



Planning &amp; Urban Development Department

**Planning & Urban Development Department**  
Jeff Levine, AICP, Director

**Planning Division**  
Alexander Jaegerman, Director

April 14, 2015

Brad Fries  
Northland Enterprises, LLC  
17 South Street, 3<sup>rd</sup> Floor  
Portland, ME 04104

Andrew Johnston  
FST, Inc.  
778 Main Street, Suite 8  
South Portland, ME 04106

Project Name: Century Tire Plaza  
Address: 195 Kennebec Street, Portland, ME  
Project ID: 2015-027  
CBL: 34-C-9  
Applicant: Northland Enterprises, LLC  
Planner: Nell Donaldson

Dear Mr. Fries:

On April 14, 2015, the Planning Authority approved with conditions a Level II site plan for the redevelopment of the Century Tire site at 195 Kennebec Street. The decision is based upon the application as submitted by Northland Enterprises, LLC and prepared by FST, Inc., with plan revisions dated April 1, 2015. The proposal was reviewed for conformance with the standards of the City of Portland's site plan ordinance, Article V of the land use code. It should be noted that the plans for the project's Marginal Way and Kennebec Street frontages were found to meet the guidelines of the Marginal Way Master Plan and the Somerset Street Extension Feasibility Study respectively, and that the provision of the sidewalk along the property's eastern boundary was found to meet the city's B-7 and site plan standards related to street connectivity and safe access for all site users. The Level II site plan is approved with the following waivers and conditions:

**A. WAIVERS**

*Curb cuts:* Section 1.7.2.8 of the city's Technical Manual establishes a maximum of two curb cuts per site. The applicant has demonstrated that conditions unique to this property exist, including the presence of three existing curb cuts, the proposed closure of curb cuts on the adjacent lot under the same ownership, and the potential, through these plans, for a shared driveway with the adjacent lot in accordance with best management practices. Given this, and on the recommendation of the city's traffic engineer, the Planning Authority finds that the public interest and purposes of the land development plan are secured and waives the curb cut maximum to allow three driveways on site. It should be noted that a condition of approval has been included below that provides for the reevaluation of the site's westerly driveway on Marginal Way at the time of future redevelopment on the adjacent lot.

*Light trespass:* Section 12.2 of the city's Technical Manual establishes a maximum light trespass standard of .1 foot candle as measured at the property line, except where a project abuts "industrial or other non-sensitive uses." In this case, the applicant proposes to exceed the light trespass standard on the Kennebec Street,

Marginal Way, and eastern property boundaries. Given that the uses in these directions can be deemed “industrial” or “non-sensitive,” the Planning Authority waives the light trespass standard.

*Parking lot dimensional requirements:* Section 1.14 of the city’s Technical Manual establishes a minimum parking lot aisle width of 24 feet in the case of right angle parking. The applicant has demonstrated that extraordinary conditions exist that limit their ability to meet the parking lot dimensional requirement of 24 feet along the eastern property line, in the area between Buildings A and B, and along the Kennebec Street frontage. On the recommendation of the city’s traffic engineer, the Planning Authority finds that the public interest and purposes of the land development plan are secured and waives the technical standards for parking lot dimensional requirements to allow aisle widths of 20 ft., 22 ft., and 22.38 ft. as depicted on the site plan.

## **B. CONDITIONS OF APPROVAL**

The Planning Authority found that the plans are in conformance with the site plan standards of the land use code subject to the following conditions of approval, which must be met prior to the issuance of a building permit unless stated otherwise:

1. The applicant shall revise the plan set for review and approval by the Department of Public Services, including:
  - A modified design for the Marginal Way sidewalk, to include a reduction in sidewalk width to 8 feet and the expansion of the esplanade by 2 feet, in order to match conditions east of the site;
  - A curb extension west of the westerly driveway on Marginal Way and transitional pavement markings for bicycles and vehicles from Forest Avenue;
  - Details that confirm ADA accessibility and reasonable pedestrian access along and to the Marginal Way frontage of Building B;
  - A mechanism to prevent parked vehicles from encroaching on the sidewalk along the eastern boundary of the site;
  - Alternate snow storage locations designed to avoid conflicts with pedestrian movement on the sidewalk along the eastern boundary of the site;
  - A curb extension on Kennebec Street at the location of the sidewalk ramp/crosswalk such that the handicap ramp is not located within the 10-foot path area;
  - An ADA compliant ramp on the south side of the crosswalk on Kennebec Street in this location; and
  - Pavement markings, signage, and bollard treatments in conjunction with the transition from the 10-foot shared-use path on Kennebec Street to an at-grade cycle-track facility west to Forest Avenue.
2. At the time of the future redevelopment of the Enterprise Rental Car site, the applicant shall be required to reevaluate the necessity, design, and location of both the westerly driveway on Marginal Way and the driveway on Kennebec Street for review and approval by the Department of Public Services and the Planning Authority;
3. Prior to the issuance of certificates of occupancy for each tenant fit-up, the applicant shall provide revised trip generation information for review and approval by the Department of Public Services. If a Traffic Movement Permit is triggered, an application must be submitted for review and approval by the Department of Public Services and the Planning Board;
4. Prior to the issuance of certificates of occupancy, the applicant shall provide supporting documentation for changes to the city’s on-street parking schedule on Kennebec Street for review and approval by the Department of Public Services and the City Council;
5. The applicant shall revise the configuration of the six parking spaces located along the Enterprise property boundary to conform to standard parking space orientation for review and approval by the

Department of Public Services;

6. The applicant shall revise details to depict the city's standards for curb reveal and depth of base gravel for a brick sidewalk on bituminous base for review and approval by the Department of Public Services;
7. The applicant shall:
  - Add notes regarding the abandonment of the pipe between existing catch basin A and the existing catch basin in Kennebec Street which state that the pipe and catch basin penetrations will be capped at catch basin A and at the connection in Kennebec Street and that the pipe will be removed or infilled with a flowable fill, and
  - Revise Sheet C-5.0 to include erosion and sediment control practices as submitted in the original plan setfor review and approval by the Department of Public Services;
8. The applicant shall submit a wastewater capacity letter for review and approval by the Planning Authority;
9. The applicant shall revise the plans to add notes indicating LED street light specifications for both Marginal Way and Kennebec Street, eliminate note #18 on the landscape plan, modify the spacing on Kennebec Street to equally distribute street lights along the frontage, and submit a street lighting and electrical design plan for review and approval by the Department of Public Services;
10. The applicant shall provide revised elevations depicting the street-facing façade and entry of Building A with treatment similar to the other building entrances, including a sign, light, and canopy, for review and approval by the Planning Authority; and
11. Prior to the issuance of a certificate of occupancy, the applicant shall provide specifications for proposed signs, meeting the standards of the B-7 zone, for review and approval by the Zoning Administrator.

The approval is based on the April 1, 2015 plan set. A final, revised plan set must be submitted for staff review and approval prior to the issuance of permits.

#### STANDARD CONDITIONS OF APPROVAL

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

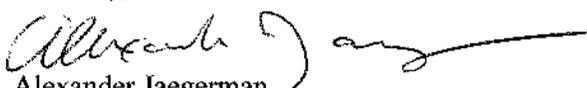
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, an inspection fee payment of 2.0% of the guarantee amount, and seven (7) final sets of plans plus one final digital copy must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

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

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

Sincerely,

  
Alexander Jaegerman  
Planning Division Director

*Attachments:*

1. Memo from Thomas Errico, Consulting Traffic Engineer, 4/8/15
2. Memo from Mike Farmer, Department of Public Services, 4/7/15
3. Memo from David Senus, Consulting Civil Engineer, 4/7/15
4. Memo from Caitlin Cameron, Urban Designer, 4/3/15

cc:

Jeff Levine, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator, Planning  
Ann Machado, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, Administration, Inspections Division  
Gayle Guertin, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Jane Ward, Administration, Public Services

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

Jeff Tarling, City Arborist, Public Services  
Captain Chris Pirone, Fire Department  
Thomas Briso, P.E., T Y Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File

**From:** Tom Errico <thomas.errico@tylin.com>  
**To:** Helen Donaldson <HCD@portlandmaine.gov>  
**CC:** David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, "JeremiahBartlett" <jbartlett@portlandmaine.gov>  
**Date:** 4/8/2015 2:36 PM  
**Subject:** Century Tire Plaza – 195 Kennebec Street

Nell – The following represents a status update of my March 24, 2015 comments and is based upon materials submitted by the applicant on April 1, 2015.

1. The project frontage on Marginal Way shall be adjusted to meet the design principles of the Marginal Way Master Plan (the nearby Gorham Savings Bank Building is a good example). The plans should account for the following:

- On-street parking

- The curb line should extend into Marginal Way and generally match the curb line at the Gorham Savings Bank site. The applicant should be cognizant of the transition from Forest Avenue and how vehicles will be aligned.

- 10-foot brick sidewalk

- 6-foot bicycle lane

Status: Based upon further review and a desire to have a more substantial esplanade area, the sidewalk width shall be reduced to 8 feet and the esplanade expanded by 2 feet. This will match more closely with the Gorham Savings Bank frontage. I would also note that a curb extension west of the westerly driveway shall be provided that matches the east corner. Transitional pavement markings will be required for bicycles and vehicles from Forest Avenue. A plan shall be provided for review and approval by the City.

2. The number of driveways provided for the site exceeds those allowed under the City's Technical Standards. From an access management perspective, I'm most concerned about conditions on Marginal Way. Please noted the following:

- The project incorporates a shared driveway with Enterprise Rental which is a positive access management strategy, particularly when only entry movements into Enterprise will be permitted.

- Marginal Way traffic conditions, particularly with the influence of Forest Avenue, does concern me as it relates to the westerly driveway. My preference would be to eliminate this driveway, but recognize its importance for Enterprise access needs. A right-turn entry and exit driveway scenario would help to ease my concern regarding traffic impacts, but this configuration would eliminate Enterprise left entry movements, which I suspect would be problematic.

- The easterly driveway is acceptable to me as the primary driveway although it is suggested that a formal direct pedestrian connection between Marginal Way and Kennebec Street be incorporated.

Status: Given improvements to existing conditions and the incorporation of a shared driveway with Enterprise Rental, I support a waiver from the City's Technical standards for exceeding the number of driveways from the site. I would note that a condition of approval shall be included that requires the westerly driveway on Marginal Way to be revisited during redevelopment of the Enterprise Rental site. I would further note that I find the pedestrian connection to be acceptable. The plans should include a provision that prevents parked vehicles from encroaching on the sidewalk.

3. I have reviewed the project parking supply calculation and it appears to be reasonable, although the actual parking generation needs will be a function of actual retail tenants. There will be opportunities for shared use reduction assumptions and thus in my professional opinion the site could absorb some reduction in parking given suggested site plan changes. I would also note that while the on-street parking supply is not permitted for use in parking demand calculations the benefit of providing Marginal Way on-street parking will provide project benefits.

Status: I have no further comment.

4. I have reviewed the traffic study and trip generation estimate and generally find the conclusions to be reasonable. I would note that while the methods seem reasonable, I am currently not in agreement with the conclusions that the project will basically not increase traffic when taking credit from historic traffic activity at Century Tire.

Status: I find the trip generation estimate associated with this application to be acceptable. Based upon the fact that actual retail tenants may impact the trip generation levels, the applicant shall provide revised trip generation information as tenant occupancy occurs. This revised information will be reviewed as it relates to triggering a Traffic Movement Permit.

5. Projects in the Bayside area of the City have been required to make monetary contributions towards implementation of the Marginal Way Master Plan and Extension of Somerset Street. Given that this project will be implementing components of each of the projects along their frontages and that the net change in traffic is not estimated to be significant, I would not expect a requirement for a monetary contribution.

Status: A monetary contribution is not required given the trip generation estimate and frontage improvements incorporated into the project site plan.

6. The frontage on Kennebec Street shall be adjusted to meet the design principles of the Somerset Street Extension project. The plans

should account for the following:

- A 10-foot shared use bituminous path to be located next to the granite curb.
- A 7-foot brick sidewalk along the property boundary.
- On-street parking will not be permitted.
- Transition of the shared use path to an on-road cycle track on both ends of the project will be required.

Status: I find the plan to be acceptable with the following notes:

· On-street parking will be permitted on Kennebec Street. Changes to on-street parking regulations will need to be incorporated into the City's Traffic Schedule and therefore will require City Council approval. The applicant will be required to provide supporting documentation in support of the request.

· A curb extension shall be provided on Kennebec Street at the location of the sidewalk ramp/crosswalk such that the handicap ramp is not located within the 10-foot path area. The applicant shall submit plans for review and approval by the City.

· The applicant shall be required to install pavement markings, signage, and bollard treatment in conjunction with the transition from the 10-foot shared-use path to an at-grade cycle-track facility to Forest Avenue. The City will work with the applicant in the development of the plan for this work. It should be noted that this change will maximize on-street parking along Kennebec Street in front of the Enterprise Rental Site.

7. The applicant should investigate the possibility of aligning the driveway on Kennebec Street with Brattle Street.

Status: Based upon current traffic conditions on Kennebec Street the proposed alignment is acceptable. I would note that a condition of approval should be included that revisits the design and location of the subject driveway during the redevelopment of the Enterprise Rental site.

8. Stop bar locations shall be placed prior to sidewalk at the driveways.

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

9. Detectible warning panels are not required at driveways.

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

10. The plans should incorporate a full ADA compliant crosswalk on Kennebec Street between the site and Brattle Street (this crosswalk currently exists).

Status: The plans should also include the construction of a ADA compliant ramp on the south side of the crosswalk on Kennebec Street. Plans shall be provided to the City for review and approval.

11. The configuration of the six parking spaces located along the Enterprise property boundary are non-standardized and dimensional standards are unclear and I would prefer a more traditional layout.

Status: The applicant shall revise the configuration of these spaces to conform to standard parking space orientation. Plans shall be provided to the City for review and approval.

#### Additional Comments

· I support a waiver from the City's Technical standards for circulation lane widths (20 feet, 22 feet, and 23.38 feet are proposed).

· It is unclear how ADA/pedestrian building access will be provided along the Marginal Way frontage. Details shall be provided that confirm ADA accessibility and reasonable pedestrian access provisions are to be provided.

If you have any questions or comments, please contact me.

Best regards,

Thomas A. Errico, PE  
Senior Associate  
Traffic Engineering Director  
[T.Y. Lin International]T.Y. Lin International  
12 Northbrook Drive  
Falmouth, ME 04105  
207.781.4721 (main)  
207.347.4354 (direct)  
207.400.0719 (mobile)  
207.781.4753 (fax)

## MEMO

TO: Nell Donaldson  
FROM: Mike Farmer  
DATE: April 7, 2015  
RE: 195 Kennebec Street – site plan review

With reference to Dave Margolis-Pineo' memo dated 3/23/2015 regarding this project, comments 3, 4 and 5 have been addressed to the Engineering Division's satisfaction. Comment 1, regarding street light standards, may have been addressed by others. Comment 2 required no response. I offer two additional comments on this project.

Detail C on plan sheet C-7.0, detail D on sheet C-7.2, and detail E on sheet C-7.2 all should be corrected to show the City standard for depth of base gravel for a brick sidewalk on bituminous base. The depth of gravel should be 10 inches, not 4 inches as indicated in the above referenced details.

Detail A on plan sheet C-7.1 shows a curb reveal of 6 inches along Kennebec Street. The City standard for curb reveal is typically 7 inches. The curb reveal should be changed to match the City standard unless there are over-riding considerations that require a 6 inch curb reveal. A change to 6 inch curb reveal may require changing the specification for granite curb terminal pieces from 6 feet to 7 feet in length.

## MEMORANDUM



**TO:** Nell Donaldson, Planner  
**FROM:** David Senus, P.E.  
**DATE:** April 7, 2015  
**RE:** 195 Kennebec Street, Level II Site Plan Application

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Woodard & Curran has reviewed the Response to Comments on the Level II Site Plan Application for the proposed commercial redevelopment project located at 195 Kennebec Street in Portland, Maine. The project involves redevelopment of the former Century Tire site to provide mixed-use retail and restaurant uses and associated pedestrian and vehicular access, parking, and utility infrastructure. The project will result in a net decrease in impervious area.

### **Documents Reviewed by Woodard & Curran**

- Response to Comments Letter and attachments, dated March 27, 2015, prepared by FST Engineers on behalf of Northland Enterprises, LLC.
- Engineering Plans, Sheets C-2.1, C-3.0, C-4.0, & C-5.0, revised March 27, 2015, prepared by FST Engineers on behalf of Northland Enterprises, LLC.

### **Comments**

- 1) As requested, the plans have been revised to show a connection from existing Catch Basin A to new Catch Basin 3, which will discharge to Marginal Way. Additional notes are required regarding the abandonment of the pipe between Existing Catch Basin A and the existing catch basin in Kennebec Street. The pipe and catch basin penetrations should be capped at Catch Basin A and at the connection in Kennebec Street; and preferably the pipe is removed or infilled with a flowable fill.
- 2) The revised Sheet C-5.0 Erosion and Sediment Control Plan no longer includes the erosion and sediment control practices that were identified on the originally submitted plan. This plan should be revised to reflect the original submittal.

# Planning and Urban Development Department

## Planning Division

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**Subject:** B7 Design Review – 195 Kennebec Street Revisions

**Written by:** Caitlin Cameron, Urban Designer

**Date of Review:** Friday, April 3, 2015

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On Friday, April 3, staff reviewed the revised proposed redevelopment at 195 Kennebec Street. The project was reviewed against the *B-7 Mixed Use Urban District Zone Design Principles & Standards* (Appendix 4 of the Design Manual).

### **Design Review Criteria:**

The project must meet all *B-7 Design Principles & Standards*.

### **Findings of the Design Review:**

The proposed design **does not pass** all of the criteria of the *B7 Design Guidelines* – please refer to comments below regarding Principles and Standards not currently being met. The applicant may revise the design according to the review comments and resubmit.

### **Principle A: Urban Design**

**A-7: Building Orientation** – *The primary facades and entrances of buildings shall be oriented to streets, major pedestrian routes, or open spaces in order enhance the pedestrian-oriented environment. The primary facades and entrances of buildings shall not be oriented toward parking lots.*

- **Building A** – The street-facing façade and entry should be given equal treatment to the other building entrances. In this case, that includes a sign, light, and canopy.

### **Principle E: Architectural Design**

**E-6: Entrances** – *Buildings along public streets shall have the primary entrances oriented to the street. Primary entrances shall not be oriented to a parking lot or structure. . . . Commercial and mixed use buildings shall be permeable and accessible on all sides from the public way, unless the building program precludes such design.*

- **Building A** – The street-facing façade and entry should be given equal treatment to the other building entrances. In this case, that includes a sign, light, and canopy.