

**AGENDA ITEM #3
Meeting of June 13, 2018**

Planning Department Memorandum to Planning Board

Subject: Preliminary Subdivision – 450 Clark's Pond Parkway – 350 Clark's Pond, LLC

INTRODUCTION

350 Clark's Pond, LLC is requesting a preliminary subdivision approval to develop a 256-unit apartment complex located at 450 Clark's Pond Parkway. The proposal includes the construction of four, six-story apartment buildings to be comprised of 212 two-bedroom units and 44 one-bedroom units of the 256-residential units. Two access drives will be constructed from Clark's Pond Parkway to the facility's parking areas containing 391 spaces. The property is further identified as Assessor's Tax Map 66, Lot 19A, in the Suburban Commercial District (CS).

Public hearing notices were mailed on June 6, 2018, to the 15 South Portland owners of property within 500 feet and to the applicant, Conservation Commission, and City Council.

This submission will be reviewed under Chapter 24, Subdivisions and for compliance with Chapter 27, Article V Suburban Commercial District (CS).

SUBMISSION CHRONOLOGY

Preliminary major subdivision application submitted: April 26, 2018

Application complete: June 6, 2018

PROJECT DATA FOR PROPOSED PRELIMINARY MAJOR SUBDIVISION

PROJECT DATA

Zoning:	Suburban Commercial District (CS)	
Land Area:	313,000 SF (7.19 acres) and 125,017 SF (2.87 acres)	
Existing Land Use:	Undeveloped property	
Proposed Land Use:	256 unit apartment complex, associated parking, driveways, drainage facilities, and open space	
Maximum building height:	Permitted: 86'	Proposed: 60'
Minimum parking:	Required: 384	Proposed: 385
Minimum landscaping within parking area:	Required: 5%	Proposed: 5%
Maximum building coverage:	Permitted: 30%	Proposed: 10%
Minimum landscaped open space:	Required: 30% of lot	Proposed: 57% Estimated
Parking:	Required: 384	Proposing: 391
Sewage flow:	42,120 GPD, (90 gallons/day x 468 bedrooms)	

PRELIMINARY SUBDIVISION REVIEW

1. Zoning

This submission is for a permitted use and meets the space and bulk requirements of the Suburban Commercial District (CS). Front, side, and rear yard setbacks are shown on the subdivision plat.

2. Lots

The proposed lot configuration appears appropriate for the subdivision's location and use.

The applicant is proposing to construct four six-story building. Each building will have 64 apartments per building. The subdivision approval is required per M.R.S.A. 30A § 4401. 4. Subdivisions, which means a division of parcel land into three or more units. "A division is accomplished by sale, lease, development, building or otherwise." The division of structures into three or more units, whether commercial or residential and for sale or lease, constitutes a subdivision.

The applicant has shown Portland Water District (PWD) locations of the water main trunk lines that encumbering 2.87-acre portion of the entire parcel 10.06 acre development site.

3. Access, Roads, Traffic

Site access will be from Clark's Pond Parkway via two, two-way 24' wide full-service access driveway driveways, located along the northern property boundary.

Pursuant to Section 27-1426 (l), the applicant proposes 385 parking spaces, exceeding the City's ordinance requirements of 384 parking spaces by one space (per Section 27-1556(c)(3)d.; 1.5 space per dwelling unit).

Pursuant to Section 27-1426 (g), a traffic study was conducted by Sebago Technics, Inc. The Maine Department of Transportation (MDOT) issued a Traffic Movement Permit (TMP) for the 140 trip ends during the AM peak hour and 171 trip ends during the PM peak hour. The applicant is proposing to close the "gap" in the sidewalk connection between Clark's Pond Parkway and John Roberts Road. The applicant will be responsible for a Traffic Impact Fee for the vehicle trips through the John Roberts and Philbrook Avenue intersection. This has an impact fee of \$150.00/vehicle based on 95 vehicle trips during the PM peak hour will be \$14,250.00.

4. Utilities

Per Section 27-1426 (c), the applicant proposes to extend eight-inch, six-inch, and four-inch water mains to serve fire hydrants, domestic water consumption, and fire suppression services. The water main will be connected to PWD's 12-inch main in the Clark's Pond Parkway.

Pursuant to Section 27-1426 (d), the applicant proposes 42,210 GDP to be treated at the City treatment plant. Sanitary sewer, gas, and electrical, telephone, and cable are available in Clark's Pond Parkway's ROW.

5. Soils, Drainage, Erosion Control, Flood Prevention

Existing Conditions

The 10.06-acre site is generally is gently sloping away from Clark's Pond Parkway towards Red Brook, which is located on the easterly side of the site. There is a well-defined drainage swale along the westerly edge of the property where the topography is very steep.

Soils found on the 10.06-acre site include Elmwood, Salmon-like, Scantic, and Swanton.

Proposed Conditions

Pursuant to Section 27-1426 (v), the applicant has provided adequate provisions for the management of the quality and quantity of all stormwater generated by the proposed construction four, six-story 64-unit apartment buildings with associated parking, landscaping, and stormwater infrastructure. The applicant has proposed a stormwater management system meeting the City's

Post-construction Stormwater Management Plan standards, per Section 27-1536 (c) (1) (a). The applicant will provide their Maine Department of Environmental Protection Site Location of Development Permit for the final review.

Stormwater runoff for the development is proposed to be collected by a series of catch basins in the parking area and along the access driveways. The runoff will be conveyed through subsurface storm drain pipes to two subsurface sand filters for treatment prior to discharging via riprapped outfalls along the bank of the Red Brook. The runoff will be treated by a controlled a baffle within the outlet control structures. This slows the flow rates through the isolator row in the stormwater chambers. The subsurface stormwater chamber is underdrained to convey the treated stormwater runoff to the discharge pipes. The purpose is to control and detain the first flush (one-inch of runoff in a 24-hour period) and to allow the heavier event to bypass the system and outlet the site directly. Larger flows that do not require treatment flow through a secondary pipe for the inlet control structure directly to the outfall. Because the site is in the lowest reaches of the Red Brook, MeDEP states that detention of storm events that are larger than 1-inch in a 24 hours period is not required.

A satisfactory erosion control plan has been submitted for the proposed subdivision.

6. Natural Areas, Open Space, Landscaping, Lighting

A landscaping plan shows extensive plantings to be installed along the perimeter of the complex to provide a vegetated buffer between the project and the abutting roadway and properties. The extensive landscaping is proposed to be installed around each individual building and pedestrian walkway (see sheet 17 of 25).

The applicant is proposing wall-mounted lighting fixtures, per Section 27-1426 (k). All lighting fixtures will be served through the structure, per Section 24-38(F) (1).

7. Legal

350 Clark's Pond, LLC is the property owner of 450 Clarks Pond Parkway (Tax Map 66, Lot 19A). A copy of the deed for the 450 Clarks Pond Parkway property (CCRD Book 24052 Page 338) was submitted with the applicant's response letter (see Attachment #2). The applicant has submitted evidence from the Maine Secretary of State's Office indicating 350 Clark's Pond, LLC is a Maine limited liability company in good standing in Maine, per Section 27-1426 (r) & (s).

The estimated project cost is \$20 million. Per Section 27-1426 (t), the applicant has submitted a letter from a Vice President at Saco & Biddeford Savings Institution in Saco indicating that the bank has provided financing to various real estate development projects of Vincent Maietta over the past several years and that it would be pleased to consider a loan application for the financing for the Clarks Pond Parkway project. The Planning Board should require as a condition of approval that one of the first six methods set forth in Section 3(B) of the Site Plan application be provided to the Planning Department before a building permit may be issued for the project as follows: "Prior to the issuance of a building permit, the applicant shall provide the Planning and Development Director with satisfactory evidence that one of the first six methods set forth in Section 3(B) of the City's Site Plan application form relating to the applicant's financial capacity is in place."

8. Miscellaneous

The applicant has provided building elevations and floor plans for the proposed structures and the City's Architectural Peer Review consultant is working the project Architect to ensure the City's design review standards, Per Section 27-1572.

The applicant will provide their Maine Department of Environmental Protection (MEDEP) Site Location of Development Act Permit for the final review. The Maine Department of Transportation (MDOT) has issued the applicant's Traffic Movement Permit (TMP) (see Attachment #2 Applicant's response letter).

SITE PLAN REVIEW

This submission is technically a site plan as well as a preliminary major subdivision due to the proposed road construction and grading, which is development activity exceeding 15,000 square feet within a five year period. Since site plan standards of review parallel many of the subdivision review standards, staff recommends that the Board withhold its formal site plan review until the time of the final subdivision submission. As such, proposed waivers and conditions of approval are not included at this time for the preliminary review.

RECOMMENDATION

Based on the technical review of information submitted by the applicant from April 26, 2018, through June 7, 2018, and drawings dated April 26, 2018, through June 7, 2018, the following action by the staff is recommended:

WAIVERS:

The waivers will be proposed at the final review.

PRELIMINARY MAJOR SUBDIVISION

I move to approve the preliminary major subdivision application of 350 Clark's Pond, LLC, dated April 26, 2018, through June 7, 2018, and drawings dated April 26, 2018, through June 7, 2018, for The Residences at Clark's Pond located 450 Clark's Pond Parkway, with the following conditions:

Conditions:

Conditions of approval will be proposed during the final review.

A handwritten signature in black ink that reads "Steve Puleo".

Community Planner
June 13, 2018

Attachments:

1. Staffs comments.
2. Applicant's response letter