

PLANNING BOARD REPORT PORTLAND, MAINE



Level III Site Plan, Subdivision and Conditional Use
300 Allen Avenue
Administrative Authorization and Conditional Use Applications
PL-000012-2018, CU-000014-2018
Estelle Estates, LLC, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: September 25, 2018	Prepared by: Matthew Grooms, Planner Date: September 20, 2018
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I. INTRODUCTION

Estelle Estates, LLC has submitted a Level III Site Plan, Subdivision, Conditional Use application for inclusionary zoning and Conditional Use application for off-street parking in the R-5 Residential zone, for a new mixed-use development with twelve residential condominiums and 3,200 square feet of office space on a 1.27-acre parcel located at 300 Allen Avenue within the North Deering Neighborhood. This property falls within both the R-5 Residential and RP Residential Professional zones. The surrounding context consists of predominantly single-family and multi-family housing (located to the north, south and west) and commercial property, located to the east. The proposed development involves demolition of an existing single-family structure and construction of one new two-story office building, three duplex structures, two triplex structures and 36 off-street parking spaces.



Figure 1: Approximate location of Development Site

demolition of an existing single-family structure, three duplex structures, two triplex structures and 36 off-street parking spaces.

The Planning Board has held two workshops on this proposal, with the first being on June 12, 2018, and the second being August 14, 2018. The first workshop provided the Board with a general overview of the project and compliance of the project with site plan, subdivision, conditional use and inclusionary zoning standards. The second workshop meanwhile dealt with design of the proposed office building and site configuration, with specific attention paid to separation of on-site uses and usable open space. This hearing report provides a thorough analysis of compliance with applicable standards, and an overview of the work that has been completed to date to address staff and Board comments and concerns.

A total of 344 notices were sent to property owners within 500 feet of the site and a legal ad ran in the September 14th and 17th, 2018 editions of the Portland Press Herald.

Applicant: Peter Bouchard, ESTELLE ESTATES, LLC

Consultants: Doug Reynolds, P.E., Gorrill Palmer; Rex J. Croteau, Titcomb Associates

II. REQUIRED REVIEWS

Waiver Requests	Applicable Standards
<p>Preservation of Significant Natural Features – Applicant is seeking to infill 9,159 square feet of scrub shrub wetland, and has applied for a Tier I application with Maine DEP.</p> <p><u>Staff Comments:</u> The review staff concur that wetland impacts have been reduced to the extent practicable while still meeting zoning and site plan standards, and for this reason, are supportive of this waiver.</p>	<p>Site Plan Standard, <i>Section 14-526(b)(1)</i>, requiring that significant natural features be preserved through incorporation into site design.</p>

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	Section 14-526
Subdivision	Section 14-497
Conditional Use – Inclusionary Zoning	Section 14-487
Conditional Use – Off-Street Parking	Section 14-118

III. PROJECT DATA

Existing Zoning	R-5 Residential, R-P Residence Professional
Existing Use	Vacant/single-family
Proposed Use	Mixed-Use w/ 12 residential units and 3,200 sf of office space
- Bedroom Mix	12 two-bedroom units
Parcel Size	55,342 SF (1.27 acres)

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	1,800 SF	9,744 SF	7,944 SF
Building Floor Area	3,600 SF	17,888 SF	14,288 SF
Impervious Surface Area	2,700 SF	28,066 SF	25,366 SF
Parking Spaces	2	36	34
Bicycle Parking Spaces	0	14	14
Estimated Cost of Project	\$500,000		

IV. EXISTING CONDITIONS

The proposed project site is located on Allen Avenue between Pennell Avenue and Washington Avenue and at present consists of three separate lots, one of which is occupied by a single-family structure with garage and others being undeveloped. An existing bituminous sidewalk runs along the entire length of frontage for all three properties.



Figure 2: Existing conditions. Rise in elevation shows vegetated soil stockpile. Structure closest in view is to be demolished.

The easterly and largest of the three lots being developed is 39,330 square feet in area and while undeveloped was recently cleared. This lot features a maximum elevation of approximately 90’ feet located atop a vegetated soil stockpile at the front of the site. This stockpile features steep slopes of 33% down to a minimum elevation of 80’ feet. To the rear of this hill, emergent wetlands occupy a significant portion of the site, totaling 9,159 square feet. Mature tree cover can be found around the perimeter of this parcel.

The central lot is 14,213 square feet in area and contains a single-family structure with associated two-car garage. The rear portion of the lot contains additional wetlands with more limited topographical variation, gently sloping from between 80’ feet and 82’ feet in elevation.

The westerly lot is 4,642 square feet in area, and is currently undeveloped, providing a grassed buffer between the property located at 278 Allen Avenue and the existing single-family structure located at 292 Allen Avenue, proposed for demolition. As with the adjacent lot, the topographical variations are minor, ranging from a minimum of 82’ feet and a maximum of 84’ feet. Some mature vegetation can be found at the rear of the lot.

V. PROPOSED DEVELOPMENT

The project is proposed as a mixed-use development with twelve two-bedroom condominiums located in three three-story modular duplex buildings and two three-story modular triplex structures as well as a three and a half-story modular office building. According to building elevations, all proposed residential buildings appear to be less than 35’ feet in height (though this still needs to be verified with updated building elevations), and the proposed office building will have a maximum height of 42.5’ feet, though height for a gable-roofed building is calculated from the midpoint, which is 34.625’ feet. Each residential unit will feature a one-car garage located at ground level within the

principal buildings, and additional parking space either alongside the unit as with the duplex structures, or in a separate off-street parking area for the triplex building. The office use requires twelve (12) off-street parking spaces, eight (8) of which are located beneath the office building and another four (4) are located in a separate off-street parking area towards the rear of the site across from the duplex buildings. This parking area is connected to the proposed office building via a 5' foot bituminous walkways. Individual units that front Allen Avenue also feature bituminous walkways that connect with the public sidewalk along Allen Avenue.

Due to the extensive grade differential present at 300 Allen Avenue, that portion of the site will be extensively regraded, with a finished floor elevation of between 84.2' feet and 85.5' feet. Around the perimeter of the easterly lot, the slope will be stabilized using rip-rap in several locations and will also be the location for proposed stormwater treatment systems.

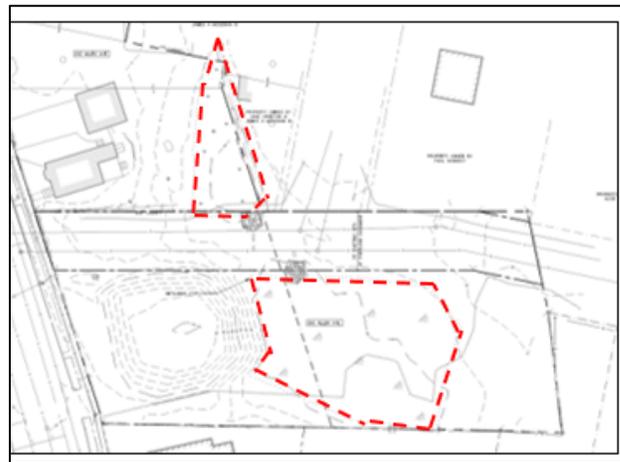


Figure 3: Areas of on-site wetland

In regards to stormwater management, each of the proposed buildings will feature roof dripline filtration system that will feed subcatchment areas prior to being treated within one of four grassed underdrained soil filters. The site will also feature a bioretention pond as a separate stormwater BMP, that will be located between the proposed office building and Allen Avenue. Following treatment, runoff will discharge into the existing stormdrain located beneath Allen Avenue via a new stormdrain connection.

The site will be serviced by a 2" water line and 6" sanitary sewer connection. Electrical service will be located underground although the utility infrastructure along Allen Avenue is proposed to remain pole-mounted. Other utility connections include gas and then telephone/cable.

Other site improvements include the removal of one existing curb cut and replacement with sidewalk, installation of granite curbing, installation of a mixture of trees, shrubs, ornamental grasses and perennials, located predominately along the Allen Avenue frontage and along the westerly property boundary. Parking lot trees and other plantings are provided as well, with buffer plantings and shadow fencing located along the perimeter of the site to provide additional buffering. Five pole mounted light fixtures are also proposed in order to illuminate the project site.

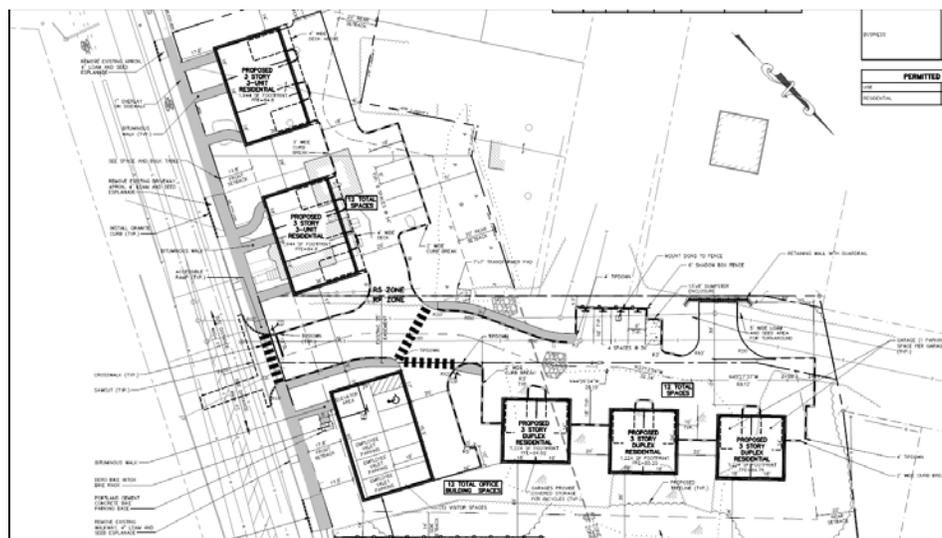


Figure 4: Final proposed site plan

VI. PUBLIC COMMENT AND NEIGHBORHOOD MEETING

As of the writing of this report, two (2) written comment have been received by the Planning Division. The concerns raised by the abutter were primarily focused on the height of the proposed buildings and screening of the development from adjacent properties. In preliminary review comments, the staff asked that additional buffer plantings be provided in accordance with city's standards for site buffering which has been provided. The staff have also requested updated building elevations that clearly indicate the height of buildings as measured from average grade, which again, has been provided.

The required neighborhood meeting for this project was held on June 25, 2018 at the Lyman Moore Middle School, and was attended by thirteen (13) members of the public. At this meeting, those in attendance raised questions regarding projected traffic impacts, buffering of the site against nearby residential areas, drainage improvements, snow removal, and development schedule. In the neighborhood meeting packet provided, responses to these questions are listed, and additionally have been addressed in revised plan submittals (Attachment M).

VII. REVIEW PROCESS

A. Planning Board Workshop – June 12, 2018

At the June 12th workshop, the Planning Board noted several concerns with the proposal for 300 Allen Avenue, and stated that they were not prepared to have this project go to a public hearing. Specifically, those concerns were as follows:

1. While supportive of modular buildings, the actual designs being proposed did not meet the standards of the design manual, and would need to be reworked to incorporate relevant standards.
2. Proposed buildings were found to have no activity at ground-level, with garages and no active living space. It was recommended that additional efforts be made to activate this plane.
3. Open space provided was very limited, and did not appear suitable for active or passive use. The Board recommended that the applicant increase and/or convert limited existing open space into a more usable site amenity.
4. The proposed office use extended into the residential portion of the site. The Board asked that the office use be segregated to the extent possible.
5. The proposal includes extensive wetland impacts of 9,159 square feet. Members of the Board asked that these impacts be reduced to the extent possible.
6. A portion of the northerly-most triplex building was situated on top of a 35' foot water and sewer easement, and needed to be relocated out of that easement.

B. Meeting with Applicant – July 17, 2018

Early in July, revised plans for the project at 300 Allen Avenue were submitted and reviewed by City staff. These revisions addressed some of the Board's comments, notably; building design more compliant with design manual standards, reduction in impervious surface and wetland impacts, increased outdoor space for use by residents, and relocation of the triplex building out of the sewer easement. However, the office parking was still located in close proximity to the residential units, and the amount of usable outdoor space had not significantly increased. As a result of this, the staff requested an in-person meeting that was held on July 17, 2018, where the primary focus was site configuration.

At this meeting, the applicant stated that a number of factors reduced their overall flexibility in being able to address this concern of the Planning Board. These included the sewer easement, which occupies a significant portion of the lot's buildable area, site topography, which limits the potential for usable open space, stormwater requirements, the presence of two separate zoning districts, required parking, required fire turnaround, and required building setbacks. Together, these factors essentially locked the developer into the proposed design, with only minor modifications

being possible.

The staff made several suggestions at this meeting, which included relocating office parking adjacent to the office use, providing front porches onto residential buildings with frontage along Allen Avenue, clustering the duplex units into larger residential buildings with between three (3) and six (6) units, and orienting the duplex units so that they would be entirely or partially arrayed across the rear of the property. Due to either property constraints or marketability concerns, the applicant felt that these approaches were largely infeasible, with the exception of relocating office parking, which appeared to be feasible.

Following this meeting, revised plans were submitted, which most significantly relocated eight (8) parking spaces under the proposed office building and reduced their overall surface parking count, and a fire-truck turnaround was provided.



Figure 5: Revised landscape plan, in response to abutter concerns



Figure 6: Plan showing available open-space on-site

C. Planning Board Workshop – August 14, 2018

At the August 14th workshop, the Planning Board noted that the redesign of the residential buildings was successful in addressing Board feedback, and also acknowledged that the applicant had done much to address screening of the property from abutters and reduce wetland impacts to the extent practicable. In discussions during the second workshop, members of the Board continued to push the applicant to make improvements on site configuration, specifically the juxtaposition of the office use and residential uses, ground floor activation of residential units and creation of usable open space. Of particular note, the Board requested that the applicant continue to work with staff on the following concerns:

1. Design of office building and proper integration of the building within the surrounding context
2. Review of Division 25 to determine if front porches would be permitted to extend within setbacks
3. Provide additional information on building elevations, i.e. building height and building materials

Following the workshop, the applicant submitted updated building elevations for the office building which largely address staff and Board comments (staff comments are listed below). Additionally, upon review of the Division 25 standards, a small front porch is permitted within the front setback, so long as the porch does not exceed 50 square feet, which does not meet the suggestion for a long and shared porch along the front of the triplex buildings. Lastly, updated building elevations were received for the office building which do include additional information related to building height and materials. The elevations for the residential buildings shall also be required, and has been made a condition of approval.

The overall site configuration has not been significantly changed, as a result of existing site constraints which include existing grades, utility easement, fire department requirements and zoning.

VIII. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY

a. The applicant has provided a purchase and sale agreement and deed of sale for the purchase of three parcels, recorded at the Cumberland County Registry of Deeds (Book 34605, Page 339). The applicant is also seeking to finalize a land swap of 897 square feet, that would be transferred to the property at 278 Allen Avenue. This land transfer has not occurred as of the writing of this memo.

b. As evidence to demonstrate sufficient financial and technical capacity, the applicant has provided a letter from Barton Mortgage Corporation stating that the applicant has sufficient financial and technical capacity to complete the project. The anticipated cost of the project is \$500,000. (Attachment E)

IX. ZONING ANALYSIS

The proposed project lies partially within the R-P Residence Professional zone and partially within the R-5 Residential zone, with the office component being located entirely within the R-P zone. The residential structures are considered a multiplex development and are permitted by right within both the R-5 and R-P zones.

In terms of dimensional requirements, the project appears to meet the majority of R-5 and R-P standards for setbacks, building height, lot size, lot width, street frontage, units per building and impervious surface ratio. A maximum building height of 45’ feet is permitted within the R-P zone, whereas 35’ feet is permitted within the R-5. The staff are requesting that an updated building elevation be provided for the duplex and triplex buildings which demonstrates compliance with height standards. This has been drafted as a condition of approval.



Figure 7: Location of property with zoning context

The proposed uses require a total of thirty-two (36) parking spaces, eight (12) for the proposed office use and twenty-four (24) for the proposed residential uses. A total of thirty-six (36) parking spaces are being provided.

Off-Street Parking Conditional Use

The use ‘off-street parking’, as a stand-alone use, is identified as a conditional use for the R-5 Residential zone. The project proposes a total of twelve (12) off-street parking spaces dedicated to the office use, all but one (1) of which are located within the R-5 zone. In reviewing this proposal, the zoning administrator determined that a conditional use application would be required to allow for this configuration. The proposal was reviewed against the general standards for conditional use, listed under Section 14-474. These standards relate to integration of a conditional use with other permitted uses, and considers traffic impacts, screening and negative externalities such as odor, glare, noise and other such characteristics of the use. Based upon these criteria, the staff finds the proposed conditional use to be compliant with the general conditional use standards.

X. DEVELOPMENT REVIEW

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant has not submitted a recording plat. A recording plat will need to be submitted and review by DPW and Corporation Counsel, and has been made a condition of approval.

B. SUBDIVISION (Section 14-496)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland’s Subdivision Ordinance and applicable regulations. 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)

Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plans and details, and inspection and maintenance requirements and offers the following comment (Attachment 1):

- I have reviewed the grading and drainage plans for 300 Allen Avenue, and they have modified their stormwater treatment strategy to account for their proposed site layout changes – one larger grassed underdrained soil filter has been replaced by a smaller soil filter and a Focal Point system. They are still providing an adequate level of treatment for the proposed development.
2. Sufficient Water Available (Section 14-497 (a) 2 and 3)
The project will be served by a new 2-inch domestic service from the existing water main in Allen Avenue. An ‘Ability to Serve’ letter shall be provided by the Portland Water District and has been made a condition of approval.
 3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)
The proposed project closes existing curb-cuts located on the property and relocates the curb cut and driveway to the easterly lot, with a 24’ foot driveway for two-way traffic. The proposed driveway is located in the immediate vicinity of where Allen Avenue transitions from a three-lane street to a two-lane street. Tom Errico, P.E. with T.Y. Lin reviewed the proposal’s details including access, parking, construction management plan and vehicle circulation, and has provided the following comments (Attachment 1):
 - The applicant should provide an opinion on the location of the driveway as it relates to the Allen Avenue cross-section and the transition from a two-lane section to a three-lane section.
 - Status: The applicant has indicated that the Allen Avenue Paving project is shifting the three-lane section towards Washington Avenue and the driveway will not be located in a transition area. I find conditions to be acceptable and have no further comment.
 - Sight distance from the driveway shall be provided.
 - Status: The requested information has been provided and I have no further comment.
 - Crash data for Allen Avenue in the vicinity of the project should be provided with a safety analysis of conditions.
 - The applicant reviewed crash data and there are no high crash locations in the vicinity of the project. I have no further comment.
 - A trip generation estimate shall be provided.
 - The applicant has estimated the project will generate approximately 20 to 23 trips during the AM and PM peak hours. This level of traffic is not expected to create safety or capacity problems. I have no further comment.
 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)
The applicant is proposing a new 6” sanitary sewer connection for the site and has submitted a wastewater capacity application to the Water Resources Division of DPW. That application is currently under review and has been made a condition of approval.
 5. Comprehensive Plan (Section 14-497 (a) 9)
The development has been designed to be consistent with the City’s Master Plan, adopted in June of 2017.

B. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland’s site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards
 - a. Impact on Surrounding Street Systems and Access and Circulation- Tom Errico, P.E. with T.Y. Lin, has reviewed the proposal for compliance with city standards related to access and circulation and has provided the following comments:
 - A pedestrian sidewalk shall be provided between the Duplex buildings and Allen Avenue
 - Status: The plans have been revised and I have no further comment.

- I have reviewed the grading and drainage plans for 300 Allen Avenue, and they have modified their stormwater treatment strategy to account for their proposed site layout changes – one larger grassed underdrained soil filter has been replaced by a smaller soil filter and a Focal Point system. They are still providing an adequate level of treatment for the proposed development.
 - They have a very small increase in flow at one of their points of interest. I still need to do a detailed review of the HydroCAD, but I don't anticipate that the flow increase will be an issue at this location.
 - They will be required to submit a stormwater maintenance agreement and O&M plan to address maintenance of the proposed stormwater systems on this site.
3. Public Infrastructure and Community Safety Standards
- i. Public Safety and Fire Prevention
Mike Thompson, Division Chief of the Fire Prevention and Community Outreach Division, has reviewed the submitted plans and found them to be acceptable.
 - j. Availability and Adequate Capacity of Public Utilities
The project will be served by the Portland Water District, City Department of Public Works, and underground/power/cable/communications. Evidence of utility capacity shall be required of all utility providers and submission of these utility letters has been made a condition of approval.
4. Site Design Standards
- k. Snow and Ice Loading
Based upon the roof design, it is not anticipated that snow or ice loading will be a concern to pedestrians within the public right-of-way or on the applicant's property.
 - l. View Corridors
This site is not within a Protected View Corridor as per the "View Corridor Protection Plan" approved by the Portland City Council in 2001.
 - m. Historic Resources
The site is not located within a historic district or within 100 feet of a historic district, landmark or landscape and as a result, this project is not required to be reviewed by Historic Preservation.
 - n. Exterior Lighting
The applicant has submitted a lighting and photometric plan. The plan shows the location of five (5) pole mounted site light fixtures and photometrics in compliance with city standards. The applicant has also provided a lighting cut sheet detail for the proposed fixtures, showing full cut-off fixtures.
 - o. Noise and Vibration
Exterior mechanical equipment is to be roof-mounted, and centrally located on top of the building to minimize visibility from adjacent properties and public spaces. It is not anticipated that this equipment will result in adverse conditions related to noise and vibration. It should be noted that HVAC equipment requires a separate building permit, through which process, noise and vibration of the units is considered.
 - p. Signage and Wayfinding
This standard does not apply to the proposal.
 - q. Zoning Related Design Standards
A design review according to the City of Portland Design Manual Standards was performed for the proposed new construction of a mixed-use commercial and residential condominium project at 300 Allen Avenue. The review was performed by Caitlin Cameron, Urban Designer, Jean Fraser, Planner

and Matthew Grooms, Planner. The project was reviewed against the R-P Residential Professional zone as well as the Multiple-Family standards in a context with a mix of commercial and residential character.

Design Review Comments (**red text denotes standards that are not met**):

R-P Residential Professional Zone

Standard: For development within the R-P zone where there is a consistent established architectural style or character to the existing structures in the immediate vicinity in which the development is proposed, that the concurrently visible architectural style or character of the proposed development would not be incongruous to that established style or character.

Residential Buildings – no change since Workshop

- The established residential character uses articulation and massing elements such as gable and hip roofs, elevated ground floor, bay windows, extended porches, and overhanging eaves and cornices. To this end, the gable roof, shingle siding, shutters, and covered entries are appropriate. However, additional elements such as extended porches, bay windows, elevated entry, or similar would make the architecture more similar to the surrounding fabric – applicant is constrained by the setback requirements and has not been able to add bay windows or extended porch for that reason.
- The building and front doors have a direct relationship to the street similar to the other houses nearby.
- The slope of the roof was revised to be more comparable to the context. The gable dormers now have windows in response to staff comment.
- Parking areas are placed away from the street and should be screened from abutting properties according to this standard as well as the Site Plan standards.

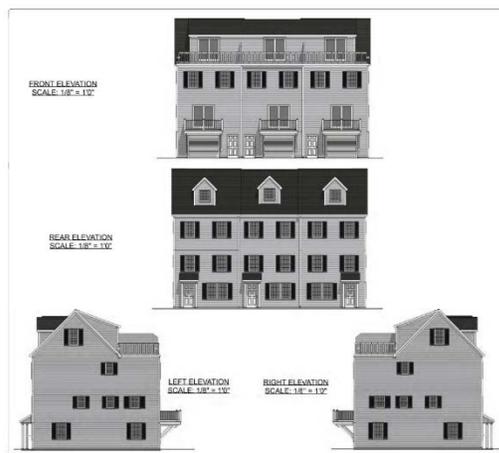


Figure 8: Proposed triplex elevations

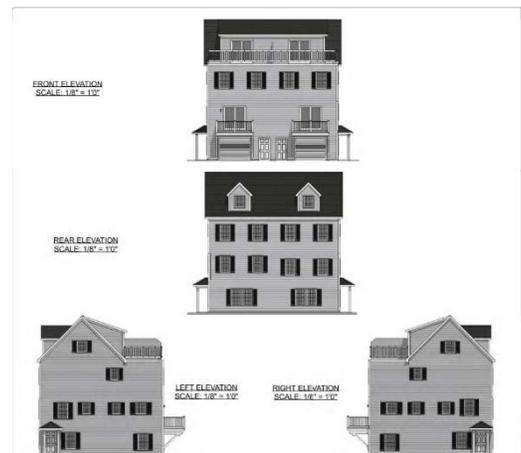


Figure 9: Proposed duplex elevations

Office Building

- Staff support the revisions to the office building – moved the shed dormer away from the street, emphasis on the entry with storefront, canopy, direct path from sidewalk. The building clearly conveys its commercial use while formally referencing the residential buildings nearby with its roofline, window patterns and proportions, and material type and placement.

- **Red brick at the ground floor feels out of place here** – the surrounding fabric is clapboard and shingle with brick foundation. Staff support the approach to differentiate the ground floor with trim and material change but **suggest using a grey color palette and either a fiber cement or brick in a darker grey color.**
- What is the rationale for the smaller windows on the façade?
- The lights are not highlighting architectural features. **Staff recommend that building lighting only occur at the entrance – perhaps downlights in the canopy or sconces. Lights must be cut-off.**
- The canopy at the entrance helps emphasize the entrance but the supports feel **out of scale with the building and have an awkward placement with the window – consider alternatives.**



Figure 10: Proposed front elevation for office building



Figure 11: Proposed rear elevation for office building

C. INCLUSIONARY ZONING

As this proposal is providing ten (10) or more residential units, the applicant is required to meet city standards for Inclusionary zoning, which require that 10% of both units and bedrooms being provided be set aside for a household earning 120% of the area median income (AMI) or less. This unit may be provided as a fee in lieu, off-site within close proximity of the project or on-site. The applicant has elected to provide one (1) two-bedroom unit, which satisfies these requirements. Victoria Volent, Housing Program Manager with the City, has reviewed this application and has found it to be compliant, noting the following conditions:

- Staff recommends the Board approve this conditional use provided the applicant and the City enter into a Workforce Housing Agreement (WHA) before a building permit may be issued. The workforce housing agreement shall outline the details of the affordability restrictions placed on the workforce unit and will be filed as covenant to the 300 Allen Avenue property’s deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued.

XI. STAFF RECOMMENDATION

The Planning Division recommends approval of the Level III site plan, subdivision and conditional use applications with the recommended conditions of approval under the Planning Board motion.

XII. PLANNING BOARD MOTIONS

A. CONDITIONAL USE

Work Force Housing

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 September 25, 2018 for application CU-000014-2018 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 [**finds/does not find**] that the proposed conditional use for workforce housing meets the standards of Section 14-474 with the following conditions:

1. The applicant shall enter into a Workforce Housing Agreement (WHA) before a building permit may be issued. The workforce housing agreement shall outline the details of the affordability restrictions placed on the workforce unit and will be filed as covenant to the 300 Allen Avenue property's deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued.

Off-Street Parking

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 September 25, 2018 for application CU-000014-2018 relevant to the conditional use, "off-street parking" as authorized by Division 6, Section 14-118 and subject to conditional use standards Section 14-474; and the testimony presented at the Planning Board Hearing, the Planning Board [**finds/does not find**] that the proposed conditional use "off-street parking" meets the standards of Section 14-474.

B. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on September 25, 2018 for application PL-000012-2018 relevant to Portland's site plan ordinance and subdivision ordinance and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board [**finds/does not find**], based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual Standard (Section 1.14) which requires that aisle width for right-angle parking be 24 feet per Figure I-27. The Planning Board [**waives/does not waive**] the Technical Manual Standard (Section 1.14) to allow an aisle width measuring 20 feet within the proposed surface parking lot.

C. 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 September 25, 2018 for application PL-000012-2018 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. A final subdivision plan and recording plat shall be reviewed and approved by the Department of Public Works and Corporation Counsel.
2. Finalized condominium documents shall be submitted which address control of off-street parking spaces provided on-site. These documents shall be reviewed and approved by Corporation Counsel.

D. DEVELOPMENT REVIEW

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 September 25, 2018 for application PL-000012-2018 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met according to the following timeline:

Prior to Applying for a Building Permit

1. The applicant shall provide updated building elevations that address the following outstanding concerns
 - a. Proposed elevations for the office building shall address Urban Designer comments regarding the entrance canopy, building mounted light-fixtures, and ground-level façade treatment. An updated photometric plan shall also be provided that includes proposed office building lighting.

- b. Updated elevations for each duplex and triplex building shall be submitted that contain information pertaining to building height and façade materials.
2. The applicant shall provide utility capacity letters from utility providers demonstrating sufficient capacity to serve this development.

Prior to Issuance of a Building Permit

3. The applicant shall provide a street tree contribution of \$800, calculated at a rate of \$400 per tree, for the two street trees not provided on-site as required.
4. The applicant shall coordinate with DPW and the Planning Authority on development of a construction management plan that is satisfactory to DPW.
5. A stormwater maintenance agreement shall be submitted for review and approval by DPW and Corporation Counsel.

XIII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Final Traffic Comments
2. Final Stormwater/Drainage Comments
3. Final Design Review Comments
4. Planning Board Memo (8.14.18)
5. Public Comment
 - a. Susan and James Mckenna
 - b. Christopher Ellingwood

APPLICANT'S SUBMITTALS

- A. Cover Letter
- B. Application Form
- C. Agent Authorization
- D. Project Narrative
- E. Right, Title & Interest
- F. Financial and Technical Capacity
- G. Basic Standards
- H. Stormwater Management Plan
- I. Resource Letter
- J. Ability to Serve Letters
- K. Level III Site Plan Checklist
- L. Zoning Analysis Table
- M. Tier I NRPA Permit Application
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