



Planning & Urban Development Department

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Jeff Levine, AICP, Director

Planning Division

Stuart O'Brien, Director

January 17, 2017

Peter Noyes
Earle W. Noyes & Sons
PO Box 938
Portland, ME 04104

Stephen Bushey
Stantec, Inc.
778 Main Street, Suite 8
South Portland, ME 04106

Project Name: 191 Marginal Way Redevelopment
Address: 191 Marginal Way, Portland, ME
Project ID: 2016-179
CBL: 24-C-21
Applicant: Earle W. Noyes & Sons
Planner: Nell Donaldson

Dear Mr. Noyes:

On January 17, 2017, the Planning Authority approved with conditions a Level II site plan for the redevelopment of 191 Marginal Way. The decision is based upon the application as submitted by Stantec, Inc., with plan revisions dated December 16, 2016. The proposal was reviewed for conformance with the standards of the City of Portland's site plan ordinance, Article V of the land use code. The Level II site plan is approved with the following waivers and conditions:

A. WAIVERS

Driveway separation: Section 1.7.2.7 of the city's Technical Manual establishes standards for the location and spacing of driveways. On the recommendation of the city's traffic engineer, the Planning Authority finds that extraordinary conditions exist or undue hardship may result from strict compliance with these standards, that the public interest and purposes of the land development plan are secured with the proposed variation in the standards, and waives the driveway separation standard to allow curb cuts as proposed on the site and pavement marking plans prepared by Stantec and dated 12/16/16.

Aisle width: Section 1.1.4 of the city's Technical Manual establishes an aisle width standard of 24 feet for right angle parking. On the recommendation of the city's traffic engineer, the Planning Authority finds that extraordinary conditions exist or undue hardship may result from strict compliance with these standards, that the public interest and purposes of the land development plan are secured with the proposed variation in the standards, and waives the aisle width standard to allow a 22 foot aisle in the front parking area.

B. CONDITIONS OF APPROVAL

The Planning Authority found that the plans are 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 the issuance of a building permit unless stated otherwise:

1. Prior to issuance of certificates of occupancy for each tenant fit-up, the applicant shall provide updated trip generation numbers for review and approval by the city's Department of Public Works. If a Traffic Movement Permit is triggered, an application must be submitted for review and approval by the Department of Public Works and the Planning Board;
2. All building entrances facing the street frontage of the lot shall remain operable in accordance with *Section 14-299(o)* of the city's Land Use Code;
3. The applicant shall provide a revised pavement marking plan for review and approval by the Department of Public Works;
4. The applicant shall provide a construction management plan for review and approval by the Department of Public Works;
5. The applicant shall provide revised plans meeting ADA requirements for ramps and sidewalks for review and approval by the Department of Public Works;
6. The applicant shall provide evidence of a Notice of Intent to Comply with the Maine Construction General Permit for review and approval by the Planning Authority and the Department of Public Works;
7. Prior to installation of the proposed grease trap, the applicant shall provide final utility plans for review and approval by the Department of Public Works;
8. The applicant shall provide a revised grading plan noting that sediment barriers will be provided downgradient of all proposed work, particularly along the western side of the site adjacent to the abutting property for review and approval by the Department of Public Works;
9. The applicant shall revise the landscaping plan to address inconsistencies with the civil drawings for review and approval by the Department of Public Works;
10. The applicant shall revise the brick sidewalk detail for review and approval by the Department of Public Works;
11. The applicant shall provide revised architectural drawings meeting the window transparency standard of the B-7 design standards and guidelines for review and approval by the city's Urban Designer;
12. The applicant shall provide a revised lighting plan meeting maximum illumination levels of Technical Manual *Section 12* for review and approval by the Planning Authority;
13. Prior to the issuance of a certificate of occupancy, the applicant shall provide specifications for proposed signs, meeting the standards of the B-7 zone and the City of Portland Design Manual, for review and approval by the Zoning Administrator.
14. Prior to certificate of occupancy, the applicant shall provide evidence of mutual easements for right of passage through the proposed interparcel connection to the adjacent property to the east for review and approval by the city's Planning Authority and Corporation Counsel; and
15. Prior to construction of the proposed connection to the Bayside Trail, the applicant shall obtain a temporary construction license from the City of Portland for all work proposed on city property for review and approval by Corporation Counsel.

The approval is based on the December 16, 2016 plan set. A final, revised plan set must be submitted for staff review and approval prior to the issuance of permits.

STANDARD CONDITIONS OF APPROVAL

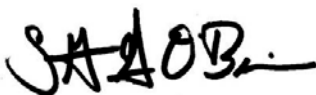
Please note the following standard conditions of approval and requirements for all approved subdivision and site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, an inspection fee payment of 2.0% of the guarantee amount, and seven (7) final sets of plans plus one final digital copy must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Stuart O'Brien
Planning Division Director

Attachments:

1. Memo from Thomas Errico. Consulting Traffic Engineer, 1/6/17
2. Memo from Lauren Swett, Consulting Civil Engineer, 1/6/17

CC:

Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Erriso, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services



Helen Donaldson <hcd@portlandmaine.gov>

191 Marginal Way - Final Traffic Comments

Tom Errico <thomas.errico@tylin.com>

Fri, Jan 6, 2017 at 9:31 AM

To: Helen Donaldson <HCD@portlandmaine.gov>

Cc: Katherine Earley <kas@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <jst@portlandmaine.gov>, Lauren Swett <lswett@woodardcurran.com>

Hi Nell – the following represents a status update of my previous comments based upon a review of the revised site plan and Marginal Way improvement plans.

1. The site plan should consider an inter-parcel connection to Planet Dog. Current conditions seem to indicate that vehicle cross-circulation currently occurs. In conjunction with the connection, the applicant should provide rights for Planet Dog vehicles to travel through the project site. As discussed in later comments, I'm concerned about the location of the proposed easterly driveway in respect to Franklin Street traffic conditions and also believe providing opportunities for Planet Dog vehicles to use the westerly project driveway will have a positive effect on motorist safety.

Status: Based upon concerns regarding safety conditions on Marginal Way and that the easterly driveway does not comply with City driveway spacing standards, the applicant shall provide a connection to Planet Dog. A plan shall be provided for review and approval.

1/6/2017 Status: The plans include this connection and therefore I support a waiver from City standards as it relates to driveway separation. I have no further comment.

2. I continue to review the trip generation analysis and at this time do not approve the estimate provided by Bill Bray, PE. Please noted the following:

- The trip generation for the retail portion of the development should be based on Land Use code 820 Shopping Center. Use of the Land Use code Specialty Retail is not appropriate given limit data. I would also note that if a restaurant use is a possibility, the worst-case trip generation estimate should be used.
- The applicant should provide data for the proposed Medical Quick Care use that supports the data provided by ITE. Information from the proposed tenant presenting traffic information at existing operating sites is suggested.

Status: The applicant has provided updated information and I find the trip generation to be reasonable. I would note that the trip generation estimate shall be updated to reflect actual tenant businesses prior to the issuance of a certificate of occupancy. I would note that if a Traffic Movement Permit is triggered, review of the project by the Planning Board is required.

1/6/2017 Status: See above status comment.

3. A parking demand analysis should be provided that accounts for project land uses and opportunities for shared use. The analysis should be based on ITE and Urban Land Institute information or local sources.

Status: The applicant has provide a parking demand analysis and my general conclusion is that the site will provide an excess parking supply. Based upon the traffic count conducted for the Medical Quick Care site, it is very unlikely that all 30 parking spaces will be required.

1/6/2017 Status: I have no further comment.

4. The applicant shall provide supporting documentation for seeking a waiver from the City's technical standards for driveway separation. I would note that the easterly driveway does concern me from a safety perspective, as it is located in close proximity to the Franklin Street intersection and vehicle queues typically extend back along Marginal Way and would block the project driveway. I believe safety would potentially be compromised for both the left-turning vehicles exiting the site (where vehicles stacked on Marginal Way would block sight lines) and for left-turning vehicles entering the site (where vehicles stacked on Marginal Way would prevent entry movements).

Status: Given the issues noted in my original comment, it is recommended that the applicant implement roadway improvements along their Marginal Way frontage that were identified as part of the Bayside Transportation Master Plan. The implementation shall consider transition towards the Franklin Street intersection and transition toward Chestnut Street. The exact extent of improvements shall take into account existing conditions and how the changes along the frontage can safely transition to match existing roadway conditions. The applicant shall be responsible for preparing a plan of the suggested changes, for review and approval by the City Planning Authority. As an alternative, a monetary contribution equal to the suggested improvement shall be provided, for use by the City for project implementation, as long as the improvements are constructed prior the issuance of a building occupancy permit.

1/6/2017 Status: The applicant has provided pavement marking plans and I generally find them to be reasonable. The primary concern regarding the plans are details on how Marginal Way eastbound will transition from two lanes west of Chestnut Street to one lane east of Chestnut Street. It is my understanding that DPW has committed to implementing the necessary improvements west of Chestnut Street to allow for appropriate travel lane transition conditions. Accordingly, this issue does not need to be addressed by the applicant. I would note that there are some minor pavement marking adjustments that the City would like to incorporate and the City can coordinate those changes with the applicant as a condition of approval. I would note that all work in conjunction with the pavement marking plan is the responsibility of the applicant including methods for removing existing pavement markings and necessary signage, etc. The applicant will be responsible for development of a construction management plan for review and approval.

5. As noted previously, driveway operations and safety is a concern given proximity to abutting driveways and the general heavy traffic levels on Marginal Way. The current site plan depicts 12 parking spaces along the Marginal Way frontage that are accessed via a parking aisle located very close to Marginal Way. In my professional opinion traffic movements into these 12 spaces will complicate entry and exit maneuvers onto Marginal Way and revisions to the plan should be considered.

Status: I would suggested that the applicant consider compact size parking spaces to allow for an 8-foot sidewalk on Marginal Way.

1/7/2017 Status: I find the current plan to be acceptable and support waivers from City standards for aisle width and parking stall dimensions.

6. The plans depict a sidewalk connection to the Bayside Trail that terminates at the rear property line. It is suggested that the applicant provide a complete connection to the trail.

Status: The plans have been revised and I have no further comment.

7. The long-term vision for the Bayside area is extension of Pearl Street to Marginal Way. The proposed Midtown project has accounted for the design of such a connection. It is likely that an extended Pearl Street would be located on both the subject property and the abutting property to the west. The applicant should provide information that notes such a connection is feasible given the details of the site plan under review.

Status: In my professional opinion the project site layout does not preclude a future connection, when considering use of both the subject and abutting properties. I have no further comment.

Additional Comment

- **There are a few sidewalk ramp locations that the applicant should review and modify such that they are fully accessible and ADA compliant. In general, these locations consist of ramp configurations where the ramp flare is located along the pedestrian travel route, thus creating an inaccessible route due to slope conditions. The locations for possible modification include:**
 - **The westerly driveway ramps into the site. All ramps from Marginal Way to the building corner.**

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL

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Falmouth, ME 04105

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MEMORANDUM



TO: Nell Donaldson, Planner
FROM: Lauren Swett, PE & Ghazal Kayal, EIT
DATE: January 6, 2017
RE: 191 Marginal Way Redevelopment, Level II Site Plan Application Response to Comments

Woodard & Curran has reviewed the Response to Comments for the Level II Site Plan Application for the proposed 191 Marginal Way Redevelopment project located in Portland, Maine. The project involves the re-development of the NAPA/AAA site at 191 Marginal Way to provide medical office and retail uses and associated pedestrian and vehicular access, parking, and utilities infrastructure.

Documents Reviewed by Woodard & Curran

- Response to Comments and attachments, dated December 19, 2016, prepared by Stantec Consulting Service Inc., on behalf of Earl W. Noyes & Sons.
- Engineering Plans, dated December 16, 2016, prepared by Stantec, on behalf of Earl W. Noyes & Sons.

Comments (*Comments from prior memos are included in italics*)

- 1) *The proposed project will disturb over one acre and therefore requires a MaineDEP Construction General Permit Notice of Intent. Copies of all permits should be forwarded to the City upon receipt. Applicant has acknowledged and will provide upon receipt.*
- 2) *Per Section 13 of the City's Technical Manual, the Applicant is required to submit a Boundary Survey that has been Stamped by a Maine Licensed Professional Surveyor. At this time, an unstamped Boundary Survey marked as "Preliminary" has been submitted. A stamped Boundary Survey should be provided as part of the Final Site Plan Application. Applicant has acknowledged and will provide upon receipt.*
- 3) *The Applicant has noted that a possible use that may be considered for the Site is a Restaurant; the Applicant has provided a detail for a grease trap, but has not noted a location for it on the plans or provided any design information. This information should be provided as part of the Final Site Plan submission if a restaurant is proposed. Applicant has added a grease trap and has noted that the location may need to be adjusted depending on the final restaurant tenant. The Applicant should coordinate with Rachel Smith at Portland Public Works (874-8833) on final location and sizing requirements if a restaurant tenant is selected.*
- 4) The City of Portland requires that all Level II site plan applications submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards (Technical Manual, Section 5. II. Applicability in Portland. C. a. and City of Portland Code of Ordinances Sec. 14-526. Site plan standards. (b). 3. b.). We offer the following comments:
 - a) Basic Standard: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500. *However, sediment barriers should be provided downgradient of all proposed work, particularly along the western side of the Site adjacent to the abutting property.*
 - b) General Standard: The project will result in a net decrease in impervious area. As such, the project is not required to include any specific stormwater management features for stormwater quality control. The Applicant will be utilizing roof drain cartridge treatment units and a Filterra Tree Box to provide some stormwater treatment on the site, and they have acknowledged that they will coordinate with the City for possible credit towards their stormwater fees.
 - c) Flooding Standard: The project will result in a net decrease in impervious area. As such, the project is not required to include any specific stormwater management features to control the rate or quantity of stormwater runoff from the site.



- 5) Some of the site layout geometry shown on the landscaping plan does not appear to match the site civil plans, i.e. the connector driveway to the abutting property appears to be wider and the islands appear to be slightly different. These inconsistencies should be clarified on final construction plans.
- 6) Two details are provided for brick sidewalk. A detail in conformance with the City of Portland technical standards should be utilized for brick sidewalks within the Marginal Way Right-of-Way.
- 7) The Applicant has addressed all other comments at this time.