

Special Permit Narrative

208 Main Street

Proposed 4th Floor Addition

April 30, 2019

Summary

The Applicant proposes a 4th floor addition to an approved 3 story building in the CMS District. A 4th floor addition is permitted per the CMS zoning but requires a Special Permit from the Planning Board. The following summarizes the zoning requirements for the Special Permit, and the Applicant's justification for the Special Permit.

§ 223-41.18 Regulations

(7) Except for parcels facing East Main Street, a special permit may be granted by the Planning Board for a fourth story with a step back of at least 15 feet behind the facade along any street frontage. A fifteen-foot building step back above 38 feet shall also be required for any side of a four-story building within 40 feet of a lot line abutting another zoning district. Except for parcels facing East Main Street, a special permit may also be granted for a four-story tower without a step back at a corner facing an intersection and occupying no more than 25 feet of the corner frontage of the building.

(b) All such special permits in the CMS District shall require a finding that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or in the Comprehensive Plan Update, that the new building will be compatible with the historic character of adjacent buildings, and that the conditions and standards in § 223-18B(1)(a) through (d) have been met. Although not required, additional below-market-rate housing above what would be otherwise mandated in Article IVB, commercial uses included on an upper floor, or extra sidewalk width, plaza space, or green space that is accessible to the public may be a positive factor for consideration during the special permit review process.

Response: The Applicant contends that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or in the Comprehensive Plan Update, and that the new building will be compatible with the historic character of adjacent buildings, even though it is not in the Historic Overlay District.

ARYEH SIEGEL

ARCHITECT

In fact, the previously approved project along with the newly proposed 4th floor addition of one more apartment reinforces goals outlined in the Comprehensive Plan Update:

“While Main Street is viewed as an important asset of the City, many residents expressed the need to improve the “transition area” between Teller and Digger Phelps Street. This area lacks the density and architectural features of the more historic sections of Main Street to the east and west. The 2007 Plan stated that many residents felt the City should encourage the development of more residences on Main Street, particularly in the transition area, which would help provide a larger local market for businesses.”

“Encourage the development and redevelopment of mixed use structures which have been an important economic driver fueling the City’s resurgence. All development should be of high architectural quality and should be related to the scale and pattern of the existing built environment. Restoration of historic properties on Main Street should be encouraged to occur in a timely fashion. Renovation and redevelopment of properties between Digger Phelps Street and Teller Avenue, in the central portion of Main Street, should be encouraged through incentives.”

1. The shadows created by the 4th floor addition have minimal effect on Main Street, Digger Phelps Court, the municipal parking lot adjacent to the site, or the neighboring parcel behind the site. The Planning Board approved the 3rd story addition in July 2018, and the 15 foot step backs required at both streets and at the rear of the building limit the generation of shadows off the property. Most additional shadow generation would fall on the 3rd floor roof of the building itself because of the step backs. In the case of the municipal parking lot and the neighboring gas station to the east, the Applicant contends that any additional shadows generated on that side of the building, which does not have a required step back, have no discernible negative effect on the parking lot or the gas station uses, occupants, or visitors.
2. The required parking is not affected by the proposed additional apartment in the 4th floor addition.
3. There would be no effect on traffic in relation to the proposed 4th floor addition.
4. There were no specific views found that were indicated as being adopted as important by the City Council or in the Comprehensive Plan Update. Due to the step backs above the 3rd floor, there are minimal views of the 4th floor addition from the street or neighboring properties.

Specific responses to the conditions and standards in § **223-18B(1)** :

(a) *The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.*

Response: The proposed partial 4th floor addition, used for one additional apartment in the previously approved 8 unit building for a total of 9 units, is of a similar intensity of use as other mixed-use building in the CMS District.

One of the goals of the Comprehensive plan is to: “Encourage housing development at relatively greater densities within and adjacent to the central business district and the Waterfront/Train Station area”. The proposed additional apartment is in keeping with that goal.

The 0.10-acre site is similar to many other building parcels in the CMS District. The size of the site supports the nature of the mixed-use building and is appropriate for the combined retail use at the ground floor and the 9 proposed apartments above. The CMS District includes these uses as-of-right, and there is no specific density calculation limiting the number of residential units.

***(b)** The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.*

Response: The property is at the corner of Main Street and Digger Phelps. The building is set between Digger Phelps Court on the west and a municipal parking lot and a gas station to the east. The partial 4th floor addition, set back at the required 15-foot distance from the streets and the rear yard, will not hinder or discourage appropriate development use of adjacent land and buildings. Walls, fences, and landscaping were previously approved by the Planning Board for the 3rd story addition in July 2018.

***(c)** Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.*

Response: This requirement does not apply to this case because the operations in connection with the 4th floor addition are the same as the previously approved residential use. There is no additional associated objectionable noise, fumes, vibration or other characteristic than the approved residential use, which is allowed as-of-right.

***(d)** Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.*

Response: The parking requirement does not change from the previously approved Site Plan. Therefore, this requirement does not apply to the proposed 4th floor addition.