



Memorandum

Planning and Urban Development Department

Planning Division

To: Elizabeth Boepple, Chair and Members of the Portland Planning Board

From: Nell Donaldson, Planner

Date: October 21, 2016

Re: **Addendum to the Planning Board Report – 30 Merrill Street**

On October 12, 2016, the Planning Board met for a public hearing on a 7-unit condominium development at 30 Merrill Street on Munjoy Hill. At that hearing, the Board and the public expressed two major concerns: 1) that the site plan and subdivision review process did not include a Planning Board workshop, and therefore did not allow sufficient public opportunity for review and comment, and 2) that the design as presented failed to adequately relate to the surrounding context as required under the R-6 design standards. As a result, the Board tabled the review of the project and requested that the applicant address concerns regarding the design – more specifically, the treatment of the front door, the fenestration, the Juliet balconies, the “bays,” and the treatment of the side facades.

I. POST-HEARING REVIEW PROCESS

Following the hearing, the applicant contacted neighbors from the neighborhood meeting sign-in sheet to schedule a design workshop at the architect’s office. On October 14, the applicant emailed these neighbors with a set of revised renderings for review at that workshop, and staff forwarded these renderings to the city’s interested parties list on the morning of Monday, October 17. The applicant met with neighbors to review the revised renderings on the night of October 17. The applicant’s notes from this meeting indicate that neighbors continued to raise concerns about the design, particularly the windows, front entrance, bays, and articulating elements – trim, railings, and canopy among them (*Attachment U*). In response to neighbors’ comments, the applicant submitted a second iteration of the revised drawings to the city on October 19 (*Plans 22-29*). Staff again forwarded these renderings to the city’s interested parties list. These final drawings formed the basis for the city’s design review and are the drawings presented here.

II. FINAL DESIGN MODIFICATIONS

In her final design review memo, Caitlin Cameron, the city’s urban designer, highlights the following design-related concerns expressed at the October 18 Planning Board hearing:

- *Effectiveness of the massing and articulation to mitigate the scale in relationship with context (that includes a combination of single-family and multi-family types)*
- *Prominence of the street-facing entry*
- *Window types, proportion, and scale and compatibility with the context*
- *Quality of design compared with historic context*

In their most recent submittal, the applicant has made a number of changes to address these concerns, specifically:

1. *Addition of bays:* The final architectural drawings show symmetrical three-story bays on the front facade of the building, highlighted with color to contrast with the main building mass and designed to project 2 ½ feet from the primary plane of the front façade. These bays are punctured by in-swinging French doors at each floor. In the final drawings, the architect also revised the railing detail on the bays to eliminate the continuous vertical element.



Figure 1: Proposed changes in design, 30 Merrill Street, with 10/12 design at left, and 10/19 revised design at right

2. *Modified windows:* In addition to eliminating the windows and sliding glass doors on the front elevation in favor of more vertically-proportioned French doors, the applicant has added four vertically-proportioned windows to the central element of the front façade. On the side facades, the architect has both enlarged windows and added windows.
3. *Addition of green screen to the south façade:* The applicant has also proposed a fabricated metal trellis for the south façade of the building. The revised elevations specify ivy as the plant choice for this screen.

4. *Modified front entrance:* In the final drawings, the applicant has widened the front entrance canopy, added side lights, and raised the front door to create a stoop effect with benches on either side. The applicant has also eliminated the flush-mounted light in the canopy in favor of sconces to frame the front entry.

In their final submittal, the applicant has provided a narrative which speaks to the design's conformity with the R-6 design standards (*Attachment V*).

Staff has also reviewed the revised drawings against the R-6 design principles and standards under the Alternative Design Review criteria. As noted previously, the Alternative Design Review provides that the Planning Authority may approve a design which does not meet one or more of the standards under the seven R-6 design principles, so long as the project is consistent with the principle statements, the majority of the standards under each principle are met, the design is "compatible with the surrounding buildings in a two block radius in terms of size, scale, materials and siting, as well as the general character of the established neighborhood," and the plan is prepared by a registered Maine architect. As with the previous design, the city's design review finds that the applicant has met each of these conditions for an alternative design review (*Attachment 6*).

With respect to the design principles and standards which were of major concern at the October 18 hearing, Caitlin Cameron, the city's urban designer, writes:

Principle A Overall Context

- *A-1 Scale and Form: The building type proposed is similar to a double-triple with an additional unit on the 4th floor. Double-triples can be found in the surrounding context, however, the scale and form of those buildings are mitigated with the use of mansard or other similar roof forms on the third floor, pronounced and overhang cornice lines, bay windows, recessed entries with canopies. Of these formal and scaling elements, the project employs a canopy at the entrance, recessed entry, overhanging cornice at the third floor, and window bays. The fourth floor is made recessive to emphasize the contextual three-story massing of the main portion of the building relating more directly in scale and form with the triple-decker across the street.*
- *A-2 Composition of Principal Facades: The composition of the street-facing facades is consistent with context in terms of using symmetrical bays (in this case, four bays) that are oriented to the street. The windows were revised to be of similar proportion with those found in the streetscape. The windows in the bays are patio doors and therefore of a different type than the traditional bay window. Staff found that the bays and the balconies bring articulation, vertical proportion, and human scale to the large windows.*
- *A-3 Relationship to the Street: The building placement is consistent with the spacing of the residential fabric – slightly setback from sidewalk to allow for stoops and provide privacy.*

...

Principle C Orientation to the Street – Met – The project is oriented to the street with a street-facing door.

- *C-1 Entrances: At least one entry is street-facing and emphasized with a canopy, recess, stoop, and material change.*
- *C-2 Visual Privacy: Visual privacy is adequately addressed; ground floor windows are higher than 48" above adjoining sidewalk grade; the ground floor is adequately raised above sidewalk grade appropriate for private residential buildings with living space on the ground floor (at least 24" is required by the standard).*
- *C-3 Transition Spaces: The project uses a canopy and stoop at the entrance, the building is set back with planters.*

Principle D Proportion and Scale – Met – The façade elements are proportionate and scaled to the overall building.

- *D-1 Windows: The majority of windows are rectangular and have vertical proportion; windows at bays are sliding doors and therefore taller than traditional bay windows.*

- *D-2 Fenestration: The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building.*

III. PUBLIC COMMENT

Staff received two public comments on the revised design (*PC-9 and 10*). The first of these raised concerns about the compressed timeline of the review following the October 12 public hearing and the treatment of the front door, the windows, and the balance and proportions of the architecture. The second reiterated concerns about the function of the front door, in that it is not designed to provide direct access to living units, and expressly requested that the Board consider a condition that the front door be redesigned.

IV. RECOMMENDATION

Based on the changes presented above, Planning Division staff recommends that the Planning Board approve the proposed seven unit condominium development at 30 Merrill Street with slight amendments to the conditions of approval presented on October 12, written to address changes in the plan set necessitated by the proposed modifications in design. These changes include the addition of landscaping at the green screen on the south side of the building, the addition of two wall sconces on the building's front façade, and the addition of steps and benches at the front entrance to the building.

V. REVISED PROPOSED MOTIONS

A. 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 and addendum for the public hearings on October 12 and 25, 2016 for application 2016-172 relevant to Portland's technical and design standards 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*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow the aisle as depicted in the proposed site plan;
2. 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 a standard parking space be 9' x 18', that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow five 8' x 15' spaces;
3. 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 a minimum separation between driveways of 20 feet *Figure I-27*, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board **waives/does not waive** the *Technical Manual* standard (*Section 1.14*) to allow 11 feet of separation between the site driveway and the adjacent driveway to the east;

4. The Planning Board **finds/does not find** 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/does not waive** the site plan standard (*Section 14-526 (b) (iii)*) to allow for a contribution of \$1,000 to Portland's tree fund to be substituted for the provision of additional trees on site.

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 and addendum for the public hearings on October 12 and 25, 2016 for application 2016-172 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. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority; and
2. Prior to Certificate of Occupancy, the applicant shall finalize condominium documents for review and approval by Corporation Counsel.

C. 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 and addendum for the public hearings on October 12 and 25, 2016 for application 2016-172 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 that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall submit revised plans which:
 - a. Show the extent of sidewalk replacement on Merrill Street and include all relevant *Technical Manual* details;
 - b. Show a modified fence height at the front of the property to ensure safe sight distance; and
 - c. Show proposed steps and benches at the front entry as depicted in the architect's elevationsfor review and approval by the Department of Public Works;
2. The applicant shall submit a final driveway apron detail meeting *Technical Manual* standards for review and approval by the Department of Public Works;
3. The applicant shall submit cut sheets and an updated photometric plan reflecting the final site lighting, including the front entry lights, for review and approval by the Planning Authority; and
4. The applicant shall submit revised plans which:
 - a. indicate the species and size for the proposed street tree on Merrill Street and
 - b. indicate the species and size for proposed plantings on the south side of the building adjacent to the green screenfor review and approval by the City Arborist.

VI. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

6. Design review (memo from Caitlin Cameron, 10/20/16)

APPLICANT'S ADDITIONAL SUBMITTALS

U. Design Revisions Narrative

V. Design Standards Self-Evaluation

APPLICANT'S ADDITIONAL PLANS

Plan 22. Basement/First Floor Plan

Plan 23. Second/Third Floor Plan

Plan 24. Fourth Floor/Roof Plan

Plan 25. Front and South Side Elevations

Plan 26. Rear and North Side Elevations

Plan 27. Rendering from the East

Plan 28. Rendering from Turner Street

Plan 29. Rendering from the West

PUBLIC COMMENT

PC-9. Swartz letter (10/17/16)