**MOTIONS FOR THE BOARD TO CONSIDER FOR BAYSIDE BOWL**

1. **Waivers**

Street Trees

The Planning Board (finds/does not find) that the applicant has demonstrated that due to site constraints preventing the planting of required street trees in the right of way, the requirements of Sec. 14-526(b)(3)(a) of the Site Plan Ordinance cannot be met; and the Board (finds/does not find) that the applicant has satisfied the waiver criteria set out in Section 14-526(b)(3)(b). The Planning Board therefore (waiver/does not waive) Section 14-526(b)(3)(a) Street Trees of the Site Plan Ordinance, provided that the applicant shall contribute to the City of Portland Tree fund an amount proportionate to the cost of the 5 required street trees.

Temporary Parking Lot

The Planning Board (finds/does not find) that extraordinary conditions exist or undue hardship may result from strict compliance from, substantial justice and the public interest are secured, and the variation is consistent with the intent of the ordinance for a temporary parking lot to be used for less than one year, and therefore (waives/does not waive) Sec 14-526(4)(a)(5) for a permanent parking surface, provided a final site plan for the permanent parking lot is submitted by February 1, 2015 and that performance guarantee is provided to cover the cost of the permanent improvements.

Street Lighting on Kennebec Street

The Planning Board (finds/does not find) that installing new street lights along Kennebec Street in which the future alignment of that street has not been finalized at this time, would result in a situation in which extraordinary conditions exist or undue hardship may result from strict compliance, substantial justice and the public interest are secured with the variation, and therefore (waives/does not waive) the requirement of street lighting along Kennebec Street regarding Section 10 (Municipal Street Lighting Standards) of the Technical Manual.

Reduce Travel Aisle Width From 24 Feet to 22 Feet

The Planning Board (finds/does not find) that extraordinary conditions exist or undue hardship may result from strict compliance, substantial justice and the public interest secured with the variation, and therefore (waives/does not waive) the requirement of a 24 foot travel aisle (to 22 feet wide) for a parking lot regarding Section 1 (Parking Lot Design) of the Technical Manual.

**Note: City Staff does not support this waiver request since we believe there is sufficient space on the site to accommodate a 24 foot travel aisle width.**

Landscape Buffer for Parking Areas

The Planning Board (find/does not find) that planting required landscaping along Kennebec Street to buffer a temporary parking lot in which the future street alignment has not been finalized results in extraordinary conditions exist or undue hardship from strict compliance, substantial justice and the public interest secured with the variation, and therefore (waiver/does not waive) the requirement of parking lot landscape buffering regarding Standard 4.5.5 of the Technical Manual provided that a performance guarantee is submitted to the City to cover the cost of installing an appropriate landscape buffer for the future permanent parking lot.

1. **Traffic Movement Permit**

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 application #2015-049 relevant to the Traffic Movement Permit, Site Plan reviews and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

That the plan (is/is not) in conformance with the standards of the Traffic Movement Permit, as reviewed by Thomas Errico, P.E. and comments submitted on June 4, 2015, subject to the following conditions of approval to be met prior to the issuance of a building permit unless otherwise stated:

1. The applicant shall make a $3,400 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic issues at the Marginal Way intersections with Preble Street and Forest Avenue and general multi-global improvements along the corridor.
2. The applicant shall make a $9,750 contribution towards the implementation of the Somerset Street extension project. This requirement is to address traffic issues along Marginal Way, particularly at Forest Avenue, Preble Street and Franklin Street.
3. **Site Plan Review**

On the basis of the application (#2015-049), plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for application #2015-049 relevant to the Site Plan Ordinance, the MaineDEP Chapter 500 Stormwater Management Standards, the B-7 Design Standards as presented in the report, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

That the plan (is/is not) in conformance with the site plan standards of the Land Use Code and DEP Stormwater Permit, subject to the following conditions of approval to be met prior to the issuance of a building permit unless otherwise stated:

1. The proposed on-site parking lot is approved as a temporary parking lot for a period of one year to June 9, 2016. Applicant shall submit a final site plan for a permanent parking lot for Administrative site plan review and approval no later than February 1, 2016. The final site plan shall incorporate all permanent infrastructure improvements such as pavement surfaces, landscaping, drainage improvements, guard rails or curb along the parking lot perimeter, lighting, sidewalks and other related improvements. Note that the plan shall provide an appropriate separation of vegetation from underdrain system. The performance guarantee for the 2015 Bayside Bowl site plan approval shall incorporate the value of permanent parking lot improvements in the performance guarantee amount unless applicant submits a separate performance guarantee for the parking lot improvements.
2. The applicant shall submit documentation of control of off-site parking spaces either by ownership or lease with a term of not less than five (5) years with an option to renew for a minimum of 98 spaces. Evidence of such control shall be required by showing for review and approval by Corporation Counsel, at a minimum, a signed letter of intent, purchase and sale agreement, or option for sale or lease prior to the issuance of a building permit, and an executed deed or lease prior to issuance of any certificate of occupancy.
3. The plan shall be revised reflecting a wood guard rail, curb stop, stones or other acceptable barrier along the Kennebec Street side of the temporary parking lot for Planning Staff review and approval. Note that a jersey barrier is not acceptable.
4. As part of the pre-construction meeting process, applicant shall develop strategies and a plan for Public Services review and approval, to minimize impacts on on-street parking conditions during site construction.
5. The site plan shall be revised for Planning Staff review and approval reflecting a minimum of 21 bike parking spaces on the site.
6. Applicant shall be responsible for providing materials in support of TS&E and City Council packets regarding a proposal to add on-street parking along the applicant’s Hanover Street frontage which requires a change to the City’s Traffic Schedule.
7. Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a $3,400 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic issues at the Marginal Way intersections with Preble Street and Forest Avenue and general multi-global improvements along the corridor.
8. Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a $9,750 contribution towards the implementation of the Somerset Street extension project. This requirement is to address traffic issues along Marginal Way, particularly at Forest Avenue, Preble Street and Franklin Street.
9. If Applicant elects to install a roof runoff treatment system, than design details and maintenance requirements for the system be submitted for review and approval by David Senus (Development Review Engineer) prior to issuance of a certificate of occupancy. If the system is external to the building and requires changes to the site design, then design information shall be submitted for review and approval in advance of performing the work.
10. The plan shall be revised for City Staff review and approval reflecting a temporary bituminous asphalt sidewalk from the project driveway to Kennebec Street.

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1. Applicant shall forward to the Planning Department a copy of the filed Notice of Intent to Comply with the Maine DEP Maine Construction General Permit for the site.
2. Applicant shall revise the plan reflecting a Great Basin 250 which could be installed in the basement or to install an appropriately sized external grease interceptor for Public Services review and approval.

1. Applicant shall be responsible for the costs of all public improvements along project frontage of Alder Street and Hanover Street to Somerset/Kennebec Street.
2. A Transportation Demand Management Plan (TDM) shall be submitted for City Staff review and approval.
3. That a final signage plan shall be submitted for Planning Staff review and approval prior to the issuance of a building permit.
4. The final plans shall be submitted for review and approval by the Fire Department prior to the issuance of a building permit and that meet the review comments of Deputy Chief Keith Gautreau date April 1, 2015.