



PLANNING BOARD REPORT PORTLAND, MAINE

44 Pleasant Street
Legalization of 4 Existing Residential Units
Level III Site Plan and Subdivision Review
23-2018
Applicant: Justin Tourigny, 44 Pleasant St LLC

Submitted to Portland Planning Board Public Hearing Date: June 12, 2018	Prepared by: Christian Roadman Date: June 08, 2018
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I. Project Summary

The owners of 44 Pleasant Street, who purchased the property in May 2017, seek to legalize four existing residential units. The building currently contains nine residential units and two commercial units, but is only permitted for five residential units and two commercial units. The owners allege that nine residential units existed in the building since 1997. They seek to bring the building and all existing units into compliance with City code and the subdivision ordinance. In order to do this, the applicant intends to install a sprinkler system and upgrade the water service. This will necessitate utility work under the sidewalk and street next to the property, but no other exterior changes are proposed.

At the time of this writing, the Planning Department has not received a final site plan or construction management plan for review. Given the importance of improving life safety in the building, and because the four units to be legalized already exist, the Planning Department seeks planning board approval of the project with the condition that necessary documents (including a final site plan and construction management plan) be submitted for review and approval by the Planning Authority, Department of Public Works, and Corporation Counsel.

The property in question is located on the Peninsula between Pleasant Street, Maple Street, and Danforth Street. The property is not within a historic district, but is located immediately next to the How Houses historic district. (As no exterior building changes are proposed as part of this application, the project's review process did not incorporate historic preservation advisory review). The Planning Department sent 264 notices of this agenda item to property owners within 500 feet of the site. Notice of this item also appeared in legal advertisements on June 4 and June 5, 2018.

Applicant: Justin Tourigny, 44 Pleasant Street LLC

Consultants: Owen Haskell Inc (Randy Loubier); Northeast Civil Solutions (Jim Fisher); Leslie Benson (architect)

II. REQUIRED REVIEWS

Waiver Requests	Applicable Standards
None	n.a.
Review	Relevant Code
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>



44 Pleasant Street (image via Portland Assessor)

III. PROJECT DATA

Existing Zoning	B-3 Downtown Business
Existing Use	Commercial and Residential
Proposed Use	Commercial and Residential
Existing / Proposed Program	2 Commercial Units, 9 Residential Units (only 5 are currently permitted)
Bedroom Mix	Seven 1-Bedroom, One 2-Bedroom, One 3-Bedroom
Parcel Size	5,337 sq. ft.

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint (sq. ft.)	5,078	5,078	0
Building Floor Area (sq. ft.)	10,156	10,156	0
Impervious Surface Area (sq. ft.)	~5,337	~5,337	0
Parking Spaces	0	0	0
Bicycle Parking Spaces	0	10	10
Estimated Cost of Project	Not Provided		

VI. PUBLIC COMMENT / NEIGHBORHOOD MEETING

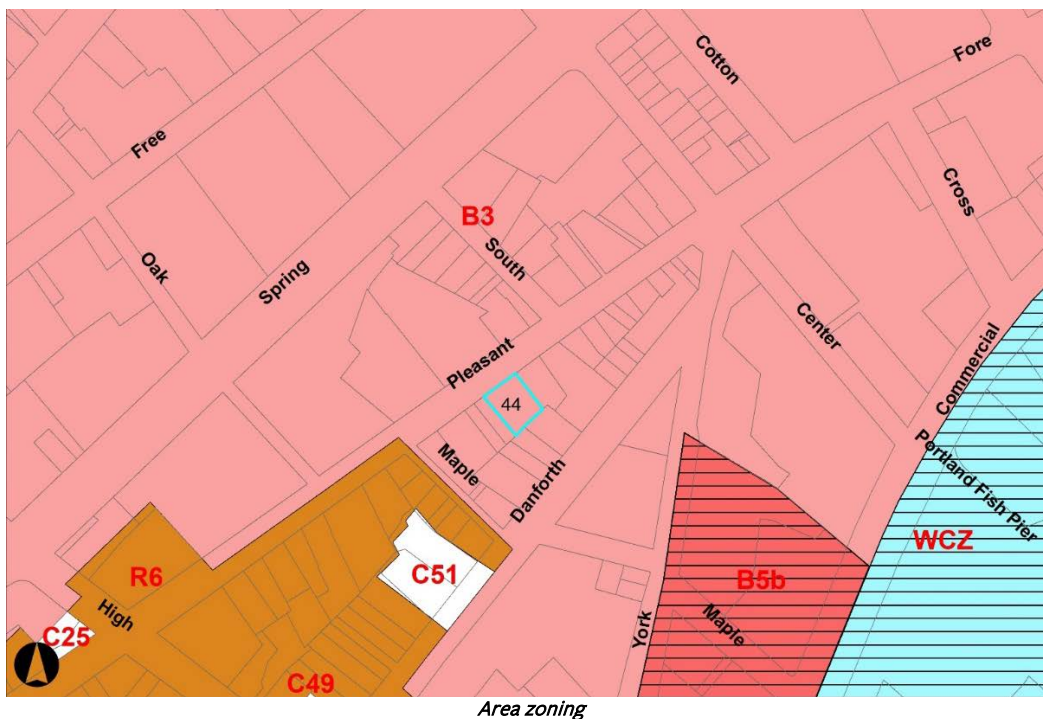
A neighborhood meeting is not required for this project, and no public comment has been received.

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

The applicant submitted a copy of a warranty deed evidencing ownership of 44 Pleasant Street. This project entails the legalization of four existing units, not the construction of four units, so evidence of financial / technical capacity has not been requested.

VIII. ZONING ANALYSIS

The property at 44 Pleasant Street is located within the B-3 downtown business zone. As the proposed legalization of four residential units is considered a change of use, no additional vehicle parking is required under B-3 zoning. Two bicycle parking spaces are required for every five dwelling units, which is exceeded by the applicant’s proposal of 10 spaces. Staff find the proposed project in conformance with zoning requirements.



Area zoning

IX. DEVELOPMENT REVIEW

A. SUBDIVISION (Section 14-497)

The proposed development prompts review for conformance with relevant standards of Portland’s subdivision ordinance and applicable regulations.

Will Not Result in Undue Water and Air Pollution; Will Not Result in Undue Soil Erosion

Staff find the proposed project in conformance with this standard.

Sufficient Water Available

The applicant has not provided a capacity to serve letter from the Portland Water District, only the District’s suggestions for new water / sprinkler service. A subdivision plat was submitted by the applicant on Friday, June 8, and has not been thoroughly reviewed at the time of this writing.

Staff recommends submittal of a capacity to serve letter from the Portland Water District as a condition of approval.

Staff also recommends review and acceptance of the subdivision plat by the Planning Authority, Department of Public Works, and Corporation Counsel as a condition of approval.

Will Not Cause Unreasonable Traffic Congestion

Staff find the proposed project in conformance with this standard.

Will Provide for Adequate Sanitary Sewer and Stormwater Disposal; Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage

Staff received a wastewater capacity authorization from the Department of Public Works.

Scenic Beauty, Natural, Historic, Habitat and other Resources

Staff find the proposed project will not have an adverse effect on the scenic or natural beauty of the area.

Comprehensive Plan

Staff find the proposed project compatible with the Comprehensive Plan, which includes the following applicable goals:

- “encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods”

B. SITE PLAN (Section 14-526)

The proposed development prompts review for conformance with relevant standards of Portland’s site plan ordinance and applicable regulations.

Transportation Standards

Traffic Impacts; Parking; Construction Management Plan

As mentioned above, the B3 zone does not require one parking space per dwelling unit in this instance. The proposed project is not anticipated to significantly impact surrounding street systems, access, or circulation, as the units proposed for legalization already exist.

In their application, the applicants indicated an intention to install 10 bicycle parking spaces. Without a site plan, it is unclear where these spaces are intended. Staff seeks further clarity on this point from the applicant team.

Environmental Quality Standards

The proposed project is not anticipated to significantly impact natural features or water quality. As it is located on a fully developed site, the project was not subject to additional stormwater controls.

Because the project legalizes four residential units, four street trees are required under the City’s Technical Standards. Two street trees exist already. Applicant payment of the fee-in-lieu for the remaining two street trees is suggested as a condition of approval.

Public Infrastructure and Community Safety Standards

The applicant communicated with staff in the Permitting and Inspections Department to determine relevant standards / requirements applicable to their building. Based on these communications, the applicant intends to add a sprinkler system to the building. Division Chief Mike Thompson noted that the Fire Department has no comment on this project at the moment, as code requirements will be addressed in the permit process.

Utility work in the street and sidewalk next to the building is anticipated in order to upgrade water service and install a sprinkler system. Such work may disrupt pedestrian and traffic flow. Lauren Swett, the City’s consulting civil engineer, commented that the water service upgrade should be shown on appropriate plans with adequate consideration for sidewalk and pavement repair. She also noted that a construction management plan with consideration for the utility construction impacts to sidewalk and traffic should be provided.

As such, and as mentioned above, receipt and approval of a final site plan and construction management plan by the Planning Authority is suggested as a condition of approval.

Site Design Standards

The proposed project is not anticipated to create significant issues related to snow and ice loading, exterior lighting, noise and vibration, or waste/ recycling materials.

XII. PROPOSED MOTIONS

A. 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 June 12, 2018 for application 000023-2018 (44 Pleasant Street) relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [is / is not] 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. Confirmation from the Portland Water District of capacity to serve the property shall be provided to the Planning Authority for review and approval.
2. The subdivision plat shall be reviewed by the Planning Authority, Department of Public Works, and Corporation Counsel, and any necessary changes made.

B. 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 June 12, 2018 for application 0000-23 (44 Pleasant Street) relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [is / is not] in conformance with the site plan standards of the land use code, subject to the following conditions of approval, which must be met prior to issuance of a certificate of occupancy:

1. The applicant shall submit a final site plan and construction management plan for review and approval by the Planning Authority, Department of Public Works, and Corporation Counsel.
2. The applicant shall pay into the City’s street tree fund, at a cost of \$400 per tree, to account for each of the two trees not provided per the City’s Technical Standards.

XIII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. CONSULTING CIVIL ENGINEER EMAIL COMMENTS 5-3-18
2. FIRE STAFF COMMENTS
3. WASTEWATER CAPACITY AUTHORIZATION

APPLICANT’S SUBMITTALS

- A. PROJECT DESCRIPTION
- B. LEVEL III APPLICATION
- C. LEVEL III CHECKLIST
- D. SERVICE CARD
- E. INFRASTRUCTURE MAP
- F. UTILITY CAPACITY INFORMATION
- G. WARRANTEE DEED

PLANS

- P1. BOUNDARY SURVEY
- P2. RECORDING PLAT
- P3. LIFE SAFETY
- P4. CODE SUMMARY