

CITY OF PORTLAND, MAINE

PLANNING BOARD

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October 14, 2016

Malcolm Poole
Proprietors of Union wharf
PO Box 7467 DTS
Portland ME 04112

Stephen R. Bushey, PE
Stantec
482 Payne Road
Scarborough, ME 04074

Project Name:	Phased mixed use development	Project ID:	# 2016-137
Address:	230 Commercial Street	CBL:	031 K 003 & 103; 031/L/035, 038 & 135
Applicant:	Proprietors of Union Wharf		
Planner:	Jean Fraser		

Dear Sirs:

On October 12, 2016, the Planning Board considered a proposal for a phased mixed use development for three new buildings totaling approximately 40,000 sq ft of non-marine uses (offices, retail, restaurant), and reconfiguration of the parking and circulation, at 230 Commercial Street (Union and Widgery wharves). The Planning Board reviewed the proposal for conformance with the standards of the Site Plan and Waterfront Central Zone (NMUOZ).

The Planning Board voted 6-0 (Nichols absent) to approve the application with the following waivers and conditions as presented below:

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 for the public hearing on October 12, 2016 for application #2016-137 (230 Commercial Street) relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. Parking Lot Design: The Planning Board voted 6-0 (Nichols absent) to waive Technical Manual Standard *Section 1.14. Parking Lot and Parking Space Design*, which specifies parking aisle and space dimensions, to allow for variations as shown in Plans P5-P7 to facilitate enhanced pedestrian accommodations and address building structure constraints.

2. Lighting: The Planning Board voted 6-0 (Nichols absent) to waive Technical Manual Standard *Section 12 Site Lighting* to facilitate the development of lighting plans for the new external lighting (including building mounted, pedestrian walkway and in the parking area under the Phase 1 office building) and existing site lighting, that meets the objectives of the standards as well as ensuring security and safe conditions.

B. SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for the public hearing on October 12, 2016 for application #2016-137 (230 Commercial Street) relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board voted 6-0 (Nichols absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. That this approval is valid for 3 years to allow for the phasing of the three buildings that are subject of the application; and
- ii. That the marine infrastructure improvements, up to a total of \$62,500, shall be documented to be complete (to the Planning Authority) prior to the issuance of a certificate of occupancy for the Phase 1 office building. If these improvements are not complete at that time, the applicant shall post a Performance Guarantee to cover the costs of the outstanding improvements. The building permit for the future phases shall not be issued until these improvements are documented to have been completed (up to the required total cost); and
- iii. That the applicant shall provide trip generation estimate for the full project prior to the issuance of a building permit for future phases. If the outcome of that analysis indicates in excess of 100 new peak hour trips are generated, the applicant shall comply with all requirements of obtaining a Traffic Movement Permit, which includes Planning Board review and approval prior to the issuance of a building permit; and
- iv. The applicant shall advise the Planning Authority as to the floorspace of the future phases prior to applying for a building permit for future phases. If the floorspace of the future phases brings the total (of the three buildings) to 50,000 sq ft or above, a Transportation Demand Management Plan shall be submitted for review and approval prior to the issuance of a building permit; and
- v. That a parking supply and management plan shall be provided to the Planning Authority for review and approval prior to construction of the future phase buildings. The parking supply and management plan shall comply with the requirements set out in the Traffic Engineering Review comments dated October 7, 2016.
- vi. That that following shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit for the future phases (frontage refers to the ROW and the area between the ROW and the building wall):
 - a. A lighting design plan for the Commercial Street frontage that includes installation of street light fixtures that meet City standards for Commercial Street. The applicant is responsible for design and construction of the street lights;
 - b. A landscape plan that shows the final layout and details for street trees; lights; bicycle parking; signage and wayfinding; sidewalk materials including where there would be disturbance and replacement (note: all work to be the responsibility of the applicant).
- vii. That the proposals for the pedestrian walkway between Commercial Street and the Phase 1 office building shall be completed prior to the issuance of a Certificate of Occupancy for the Phase 1 office building, and shall be 5 feet in width with the wood pole/bollard lighting for the entire length continued to Commercial Street. Under the future phases, this walkway shall be designed to provide full ADA accessibility; and

- viii. That the note shown on Plan P6 (C3.1 Phase 1 Site Layout) that states “*Owner reserves the right to install a removable barrier to restrict access between Widgery Wharf and Union Wharf as necessary*” be revised to add “*following approval by the City’s Planning Authority*”; and
- ix. That the Plan P6 (C3.1 Phase 1 Site Layout) shall be revised, for review and approval prior to the issuance of a building permit for Phase 1, to add planted vegetation to the island nearest Widgery Wharf Lane as recommended by the City Arborist (single honey locust tree or bayberry shrubs/sweet fern); and
- x. That the applicant shall submit the following for review and approval by the Planning Authority prior to the issuance of a building permit:
 - a. A lighting plan (and photometrics regarding the light levels) that shows details of lighting under and in the vicinity of the Phase 1 building and along the pedestrian walkways;
 - b. Proposals for modified fixtures to replace existing exterior lighting to bring these into greater compliance with the standards;
 - c. Details of any proposed retaining wall structures, including height and geotechnical considerations.
- xi. That the applicant shall note that Commercial Street is under a Pavement Moratorium status and thus any impacts to the street by the project will trigger City Moratorium mitigation cost/renovation requirements that shall be the responsibility of the applicant.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application #2016-137. It should be noted that the approval is based on the site plans, elevations and details for all three of the proposed buildings as presented to the Planning Board Hearing, and any amendments would need to be submitted for further review and approval.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved 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 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 Permitting and Inspection Division.
3. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and six (6) final sets of plans must be submitted to and approved by the Planning Division and Public Works Department 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.
4. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. **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 Work'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.

6. **Department of Public Works 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.)
7. **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 Jean Fraser at (207) 874- 8728.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Traffic Engineering Review comments dated October 7, 2016
2. Planning Board Report
3. Performance Guarantee Packet

Electronic Distribution:

cc.

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Inspections Division
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Chris Branch, Director of Public Works
Katherine Earley, Engineering Services Manager, Public Works
Bill Clark, Project Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works

Greg Vining, Associate Engineer, Public Works
Michelle Sweeney, Associate Engineer, Public Works
John Low, Associate Engineer, Public Works
Rhonda Zazzara, Field Inspection Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Public Works
Keith Gautreau, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Attachment 1

following comments:

- Under Phase 1, the sidewalk width narrows as it approaches Commercial Street. It is recommended that a 5-foot minimum width be provided all the way to Commercial Street. Adjustments to the parking lot are recommended. I would also suggest the wood pole/bollard lighting continue to Commercial Street.
 - Under the future phases, steps are proposed along the sidewalk to Commercial Street. It is recommended that full ADA accessibility be provided.
- Specific truck delivery plans shall be provided and include specific vehicle loading/unloading locations.

Status: A truck circulation plan has been provided and I find conditions to be acceptable.

Additional Comments

- In conjunction with the future project phases, the applicant shall provide a lighting design for the project frontage along Commercial Street that includes installation of light fixtures that meet City standards for Commercial Street. The applicant is responsible for design and construction of the street lights.
- The full build project does not indicate improvements to the Commercial Street sidewalk along the project frontage. The applicant shall be responsible for replacement of sidewalk in areas disturbed by construction, lighting, or utility activities.
- Based upon trip generation information provided by the applicant, Phase 1 of the project will not generate a significant amount of new traffic and will not require a Traffic Movement Permit. Significant traffic and safety impacts are not anticipated for Phase 1. Given that trip generation for the full build-out project has not been provided, the applicant shall provide trip generation estimate for the full project. If the outcome of that analysis indicates in excess of 100 new peak hour trips are generated, the applicant shall comply with all requirements of obtaining a Traffic Movement Permit, which includes Planning Board review and approval.

Commercial Street is under pavement Moratorium status and thus any impacts to the street by the project will trigger City Moratorium mitigation cost/renovation requirements that shall be the responsibility of the applicant.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE

Senior Associate

Traffic Engineering Director

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PLANNING BOARD REPORT PORTLAND, MAINE

230 Commercial Street (Widgery and Union Wharves)

Level III Site Plan Review

Proprietors of Union Wharf, Applicant

Project # 2016-137

CBL: 031 K 003 & 103; 031/L/035, 038 & 135

Submitted to: Portland Planning Board
Public Hearing Date: October 12th, 2016

Prepared by: Jean Fraser, Planner
Date: October 7th, 2016

I. INTRODUCTION

Malcolm Poole of the Proprietors of Union Wharf has submitted a final application for a phased development on the part of Union and Widgery Wharves nearest to Commercial Street. Overall the proposal involves three new buildings totaling approximately 40,000 sq ft of non-marine uses (offices, retail, restaurant) and a reconfiguration of the parking and circulation at this end of Union Wharf. This project was considered at a Planning Board Workshop on June 28, 2016.

The applicant intends to phase the project and is therefore requesting an approval for 3 years, which is the maximum period for a site plan approval.

The entire lot is within the Waterfront Central Zone (WCZ) and the proposed redevelopment is located within the Non Marine Use Overlay Zone (NMUOZ) which extends from Commercial Street to about half way down the wharf to the green line shown on the aerial at right.

The proposed uses are permitted uses and the change from the marine to non-marine is allowed. However, this is the first time a proposal has triggered the WCZ conditions as they pertain to proposed non-marine uses within the NMUOZ. These conditions aim to ensure that the proposed uses do not adversely impact the nearby ongoing marine uses or access to the waterfront, secure investment funds toward wharf infrastructure maintenance costs, and integrate with the Commercial Street corridor.

Some Board members may recall the development at the neighboring Merrill's Wharf (conversion of the Cumberland Cold Storage Building into offices, marine uses and restaurant) where the WCZ Performance Standards regarding circulation and parking were the subject of extensive review.



Applicant: Malcolm Poole, Proprietors of Union Wharf

Consultants: Steve Bushey, PE, Stantec; David Lloyd, Architect, Archetype, PA

Required reviews:

Applicant's Proposal	Applicable Standards
Proposed new development (phased) for 18,000 sq ft of offices and approx. 24,000 sq ft of mixed retail and restaurant uses in the WCZ NMUOZ	WCZ Standards for non marine uses in the NMUOZ: 14-311 Development Standards (WCZ) Sections (b) <i>NMUOZ standards</i> ; and (d) <i>Performance Standards</i>
Proposed new development totaling approximately 40,000 sq ft of floorspace	Level III Site Plan - 14-523 <i>Required Approvals and Applicability</i> (f) which specifies development having a total floor area of 10,000 sq ft or more is a Level III review and subject to 14-526 <i>Site Plan Standards</i>

Required waivers:

Waiver Requests to Planning Board	Applicable Standards
<i>Parking Drive Aisle and Space dimensions:</i> Waiver required for parking drive aisles and spaces as shown on the submitted plans.	Technical Standard 1.14 <i>Parking Lot and Parking Space Design</i> specify parking aisle and space dimensions that are not met in a number of locations in the proposed site plan. The Traffic Engineering Reviewer supports this waiver due to site constraints and the desire to allocate space for other needs, including enhanced sidewalks. He also confirmed that although vehicle circulation under the Phase 1 building will be constrained, it is reasonable. (Att 5).
<i>Lighting:</i> Waiver requested to ensure light levels do not impact nearby residential properties and to allow reuse of existing light infrastructure.	Technical Standard <i>Section 12 Site Lighting</i> requires minimum light levels and full cut off fixtures. A suggested condition of approval requires the submission of a lighting plan and details that meets CPTED objectives and the aim of the standard.

II. PROJECT DATA

DATA	Phase I Office Building	Future Phases along Commercial Street	Both Phases for development area
Total Site Acreage	Just over 1 acre (Entire lot is about 5 acres)		
Existing Zoning	WCZ/Non Marine Use Overlay Zone		
Existing Use		Sapporo Restaurant	
Proposed Uses	Offices	Retail/market/restaurant	
Total Disturbed Area	20,000 sq ft		
Existing impervious areas	181,907 sq ft (entire lot)		
Proposed impervious areas	181,907 sq ft (entire lot)		
Existing building footprint	6000 sq ft	2538 sq ft	8,538 sq ft
Proposed building footprint	6094 sq ft	10,030 sq ft	16,124 sq ft
Proposed floorspace	18,000 sq ft	Approx 24,000 sq ft	Approx. 40,000-42,000
Proposed structure height	49 feet	42 feet	
Existing parking spaces	109 approx in development area		109 approx in development area
Proposed parking spaces	113 within development area		81 within development area
Proposed handicapped parking spaces	2		2
Proposed number of new bicycle parking spaces	4 bike parking spaces	4 bike parking spaces	8 bike parking spaces
Estimated Cost of Project	\$1.5 million		

III. EXISTING CONDITIONS

The applicant has described the site in some detail in Attachment D; an aerial is included in Attachment 1 and the *View Assessment* in Attachment L shows “before” and “after” views that compare existing conditions to the post-development conditions.

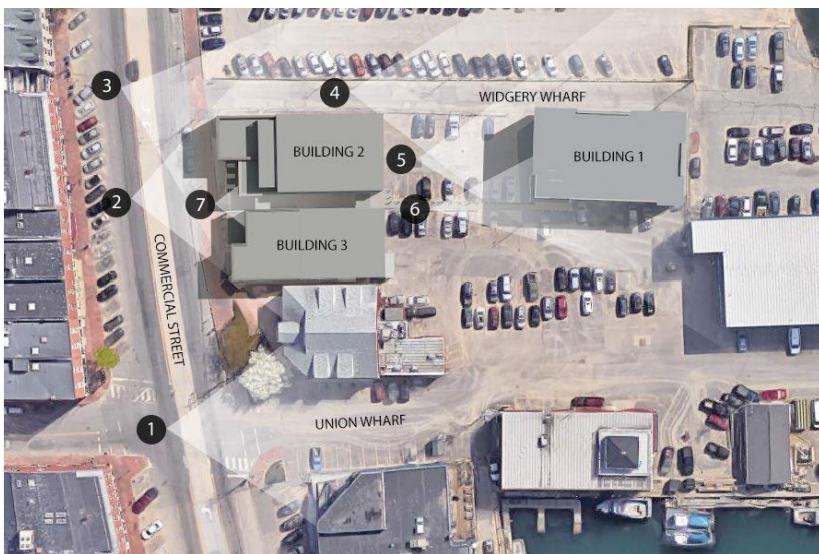
The development site is within a 1+ acre section of the Union Wharf complex nearest to Commercial Street. There are existing brick commercial buildings facing Commercial Street and more “industrial” buildings within the lot. The overall lot totals 5 acres and includes part of Widgery Wharf; the remainder of the overall lot is largely marine uses.

The site is accessed by two drives from Commercial Street, the western-most one is signalized, as it is an extension of Union Street. Current pedestrian access from Commercial Street is via roads and parking lots. The overall site includes 212 parking spaces, with about half of those within the development area and mostly leased on a monthly basis. The applicant allows these spaces to be used at night (to serve local restaurants and businesses) on a casual basis.

The entire lot and development site are impervious, with no vegetation; the stormwater surface flows into the harbor.

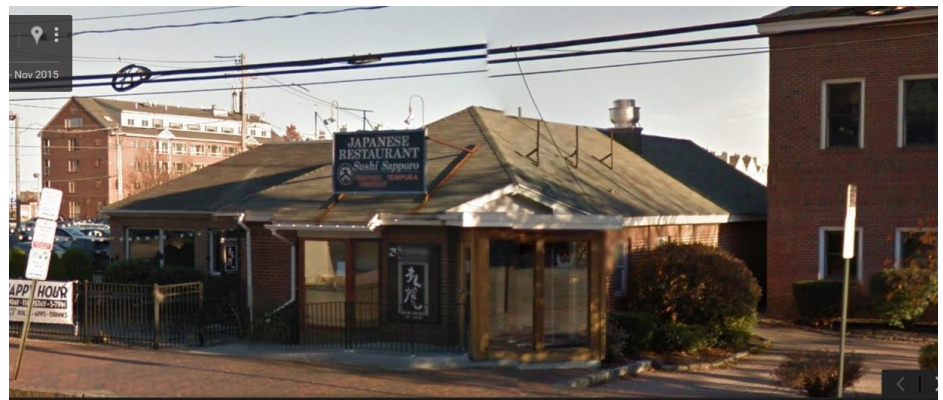
IV. PROPOSED DEVELOPMENT

The proposals are described in Attachments D, E and K and the Plan Set. They include a first phase office building (Building 1 on the aerial below) of 3 floors plus ground level parking, with a total of 18,000 sq ft. It is located on the site of an existing single story metal building that is currently vacant. The floor plans are included at Plan P15; the elevations are in Plan P16 and the renderings and perspectives are in Plan P19.

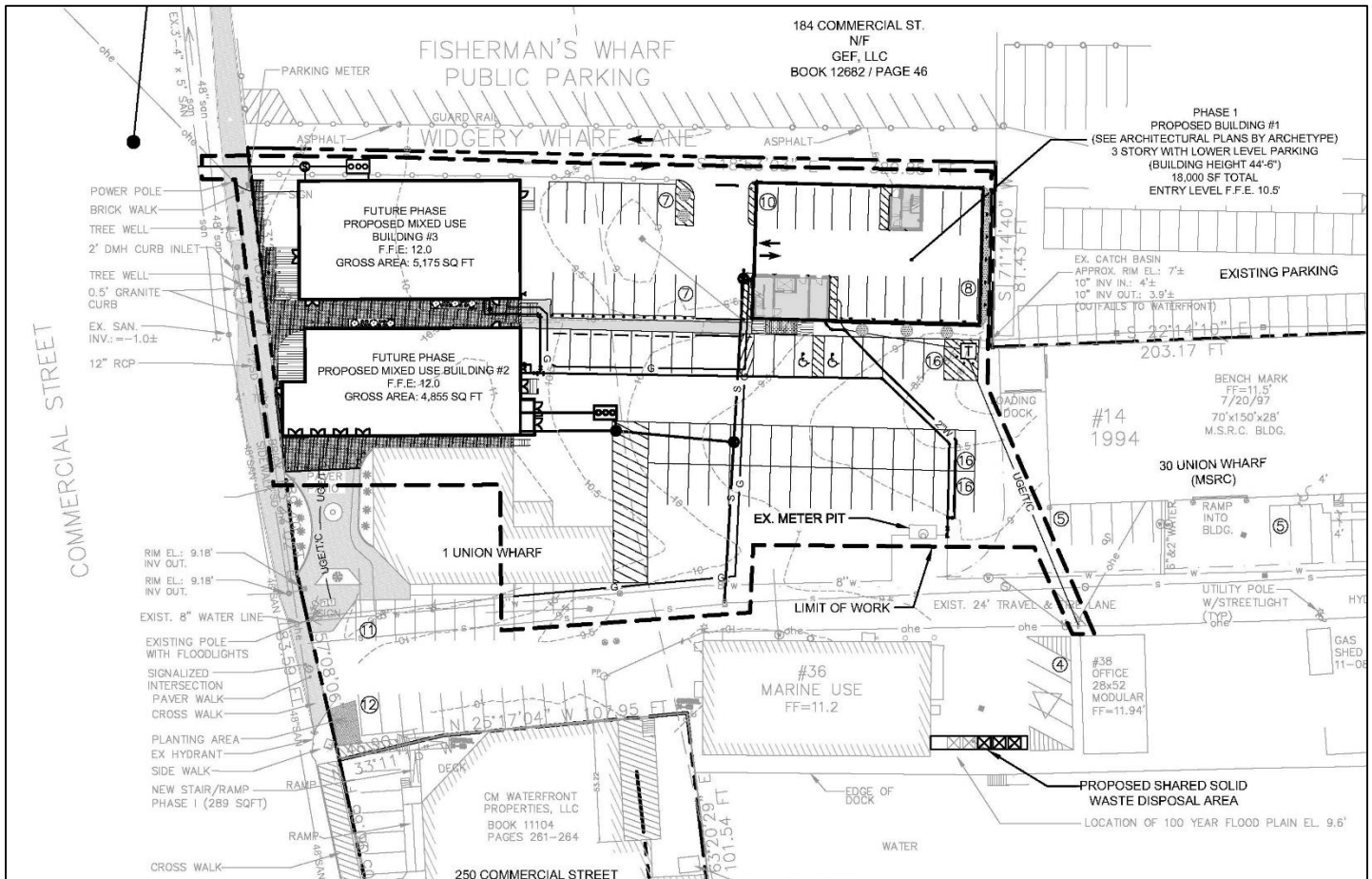


The phase 2 proposals comprise 2 new buildings to be constructed on the site of an existing single story restaurant building (see right) and on the adjacent parking lot to the east- these are annotated as buildings 2 and 3 in the aerial above.

The proposed 2 and 3 story buildings would total approximately 20,000-25,000 sq ft; the floorplans and elevations are shown in Plans P17 and P18; the renderings /perspectives are in Plan P20.



The overall site plan (Plan P5 with an extract below) for all of the phases includes a pedestrian link from Commercial Street to the new office building, and enhanced landscape treatment along Commercial Street:



V. PUBLIC COMMENT AND WORKSHOP DISCUSSION

The Planning Board held a Workshop on June 28, 2016 where the Board asked the applicant to:

- Reconsider the layout to preserve public views of water as per the WCZ condition
- Focus on pedestrian/traffic safety and parking
- Undertake more scrutiny of the access- address current problems
- Aim to reduce impervious surface and increase stormwater treatment
- Clarify an alternative approach to parking lot landscaping and wayfinding that is consistent with the marine character.

Public comments

A total of 261 notices of this Hearing were sent to property owners within 500 feet and to interested citizens. In addition, the project was the subject of a legal advertisement in the *Portland Press Herald* editions on October 3rd and 4th, 2016. The Planning Division has not received any public comments as of the time of completing this report.

A Neighborhood Meeting is required for this project and was held on August 2, 2016 and attended by nine neighbors. The submitted certification is included in Attachment I.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

Right, Title and Interest - The deed as recorded in 1993 is included in Attachment C.

Financial Capacity – A letter from the Gorham Savings Bank dated May 12, 2016 is included in Attachment C.

VII. STAFF REVIEW

A. ZONING ASSESSMENT

The development area as well as the entire lot are located in the Waterfront Central Zone; the development area is within the Non Marine Use Overlay Zone (NMUOZ) part of the wharf. The submissions include a narrative (Attachment D Development Description) that outlines that the proposed uses are permitted uses in the NMUOZ and notes that they are subject to the standards set out in 14-311.

The applicable 14-311 standards are set out in full below (*italics*) as many of the requirements have not been applied to a project in Portland and this review will be the first time it has been applied. Staff have consulted with Bill Needelman, a former Senior Planner who drafted these standards and who managed the public process and reviews with the Planning Board/City Council during the adoption process. Bill is now the City's Waterfront Coordinator and recently met with staff and the applicant to clarify the intent of the ordinance language; he will be attending the Planning Board hearing.

14-311 (b) NMUOZ standards: Non-marine uses listed under 14-307(b) and 14-308 located within the NMUOZ, as defined in 14-306, shall be subject to the performance standards listed in 14-311(d) as well as the following standards:

1. *Vessel access: Non-marine uses allowed under this provision shall not disrupt or block access to vessel berthing and shall otherwise adhere to the performance standards of this zone described in Sec. 14-311(d).*

Staff Comment: The proposals are not located near the waterside areas.

2. *Maximum setback for new development on lots with seventy-five (75) or more feet of Commercial Street frontage: Any new non-marine development constructed subject to this provision which is located on a lot with seventy-five (75) or more feet of frontage along the Commercial Street right of way shall be located with its front façade no further than thirty-five feet (35) from the southerly sideline of the Commercial Street right of way. Furthermore, any such development shall orient its front façade and its primary pedestrian entrance toward Commercial Street and no vehicular circulation or parking may occupy the land or pier area between the front façade of the building and Commercial Street.*

Non-marine development subject to this provision on lots with fewer than seventy-five (75) feet of frontage along the Commercial Street right-of-way, changes of use within existing buildings, and/or building additions of less than 5,000 square feet of new development to existing buildings are exempt from the maximum setback provisions established herein.

Staff Comment: The overall development (all phases) meets this requirement. The applicant has requested that the site plan approval be confirmed for 3 years to allow the construction to take place over that time period.

3. *Investment in marine infrastructure: All applicants for site plan review or a change of use permit for non-marine development in the NMUOZ are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed \$250,000. The value of the investment shall be not less than five percent (5%) of total project costs over \$250,000 for constructing non-marine space and associated site improvements in the NMUOZ.*

Required investment may occur by one or both the following methods:

a. *Direct investment in marine infrastructure located on the same lot: Investment shall be for the benefit of marine uses listed in 14-307(a) within the same lot as the proposed non-marine development. Investment may include dredging, pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements.*

Plans for the marine infrastructure investment shall be submitted to the planning authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be

completed prior to the issuance of a certificate of occupancy for the non-marine development project.

b. Financial contribution: If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the city's waterfront loan and investment fund.

Staff Comment: The applicant has confirmed that they will be making a direct investment in eligible marine infrastructure in the amount of \$380,000 to \$550,000 (Attachment K). This meets the zoning requirement of \$62,500 investment for all phases that comprise this site plan application. A suggested condition confirms the investment shall be made prior to the issuance of the Phase 1 Certificate of Occupancy, and that in the event the investment was not complete a Performance Guarantee type escrow account would be set up, and that the issuance of a building permit for the next phase of the development would be contingent on the improvements being completed.

(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. Standards 8, 10, 13, 14, 15, 16, and 17 below shall be reviewed by the planning authority:

- 1. Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.*
- 2. Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront central zone shall not exceed seventy-five (75) decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ₁).*
- 3. Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.*
- 4. Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.*
- 5. Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.*
- 6. Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.*
- 7. Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. sections 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.*

Staff Comment: Provisions 1-7 do not appear to apply to the proposals under consideration.

8. *Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.*

The planning authority shall review applications for non-marine use parking against the following standards:

- a. Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot.*
- b. Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) (“55% rule”).*
- c. Non-marine use parking shall only be located on a lot where, based on the parking and traffic circulation plan and a parking analysis to be submitted for planning authority review, the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot.*
- d. Water-dependent use parking spaces shall be located as close as reasonably possible to associated vessels and/or ground floor lease areas.*

Staff Comment: The applicant has submitted an assessment of the parking requirement based on the Land Use Code 332.1 (J) which is under Division 20 ([Attachment K](#)). This code states that it applies to the WCZ but is contradicted by the opening sentence of the standard. At the time of the PB Workshop staff had requested more analysis and a plan that clarified the number, location and need for parking spaces for offices and employees of future phase buildings.

Tom Errico, Traffic Engineering Reviewer, is comfortable that the Phase 1 parking requirements can be accommodated without impacting the parking needs of the other wharf occupants. The impact of the future phases is not clear and he has provided the following comment ([Attachment 5](#)):

- **Status:** The applicant has noted that there are no long-term leases for parking spaces to be dedicated to the Phase 1 building. Accordingly, I find Phase 1 parking supply conditions to be acceptable. A Condition of Approval shall be included for the future project phases that a parking supply and management plan shall be provided to the City Planning Authority prior to construction of future phase buildings. The desired outcome of the plan would be to survey parking demand and supply conditions on the entire site following occupancy of Phase 1. The plan should specifically note parking spaces dedicated through lease or other arrangements to each business on the entire project site. The plan should also include details on the management of evening and weekend parking conditions. A scope of work for the study should be coordinated with the Planning Authority.

9. *Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article.*

Staff Comment: The applicant has submitted a narrative outlining how the proposals meet the Shoreland Zone requirements ([Attachment K](#)). The project includes the installation of several cartridge filter units for the roof drainage on all of the buildings and therefore has addressed the Shoreland ordinance provision that encourages upgrades to the stormwater system. The proposal is in conformance with the Shoreland Regulations generally.

10. *Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.*
11. *Signs: Signs shall be permitted as set forth in division 22 of this article.*
12. *Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.*

Staff Comment: These are generally covered by the site plan standards; see staff comments below under **Section VII**.

13. *Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.*

Staff Comment: The applicant has provided more detailed plans and renderings (Attachment L and Plans P5-7 and P19-21) and staff consider these meet the downtown urban design guidelines (Attachment 4).



Phase 1 Office Building



Future Phases on Commercial Street

14. *Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.*

Staff Comment: The proposals do not include any pier or wharf expansion.

15. *Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) shall not substantially reduce or inhibit existing public access to marine or tidal waters.*
16. *Functional utility of piers and access to the water's edge: All new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:*
- Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.*
 - Any development that proposes to site a building within ten (10) feet of a pier edge (thus precluding vehicle use of the pier edge) should provide openings and circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.*
 - With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be no other non-commercial berthing.*
 - Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses.*

Staff Comment: The proposals do not interfere with the existence or operation of the marine uses and access to vessels. There is no change to the circulation for existing occupants of the wharf and parking is addressed by a condition as discussed above under #8.

17. *Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.*

Staff Comment: The proposal is located near an extended and protected view corridor as shown on the View Corridor Protection Plan in Attachment 2; the proposed new buildings are located outside of the protected view corridor itself. The applicant has submitted a *View Assessment* in Attachment L that illustrates that there is limited visual access to the water under the existing conditions and that the proposals maintain visual links between Commercial Street, the new office building and the remainder of the wharf.

B. DEVELOPMENT REVIEW (SITE PLAN STANDARDS in Section 14-526)

The applicant has provided a comprehensive final application, with additional information as requested at the Planning Board Workshop. The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations.

Transportation Standards

a. *Impact on Surrounding Street Systems (Traffic Movement Permit)*

The applicant has provided trip generation data for Phase 1 (offices) and these confirm that a Traffic Movement Permit would not be required for Phase 1 of the project. The site plan application includes the future phases and Tom Errico is unable to evaluate the trip generation and associated impacts of the future phases. He comments (Attachment 5):

- *Based upon trip generation information provided by the applicant, Phase 1 of the project will not generate a significant amount of new traffic and will not require a Traffic Movement Permit. Significant traffic and safety impacts are not anticipated for Phase 1. Given that trip generation for the full build-out project has not been provided, the applicant shall provide trip generation estimate for the full project. If the outcome of that analysis indicates in excess of 100 new peak hour trips are generated, the applicant shall comply with all requirements of obtaining a Traffic Movement Permit, which includes Planning Board review and approval.*

The applicant was requested by the Board to look at the access conditions near where Union Street enters the site and this was discussed with staff. Mr Errico comments (Attachment 5):

- *Based upon several field observations of traffic and pedestrian conditions on Union Street Wharf near Commercial Street, I find conditions to be reasonable given the uniqueness of the area and that the proposed project is not be expected to increase pedestrian demand significantly to the subject area as a direct sidewalk connection to Commercial Street will be provided.*

b. *Access and Circulation (including for pedestrians)*

The applicant has submitted a Circulation Plan (Plan P8) that is based on a meeting with staff and addresses the questions that came up during the PB Workshop regarding emergency service and delivery vehicle access and access to the parking under the Phase 1 office building. A 5 foot wide pedestrian walkway between Commercial Street and the Phase 1 office building has been added and is to be framed with wood pilings and accent lighting (Attachment K).

Tom Errico, the City's consultant Traffic Engineering reviewer, has provided the following final comments regarding several details, and these have been included in the suggested conditions of approval: (Attachment 5):

- *The plans note a removable barrier between Widgery and Union Wharf's. In my professional opinion providing access to the Union Street traffic signal for the area of parking abutting Widgery Wharf is important. Accordingly, I would suggest that a permanent circulation lane between the Wharf's be provided.*

Status: The plans note that the owner reserves the right to install a removable barrier. I would recommend that the note be revised to add "following approval by the City's Planning Authority".

- *Pedestrian accessibility and provision of a designated routing between the proposed office building and Commercial Street shall be included.*

Status: The applicant is providing a sidewalk connection under both Phase 1 and full build construction. I generally find it to be reasonable with the following comments:

o Under Phase 1, the sidewalk width narrows as it approaches Commercial Street. It is recommended that a 5-foot minimum width be provided all the way to Commercial Street.

Adjustments to the parking lot are recommended. I would also suggest the wood pole/bollard lighting continue to Commercial Street.

o Under the future phases, steps are proposed along the sidewalk to Commercial Street. It is recommended that full ADA accessibility be provided.

- c. **Transit Facilities** - this standard would not apply as there are no bus routes along this section of Commercial Street.
- d. **Parking** - see discussion under the WCZ Performance Standards above. It should be noted that the Site Plan ordinance requires a parking analysis showing "that the amount of parking is appropriate for the proposed use of the site" where the proposed parking is 10% or more over the required parking (in this case there is no parking requirement under zoning).

The Traffic Engineering reviewer has requested a condition that would require further parking demand and supply information prior to commencement of the future phases ([Attachment 5](#)). The reviewer has also indicated support for waivers in respect of the reconfiguration of the existing parking areas and the dimensions in the parking underneath the phase 1 office building, which are not compliant with the technical standards because of the need to incorporate pedestrian facilities and address the building structural constraints.

- e. **Bicycle Parking** - these have been included in the proposals and meet the site plan standards.
- f. **Transportation Demand Management (TDM)**- This standard applies to all commercial or institutional uses of 50,000 sq ft or more total floor space. The current overall proposal is for new floorspace totaling up to about 42,000 sq ft, so the standard would not apply if the future phases remain as outlined.

Environmental Quality Standards

a. Site Landscaping

The Planning Board discussed the fact that the landscaping in the rear parking lot area should be consistent with the marine character of the wharf. Staff including the City Arborist met with the applicants and the proposals for limited plantings and a pedestrian path lined by wooden piles is considered acceptable in principle. The City Arborist has recommended that the island that shows three "potted trees" have a single honey locust tree (planted) or bayberry shrubs/sweet fern. Staff also recommend that prior to the implementation of the future phases that a plan for the Commercial Street frontage be submitted that shows the required (under site plan) street trees and other landscape enhancement along the frontage.

b. Water Quality, Storm Water Management and Erosion Control

The development site is already 100% impervious and therefore the Chapter 500 standards technically do not require any quality control for stormwater despite the large areas of parking lot that drain directly into the harbor. The applicant has introduced some treatment to roof drainage. The applicant has addressed all of the comments of the Peer Engineer prelim comments but details of retaining walls would need to be submitted ([Attachment 6](#)).

Public Infrastructure and Community Safety Standards

- a. **Consistency with City Master Plans (Infrastructure)** - The Traffic Engineering Reviewer has noted the following issues; they have been included in the suggested conditions of approval (Attachment 5):
 - *In conjunction with the future project phases, the applicant shall provide a lighting design for the project frontage along Commercial Street that includes installation of light fixtures that meet City standards for Commercial Street. The applicant is responsible for design and construction of the street lights.*
 - *The full build project does not indicate improvements to the Commercial Street sidewalk along the project frontage. The applicant shall be responsible for replacement of sidewalk in areas disturbed by construction, lighting, or utility activities.*
 - *Commercial Street in under pavement Moratorium status and thus any impacts to the street by the project will trigger City Moratorium mitigation cost/renovation requirements that shall be the responsibility of the applicant.*
- b. **Public Safety and Fire Prevention** - The Fire Department has confirmed that they find the access to be acceptable (Attachment 3). Staff have some concerns regarding the lack of surveillance of the parking area under the Phase 1 office building, and the suggested condition regarding the lighting is included to address this concern.
- c. **Public Utilities** - all capacity letters have been obtained (Attachment J.)

Site Design Standards - all standards have generally been addressed but staff have comments regarding the following:

- a. **Exterior Lighting:** The final submission does not include any details of the existing or proposed lighting (including the accent lighting along the walkway) and requests a waiver from the Site Plan Technical Standards (Attachment D page 1-7). Staff consider that for security and safety in relation to CPTED (especially in the under-building parking area and along the pedestrian walkway from Commercial Street) the lighting should meet the City standards. In addition, the existing lighting comprises high level spotlights that are not compliant and staff consider some modification to the existing lighting is required.

The applicant has indicated in Attachment K that they are amenable to providing specific building mounted light design, fixture selection and photometrics as a condition of approval prior to the issuance of a building permit. Staff suggest that the condition include the following:

- The requirement for a lighting plan (and photometrics regarding the light levels) that shows details of lighting under and in the vicinity of the Phase 1 building and along the pedestrian walkways;
- Proposals for modified fixtures to replace existing exterior lighting to bring these into greater compliance with the standards.

The Board is requested to approve a waiver from the Lighting Standards to allow staff to work with the applicant to achieve a lighting plan that addresses the CPTED and Lighting objectives but may have elements that are not strictly in conformance with the standards.

VIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed phased office and commercial/retail development as proposed by the Proprietors of Union Wharf.

IX. MOTIONS FOR THE BOARD TO CONSIDER

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 for the public hearing on October 12, 2016 for application #2016-137 (230 Commercial Street) relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. Parking Lot Design: The Planning Board (**waives/does not waive**) Technical Manual Standard *Section 1.14. Parking Lot and Parking Space Design*, which specifies parking aisle and space dimensions, to allow for variations as shown in Plans P5-P7 to facilitate enhanced pedestrian accommodations and address building structure constraints.
2. Lighting: The Planning Board (**waives/does not waive**) Technical Manual Standard *Section 12 Site Lighting* to facilitate the development of lighting plans for the new external lighting (including building mounted, pedestrian walkway and in the parking area under the Phase 1 office building) and existing site lighting, that meets the objectives of the standards as well as ensuring security and safe conditions.

B. SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for the public hearing on October 12, 2016 for application #2016-137 (230 Commercial Street) relevant to the Site Plan Ordinance and other 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:

- i. That this approval is valid for 3 years to allow for the phasing of the three buildings that are subject of the application; and
- ii. That the marine infrastructure improvements, up to a total of \$62,500, shall be documented to be complete (to the Planning Authority) prior to the issuance of a certificate of occupancy for the Phase 1 office building. If these improvements are not complete at that time, the applicant shall post a Performance Guarantee to cover the costs of the outstanding improvements. The building permit for the future phases shall not be issued until these improvements are documented to have been completed (up to the required total cost); and
- iii. That the applicant shall provide trip generation estimate for the full project prior to the issuance of a building permit for future phases. If the outcome of that analysis indicates in excess of 100 new peak hour trips are generated, the applicant shall comply with all requirements of obtaining a Traffic Movement Permit, which includes Planning Board review and approval prior to the issuance of a building permit; and
- iv. The applicant shall advise the Planning Authority as to the floorspace of the future phases prior to applying for a building permit for future phases. If the floorspace of the future phases brings the total (of the three buildings) to 50,000 sq ft or above, a Transportation Demand Management Plan shall be submitted for review and approval prior to the issuance of a building permit; and
- v. That a parking supply and management plan shall be provided to the Planning Authority for review and approval prior to construction of the future phase buildings. The parking supply and management plan shall comply with the requirements set out in the Traffic Engineering Review comments dated October 7, 2016.
- vi. That that following shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit for the future phases (frontage refers to the ROW and the area between the ROW and the building wall):
 - a. A lighting design plan for the Commercial Street frontage that includes installation of street light fixtures that meet City standards for Commercial Street. The applicant is responsible for design and construction of the street lights;
 - b. A landscape plan that shows the final layout and details for street trees; lights; bicycle parking; signage and wayfinding; sidewalk materials including where there would be disturbance and replacement (note: all work to be the responsibility of the applicant).

- vii. That the proposals for the pedestrian walkway between Commercial Street and the Phase 1 office building shall be completed prior to the issuance of a Certificate of Occupancy for the Phase 1 office building, and shall be 5 feet in width with the wood pole/bollard lighting for the entire length ie continue to Commercial Street. Under the future phases, this walkway shall be designed to provide full ADA accessibility; and
- viii. That the note shown on Plan P6 (C3.1 Phase 1 Site Layout) that states “*Owner reserves the right to install a removable barrier to restrict access between Widgery Wharf and Union Wharf as necessary*” be revised to add “*following approval by the City’s Planning Authority*”; and
- ix. That the Plan P6 (C3.1 Phase 1 Site Layout) shall be revised, for review and approval prior to the issuance of a building permit for Phase 1, to add planted vegetation to the island nearest Widgery Wharf Lane as recommended by the City Arborist (single honey locust tree or bayberry shrubs/sweet fern); and
- x. That the applicant shall submit the following for review and approval by the Planning Authority prior to the issuance of a building permit:
 - a. A lighting plan (and photometrics regarding the light levels) that shows details of lighting under and in the vicinity of the Phase 1 building and along the pedestrian walkways;
 - b. Proposals for modified fixtures to replace existing exterior lighting to bring these into greater compliance with the standards;
 - c. Details of any proposed retaining wall structures, including height and geotechnical considerations.
- xi. That the applicant shall note that Commercial Street is under a Pavement Moratorium status and thus any impacts to the street by the project will trigger City Moratorium mitigation cost/renovation requirements that shall be the responsibility of the applicant.

ATTACHMENTS

Report Attachments

1. Aerial photograph
2. View Corridor Protection Plan
3. Fire Department final comments
4. Urban Designer final comments
5. Traffic Engineer preliminary comments
6. Peer Engineer final comments
7. City Arborist final comments

Public comments - (none received to date)

Applicants Submittal

- A. Stantec Final Cover letter and table of contents submission
- B. Final Site Plan Application
- C. RTI & Financial Capacity documents
- D. Development Description
- E. Conformity with Standards
- F. Traffic Information
- G. Construction Plan
- H. Fire Safety
- I. Neighborhood Meeting
- J. Capacity letters
- K. Stantec letter: further info costs & parking & other response to comments
- L. View Assessment

Submitted Plans

- P1. Cover Sheet
- P2. General Notes and legend
- P3. Boundary survey
- P4. Existing conditions
- P5. Overall Site Layout (all phases)
- P6. Phase 1 Site Layout
- P7. Future Phases Site Layout
- P8. Circulation Plan
- P9. Overall Grading and Drainage
- P10. Phase 1 Grading and Drainage
- P11. Future Phases Grading and Drainage
- P12. Details (4 sheets)
- P13. Construction Management Plan Phase 1
- P14. Construction Management Plan Future Phases
- P15. Phase 1 Floor Plan (offices)
- P16. Phase 1 Elevation (offices)
- P17. Future Phases Floor Plans
- P18. Future Phases Elevations
- P19. Renderings/Perspectives of Phase 1 Office Building
- P20. Renderings/perspectives of Future Phases/Commercial Street
- P21. Aerial View all phases



LONG WHARF

UNION WHARF

WIDGERY'S WHARF

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MEMORANDUM

To: FILE

From: Jean Fraser

Subject: Application ID: 2016-137

Date: 10/7/2016

Comments Submitted by: Keith Gautreau/Fire on 10/3/2016

Jean,

I'm good with what they are proposing as far as emergency access.

Thanks,
Keith

Re: Hearing Report 230 Commercial (Union Wharf)

1 message

Caitlin Cameron <ccameron@portlandmaine.gov>

Wed, Oct 5, 2016 at 3:07 PM

To: Jean Fraser <jf@portlandmaine.gov>

Based on the submission, I feel the Standards 13 and 17 to be met.

On Wed, Oct 5, 2016 at 2:54 PM, Jean Fraser <jf@portlandmaine.gov> wrote:

Caitlin

I know you are very busy but I am completing the hearing report on this on Friday and there are 2 Urban Design issues- below is from the Workshop Memo:

13. Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.

Staff Comment: Staff have requested a more detailed site plan showing the proposed treatment of the areas along Commercial Street and the area between the two phases. This will be subject to a more detailed review for the Hearing.

17. Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.

Staff Comment: The proposal is located near an extended and protected view corridor as shown on the View Corridor Protection Plan in Attachment 2 (contrary to the last part of Attachment E). The proposed new buildings are located outside of the protected view corridor itself.

230 Commercial Street - Final Traffic Comments

1 message

Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <jf@portlandmaine.gov>

Fri, Oct 7, 2016 at 10:09 AM

Hi Jean – The following is a status update of my preliminary comments and represent my Final Traffic Comments.

- The plans note a removable barrier between Widgery and Union Wharf's. In my professional opinion providing access to the Union Street traffic signal for the area of parking abutting Widgery Wharf is important. Accordingly, I would suggested that a permanent circulation lane between the Wharf's be provided.

Status: The plans note that the owner reserves the right to install a removable barrier. I would recommend that the note be revised to add "following approval by the City's Planning Authority".

- The applicant should clearly depict which spaces are designated for the office use and document the current users of the spaces and whether they are tied to an existing site plan approvals.

Status: The applicant has noted that there are no long-term leases for parking spaces to be dedicated to the Phase 1 building. Accordingly, I find Phase 1 parking supply conditions to be acceptable. A Condition of Approval shall be included for the future project phases that a parking supply and management plan shall be provided to the City Planning Authority prior to construction of future phase buildings. The desired outcome of the plan would be to survey parking demand and supply conditions on the entire site following occupancy of Phase 1. The plan should specifically note parking spaces dedicated through lease or other arrangements to each business on the entire project site. The plan should also include details on the management of evening and weekend

parking conditions. A scope of work for the study should be coordinated with the Planning Authority.

- The applicant should provide information that summarizes the purpose and dimensions of the painted cross hatched area. It is unclear if the dimensions are being adjusted and if it serves as the main circulatory aisle to the Union Street traffic signal.

Status: The applicant has provided sufficient information and I have no further comment.

- All circulation aisles, parking spaces, and Union Street Wharf (the plans should include the drive) should be dimensioned. Specific waivers from the City's dimensional standards shall be requested with supporting justification.

Status: The applicant has generally provided the requested information and I have the following comments:

- **Phase 1 and future project phases require waivers from the City's Technical standards for parking space size and aisle width. I support waivers from the City's standards due to site constraints and the desire to allocate space for other needs, including enhanced sidewalks. I would note that vehicle circulation under the Phase 1 building will be constrained, but I find it to be reasonable.**

- **Based upon several field observations of traffic and pedestrian conditions on Union Street Wharf near Commercial Street, I find conditions to be reasonable given the uniqueness of the area and that the proposed project is not be expected to increase pedestrian demand significantly to the subject area as a direct sidewalk connection to Commercial Street will be provided.**

- Pedestrian accessibility and provision of a designated routing between the proposed office building and Commercial Street shall be included.

Status: The applicant is providing a sidewalk connection under both Phase 1 and full build construction. I generally find it to be reasonable with the

following comments:

- **Under Phase 1, the sidewalk width narrows as it approaches Commercial Street. It is recommended that a 5-foot minimum width be provided all the way to Commercial Street. Adjustments to the parking lot are recommended. I would also suggest the wood pole/bollard lighting continue to Commercial Street.**
 - **Under the future phases, steps are proposed along the sidewalk to Commercial Street. It is recommended that full ADA accessibility be provided.**
- Specific truck delivery plans shall be provided and include specific vehicle loading/unloading locations.

Status: A truck circulation plan has been provided and I find conditions to be acceptable.

Additional Comments

- **In conjunction with the future project phases, the applicant shall provide a lighting design for the project frontage along Commercial Street that includes installation of light fixtures that meet City standards for Commercial Street. The applicant is responsible for design and construction of the street lights.**
- **The full build project does not indicate improvements to the Commercial Street sidewalk along the project frontage. The applicant shall be responsible for replacement of sidewalk in areas disturbed by construction, lighting, or utility activities.**
- **Based upon trip generation information provided by the applicant, Phase 1 of the project will not generate a significant amount of new traffic and will not require a Traffic Movement Permit. Significant traffic and safety impacts are not anticipated for Phase 1. Given that trip generation for the full build-out project has not been provided, the applicant shall provide trip generation estimate for the full project. If the outcome of that analysis indicates in excess of 100 new peak hour trips are generated, the applicant shall comply with all requirements of obtaining a Traffic Movement Permit, which includes Planning Board review and approval.**

Commercial Street in under pavement Moratorium status and thus any impacts to the street by the project will trigger City Moratorium mitigation cost/renovation requirements that shall be the responsibility of the applicant.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE

Senior Associate

Traffic Engineering Director

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MEMORANDUM



TO: Jean Fraser, Planner
FROM: Lauren Swett, PE
DATE: October 4, 2016
RE: Union Wharf Mixed-Use Development, Level III Preliminary Site Plan Application

Woodard & Curran has reviewed the Preliminary Level III Site Plan Application for the proposed mixed-use development located at 230 Commercial Street in Portland, Maine. The project involves a multi-phase development of up to three new buildings for office space, and future mixed-uses, which may include an open market and restaurant.

Documents Reviewed by Woodard & Curran

- Response to comments and attachments, dated September 28, 2016, prepared by Stantec, on behalf of Proprietors of Union Wharf/Poole Group of Companies.
- Engineering Plans, dated September 27, 2016, prepared by Stantec, on behalf of Proprietors of Union Wharf/Poole Group of Companies.

Comments *(repeated comments are provided in italics)*

- 1) *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; the survey has not been stamped at this time. A stamped survey should be provided as part of the final application. Applicant has noted that this will be provided under separate cover.*
- 2) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to 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. 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.
 - b) General Standard: The project will not result in an increase in impervious area. As such, the project is not required to include any specific stormwater management features for stormwater quality control.
 - c) Flooding Standard: The project will not result in an increase 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.
- 3) *Details should be provided for the proposed retaining wall structures, including height and geotechnical considerations. Applicant has noted that they would like to provide this information as a condition of approval as the design of these elements is not complete.*

The Applicant has addressed all prior comments at this time.

MEMORANDUM



TO: Jean Fraser, Planner
FROM: Lauren Swett, PE
DATE: June 24, 2016
RE: Union Wharf Mixed-Use Development, Level III Preliminary Site Plan Application

Woodard & Curran has reviewed the Preliminary Level III Site Plan Application for the proposed mixed-use development located at 230 Commercial Street in Portland, Maine. The project involves a multi-phase development of up to three new buildings for office space, and future mixed-uses, which may include an open market and restaurant.

Documents Reviewed by Woodard & Curran

- Preliminary Level III Site Plan Application and attachments, dated May 31, 2016, prepared by Stantec, on behalf of Proprietors of Union Wharf/Poole Group of Companies.
- Engineering Plans, dated May 26, 2016, prepared by Stantec, on behalf of Proprietors of Union Wharf/Poole Group of Companies.

Comments

- 1) 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; the survey has not been stamped at this time. A stamped survey should be provided as part of the final application.
- 2) The Applicant should note that any changes to the design of the future phases will require additional review and approval by the City of Portland.
- 3) The Applicant has submitted a wastewater capacity application and provided a letter from the Portland Water District noting that there is sufficient capacity to serve the proposed development. However, there are several conditions of service noted in the letter from Portland Water District; the Applicant should provide a status update on these conditions.
- 4) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to 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. 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, a detail for the proposed stabilized construction entrance should be provided.
 - b) General Standard: The project will not result in an increase in impervious area. As such, the project is not required to include any specific stormwater management features for stormwater quality control. However, the Applicant is proposing a Fabco Roof Drain Stormbasin Cartridge Filter to be connected to the proposed roof drain systems in the three buildings. We encourage the Applicant to review the City's Stormwater Service Charge Credit Manual (available online) to evaluate whether this system qualifies for a Stormwater Service Charge credit. We also encourage the Applicant to consider utilizing other LID measures and stormwater treatment for other existing impervious areas on the site.
 - c) Flooding Standard: The project will not result in an increase 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) The plans should note a location for snow storage. The snow storage location should be sited outside of existing and proposed drainage courses.
- 6) Details should be provided for the proposed retaining wall structures, including height and geotechnical considerations.