil Engineers  
28 Vannah Avenue  
Portland ME 04103

Project Name: **Westerlea View Lofts: 54 unit residential development plus 1 commercial space**  
Project ID: #2016-184 (Subdivision & Site Plan) and  
#2016-185 (Conditional Use Inclusionary Zoning)  
Address: 75 Chestnut Street CBL: 26/E/10  
Applicant: A&M Partners Inc  
Planner: Jean Fraser

Dear Sirs:

On December 13, 2016, the Planning Board considered a proposal for a new 7 story building comprising 54 residential apartments (rental), and one commercial unit, totaling approximately 75,800 sq ft, located at 75 Chestnut Street. One parking space per residential unit is proposed to be located in the existing abutting parking garage for the tenants of the new building, and the project also includes a landscaped amenity area. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision, Site Plan, B-7 Zone and Inclusionary Zoning.

The Planning Board voted 7-0 to approve the application with the following waiver and conditions as presented below:

**A. WAIVER**

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 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to Portland's technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. The planning board voted 7-0 that it finds that the applicant has demonstrated that site constraints prevent the planting of all required street trees in the right-of-way. The planning board waives the site plan standard (*Section 14-526 (b) (iii)*) requiring one street tree per unit for multi-family development and concludes that the applicant shall contribute \$6,400 to Portland's tree fund.

## **B. SUBDIVISION**

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 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board voted 7-0 that the plan is in conformance with the subdivision standards of the land use code and approves the application, subject to the following conditions of approval, which must be met prior to the signing of the plat:

- i. The applicant shall submit a final subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority;
- ii. The applicant shall provide drafts of all necessary easements, including but not limited to:
  - a. Temporary construction easement from the City of Portland to Westerlea View Lofts;
  - b. License from the City of Portland to Westerlea View Lofts for building footings;
  - c. Easement(s) for the deck extensions above the existing parking garage structures (air rights);
  - d. Access easement for sidewalks that are on the site property;
  - e. Easement or other legal document to secure required parking for the residential units; for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit.

## **C. SITE PLAN**

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in planning board report for the public hearing on December 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board voted 7-0 that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. That final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1 and E-3, particularly addressing:
  - a. Articulated roofline;
  - b. Massing and scale to transition and integrate with the residential context on Chestnut Street;
  - c. Pedestrian experience on Chestnut Street; and
  - d. Materiality;to be reviewed and approved by the Planning Board.
- ii. That the project is subject to the submitted Transportation Demand Management Plan dated October 2016, to include annual monitoring studies that comply with the requirements set out in the comments of the Traffic Engineering reviewer Tom Errico dated 12.9.2016; and
- iii. That the applicant submit a revised and more detailed plan for the amenity area between the building and Lancaster Street that demonstrates that the safety and security of the area meets CPTED standards eg re lighting, visual surveillance and similar issues including landscape features; and

- iv. That the applicant and all assigns shall comply with the conditions of Chapter 32 stormwater including Article III, post-construction storm water management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the submitted construction stormwater management plan and sediment and erosion control plan dated 9.30.2016 based on City standards and State guidelines. A Maintenance Agreement for the stormwater drainage system shall be approved by Corporation Counsel and the Department of Public Works, and submitted, signed and recorded prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Works; and
- v. That plans showing details for the areas listed below shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit:
  - a. Patio/entrances on Oxford Street
  - b. Doors for entrance to parking garage on Chestnut Street
  - c. Decks over parking lot
  - d. Live-work unit
  - e. Parking layout (dimensioned) for ADA spaces and demonstration that it meets applicable state and federal standards regarding ADA van parking.
- vi. That the applicant shall revise plans and provide design details for the following elements in the City's Right of Way, for review and approval prior to the issuance of a building permit:
  - a. Driveway aprons on Oxford Street and Lancaster Street, noting a pedestrian accessibility route with a maximum 2% cross-slope, and whether full or partial adjustment to the grade of the driveway apron is required;
  - b. Grading adjustments for the sidewalk ramp construction at the corner of Chestnut Street and Lancaster Street to address the ponding of water that currently impacts the pedestrian walking route; and
  - c. The provision of an underground lighting conduit as part of the sidewalk reconstruction along the lot frontage on Oxford Street.
- vii. That the applicant shall submit details of the location, design and screening of façade and rooftop external heating, ventilation and other mechanical equipment, and associated information to document the sound levels meet the City's Site Plan, Zoning and Technical Standards, for review and approval by the Planning Authority; and
- viii. That the applicant address the Fire Department comments dated 9.7.2016; and
- ix. That the proposed building mounted wall sconces shall be installed so that the light is directed downward.

#### **D. INCLUSIONARY ZONING CONDITIONAL USE**

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 13, 2016 for application 2016-185 (75 Chestnut Street) relevant to the Conditional Use as authorized by Division 30, Section 14-487 Ensuring Workforce Housing; and the testimony presented at the planning board hearing, the planning board voted 7-0 that the Conditional Use is in conformance with the standards of the land use code and approves the application, subject to the following conditions of approval: *(continued)*

- i. Provided the Applicant and the City enter into an Affordable Housing Agreement (AHA) before a Building Permit may be issued.
- ii. The AHA will outline the details of the affordability restrictions placed on the workforce units and will be filed as a covenant to the 75 Chestnut Street property's deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application #2016-184 and #2016-185, which is attached.

#### **STANDARD CONDITIONS OF APPROVAL**

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **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.
4. **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 Permitting and Inspection Division.
5. **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.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and six (6) final sets of plans must be submitted to and approved by the Planning Division and Public Works Department prior to the release of a subdivision plat for recording at the Cumberland County Registry of Deeds, and 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.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

9. **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 Work'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.
10. **Department of Public Works 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.)
11. **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.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Works Department prior to the issuance of a certificate of occupancy.

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,



Elizabeth Boepple, Chair  
Portland Planning Board

**Attachments:**

1. Final B7 Design Review comments dated December 5, 2016
2. Fire Department comments dated December 13, 2016
3. Planning Board Report
4. City Code, Chapter 32
5. Sample Stormwater Maintenance Agreement
6. Performance Guarantee Packet

**Electronic Distribution:**

Jeff Levine, AICP, Director of Planning and Urban Development  
Stuart O'Brien, City Planning Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Mike Russell, Director of Permitting and Inspections  
Ann Machado, Zoning Administrator, Inspections Division  
Jonathan Rioux, Inspections Division Deputy Director  
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
Chris Branch, Director of Public Works  
Katherine Earley, Engineering Services Manager, Public Works  
Bill Clark, Project Engineer, Public Works

Doug Roncarati, Stormwater Coordinator, Public Works  
Greg Vining, Associate Engineer, Public Works  
Michelle Sweeney, Associate Engineer, Public Works  
John Low, Associate Engineer, Public Works  
Rhonda Zazzara, Field Inspection Coordinator, Public Works  
Jeff Tarling, City Arborist, Public Works  
Jeremiah Bartlett, Public Works  
Keith Gautreau, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
Lauren Swett, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File



## Planning and Urban Development Department Planning Division

---

**Subject:** B7 Design Review – 75 Chestnut Street

**Written by:** Caitlin Cameron, Urban Designer

**Date of Review:** Monday, December 5, 2016

---

### **Design Review Criteria:**

The project must meet the B-7 *Mixed Use Urban District Zone Design Principles & Standards* (Appendix 4 of the Design Manual).

### **Findings of the Design Review:**

Below are the standards relevant to the Planning Board comments from the September 13, 2016 and October 18, 2016 workshops with staff comment. Those standards not listed in this memo are either met or not applicable.

Staff recommends a condition of approval that states: That final compliance with Design Standards A-2, A-5, C-2, D-1, D-4, E-1, E-3, E-4 shall be reviewed and approved by Planning staff to address the staff design comments dated 12.9.16 which primarily relate to material placement and design of the pedestrian realm.

### **Principle A: Urban Design**

*All development in Bayside shall be designed to create a strong urban identity and sense of place. Buildings may be a variety of architectural styles, particularly those that are innovative and express the aesthetic of the time in which they were built, and shall be organized according to principles of urban design that integrate with the urban fabric of surrounding neighborhoods and Portland as a whole. These principles shall . . . ensure sensitive transitions to surrounding neighborhoods, enhance the physical amenities of the neighborhood, and create a pedestrian oriented environment with safe and vital streets.*

**A-2: Edges and Transitions** – *Transitions between larger scale, mixed use buildings and smaller-scale residential uses shall be designed so that there is a seamless connection to adjacent residential neighborhoods to ensure that these zones remain stable, quiet, and secure. This shall be achieved through the mitigation of height, massing, stepbacks, materials, and details and design of the façade at the pedestrian level. . . . Larger scale developments may use public open spaces to provide transitions to lower scale uses.*

- To address the standard and the board comment, the applicant modified the massing on the Oxford Street façade. The revisions result in a graduated massing that places a four-story mass at the street, of similar scale and proportion to the residential architecture around it. The changes in plane are accentuated with changes in material. The façade continues to have a “secondary” presence on the street – Chestnut Street being the principal façade with the primary residential entrance. The secondary aspect of the façade is reflected in the design of the door and the smaller, elevated windows at the street to indicate the private use.
- **On Chestnut Street, the detail and design of the façade at the pedestrian level should be strengthened to improve the sense of scale through revisions to material placement and the addition of articulation elements that relate to the pedestrian realm experience (Standards E-1, E-3, E-4).**

**A-5: Pedestrian Environment** – *Development on public streets or public spaces shall be human scale at the pedestrian level and enhance the pedestrian environment through the use of elements at the first floor such as . . . fully functioning entries oriented to the street; active windows and storefronts; awnings and weather protection; outdoor seating and sales displays; adequately sized sidewalks; gathering spaces; trees and landscaping; street furniture; . . .*

- The project uses fenestration at the ground levels, entrances emphasize with canopies and material change, and open space at the end of the block.
- Where the standard is still not met is the detail and design of the building façade at the ground level. Little to no massing or façade variation is used to differentiate the ground floor – the result is a flat façade for the full 6 stories of the building. The staff recommends that the architecture team further articulate and detail the pedestrian level to create a sense of enclosure and the placement of materials to reflect the uses rather than arbitrary placement. These comments also apply to Standard E-1 Architectural Design, E-3 Massing, and E-4 Articulation.

**A-7: Building Orientation** – *The primary facades and entrances of buildings shall be oriented to streets, major pedestrian routes, or open spaces in order enhance the pedestrian-oriented environment.*

- The project faces onto two streets and is set close to the property line.
- Chestnut Street is treated like the primary façade with the primary residential entrance. Oxford Street is the secondary façade but addresses the street with a minor residential entrance, some visual interest and massing variation, and a maintenance of the street wall.

#### **Principle C: Parking, Loading and Service Areas**

**C-2: Parking Entrances** – *The entrance to parking garages shall respect the pedestrian realm and minimize the visual impact of the garage . . .*

- For CPTED concerns, staff recommended that the design of the “tunnel” to the garage entrance on Chestnut Street be revised – the applicant has addressed the concern by adding a gate at the façade. However, the design of that gate and vehicle entrance/exit should be clarified so as to not encroach on the sidewalk/pedestrian path. Car stacking should also be considered in the placement of the gate.

#### **Principle D: Open Space and the Public Realm**

**D-1: Open Space Design** – *Publicly-accessible parks, plazas, and other open space shall be accessible from sidewalks and surrounding buildings. . . . Pedestrian amenities such as seating, lighting, artwork, trash receptacles, etc. shall be compatible with the City’s Streetscape Standards for Bayside. . . . Solar access, wind protection, and landscaping shall be considered to enhance pedestrian comfort and provide a variety of sunny and shaded areas.*

- It is not clear whether the open space provided is accessible from the sidewalk. The space shown as plaza and seating is visible from the sidewalks, streets, and buildings as required by the standard. The amenity provided appears to be a paved area with seating that is under shade, and additional landscaping throughout the space. No lighting is proposed.

**D-4: Pedestrian Amenities** – *Pedestrian amenities shall comply with the City’s Technical Manual at a minimum, and also with the streetscape standards selected for Bayside.*

- Seating: One linear foot of seating for each thirty (30) square feet of open space, or 30 linear feet of pedestrian route shall be provided within publicly accessible open space.
- It is not clear whether the seating proposed in the open space meets this standard – what kind of seating and what linear feet of seating are proposed?

#### **Principle E: Architectural Design**

*New development shall create a mixed-use, pedestrian-friendly setting that contributes to the context of the surrounding urban fabric and provides a sensitive transition to adjacent residential neighborhoods. . . . The scale, massing, and fenestration of new development shall reflect its context, . . .*



**E-1: Architectural Design** – *New development in Bayside may be a variety of architectural styles, . . . and shall be organized according to principles of urban design that integrate with the urban fabric of surrounding neighborhoods and Portland as a whole. A respectful integration of contemporary design within the existing context shall complement, reinforce, and enhance the prevailing patterns and proportions of adjacent buildings without requiring imitation or repetition.*

- Overall, staff does not find the placement of materials to be contextual. In some cases, the materials correspond to the massing or use, but in other cases, materials change at corners or in arbitrary ways that result in a patchwork quilt effect that does not benefit the overall design nor does it relate to the pattern or use of materials in the context. Staff recommends a simplification of material placement (example below). Visual interest should be achieved through articulation rather than a material pastiche.

**E-2: Height** – *Heights along the edges of the B-7 Zone shall transition to the scale of adjacent neighborhood development through design elements such as variations in massing; articulation of the facades in intervals that reflect existing structures or plating pattern, stepping the architecture to adjacent buildings and/or contextual proportions of building elements, use of architectural style and details such as roof lines, belt courses, cornices, or fenestration, and color or materials that derive from the less intensive zone.*

- The Planning Board’s concerns regarding transition of height have been addressed by the revisions to the Oxford Street façade.

**E-3: Massing** – *Large expanses of undifferentiated façade or uniform cladding is not allowed along public rights of way. . . . The composition of a proposed building façade shall be defined by horizontal and vertical articulation, with vertical articulation being predominant, in keeping with the local context of the urban form.*

- As stated above, little to no massing or façade variation is used to differentiate the ground floor – the result is a flat façade for the full 6 stories of the building.

*New buildings that are four stories or higher shall have three components: base, middle, and top.*

- The base of the building should be more consistently defined, especially on the Chestnut Street side. At this point, that can best be achieved through articulation, material placement and detailing. The corner, double-height live-work unit could also be more substantially differentiated from the other masses of the building.

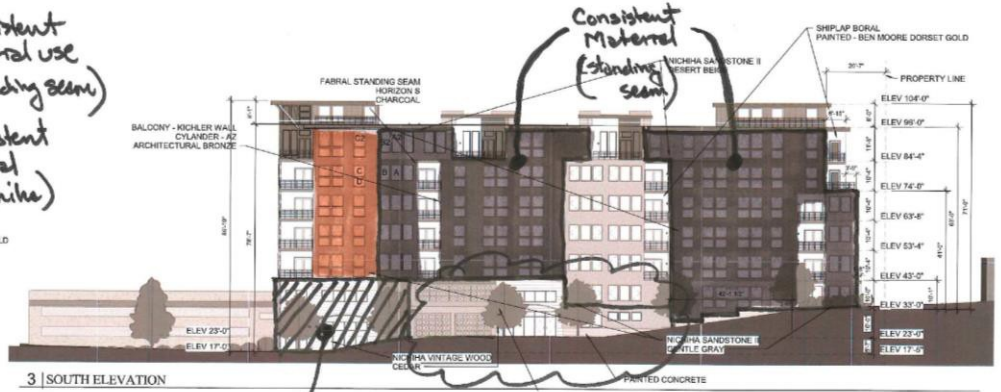
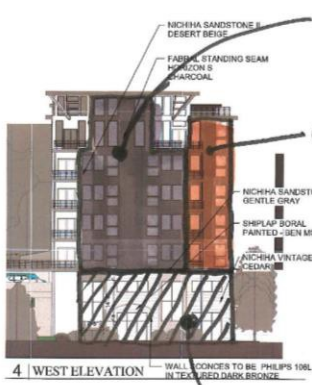
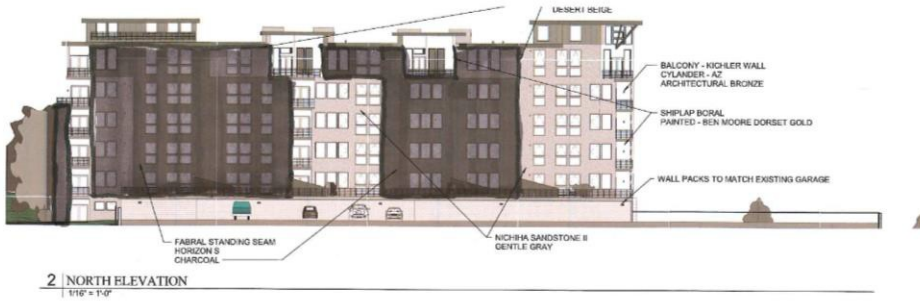
**E-4: Articulation** – *Façades visible from public rights of way shall incorporate design elements that break the facades into components scaled to the pedestrian, and to the context of other buildings on the street. This may be accomplished through an expression of the building’s base, middle and top, vertical fenestration, variation in the planes of the façade, architectural details such as windows, doors, bays, balconies, cornices, reveals, expansion joints, trim, changes in color, texture, and material, permanent artwork, etc.*

- The project uses fenestration at the ground levels, entrances emphasize with canopies and material change, recessed bays at the upper floors, and open space at the end of the block.

*The base of the building which relates to the pedestrian realm shall be designed with a high level of detailing and material quality utilizing the options listed above. . . . Buildings which are six and seven stories shall meet this standard on the first 24 feet, or the first two floors at a minimum.*

- The level of detail and articulation on the Chestnut Street elevation is not sufficient, especially at the street level. Material changes are mostly arbitrary and other than at the entrance, do not correspond to uses or plane changes. Revisions to meet this standard could come in form of enclosure; articulation and detail (reveals, dimensional trim, material transitions, detail); placement of material that corresponds with uses

[see sketch next page]



Consistent material use (standing seam)  
Consistent material (Nichha)

Consistent Material (standing seam)

Consistent material use differentiating this corner unit

Ped level articulation + match floor plans

---

**MEMORANDUM**

---

**To:** FILE  
**From:** Jean Fraser  
**Subject:** Application ID: 2016-184  
**Date:** 12/13/2016

---

**Comments Submitted by: Keith Gautreau/Fire on 9/7/2016**

Fire Department Access shall have an unobstructed vertical clearance of not less than 13 ft 6 in. We will NOT be requiring this vertical clearance as emergency vehicles will not be entering the parking garage

**Comments Submitted by: Keith Gautreau/Fire on 9/7/2016****Premises Identification**

The main entrance of the building must be the address for the property. This should be consistent with 911, tax assessor, Inspections Division and future mailing address.

Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer.

If the building entry faces a different street, both the street name and number should be large enough to read from the street

Address numbers must be a minimum of 4 inches high.

The number should be in Arabic numerals rather than spelled out (for example, "130" instead of "One Hundred and Thirty")

Color: Addresses should be in a color that contrasts with the background.

Whenever possible, should be illuminated.

Provide additional address signs at entrances to the property when the building address is not legible from the public street.

**Comments Submitted by: Keith Gautreau/Fire on 9/7/2016**

Emergency vehicle access is two sides only, Chestnut and Oxford. This is acceptable to the Fire Dept although because of the arrangement and height of the building I would like to require the overhead power line on Chestnut Street going to the transformer to be underground. This will drastically restrict the Aerial Ladder trucks operation at this proposed site.

**Comments Submitted by: Keith Gautreau/Fire on 9/7/2016**

I would like to see a letter from the Portland Water District of their ability to serve domestic and fire protection demand for the proposed high rise building.

**Comments Submitted by: Keith Gautreau/Fire on 12/12/2016**

I have received the Ability to Serve letter from PWD and the Authority Having Jurisdiction accepts.

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

Elizabeth Boepple, Chair  
Sean Dundon, Vice Chair  
Carol Morrissette  
David Eaton  
Kristien Nichols  
Lisa Whited  
Maggie Stanley

February 15, 2017

Lou Woods  
A&M Partners Inc  
120 Exchange Street  
Portland ME 04101

Thomas S Greer, P.E.  
Pinkham & Greer, Civil Engineers  
28 Vannah Avenue  
Portland ME 04103

Project Name: **Site Plan Condition i: Westerlea View Lofts: 54 unit residential development plus 1 commercial space**  
Project ID: #2016-184 (Subdivision & Site Plan) and #2016-185 (Conditional Use Inclusionary Zoning)  
Address: 75 Chestnut Street CBL: 26/E/10  
Applicant: A&M Partners Inc  
Planner: Jean Fraser

Dear Sirs:

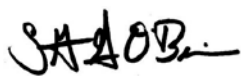
On February 14, 2017 the Planning Board voted unanimously that the applicant has met Site Plan condition of approval (i) from the approval letter dated December 16, 2016, requiring that the final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1, E-3 particularly addressing: a. Articulated roofline; b. Massing and scale to transition and integrate with the residential context on Chestnut Street; c. Pedestrian experience on Chestnut Street; and d. Materiality; To be reviewed and approved by the Planning Board.

The Board also voted unanimously that a revised Landscape Plan shall be submitted for review and approval by the Planning Authority that shows a replacement street tree. Please address this condition prior to the issuance of a building permit.

Please note that the conditions of approval and requirements for your approved Subdivision, Site Plan, and Inclusionary Zoning enumerated in your original approval letter dated December 16, 2016, still apply. This letter is attached for reference.

If there are any questions, please contact Jean Fraser at (207) 874-8728.

Sincerely,



Elizabeth Boepple, Chair  
Portland Planning Board

Attachments: 1. Original Approval Letter (12/16/16)

cc. *Archetype* (attn. Bill Hopkins), 48 Union Wharf, Portland, ME 04101

**Electronic Distribution:**

**cc.**

Jeff Levine, AICP, Director of Planning and Urban Development  
Stuart O'Brien, City Planning Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Mike Russell, Director of Permitting and Inspections  
Ann Machado, Zoning Administrator, Inspections Division  
Jonathan Rioux, Inspections Division Deputy Director  
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
Chris Branch, Director of Public Works  
Katherine Earley, Engineering Services Manager, Public Works  
Bill Clark, Project Engineer, Public Works

Doug Roncarati, Stormwater Coordinator, Public Works  
Greg Vining, Associate Engineer, Public Works  
Michelle Sweeney, Associate Engineer, Public Works  
John Low, Associate Engineer, Public Works  
Rhonda Zazzara, Field Inspection Coordinator, Public Works  
Jeff Tarling, City Arborist, Public Works  
Jeremiah Bartlett, Public Works  
Keith Gautreau, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
Lauren Swett, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File



## Planning and Urban Development Department Planning Division

---

**Subject:** B7 Design Review Site Plan Amendment – 75 Chestnut Street

**Written by:** Caitlin Cameron, Urban Designer

**Date of Review:** Wednesday, March 7, 2018

---

### **Design Review Criteria:**

The project must meet the B-7 *Mixed Use Urban District Zone Design Principles & Standards* (Appendix 4 of the Design Manual).

In addition, the project approval included a condition:

*That final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1, E-3 particularly:*

- a. Articulated roofline;*
- b. Massing and scale to transition and integrate with the residential context on Chestnut Street;*
- c. Pedestrian experience on Chestnut Street; and*
- d. Materiality;*

*To be reviewed and approved by the Planning Board.*

This approval was granted at a February 14<sup>th</sup>, 2017 Planning Board hearing. Those approved designs are provided for comparison with the proposed changes.

### **Findings of the Design Review:**

Staff finds the proposal submitted February 27, 2018 meets these design standards as well as the Planning Board comments and areas of concern covered by the condition of approval – **refer to comments below.**

### **Summary of 2018 design changes (see also the narrative provided by applicant):**

- The window openings are smaller with more space between them resulting in a different solid to void ratio on all the facades. **The result is a visual simplification of the building and less transparency.**
- The top floor mezzanine is reduced in height and the windows eliminated. **The result is a shorter building and the “pop-up” or roof plane changes become more pronounced.**
- The Oxford Street side of the building has been modified – the placement of the balconies, the depth and style of the cornice lines, some of the massing relationship. **The result is slightly smaller scale masses at the street with increased emphasis on overhanging cornices and balconies to bring articulation, scale, and visual interest.**
- The screen at the garage is stepped back from the front façade. **The result is the garage opening at the street is larger and has less articulation and human-scale elements. Staff are uncertain whether these changes may have CPTED implications.**

## **Principle A: Urban Design**

*All development in Bayside shall be designed to create a strong urban identity and sense of place. Buildings may be a variety of architectural styles, particularly those that are innovative and express the aesthetic of the time in which they were built, and shall be organized according to principles of urban design that integrate with the urban fabric of surrounding neighborhoods and Portland as a whole. These principles shall . . . ensure sensitive transitions to surrounding neighborhoods, enhance the physical amenities of the neighborhood, and create a pedestrian oriented environment with safe and vital streets.*

**A-2: Edges and Transitions** – *Transitions between larger scale, mixed use buildings and smaller-scale residential uses shall be designed so that there is a seamless connection to adjacent residential neighborhoods to ensure that these zones remain stable, quiet, and secure. This shall be achieved through the mitigation of height, massing, setbacks, materials, and details and design of the façade at the pedestrian level. . . . Larger scale developments may use public open spaces to provide transitions to lower scale uses.*

**(2/14/17)** To address the standard and the board comment, the applicant modified the Chestnut Street façade to provide variation and scale through material placement and building massing. The revised design mitigates height by breaking the overall façade into smaller scale components – the base, middle, and top of the building are defined through materials, fenestration pattern, and articulation details. The design of the façade at the pedestrian level includes street-facing entrances with canopies, windows at eye level where appropriate, material change delineating the “base” of the building, and massing variation to break up the building face.

**(3/7/18)** The revisions modify the window placement, type, and size but the overall intent of transparency and human scale are kept. The massing variation on Oxford Street is maintained – the building scale is mitigated through the same elements employed by the approved design. The overall height of the building is reduced.

**A-5: Pedestrian Environment** – *Development on public streets or public spaces shall be human scale at the pedestrian level and enhance the pedestrian environment through the use of elements at the first floor such as . . . fully functioning entries oriented to the street; active windows and storefronts; awnings and weather protection; outdoor seating and sales displays; adequately sized sidewalks; gathering spaces; trees and landscaping; street furniture; . . .*

**(2/14/17)** The project uses fenestration at the ground levels, entrances emphasize with canopies and material change, and open space at the end of the block.

**(3/7/18)** This aspect of the project has not changed – though some of the window, door, and canopy placement and details have revised, the overall goals around activation, visibility, pedestrian-scale are kept.

**(2/14/17)** The detail and design of the façade at the pedestrian level is strengthened by the massing variation on Chestnut and Oxford streets which create more scale and sense of enclosure. Revisions to material placement provide a ‘base’ material which differentiates the ground floor and creates a human-scaled pedestrian realm experience.

**(3/7/18)** These components have not significantly changed.

**(2/14/17)** These comments also apply to Standard E-1 Architectural Design, E-3 Massing, and E-4 Articulation.

## **Principle C: Parking, Loading and Service Areas**

**C-2: Parking Entrances** – *The entrance to parking garages shall respect the pedestrian realm and minimize the visual impact of the garage . . .*



- (2/14/17) The applicant clarified that the design of that gate and vehicle entrance/exit does not encroach on the sidewalk/pedestrian path. Car stacking is also considered in the placement of the gate.
- (3/7/18) The screen placement has changed – it was pushed back from the front façade plane. The opening at the street now looks and feels bigger.

### **Principle E: Architectural Design**

*New development shall create a mixed-use, pedestrian-friendly setting that contributes to the context of the surrounding urban fabric and provides a sensitive transition to adjacent residential neighborhoods. . . . The scale, massing, and fenestration of new development shall reflect its context, . . .*

**E-1: Architectural Design** – *New development in Bayside may be a variety of architectural styles, . . . and shall be organized according to principles of urban design that integrate with the urban fabric of surrounding neighborhoods and Portland as a whole. A respectful integration of contemporary design within the existing context shall complement, reinforce, and enhance the prevailing patterns and proportions of adjacent buildings without requiring imitation or repetition.*

- (2/14/17) The placement of materials was simplified to be more contextual. The material placement now better correspond to the massing or use. The base of the building is now differentiated with a consistent material applied across the ground floor.
- (3/7/18) The material placement is mostly unchanged. The materials correspond to plane changes and highlight architectural features. The ground floor has a differentiated base through materials.

**E-3: Massing** – *Large expanses of undifferentiated façade or uniform cladding is not allowed along public rights of way. . . . The composition of a proposed building façade shall be defined by horizontal and vertical articulation, with vertical articulation being predominant, in keeping with the local context of the urban form.*

- (2/14/17) As stated above, additional massing and façade variation was added to the Chestnut Street façade differentiate the ground floor – the result is an alleviation of what was previously a flat façade for the full 6 stories of the building.
- (3/7/18) No significant changes. The Oxford Street façade continues to use massing variation to transition the larger scale building to better relate to the smaller scale residential buildings in the context of the street.

*New buildings that are four stories or higher shall have three components: base, middle, and top.*

- (2/14/17) The “base, middle, top” is better defined through the material placement, massing, a reveal at the top floor, and a strengthened cornice providing more enclosure to the top of the building. The base of the building is now consistently defined, especially on the Chestnut Street side with material placement and window types.
- (3/7/18) Base continues to be expressed through material placement. Top is defined by cornice line, and variation to the roofline.
- (2/14/17) The level of detail and articulation on the Chestnut Street has been revised – a stronger “top” to the building is created with a deeper cornice, a reveal in the material, and the placement of the massing.
- (3/7/18) The most significant change to the base, middle, top composition is the loss of a clear line delineating the top floor (through material, massing, balcony railings). The result is that there is a less definitive distinction between the “middle” and “top.”



---

## 75 Chestnut Street - Amendment design review

1 message

---

**Caitlin Cameron** <ccameron@portlandmaine.gov>

Tue, Apr 10, 2018 at 1:58 PM

To: "Fraser, Jean" <jf@portlandmaine.gov>

The applicant was asked to make one revision from the March 27, 2018 Planning Board workshop - to move the screen at the garage entrance to be closer to the street.

Provided this change has been made, staff finds the proposal submitted February 27, 2018 meets the B-7 design standards as well as the Planning Board comments and areas of concern covered by the condition of approval.

More in depth comments regarding the design revisions can be found in the staff memo from the March 27, 2018 Planning Board workshop.

--

Caitlin Cameron, AICP, Associate AIA, LEED AP

Urban Designer

Planning & Urban Development Department

[389 Congress Street](#)

[Portland, ME 04101](#)

phone: (207) 874-8901

email: [ccameron@portlandmaine.gov](mailto:ccameron@portlandmaine.gov)

---

## 75 Chestnut Street

1 message

---

**Jean Fraser** <jf@portlandmaine.gov>

Mon, Mar 26, 2018 at 4:40 PM

To: Tom Greer <tgreer@walsh-eng.com>

Cc: "Barhydt, Barbara" <bab@portlandmaine.gov>, Katherine Detmer <detmer@archetypepa.com>

Hello Tom

I refer to the revised subdivision plats that were uploaded into e-plan on 3.19.18 (submitted earlier).

While tomorrow's PB Workshop will focus on design issues, I wanted to let you know the DPW Surveyor comments which are listed below:

- Please see the attachment for my comments on the plan. Sheet C1.1 is okay as is. The second sheet has too much crammed on to it. I think they need to spread things out and reorganize it, even if it means putting the notes on a third sheet.
- The easement sketches are too confusing to look at the way they've set it up. I think each one should stand alone and the data table that goes with each one should be right next to the appropriate sketch, so the reader doesn't have to go hunting around for the information.
- They also need to identify which City benchmark and elevation was used to establish the elevation datum.
- They will need to revise the plan to add the Registry Book and Page numbers for all of the easements, licenses and storm water maintenance agreements, etc.
- Please pass these comments along to the developer, surveyor or engineer. And please let me know if you have any questions.

Also please note that you will need to submit (as part of final submissions) drafts of most of the easements that relate to connections between the existing garage and the proposed new building in view of the impending sale of the housing (condo) unit; this particularly relates to questions of the parking arrangements/management for the new building (previously Lou sent a letter) and the access under the building. I will send a Legal review comment that provides more detail on this but wanted to give you a "heads up".

Thank you

---

## Westerlea View Lofts - Amended Project Final Traffic Comments

1 message

---

**Tom Errico** <thomas.errico@tylin.com>

Wed, Apr 11, 2018 at 8:07 PM

To: Jean Fraser <jf@portlandmaine.gov>

Cc: Keith Gray <kgray@portlandmaine.gov>, Jeremiah Bartlett

<JBartlett@portlandmaine.gov>, Bruce Hyman <bhyman@portlandmaine.gov>

Hi Jean – I have reviewed the Amended Applications materials and I find the project to be acceptable from a traffic perspective subject to the Conditions of Approval detailed in the December 16, 2016 Planning Board approval letter. The relevant traffic conditions are B. Subdivision e. (parking), C. Site Plan ii (TDM), and C. Site Plan e. (ADA parking).

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE

Senior Associate

Traffic Engineering Director

**TYLIN**INTERNATIONAL

[12 Northbrook Drive](#)

Falmouth, ME 04105

+1.207.781.4721 main

+1.207.347.4354 direct

+1.207.400.0719 mobile

+1.207.781.4753 fax

[thomas.errico@tylin.com](mailto:thomas.errico@tylin.com)

Visit us online at [www.tylin.com](http://www.tylin.com)

[Twitter](#) | [Facebook](#) | [LinkedIn](#) | [Google+](#)

"One Vision, One Company"

---

## Re: 75 Chestnut Amends- to hearing 4/17 so final comments needed

1 message

---

**Bruce Hyman** <bhyman@portlandmaine.gov> Wed, Apr 11, 2018 at 3:12 PM

To: Jean Fraser <jf@portlandmaine.gov>

Cc: "Errico, Thomas" <thomas.errico@tylin.com>, "Tarling, Jeff" <jst@portlandmaine.gov>, Keith Gray <kgray@portlandmaine.gov>, "Swett, Lauren" <lswett@woodardcurran.com>, Robert Thompson <rmt@portlandmaine.gov>, "Cameron, Caitlin" <ccameron@portlandmaine.gov>, "Barhydt, Barbara" <bab@portlandmaine.gov>, "Peverada, John" <jbp@portlandmaine.gov>

My comments on the Westerlea project Amended Site Plan 2018-046 as well as still applicable prior approved Site Plan and accompanying materials 2016-184 are as follows;

- Amended Site Plan Sheet C1.2 is to be revised to show a direct, intuitive and non-meandering clear width of no less than 5' of width of sidewalk without having to avoid obstacles
- Detail Sheet 2.4, item #11 Sidewalk Ramp Detectable Warning Tile (rev. dated 11/21/16) is to be revised to show use of Cast Iron panels rather than Composite.
- Detail Sheet 2.4, item #10 Bayside Medium Residential Scale Light (rev. dated 11/21/16) is to be revised to show BLACK in color (not Dark Grey) and 3000K LED for light fixtures. Language on the installation and electrical requirements shall be updated as well to reflect they will not be part of the municipal lease agreement.
- On Sheet A1.01 First Floor Plan, I see the provision of 1 van accessible space but I don't see the other 2 spaces required noted on the plan. The plan is to be updated to show the ADA-accessible spaces
- I don't see the specific placement of the 6 Bayside Medium lights on Chestnut Street located on any of the plan sheets. The plan is to be updated to show the proposed location of the lights.

Please don't hesitate to contact me if you or the applicant have any questions.

Bruce

On Mon, Apr 9, 2018 at 4:08 PM, Jean Fraser <jf@portlandmaine.gov> wrote:

Hi

**Original approval: #2016- 184** (also see attached approval letter)  
**this Amendment application: #2018-046**

*All:* The focus is on the design changes (which the PB Workshop said were basically OK) but there have been some minor changes to the civil plans for the amendment and it would be good to check that nothing has slipped in or out. Please note that at that time a CMP was not required and none has been submitted, and that it was subject to a TDM Plan. Question is how many of the original conditions should be reiterated, and how many new? I need final comments this WEDNESDAY!!!!

*Jen:* I have requested the applicant to submit a draft (for the hearing) of an easement that relates to the provision of parking for the new residential, within the parking garage, to replace the previous letter (copy attached) and provide evidence of RTI for the parking. This is because they have stated in the application that the site of the building (condo 1) will be sold and not include any of the garage. The question is whether we feel that the PB needs to see the draft easement at the hearing- any thoughts?

Thanks  
Jean

--

*Jean Fraser, Planner  
City of Portland  
874 8728*

--

Bruce Hyman  
Transportation Program Manager  
Transportation Division

Department of Planning & Urban Development  
[389 Congress Street](#)  
[Portland, Maine 04101](#)  
(207) 874-8717 phone

[bhyman@portlandmaine.gov](mailto:bhyman@portlandmaine.gov)  
<http://www.portlandmaine.gov/1363/Transportation-Division>  
*Yes! Transportation's Good Here ....*

---

**Re: Chestnut Street - Reciprocal Letter**

1 message

**Jennifer Thompson** <jlt@portlandmaine.gov>

Wed, Apr 11, 2018 at 2:34 PM

To: Jean Fraser &lt;jf@portlandmaine.gov&gt;

Cc: "Errico, Thomas" &lt;thomas.errico@tylin.com&gt;, "Hyman, Bruce"

&lt;bhyman@portlandmaine.gov&gt;, "Barhydt, Barbara" &lt;bab@portlandmaine.gov&gt;

This document contemplates a Par[k]ing Space Lease for 54 undesignated spaces. It gives the garage condo owner the right to identify which level(s) of parking are to be used for the parking. I assume a condition of approval would be that the final lease agreement be submitted prior to a building permit being pulled and that the condition would specify any details that ought to be included in the lease agreement (e.g. term, number and location of handicapped spots, etc.) to satisfy the City's parking requirements. The language of Article 6 also contemplates parking rules and regulations governing the use of the parking spots. It may make some sense to request a copy of those - just to ensure that those rules don't somehow restrict the use in a way that is problematic under the ordinance.

Happy to talk if there are any questions or concerns.

Jennifer L. Thompson  
Associate Corporation Counsel  
City of Portland  
207.874.8915

On Wed, Apr 11, 2018 at 2:02 PM, Jean Fraser <jf@portlandmaine.gov> wrote:

Hi

This is the document I was waiting for- I have not yet looked at it but need comments asap please.

Thanks  
Jean

----- Forwarded message -----

From: **Katherine Detmer** <detmer@archetypepepa.com>

Date: Wed, Apr 11, 2018 at 1:16 PM

Subject: Chestnut Street - Reciprocal Letter

To: Jean Fraser <jf@portlandmaine.gov>

---

## Fwd: URGENT 75 Chestnut Street trees

1 message

---

**Jean Fraser** <jf@portlandmaine.gov>  
To: "Fraser, Jean" <jf@portlandmaine.gov>

Thu, Apr 12, 2018 at 6:52 PM

From: **Jeff Tarling** <jst@portlandmaine.gov>  
Date: Thu, Apr 12, 2018 at 5:08 PM  
Subject: Re: URGENT 75 Chestnut Street trees  
To: Jean Fraser <jf@portlandmaine.gov>

Jean -

We would like to see city sidewalks where possible accommodate our standard sidewalk plow which is 51" wide and 150" long. Currently this section of sidewalk is not cleared by the city but we like to build all future sidewalks to the standard in case someday we need to.

The proposed building angle with columns appears that it could be challenging for snow clearing and pedestrian travel. We note in the downtown that while tree grates are accessible ped traffic seems to avoid walking on them. Truly - the columns appear to pose the biggest challenge to an open, navigable with the closeness of the street trees.

Options include:

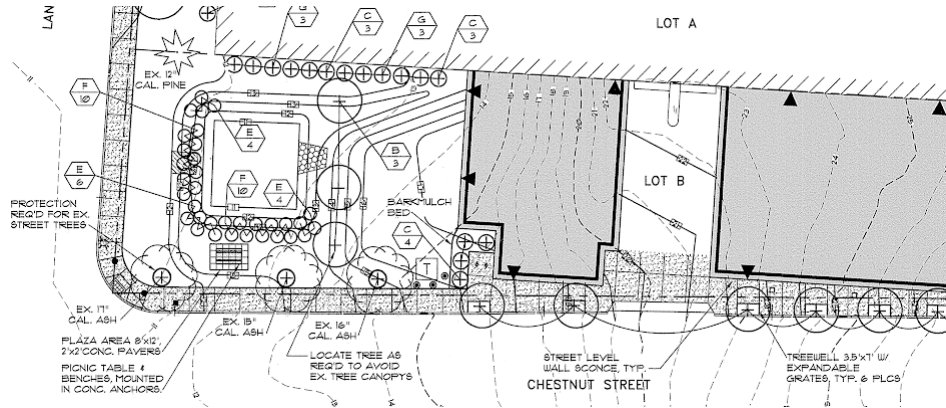
- a) Adjust the spacing of the trees on the uphill side of Chestnut. Shown as H 6, by moving the second tree down from Oxford Street slightly uphill away from the nearby column. The concrete scoring joint marks could be adjusted to fit the new alignment.
- b) Remove (1) tree closest to the column and replant a new tree near the corner of Lancaster Street below the stormwater feature, on the lawn area. This would be between the F-10 & E-6 plant tags on the landscape plan, see below.

My preference would be the later as that space would provide a larger root zone to help the tree establish. From experience the street trees in the sidewalk cutouts have limitations due to lack for root space, (I am thinking the long term view from the tree perspective)

Thanks,

Jeff

See landscape plan:



Jeff Tarling  
City Arborist - City of Portland Maine  
Parks, Recreation & Facilities Department  
Forestry & Horticulture  
[212 Canco Road](https://www.portlandmaine.gov/212-Canco-Road)  
[Portland, ME. 04103](https://www.portlandmaine.gov/Portland-ME-04103)  
(207) 808-5446  
[jst@portlandmaine.gov](mailto:jst@portlandmaine.gov)