

From: Jean Fraser
To: Tansley, Greg
CC: Barhydt, Barbara; Donaldson, Helen
Date: 7/30/2014 1:59 PM
Subject: Re: Update regarding the site plan review of 122 Anderson Street Intermodal Trans facility

Greg

I apologize for the delay in this reply as I have been on vacation- others here have been covering for me but we are not yet in a position to respond in detail.

As we indicated at the meeting, Tom Errico is the Traffic Engineering Reviewer for Site Plans and we rely on his professional opinion regarding most of the technical questions you raised. We do not yet have Tom's formal comments and there have been a number of meetings with Tom to consider the concerns and issues that you and others have raised. The key question is whether there are conditions of approval that would ensure that the project meets the Site Plan Review standards. Our Site Plan review protocol is that Bruce Hyman and Mike Bobinsky (and others in DPS Traffic) give comments through Tom Errico, so we do not receive separate comments.

So at the moment I am unable to answer most of your technical questions and will get back to you asap. Some of your questions were answered in the additional information that I forwarded to you from the applicant (eg re the truck route). Also, there will be a Report of Findings, and that similarly awaits Tom's final input and is still being drafted. This will be attached to any letter of approval when it is issued.

I understand that the Anderson/Fox Street Intersection and By Way Improvement Project will be started this year but I am awaiting details of the phasing/schedule.

The appeal procedure is set out in the Site Plan ordinance:

Sec. 14-529. Appeals.

(a) When the planning authority has approved, approved with conditions, or denied a site plan, or has approved a request to extend the expiration date of a Master Development Plan, any person aggrieved may appeal the decision to the planning board within thirty (30) calendar days of the date of the written decision of the planning authority. Upon the taking of such an appeal, the application or request for an extension shall be reviewed as a new application or request.

(b) When the planning board has finally approved, approved with conditions, or disapproved a site plan, any person aggrieved or the City may appeal the decision to the superior court, pursuant to Rule 80B of the Maine Rules of Civil Procedure within thirty (30) days of the vote on the original decision by the planning board. (Ord. No. 277-09/10, 7-19-10; Ord. No. 25-11/12, 8-15-11; Ord. No. 176-12/13, 4-22-13)

I would be happy to meet with you or any other neighbor(s) at any time (appointment recommended) as I am receiving new information/comments on a daily basis and it is difficult to prepare and update written responses to all those who contact me.

thank you

Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Greg Tansley <gtansley13@gmail.com> 7/26/2014 7:20 AM >>>
Ms. Fraser,

Thanks for the update.

Please send me the Notice of Decision and the Findings of Fact/Conclusions of Law associated with the approval. Rest assured, I understand your predicament given the City has not taken action to change the zoning of the area to reflect the vision developed for East Bayside. Regretful in many ways. Given this, I would like a copy of the Findings of Fact/Conclusions of Law which should provide the evidence that this proposal meets all city performance standards.

I had asked in a previous e-mail about the appeals procedure for a Staff Administrative approval, but have not heard back from you on this. Please also send this along.

I have also not received answers on several of my questions detailed in an email I sent to you, including a request for responses from Bruce Hyman and Mike Bobinski regarding how this intermodal trucking facility relates to the East Bayside Vision, and mainly, the Anderson/Fox Street Intersection Reconstruction project and the Anderson Street improvement project. Are these now on hold due to this project?

I have pasted in an excerpt from our previous correspondence and would appreciate it if you could respond to my itemized questions (1-16) for the record.

Lastly, please inform me as to the enforcement official whom which we should contact regarding violations of the approval.

Respectfully,

Greg Tansley
145 Anderson Street, Unit #3
Portland, ME 04101

----- Forwarded message -----

From: **Jean Fraser** <JF@portlandmaine.gov>

Date: Friday, July 11, 2014

Subject: 122 Anderson Street Proposal - Summary Questions/Comments

To: Greg Tansley <gtansley13@gmail.com>

Greg

I appreciate you taking the time to articulate your concerns clearly. Your comments and those from other neighbors have been circulated to reviewers and we have already requested additional information from the applicant along the lines you suggest.

When I receive additional submissions and information, I will send them to you and the other neighbors who have sent me comments.

In terms of the City's ordinance, the site is within the IIb zone where this use is a permitted use and the performance standards mainly address lighting and noise- so we are focusing on the Site Plan standards in 14-526.

The proposal is still under review and a decision is not imminent.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

>>> Greg Tansley <gtansley13@gmail.com> 7/11/2014 7:30 AM >>>

Good Morning Jean,

This will likely be my last e-mail due to a busy schedule today so I will try to summarize past e-mails and add a few additional questions I thought about last night and this morning after walking by the site again.

First, let me say my intent has not, and is not, to review the City of Portland Code. I will trust in City Staff to review Performance Standards and review criteria established therein. With that said, I have the following technical and planning related questions, which can also translate into comments, I suppose:

1. Has truck turning radii (primarily exiting) regarding existing and proposed (byway) conditions been looked at, and will trucks cross the centerline of Anderson Street when exiting the site? Given the angle of egress, does this comply with City Standards?
2. Has the general egress/ingress from Anderson Street to the site been analyzed, especially related to grade (very steep) and the metal scale that exists in the driveway? According to one of my neighbors, this was a significant enough problem with Oakhurst as to have the owner stop that use. Has anything changed that would make the City and applicant feel this will not again be a problem?
3. Has an analysis been done by a PTOE of the Vehicular/Bicycle/Pedestrian Traffic Impacts on the intersection of Anderson and Fox?
4. Has an analysis been done by a PTOE of the Vehicular/Bicycle/Pedestrian Traffic Impacts on the intersection of Fox and Franklin (assuming this is the truck route)?
5. Has a Truck Route been identified and how will enforcement of said truck route be conducted?
6. How will truck arrival and departure occur (e.g., arrive throughout the day, all leave at once at night?)
7. Fox Street between Anderson Street and Franklin Street is arguably in terrible shape. What will additional heavy truck traffic due to its condition? Is it in the City's CIP for reconstruction? If so, if approved, should the applicant contribute to its cost? If not, should the applicant itself repair Fox Street or is it simply in such disrepair as to question the validity of the project in the first place?
8. Has noise been examined, including idling, reefers, revving, and motion, especially related to time of day noise restrictions and the need to accelerate to get up the driveway from Anderson Street?
9. As a property owner I received a card about this application. How has the rental community been engaged? Are both Bunker and Tandem Coffee aware of the proposal and have they provided comments or questions?
10. Has Redfern been engaged, especially related to their proposed residential and ground floor commercial project at 3G's? Many are excited about this redevelopment proposal which would take a run-down corner lot and transform it into a neighborhood with market-rate apartments and possibly a restaurant on the street-level. I can't imagine this proposal would make that project any more viable, and in fact, may have the opposite effect.
11. How does this proposal relate to the Comprehensive Plan?

12. How does this proposal relate to the East Bayside Vision?

13. How does this proposal relate to the Fox/Anderson Intersection Reconstruction Project? Have Bruce Hyman and Mike Bobinsky weighed in on the proposal?

14. How does this proposal relate to the Anderson Street Byway Project (traffic calming, pedestrian and bicycle enhancements, street amenities)? Have Bruce Hyman and Mike Bobinsky weighed in on the proposal?

15. What is the process and timing for Staff's consideration of this application? May I please be notified of Staff's decision related to this application.

16. If the application is approved, and the success of Nova Ferry isn't realized, what has the City considered as far as conditions of approval that would not allow a full scale "intermodal transportation facility" from taking over the space that could have truck traffic continuous throughout the day/night?

Thank-you for your consideration of my comments and questions, and I hope to hear back from you at your earliest convenience.

Respectfully,

Greg Tansley
145 Anderson St. #3
Portland, ME 04101

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested. ~~2014~~

On Friday, July 25, 2014, Jean Fraser <JF@portlandmaine.gov> wrote:

Hello

I am writing to update on the timetable for this review.

We intend to issue a letter of approval with conditions next week, and are awaiting the detailed traffic comments in order to finalize the conditions.

I am out of the office until Wednesday, July 30th - so if you have any questions before I return please contact Nell Donaldson (874 8723) or Barbara Barhydt (874 8699)- both are cc'd on this e-mail.

Thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728

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