

August 7, 2012

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Carol Morrissette, Chair
Portland Planning Board
Portland City Hall
389 Congress Street
Portland, ME 04101

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City of Portland
Planning Division

Re: Request for Reconsideration; Cumberland County Civic Center; Site Plan Review

Dear Chair Morrissette:

I am writing on behalf of New GMN, Inc., Free Street Associates, LLC, and Southern Maine Properties Company to respectfully request that the Planning Board reconsider its July 24, 2012 approval of the Civic Center Site Plan application. New GMN, Inc. is owner of the property at 48 Free Street which is directly across Center Street from the Civic Center and its truck entrance. Free Street Associates, LLC (22 Free Street) and Southern Maine Properties Company (2 Free Street) are owners of properties on the proposed route of truck traffic on Free Street when exiting the Civic Center. I appeared at the Board's July 24 public hearing, identified myself as an owner of New GMN, Inc. and offered comments on the Site Plan Application. Since then, I have obtained new information which we believe is important for the Planning Board to consider.

Our request for reconsideration is based upon two issues: 1) the absence of information before the Board on either the truck turning pattern or on parking impacts that will be produced by the proposed reconfiguration of the loading dock area; and 2) the absence of information before the Board on the effects of the project on New GMN's property at the southeasterly corner of Center and Free which is within the historic district.

1. *Truck traffic patterns will unnecessarily tie up vehicular traffic and threaten vehicular and pedestrian safety on Center Street, Free Street and Temple Street, and will consume considerable on-street parking for an indeterminate period. The loading dock should be re-designed to avoid these problems.*

The Civic Center's proposed loading dock on Center Street has four bays that face "up-hill" at a 45 degree angle to Center Street. The single truck turning template diagram furnished to the Planning Board by the applicant shows that a 42.5' truck can (barely) drive up Center Street, across the Free Street intersection, and back into the uppermost truck bay.

As I pointed out at the Public Hearing, the Application does not show and makes no reference whatsoever to the following information that should have been a necessary component for the Planning Board to make a decision on the evidence:

- a) The Application states that 53' trucks will use the dock shown, but no turning diagram is provided to confirm that a 53' truck can make the required maneuver into the truck dock; the 42.5' truck turning pattern which was provided shows the truck all the way across the Free Street intersection, stopping exactly at the far curb. There appears to be no more space for a bigger truck to make the same maneuver.
- b) The Application states that trucks will turn right on Free Street, but no turning diagrams whatsoever are shown for trucks making the right turn onto Free Street—neither the 42.5' truck shown entering the dock, nor the 53' trucks also stated as contemplated.
- c) The application makes no reference whatsoever to the path of the trucks which will be required after they get onto Free Street (if they even can). Will they be able to make any of the
 - a. Right turn onto Cross Street and right onto Spring,
 - b. Right turn on Temple Street and right or left onto Spring, Fore or Commercial Streets, or
 - c. Left turn on Temple and right or left onto Congress?

How could the Planning Board make an informed decision on this matter without any evidence that the truck can make the contemplated maneuvers? The Planning staff referenced these concerns in its report to the Planning Board, but no response or additional factual information was provided. When I raised the issue at the Public Hearing, reference was made to a video (which at least one Planning Board member stated had not been viewed), showing a truck exiting the existing truck dock and making the turn onto Free Street. That video did not:

- a) show the prior attempts of the truck in the video to make the turn without success;
- b) show, because of the dark shadow, whether the truck intruded onto the SE corner sidewalk when turning the corner, or
- c) show whether a truck exiting the proposed (as opposed to current) truck dock, which is materially farther up Center Street, could make it in or out of that proposed dock.

What the video did nicely show was that any turn required a complete absence of parked cars, saw horses in the intersection, and flaggers on foot.

The one turning radius presented to the Planning Board, with a truck proceeding up Center Street and across the Center/Free Street intersection, then stopping to back down Center Street gives a hint of the adverse impact that will be caused by these 42.5' trucks and the bigger 53' trucks on leaving the truck bays (if they even can). As noted in the staff report, even the 42.5' truck's back and forth movement will tie up the Center/Free Street intersection and require flaggers to control vehicular traffic. According to the City, this intersection is busy with both vehicular and pedestrian traffic.

We have engaged professional assistance to prepare truck turning templates which show that directing 53' foot trucks up Center Street, right on Free Street and down Temple Street to Spring Street will cause more traffic tie ups beyond the immediate area of the truck dock, and will present significant safety dangers that should have been presented and considered. Our turning radius studies indicate that a 53' truck turning onto Free Street clips the curbing and the pedestrian sidewalk – and that is with the “perfect turn.” The situation is even worse when the truck makes the turn from Free Street and down Temple Street. A truck would seemingly be required to cross Temple Street into the entrance to the Temple Street garage and then faces on-coming traffic before making it back into the proper lane

and turning right onto Spring Street. This is highly dangerous to both pedestrian and vehicular traffic in this busy area. None of these very real problems were presented to the Planning Board, nor was any engineered study whatsoever presented on many of these required turns.

I asked at the Public Hearing how much on-street metered parking would be lost and for what period to allow the proposed trucks to circulate. No evidence was provided on this issue. The absence of the necessary truck turning radius diagrams made it impossible for the Planning Board to accurately assess the quantity of on street metered parking that will have to be prevented on Center and Free Streets (and possibly downstream). Without that information, the Planning Board was not equipped to make an informed decision as to the on street parking impact that would occur while the trucks are coming and going. The City has designated Free Street as a Pedestrian Overlay District or "PAD," within which ground floor shops are required to be marketed only to retail and other similar tenants which generate on-street activity. Loss of on-street parking for our buildings on Center and Free Streets will have a material adverse impact on our buildings (for both retail and office users) and will cut hard against the viability of the City's preferred PAD uses. Needless to say, we are disappointed that this issue was raised by me but not considered by the Planning Board due to lack of required information being provided by the Applicant.

Without any information provided to the Planning Board on the viability of making the Free Street turn and downstream turns, the Planning Board was in no position to make an informed decision on the extent of the impacts or the viability of alternatives which might mediate against those impacts. For instance, vehicular and pedestrian flow and safety would likely be greatly improved and impacts on City streets and businesses greatly reduced if the loading dock on Center Street were redesigned to face "down-hill" at a 45 degree angle to Center Street. While backing uphill would be more difficult than backing down-hill into the bays as would be the case under the Civic Center's proposal, after this initial maneuver, the truck maneuvers become much easier, would be on larger streets, and would more closely replicate current truck circulation in the downtown area. There would likely be fewer tie-ups of the intersection and no need for flaggers. This would seem to be an infinitely simpler and safer process than has been proposed and it will avoid the use of Free Street, a one way narrow corridor with parking on both sides that is not appropriate for "big rigs." Without adequate information presented to it, the Planning Board found itself in no position to even ask if a better, safer alternative was available.

We ask that the Planning Board reconsider the Application with the necessary facts relating to truck turning before it.

2. *The Civic Center application should be referred to the Historic Preservation Program for a written analysis of the effect of the loading dock, i.e., Center Street, face of the new Civic Center on the historic district across Center Street.*

I expressed my concern about the impact of the redesign on our historic district building across Center Street. The Planning Board Report, dated July 20, 2012, discusses "historic resources" beginning at page 14. It mentions that land on the northerly side of Free Street and the easterly side of Center Street are in the historic district. The report analyzes the Free Street façade and the Spring Street façade (which does not even face an historic district). The report says nothing about the façade facing Center Street or about the historic district across Center Street where our property is located. There is

no discussion whatsoever of the impact of the substantially revised and expanded truck dock design on the immediately adjacent building and district which face this expanded dock. How could the Planning Board make an informed decision that the Applicant's proposal "shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development" if that compatibility issue was not anywhere addressed in the written or oral materials before the Planning Board?

New GMN was not pleased when the City decided to include its property in the historic district. It is particular troubling to us that after having been placed in the historic district, we are ignored, and are given none of the protections of that district when it comes to assessing the impacts on our property from an historic resources perspective.

I plan to attend the Planning Board's August 7, 2012 meeting and ask that I be allowed to address the Board on this request for reconsideration. Thank you.

Sincerely,

J.R. Duesack

cc: Planning Department
Steve Crane @ the Civic Center