



ANGUS S. KING, JR.  
GOVERNOR

699 M

STATE OF MAINE  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

BK13919PG114

DEPARTMENT ORDER  
IN THE MATTER OF

079171

MAINE MEDICAL CENTER	) SITE LOCATION OF DEVELOPMENT
Portland, Cumberland County	)
MEDICAL OFFICE BUILDING	) TRAFFIC
L-7981-T3-C-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 481 ~~et seq.~~ and 06-096 CMR 374, the Department of Environmental Protection has considered the application of MAINE MEDICAL CENTER with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. The applicant proposes to construct a 49,150 square foot medical office building with an attached 430 space parking garage on a 1.35 acre parcel of land. This development will generate 273 passenger car equivalents (PCE's) at peak hour. The development is located at the intersection of Congress Street and Forest Street in the City of Portland.
2. A scoping meeting with the Department, the Maine Department of Transportation (MDOT), the applicant, and the City of Portland was held on November 19, 1997.
3. MDOT has reviewed the proposed project and has submitted review comments dated March 5, 1998. The review memorandum contains numerous recommendations for improvements to roads and intersections within the project study area. MDOT concurred with many of the improvements recommended by the applicant's traffic engineer in the application dated January 1998. MDOT has recommended the following additional off-site improvements:

Congress Street:

a. Parking spaces on the southerly side of Congress Street from a point 55 feet east of Gilman Street should be restricted to no parking between the hours of 6:00 a.m. through 6:00 p.m. Appropriate signs must be installed. The applicant has responded by clarifying that parking will be restricted to no parking between the hours of 6:00 a.m. through 6:00 p.m. on the southerly side of Congress Street from a point 55 feet east of Gilman Street to a point 340 feet east of Forest Street. This parking restriction is shown on a plan entitled "Medical Office Building - Traffic and Parking Plan," drawn by Squaw Bay Corporation and dated March 9, 1998.

b. Three parking spaces on the northerly side of Congress Street to the east of the project entrance must be restricted to no parking at all times. Appropriate signs must be installed. The applicant has stated



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that this will be done. The parking restriction is shown on the plan referenced in Finding 3a.

c. A Bus Stop - No Parking Area 60 feet long must be appropriately signed and marked on the southerly side of Congress Street opposite Forest Street and a Bus Stop - No Parking Area 56 feet long must be appropriately signed and marked on the northerly side of Congress Street just east of Forest Street. The applicant has stated that the existing bus stops will be maintained. The applicant will need to install appropriate signage at these stops prior to occupancy of the proposed project if signs do not exist there currently.

Forest Street:

d. Two parking spaces on the westerly side of Forest Street opposite the parking garage driveway entrance/exit must be restricted to no parking at all times. Appropriate signs must be installed. The applicant has stated that this will be done.

Boynton Street (from Forest Street to Weymouth Street):

e. Boynton Street is currently operating as a 2-way street. For operational and safety reasons, MDOI recommended that either on-street parking between Forest Street and Weymouth street be prohibited between 6:00 a.m. and 6:00 p.m., or Boynton Street must be restricted to one-way traffic.

The applicant has responded that the residents of the area do not wish to designate Boynton Street as one-way. The applicant and the City of Portland have agreed to move all parking to the northerly side of Boynton Street. The Department finds that prohibiting on-street parking or restricting Boynton Street to one-way traffic is not practicable in a central business district. This district is characterized by large numbers of pedestrians, commercial vehicle boardings of goods and people and a heavy demand for parking space.

Forest Street/Boynton Street:

f. The curb radius on the southeasterly corner of this intersection is deficient. For operational and safety reasons, either the curb radius must be widened to allow right turns to occur without right-turning vehicles encroaching into the opposing travel lane, or the traffic flow on Boynton Street must be restricted to one-way traffic. The Department finds that the curb radius at this corner of the intersection must be widened to the fullest extent practicable within the existing right-of-way.

St. John Street/Park Avenue:

g. MDOI recommended that St. John Street have parking restrictions to provide additional queue storage at this intersection. The applicant has stated that appropriate signage will be installed.

h. The applicant has stated that this intersection will receive supplemental striping for the westbound St. John Street dual left-turn lanes, using thermoplastic type pavement markings.

i. MDOT recommended that the exclusive right-turn lane on the westbound Park Avenue approach be re-striped to operate as a shared through/right lane, and that Park Avenue from St. John Street to the I-295 on ramps be re-striped to operate with three through lanes. The applicant has stated that this will be done.

j. MDOT recommended that appropriate overhead lane use signs be installed on all approaches and on Park Avenue between St. John Street and the I-295 on ramps. The applicant has stated that this will be done.

St. John Street/Congress Street:

k. MDOT recommended that Congress Street and St. John Street have parking restrictions made to provide additional queue storage at this intersection. The applicant has stated that appropriate signage will be installed on all approaches except on the northbound St. John Street approach. The Department finds that restricting parking on the northbound St. John Street approach cannot reasonably be done at this central business district location.

l. The applicant has stated that the traffic signal controller will be retimed to provide optimum phasing and timing, and appropriate overhead lane use signs will be installed on all approaches.

Congress Street/Valley Street:

m. The applicant has stated that the traffic signal controller will be retimed. However, the applicant states that there is not enough room to provide two 10 foot wide lanes on the eastbound and westbound Congress Street approaches and still provide critical parking space. The Department finds that the addition of the lanes is not practicable in this central business district location.

n. The applicant has stated that appropriate overhead lane use signs will be installed on all approaches.

Congress Street/Bramhall Street/Deering Avenue:

o. The applicant has stated that parking at the intersection of Congress Street, Bramhall Street, and Deering Avenue will be restricted on all approaches, as recommended by MDOT except, for the eastbound Congress Street approach. The Department finds that restricting parking for a business on the eastbound Congress Street approach is not practicable in this central business district.

p. The applicant has stated that the traffic signal controller will be retimed to provide optimum phasing and timing. MDOT recommended that a left turn prohibition be signed on the southbound Deering Avenue left-turn lane for the PM peak period of 4:00 - 6:00 P.M. The Department

finds that restricting left turns on the southbound Doering Avenue approach is not practicable in this central business district location.

q. MDOT recommended that the exclusive pedestrian phase be replaced with concurrent pedestrian phasing. The Department finds that replacing the pedestrian phasing at this intersection is not practicable in this central business district.

r. The applicant has stated that appropriate lane use signs will be installed on all approaches.

Congress Street/Gilman Street:

s. MDOT concurred with the applicant's consultant's recommendation that one parking space be eliminated from the northerly side of Congress Street to the east of Gilman Street. The Department finds that the applicant must install appropriate signage in this location.

Forest Street/Park Avenue:

t. MDOT recommended that the intersection of Forest Street and Park Avenue be monitored after project occupancy to assess whether or not an actuated traffic signal is justified. The Department finds that the monitoring must be completed within one year of project occupancy. If a traffic signal is justified based on the monitoring data, then it must be installed within six months following completion of the monitoring.

The Department finds that the improvements outlined in 3a, 3b, 3c, 3d, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3n, 3o, 3r, and 3s, with exceptions as noted, must be completed by the applicant prior to occupancy.

4. Based upon the information provided by the applicant and as reviewed at the scoping meeting, and written comments provided by the MDOT, dated March 5, 1998, the Department finds that the applicant has met all of the standards contained in 06-096 CMR 374(3) of the Department's Rules pertaining to the traffic movement standard of the Site Location of Development Law.

BASED on the above findings of fact, and subject to the Conditions listed below, the Department makes the following conclusions, in relation to traffic, pursuant to 38 M.R.S.A. Section 481 et seq.:

A. The applicant has made adequate provision for traffic movement of all types into and out of the development area and any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development provided all of the off-site improvements are implemented, and post-construction monitoring is completed as outlined in Finding 3.

THEREFORE, the Department APPROVES the application of MAINE MEDICAL CENTER to construct a medical office building and parking garage on Congress Street in

Portland, Maine, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. The off-site traffic improvements outlined 3a, 3b, 3c, 3d, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3n, 3o, 3r, and 3s, with exceptions as noted, shall be completed by the applicant prior to occupancy.
3. The applicant shall monitor the intersection of Forest Street and Park Avenue within one year after project occupancy to assess whether or not an actuated traffic signal is justified. If a traffic signal is justified based on the monitoring data, then one shall be installed within six months following completion of the monitoring.

DONE AND DATED AT AUGUSTA, MAINE, THIS 2<sup>nd</sup> DAY OF June, 1998.

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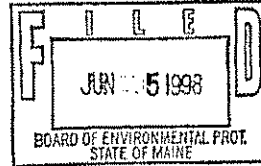
BY: Edward O. Sullivan  
EDWARD O. SULLIVAN, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application 1/12/98  
Date of acceptance of application 1/22/98  
Date of scoping meeting 11/19/97

Date filed with Board of Environmental Protection  
MR/L7981CN

A TRUE COPY  
ATTEST: Martha Kirkpatrick  
Martha Kirkpatrick, Director  
Bureau of Land & Water Quality



## STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.
3. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81) Revised November 1, 1979

RECEIVED  
RECORDED IN DEPT. OF DEEDS

1990 JUN 22 PM 2: 51

CUMBERLAND COUNTY

John B. O'Brien