

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Jeff Levine, Director, Planning and Urban Development Department

DATE: 4/4/16

DISTRIBUTION: Jon Jennings, City Manager; Mayor Ethan Strimling; Anita Lachance, Assistant City Manager; Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean, Nancy English and Julie Sullivan

SUBJECT: Change request - Kennebec Street sidewalk material policy, 195 Kennebec Street

SPONSOR: Jeff Levine, Department of Planning and Urban Development

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ **Final Action** 4/25/16

Can action be taken at a later date: ___ Yes ___ **X** No (If no why not?)

Construction on the 195 Kennebec Street site is nearing completion. Meanwhile, a temporary Certificate of Occupancy has been issued while the question of sidewalk material and design is resolved. The installation of the sidewalk is important in order to allow safe pedestrian access to the site. The Planning Department has given the applicant a May 13, 2016 deadline for completing the Kennebec Street sidewalk.

I. SUMMARY OF ISSUE (Agenda Description)

On April 14, 2015, the Planning Authority approved a Level II site plan for the redevelopment of the Century Tire site at 195 Kennebec Street. The plans included brick sidewalks, in accordance with the city's sidewalk material policy, on both the Marginal Way and Kennebec Street frontages of the site (*Attachment 1*). In the intervening time, the redevelopment project has been largely completed, save for the sidewalk on Kennebec Street. On March 30, the developer requested a change in sidewalk material for this frontage, stating that "the Kennebec side of the site would be better served by a concrete sidewalk [than a brick sidewalk]" (*Attachment 2*).

Although the developer initiated this request, the Council may consider this an opportunity to reflect on the city's sidewalk material policy more broadly, as the use of brick has been a matter of discussion for some time, particularly in areas, like Bayside, which lie outside the city's historic districts and adjacent to existing concrete sidewalk zones. For example, the Council may wish to explore a change in material for the length of Kennebec Street from Forest Avenue east to Pearl Street. Kennebec Street is a secondary street in Bayside where the sidewalks are generally comprised of concrete and asphalt with some remnant cobbles, and the only existing segment of brick sidewalk on Kennebec Street can be found at 195 Kennebec (*Attachment 3*). Alternatively, the council may wish to consider a modification of the material policy for that section of Kennebec from Forest to Elm, where Kennebec's profile changes markedly to become more of a shared street (i.e. there is very little curb reveal on the few sidewalks that do exist, where cobbles and even old rail ties are exposed.) At the very least, should the Council find merit in the deviation from the material policy along the 195 Kennebec frontage, it seems the change should be applied to the whole block of Kennebec between Forest Avenue and Hanover Street. *Figure 1* depicts possible options for changing the sidewalk material policy on Kennebec Street.



Figure 1: Options for sidewalk material policy change, Kennebec Street

II. REASON FOR SUBMISSION

The developer has stated that “this change in material [from brick to concrete] will result in a public walkway that is safer and more consistent with the adjacent concrete sidewalks on Kennebec Street.” It should be noted that the sidewalks immediately east and west of the site, where they exist, are asphalt.

III. INTENDED RESULT

Concrete is not considered an inferior product to brick, and in fact, it has advantages. In discussion regarding the benefits of concrete sidewalks, as opposed to brick, staff has noted that concrete has lower initial construction costs, is more slip-resistant, and, if installed properly, results in a smoother walking surface as required by the ADA.

IV. COUNCIL GOAL ADDRESSED

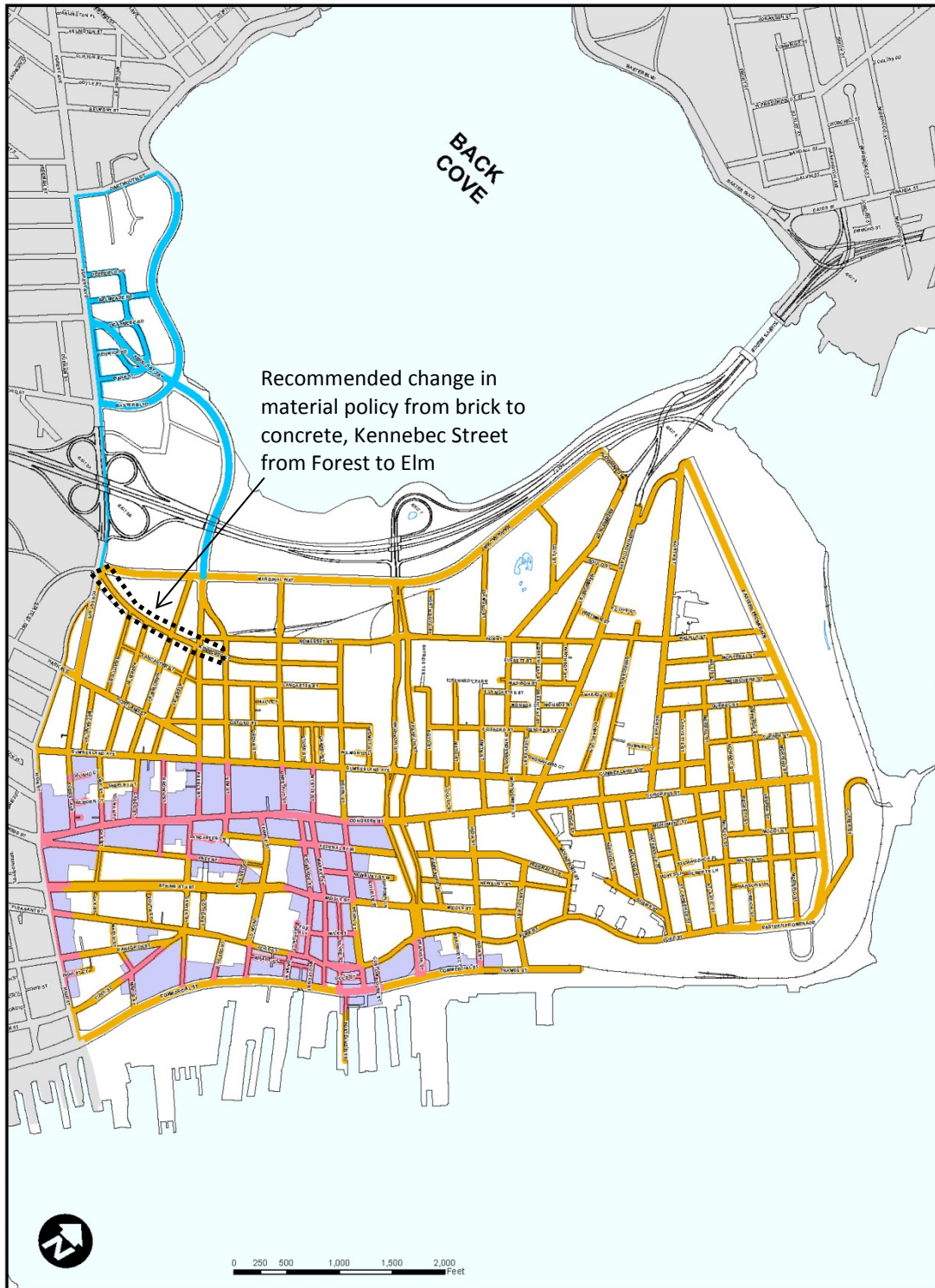
Transportation Initiatives: Develop a transportation system that advances healthy living, minimizes environmental impacts and promotes the local economy by advancing opportunities for mass transit, bicycle use, and walking.

V. FINANCIAL IMPACT

If a change in material policy is adopted for any length of Kennebec Street, there could be construction cost savings for any city sidewalk replacement projects in this area.

VI. STAFF ANALYSIS AND RECOMMENDATION

Staff supports a sidewalk material change from brick to concrete for Kennebec Street from Forest to Elm as shown in Figure 2, for the reasons noted above. Staff is in the outreach phase and may come forward with a more comprehensive recommendation regarding a change to the sidewalk policy in Bayside at a future date.



**DISTRICT 1
SIDEWALK REPLACEMENT MATERIAL**

PORTLAND, MAINE AUGUST 2010

- CLAY BRICK SIDEWALK with CLAY BRICK APRON
- CONCRETE SIDEWALK
- BRICK SIDEWALK with ASPHALT APRON
- ASPHALT SIDEWALK
- HISTORIC DISTRICT

Map prepared by the City of Portland's Department of Public Services

Figure 2: Staff recommendation

VII. LIST ATTACHMENTS

1. 195 Kennebec, approved Level II site plan
2. Sidewalk material change request, letter from Josh Benthien, Vandelay Industries/Northland Enterprises
3. Photos, 195 Kennebec existing conditions
4. City Sidewalk Materials Policy

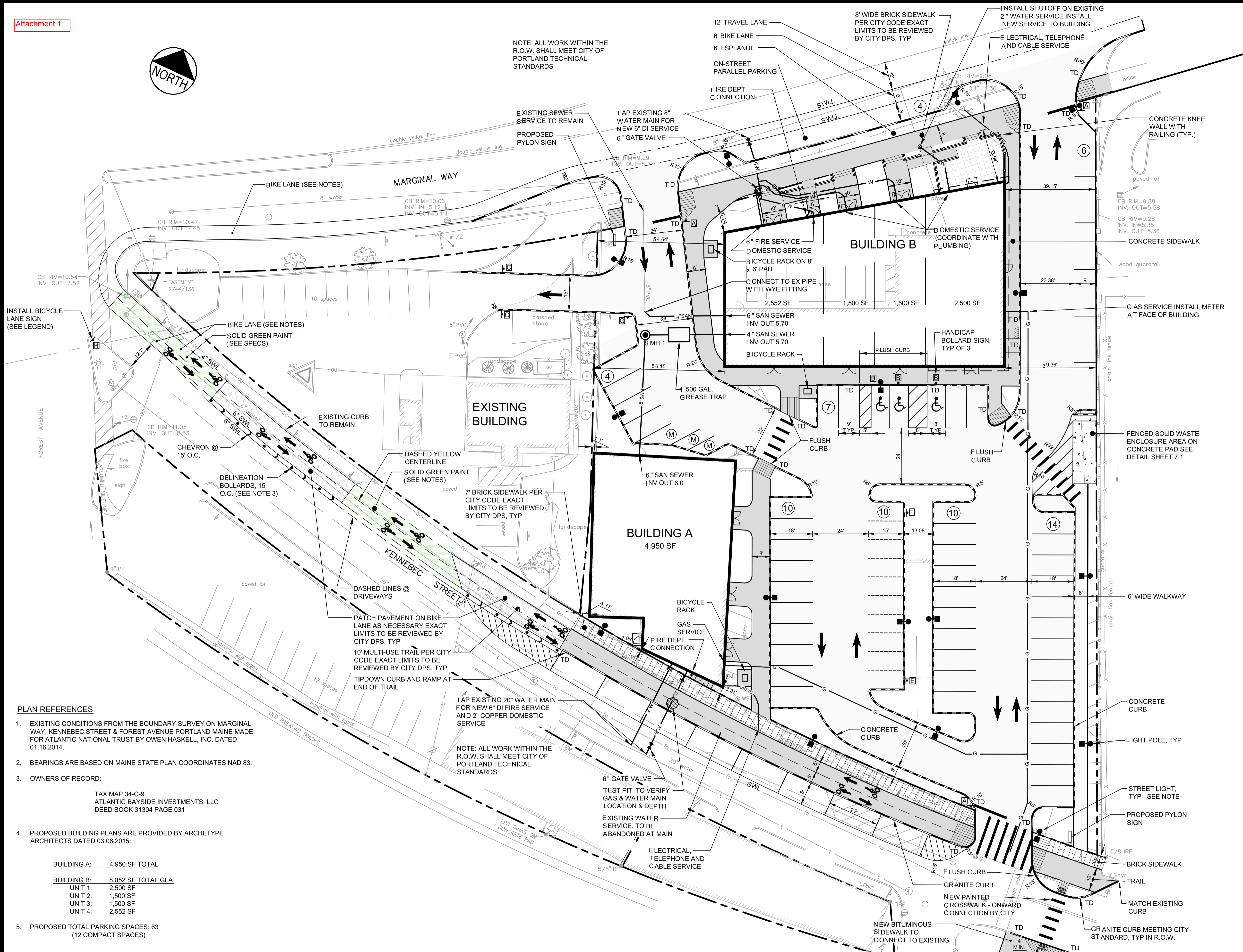
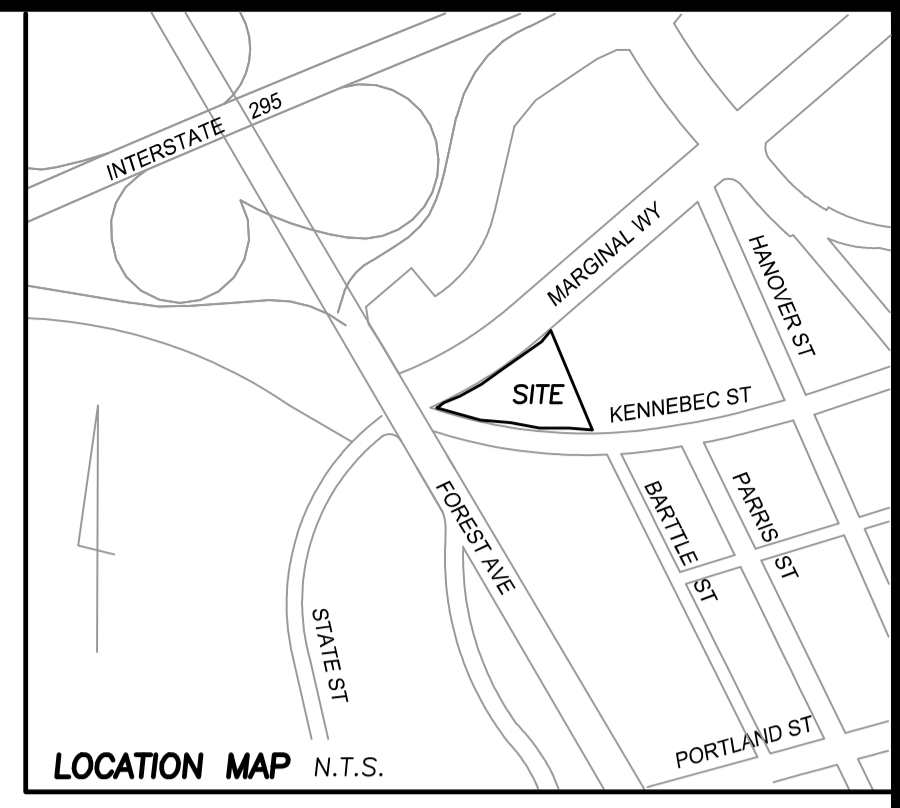
Prepared by: Nell Donaldson

Date: 4/4/16

Bean/agendarequestmemo/rev 11/2015



NOTE: ALL WORK WITHIN THE R.O.W. SHALL MEET CITY OF PORTLAND TECHNICAL STANDARDS



NOTES:

- STREET LIGHTS ON MARGINAL WAY SHALL BE: BAYSIDE DISTRICT LARGE SCALE LIGHT LUMINAIRE: HOLOPHANE MODEL ESU175MH12A4-R-RAL 6012 COLOR: TIGER DRYLAC OLD NAVY SILVER Y0031 POLE: TAPERED 24'-3" NOMINAL HEIGHT RAL #6012 (DARK GREEN) SEE DETAIL X-2B PORTLAND TECHNICAL MANUAL STREET LIGHT FIXTURES SHALL BE LED.
- STREET LIGHTS ON KENNEBEC STREET SHALL BE: BAYSIDE DISTRICT MEDIUM SCALE LIGHT LUMINAIRE: HOLOPHANE MODEL ESU175MH12A4-PR POLE: TAPERED 19'-3" NOMINAL HEIGHT SEE DETAIL X-2C PORTLAND TECHNICAL MANUAL STREET LIGHT FIXTURES SHALL BE LED.
- BOLLARDS FOR BICYCLE LANE DELINEATION SHALL BE: PEXCO CITY POST, 42 INCH HIGH, GREEN, INSTALLED AT 15 FT ON CENTER IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- CYCLE LANE MARKINGS SHALL BE: PREMARK PREFORMED THERMOPLASTIC MARKINGS BY ENNIS-FLINT. ALL MARKINGS SHALL BE STANDARD FHWA DESIGNS
- GREEN BIKE LANE PAINT SHALL BE: RIDE-A-WAY BY ENNIS-FLINT INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

SIGN LEGEND

PLAN REFERENCES

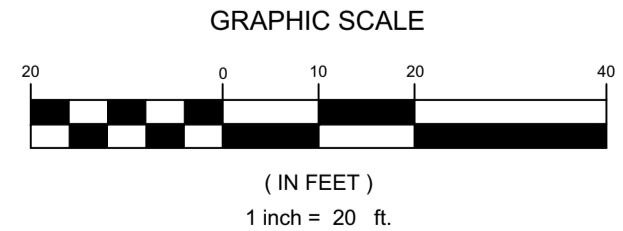
- EXISTING CONDITIONS FROM THE BOUNDARY SURVEY ON MARGINAL WAY, KENNEBEC STREET & FOREST AVENUE PORTLAND MAINE MADE FOR ATLANTIC NATIONAL TRUST BY OWEN HASKELL, INC. DATED 01.16.2014.
- BEARINGS ARE BASED ON MAINE STATE PLAN COORDINATES NAD 83.
- OWNERS OF RECORD:
TAX MAP 34-C-9
ATLANTIC BAYSIDE INVESTMENTS, LLC
DEED BOOK 31304 PAGE 031
- PROPOSED BUILDING PLANS ARE PROVIDED BY ARCHETYPE ARCHITECTS DATED 03.06.2015:

BUILDING A:	4,950 SF TOTAL
BUILDING B:	8,052 SF TOTAL GLA
UNIT 1:	2,500 SF
UNIT 2:	1,500 SF
UNIT 3:	1,500 SF
UNIT 4:	2,552 SF

5. PROPOSED TOTAL PARKING SPACES: 63
(12 COMPACT SPACES)

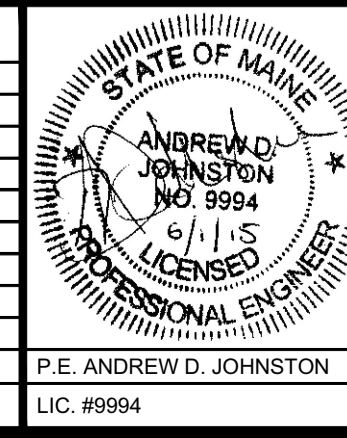
FLOOD ZONE NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 23005113B, WHICH BEARS AN EFFECTIVE DATE OF JULY 17, 1986 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.



STRUCTURE	RIM	INV IN	DIR	INV OUT	SUMP	SIZE
GREASE TR	10.70	5.43	E	5.10	N/A	1500
SMH 1	10.65	5.06	S	5.00	N/A	4' ID
		5.05	E			
PIPE FROM	PIPE TO	LENGTH	SLOPE	US INV	DS INV	SIZE
BLDG B	GREASE	16	0.017	5.70	5.43	4"PVC
GREASE	SMH1	5	0.01	5.10	5.05	4"PVC
BLDG A	SMH 1	52	0.018	6.00	5.06	6"PVC
SMH 1	WYE	10	0.01	5.00	4.90	6"PVC
BLDG B	WYE	35	0.022	5.70	4.93	6"PVC

REV	DATE	DESCRIPTION
9	06.01.15	REVISED FOR FINAL TRAFFIC COMMENTS
8	05.18.15	REVISED FOR FINAL CITY COMMENTS
7	04.24.15	ISSUED FOR CONSTRUCTION
6	04.10.15	REVISED PER CITY COMMENTS
5	04.01.15	REVISED PER CITY COMMENTS
4	03.03.15	MINOR REVISIONS TO PARKING AND RAMPS
3	02.13.15	ISSUED FOR CITY PERMIT
2	12.31.14	ISSUED FOR CLIENT REVIEW
1	11.26.14	RELEASED FOR CLIENT REVIEW



PROJECT: **CENTURY TIRE PLAZA**
195 KENNEBEC STREET, PORTLAND, ME
SHEET TITLE: **SITE LAYOUT AND UTILITY PLAN**
CLIENT: **NORTHLAND ENTERPRISES, LLC**

FST **FAY, SPOFFORD & THORNDIKE**
ENGINEERS · PLANNERS · SCIENTISTS
778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: ADJ
DESIGNED: ADJ
CHECKED: ADJ
FILE NAME: SP-M160

CITY OF PORTLAND
APPROVED SITE PLAN
DATE OF APPROVAL: 6/8/15
PLANNER: **Nell Donaldson**
PROJECT NO.: 2015-027



March 30, 2016

Via Email

Helen Donaldson
Planner, City of Portland

RE: Request for a waiver of they City Material Policy

Nell,

As discussed, on behalf of Vandelay Industries, the owner of 195 Kennebec Street, we would like to officially request a place on the April 24th City Council agenda in order to request a waiver to the City Material Policy for the portion of sidewalk we will be completing on the Kennebec Side of our site. We have completed the Marginal Way sidewalk in brick, but feel that the Kennebec side of the site would be better served by a concrete sidewalk. We feel this change in material will result in a public walkway that is safer and more consistent with the adjacent concrete sidewalks on Kennebec Street.

Thank you for your consideration and help in this matter.

Very sincerely,

Josh Benthien
Partner
Vandelay Industries
Northland Enterprises

*17 South Street, 3rd Floor
Portland, Maine, 04101
207-780-0223
www.northlandus.com*

Attachment 3



Kennebec Street frontage of 195 Kennebec from the west (above) and east (below)

SIDEWALK MATERIALS POLICY

Revised August 2010

The following policy is intended to be used as a standard when developing improvement projects for sidewalks to be either built or rebuilt utilizing Housing and Community Development, Capital Improvement, State or Federal Financing and General Operating Budget Funding. This policy will also be employed when reviewing private development proposals within the City of Portland. The final approved copy of this policy will include a complete set of street maps for each District. The policy and maps will be incorporated as part of the City's Technical Manual.

Brick Sidewalks:

- Within Portland's designated historic districts
- On the Peninsula from Eastern Promenade to Western Promenade and from Marginal Way to Commercial Street (see the attached maps for District 1 & 2)
- The entire length of Clifton Street, in District 4, has been designated for brick sidewalk replacement
- Woodmont Street, Montrose Street, Colonial Road (*Brighton Avenue to Rockland Avenue*), Belfield Street, and Marlow St. shall be designated for brick sidewalk replacement.
- Whitney Avenue, between Congress Street and Brighton Avenue (both east and west sides of the street) shall be designated for brick sidewalk replacement.
- Forest Avenue between Bedford and Falmouth Streets; southwest side only.
- **Exception to brick sidewalks:** on sidewalks, or sections of sidewalks, where the slope exceeds 10% percent, the Director of Public Services may approve, based upon a recommendation from the City Engineer, the use of alternative material in lieu of brick if he or she finds that such alternative material would provide a more slip resistant surface to improve pedestrian safety. The alternative material includes concrete for sidewalks outside of the designated historic districts, and Pinehall /Pathway Lachance item # 193623 Brick Pavers, for sidewalks within all designated historic districts.

Concrete Sidewalks:

- The areas designated for concrete sidewalk replacement are specified by District as follows:
 1. District 1...All street sections northerly of Marginal Way.
 2. District 2...the lengths of St. John and Valley St. between their southerly intersection and "D" St. to the north; a section of Congress St. from St. John St. westward; a section of Deering Ave from Park Ave northward; a section of Forest Ave. from Marginal Way northward; and all street sections northerly of I-295.
 3. District 3...All streets between Woodford Street and Congress Street;

All streets between Baxter Boulevard and Stevens Avenue; all streets between Capisic Street and Ludlow Street; all streets westerly of Stevens Avenue to Machigonne Street and Westminster Avenue.

4. District 4...All streets between Stevens Avenue to Baxter Boulevard; all Streets between Woodford Street, Pya Road and Read Street to Morrill's Corner.
5. District 5...All streets southeasterly of Best Street, northerly of Fuller and Ludlow Streets and westerly of Stevens Avenue.

Asphalt Sidewalks:

- The areas designated for asphalt sidewalk replacement are specified by District as follows:
 1. District 3...All streets between Machigonne Street and the Portland/Westbrook City limits; all streets from Congress Street southerly to the Fore River; all streets westerly of Capisic Street and Stevens Avenue to the Westbrook and South Portland boundaries.
 2. District 4...All streets easterly of Allen Ave. to Casco Bay and northerly of Read Street, Pya Street and Baxter Boulevard to the Falmouth town line.
 3. District 5...All streets shall have asphalt sidewalk replacement designation with the following exceptions: Best, Leonard, Richardson, Brentwood, New, Crosby, Alba, Mabel, and Leland Streets, Concord Street West and Pleasant Avenue. These streets shall be designated for concrete sidewalk replacement.

Driveway Aprons:

- All driveway apron replacement shall utilize asphalt throughout the Peninsula and off-Peninsula streets with the following exceptions:
 1. Those located within Portland's designated historic districts shall utilize brick driveway apron replacement, exclusively.
- Driveway apron material replacement shall not occur if it can be identified that the homeowner has installed the existing apron at their expense and the driveway is in good condition. Otherwise, driveway replacement shall conform to the accepted policy.

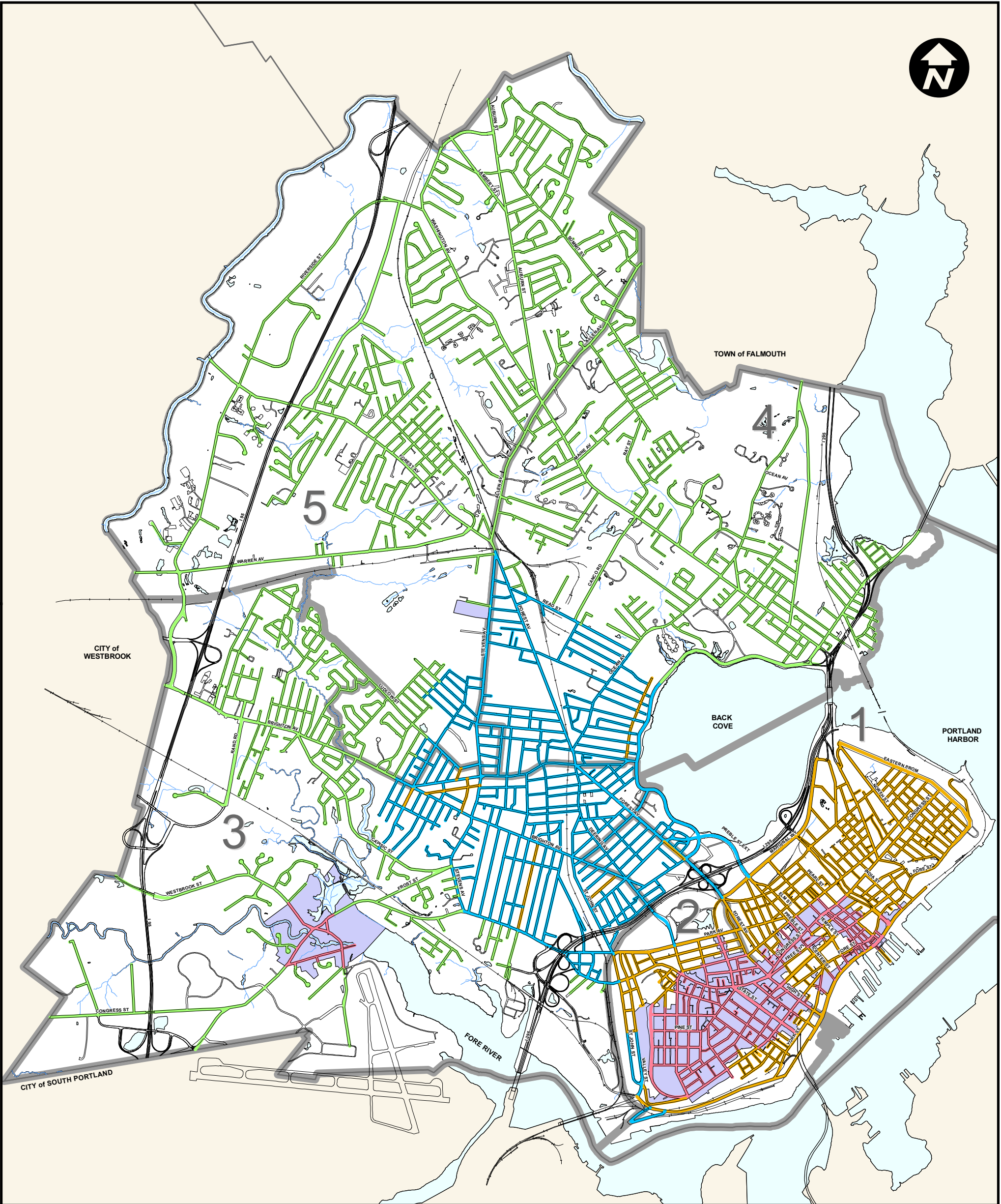
Curbing:

- All curb material shall be granite curb. The recycling of existing curb shall be employed in the Historic District as a priority and in other Districts where appropriate.

ADA. Handicap Accessible Sidewalk Ramps:

- Ramps shall be constructed of the same sidewalk material as designated for that respective District, with the exception of the required detectable surface within the ramp.

Note: Construction details for sidewalk replacement, ADA ramps, driveway aprons and curb are included as part of the City's Technical Manual.



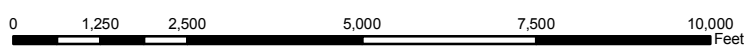
SIDEWALK REPLACEMENT MATERIAL

PORTLAND, MAINE AUGUST 24, 2010

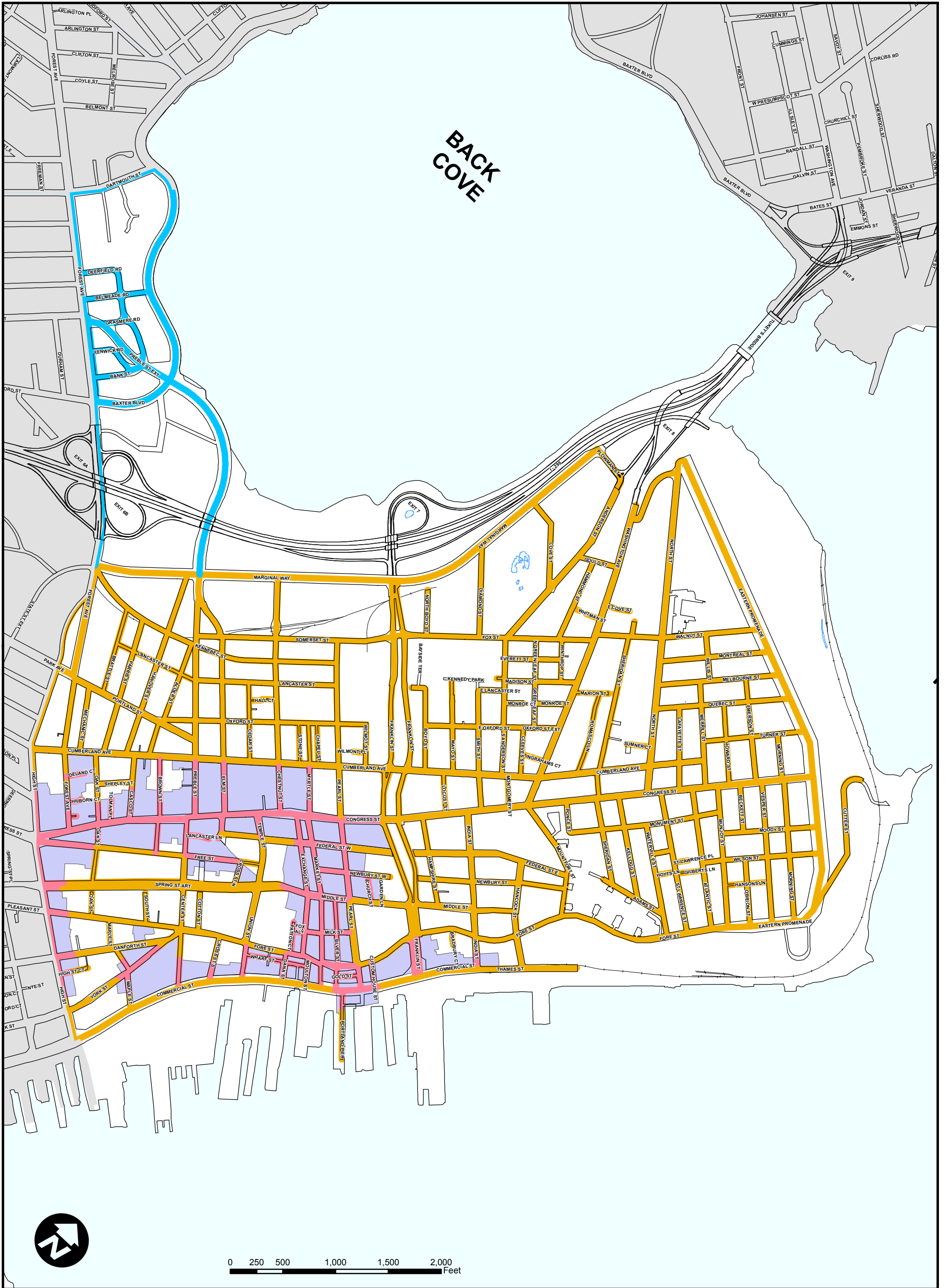
CLAY BRICK SIDEWALK with CLAY BRICK APRON
BRICK SIDEWALK with ASPHALT APRON

CONCRETE SIDEWALK
ASPHALT SIDEWALK

HISTORIC DISTRICT
COUNCIL DISTRICT



Map prepared by the City of Portland's Department of Public Services



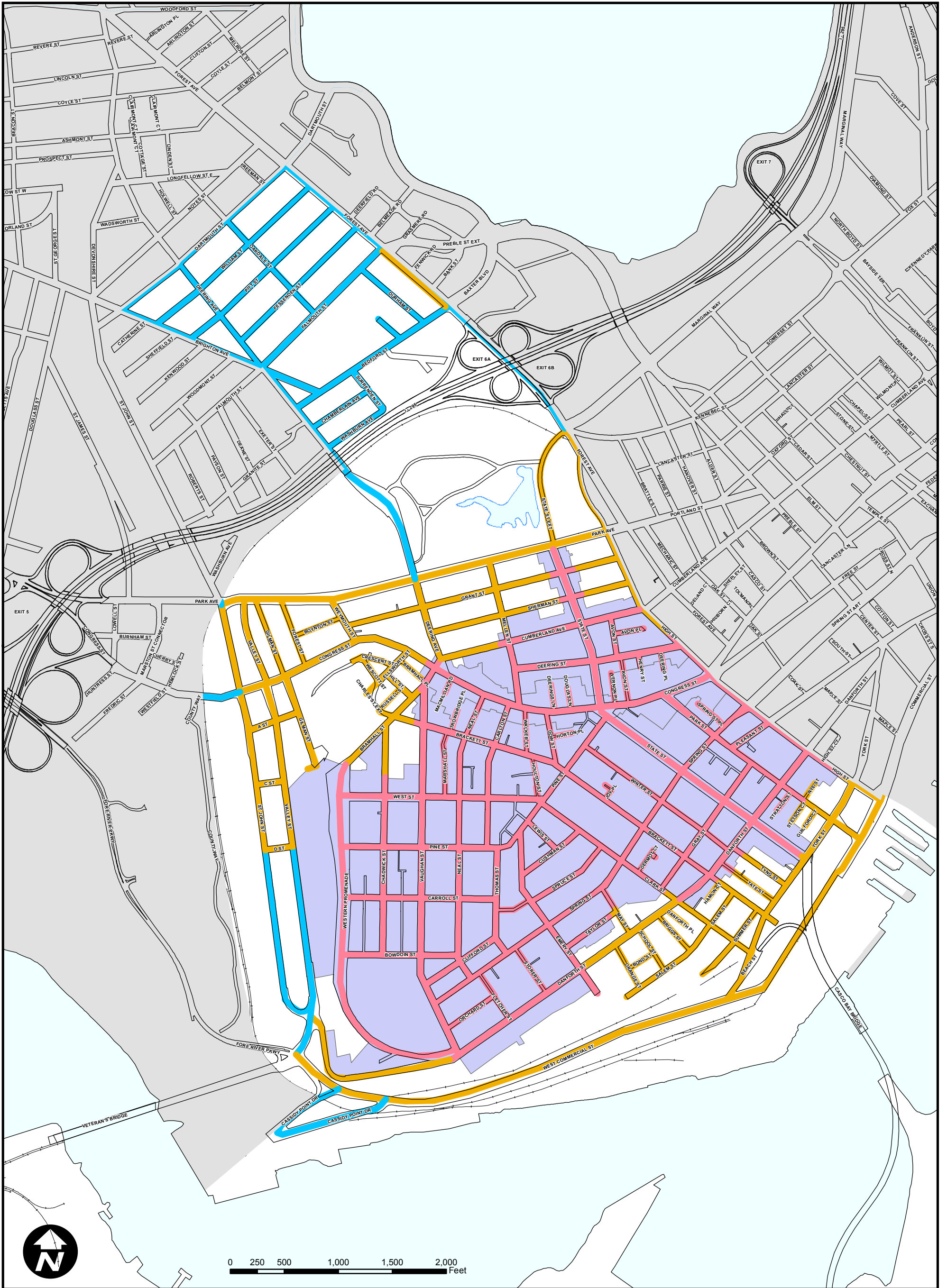
DISTRICT 1 SIDEWALK REPLACEMENT MATERIAL

PORTLAND, MAINE AUGUST 2010

CLAY BRICK SIDEWALK with CLAY BRICK APRON
BRICK SIDEWALK with ASPHALT APRON

CONCRETE SIDEWALK
ASPHALT SIDEWALK

HISTORIC DISTRICT



DISTRICT 2 SIDEWALK REPLACEMENT MATERIAL

PORTLAND, MAINE AUGUST 24, 2010

— CLAY BRICK SIDEWALK with CLAY BRICK APRON
— BRICK SIDEWALK with ASPHALT APRON

— CONCRETE SIDEWALK
— ASPHALT SIDEWALK

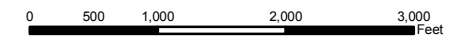
HISTORIC DISTRICT



DISTRICT 3 SIDEWALK REPLACEMENT MATERIAL

PORTLAND, MAINE MAY 2009

- CLAY BRICK SIDEWALK with CLAY BRICK APRON
- BRICK SIDEWALK with ASPHALT APRON
- CONCRETE SIDEWALK
- ASPHALT SIDEWALK
- HISTORIC DISTRICT



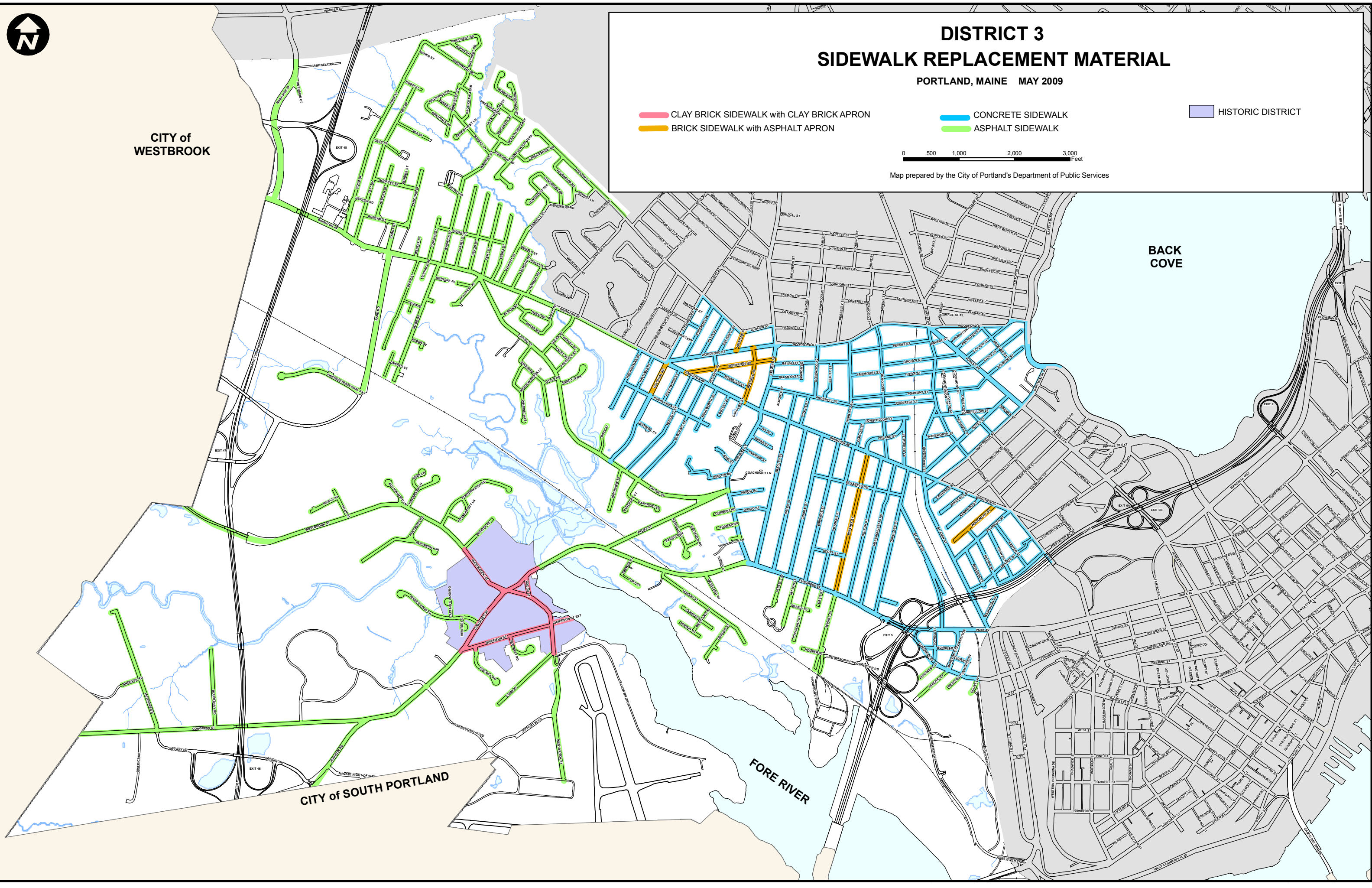
Map prepared by the City of Portland's Department of Public Services

CITY of
WESTBROOK

BACK
COVE

FORE RIVER

CITY of SOUTH PORTLAND





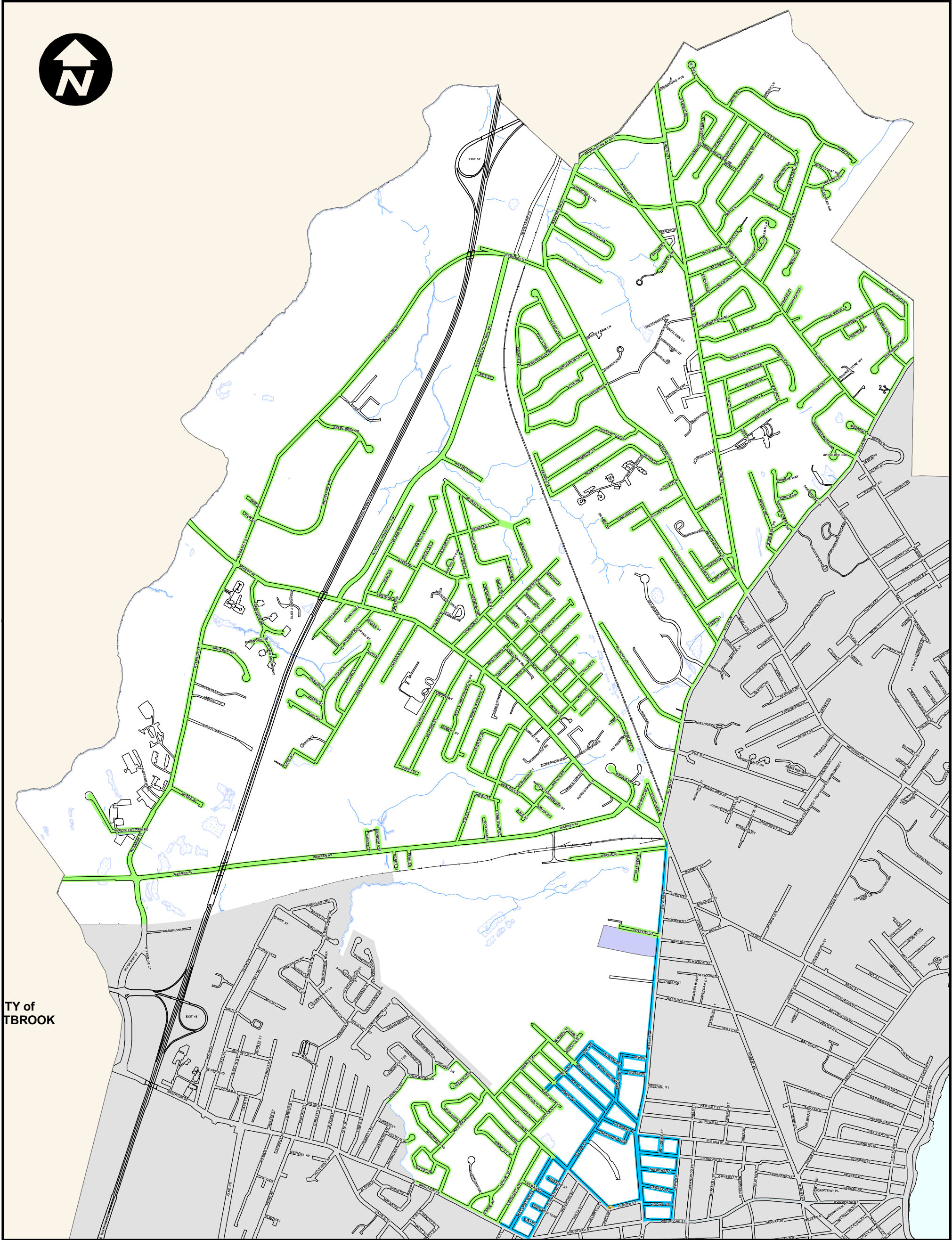
DISTRICT 4 SIDEWALK REPLACEMENT MATERIAL

PORTLAND, MAINE MAY 2009

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> CLAY BRICK SIDEWALK with CLAY BRICK APRON BRICK SIDEWALK with ASPHALT APRON | <ul style="list-style-type: none"> CONCRETE SIDEWALK ASPHALT SIDEWALK | <ul style="list-style-type: none"> HISTORIC DISTRICT |
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Map prepared by the City of Portland's Department of Public Services

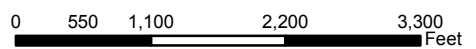


CITY of
PORTLAND

DISTRICT 5 SIDEWALK REPLACEMENT MATERIAL

PORTLAND, MAINE MAY 2009

-  CLAY BRICK SIDEWALK with CLAY BRICK APRON
-  CONCRETE SIDEWALK
-  BRICK SIDEWALK with ASPHALT APRON
-  ASPHALT SIDEWALK
-  HISTORIC DISTRICT



Map prepared by the City of Portland's Department of Public Services