# CITY OF PORTLAND, MAINE

# PLANNING BOARD

Sean Dundon, Chair  
Brandon Mazer, Vice Chair

David Eaton

David Silk

Austin Smith

Maggie Stanley

Lisa Whited

September 17, 2018

|  |  |
| --- | --- |
| Alexander Green  Maine Medical Center  22 Bramhall Street  Portland, ME 04102 | David Senus  Woodard & Curran  41 Hutchins Drive  Portland, ME 04102 |

Project Name: MMC Employee Garage

Project ID: 000207-2018

Address: 190 St. John Street, Portland

CBLs: 64-A-2, 64-A-8, 64-A-9, 64-A-11, 75-A-6, 74-A-7, 68-D-13, 68-D-14, 68-D-16, with off-site improvements at 64-A-1 and 68-D-3 and in the public right-of-way

Applicant: Maine Medical Center

Planner: Nell Donaldson

Dear Mr. Green:

On September 11, 2018, the Planning Board considered Maine Medical Center’s Level III site plan application for a 2,400-space employee parking garage and associated site improvements at 190 St. John Street. The Planning Board reviewed the proposal for conformance with the site plan standards of the land use code and the requirements of MMC’s Institutional Overlay Zone. The Planning Board voted 5-0 (Dundon and Silk, absent) to approve the application with the following waivers and conditions:

1. **Waivers**

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 the public hearing on September 11, 2018 for application 207-2018 relevant to Portland’s technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board finds, based upon staff review,that extraordinary conditions exist or undue hardship may result from strict compliance with the site plan standard *Section 14-526(a)4.b,* which establishes a bicycle parking standard for non-residential uses of 2 bicycle spaces per 10 vehicular spaces for the first 100 vehicular spaces and 1 per 20 spaces thereafter, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the site plan standard *Section 14-526(a)4.b* to allow 40 bicycle parking spaces on site;
2. The Planning Board finds, based upon the consulting transportation engineer’s review *(Attachment 2),* that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard *(Section 1.7.2.4)* which establishes a maximum driveway width of 24 feet for commercial sites with two-way access, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard *(Section 1.7.2.4)* to allow a driveway of 30 feet in width at D Street;

1. The Planning Board finds, based upon the consulting transportation engineer’s review *(Attachment 2),* that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard *(Section 1.14)* which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard *(Section 1.14)* to allow a 23’ 9.5” wide aisle in the garage and a 27’ 4” wide aisle in the north parking area;
2. The Planning Board finds, based upon the consulting transportation engineer’s review *(Attachment 2),* that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29)* which establishes standard parking space dimensions of 9’ x 18’, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29)* to allow spaces inside the proposed garage at 8.5’ in width*;* and
3. The Planning Board finds, based on staff review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 12.2.3)* which establishes average and maximum illumination levels of 1.25 footcandles and 5 footcandles respectively, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard *(Section 12.2.3)* to allow an average illumination level in the north parking area of 1.9 footcandles and average and maximum illumination levels on the top deck of the garage of 2.4 and 6.4 footcandles respectively.
4. DEVELOPMENT REVIEW

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 the public hearing on September 11, 2018 for application 207-2018 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is in conformance with the site plan standards of the land use code and the MMC IOZ Regulatory Framework, subject to the following conditions of approval, which must be met as follows:

*Prior to the issuance of a building permit:*

1. The applicant shall provide evidence of rights to make improvements to adjacent lots where site work is proposed, including 184 St. John, 210 St. John, and the Union Station Plaza lot, for review and approval by the Planning Authority;
2. The applicant shall provide a final construction management plan including details related to the proposed roadway/signal work in St. John Street, D Street, and Valley Street for review and approval by the Department of Public Works;
3. The applicant shall submit a revised site plan including:
   * 1. Revised striping around the refuge island on Valley Street;
     2. Revised bike lane pavement markings on St. John Street;
     3. "Yield to Bikes" sign;
     4. Modified label for CB30 on D Street to not obscure the light fixture;
     5. revised design of the curb ramp on the SW corner of St. John at the garage driveway to eliminate the skewed area with the vertical curb next to the ramp flares between the curb ramps; and
     6. Revised utility pole placement consistent with C-104 Utility plan

for review and approval by the Planning Authority and Department of Public Works;

1. The applicant shall provide final details for the sidewalk installation on D Street for review and approval by the Planning Authority and Department of Public Works;
2. The applicant shall provide evidence of the adequacy of internal parking circulation capacity for review and approval by the Department of Public Works; and
3. The applicant shall provide:
4. Documentation of design approval from the manufacturer of the stormwater treatment system;
5. Revised plans addressing slope inconsistencies on Pipe 14;
6. Revised plans showing a drainage from the elevator pit into an oil/water separator prior to entering the storm drain system

for review and approval by the Department of Public Works.

*Prior to the issuance of a sign permit:*

1. The applicant shall provide a revised signage master plan for review and approval by the Planning Authority.

*Prior to the issuance of a certificate of occupancy:*

1. The applicant shall provide evidence of all utility and access easements necessitated by the development of the site for review and approval by the Planning Authority:
2. The applicant shall provide design plans and equipment specifications for the D Street signal for review and approval by the Department of Public Works. Within one week of certificate of occupancy and six months thereafter if necessary, the applicant shall provide an assessment of the operation of the D Street intersection for review by the Department of Public Works. Should such an assessment show that the signal at this intersection is warranted, the applicant shall submit a plan for activation of the signal for review and approval by the Department of Public Works. Following such approval, the applicant shall activate the D Street signal under the supervision of the Department of Public Works;
3. The applicant shall submit plans for Intelligent Transportation Systems (ITS) devices to enhance efficiency within the garage for review and approval by the Department of Public Works;
4. The applicant shall submit a plan for trail improvements associated with employee pedestrian access through the Western Promenade for review and approval by the Planning Authority, the Parks Department, and the Historic Preservation staff. Following approval, MMC will be responsible for funding such improvements at an amount not to exceed $50,000.
5. The applicant shall provide revised plans for the final Union Station Plaza parking layout that address safety and circulation standards for review and approval by the Department of Public Works; and
6. The applicant shall provide evidence that HVAC systems meet the standards of the land use code for review and approval by the Planning Authority.

*Other or ongoing conditions:*

1. The applicant shall complete pedestrian and roadway improvements on Valley Street prior to the end of the 2019 paving season for review and approval by the Department of Public Works;
2. Prior to issuance of a demolition permit for the Gilman Garage, the applicant shall:
   * 1. Submit a plan for traffic signal changes at Congress Street/St. John Street that would allow for concurrent pedestrian phasing for review and approval by the Department of Public Works. The applicant shall implement such a plan following approval;
     2. Submit a plan for the Congress Street/Valley Street intersection under a traffic signal removal scenario, including recommendations that provide for safe pedestrian movements, for review and approval by the Department of Public Works, and coordinate with MaineDOT on traffic signal removal. The applicant shall implement such a plan following approval. If MaineDOT does not approve of the removal, the applicant shall submit a plan for traffic signal equipment modifications at the Congress Street/Valley Street intersection to allow for concurrent pedestrian phasing at Congress Street/St. John Street for review and approval by the Department of Public Works. The applicant shall implement such a plan following approval; and
3. The connection between the Eagles lot (184 St. John) and the proposed garage shall be approved for such time as the Eagles Lodge remains in active use. At such time as the use is changed, the connection between the Eagles lot and the garage shall be reevaluated by the Department of Public Works and the Planning Authority. Should such evaluation find the connection unwarranted, it shall be discontinued by the property owner.

The approval is based on the submitted plans and the findings related to site plan review standards and the requirements of MMC’s Institutional Overlay Zone contained in the Planning Board report for application 207-2018 which is attached.

**STANDARD CONDITIONS OF APPROVAL**

The following standard conditions of approval and requirements apply to all approved site plans and must be met prior to the issuance of a building permit, unless otherwise noted:

1. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department 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.
2. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
3. 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 Works 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.
4. 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 Permitting and Inspections Department.
5. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
6. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project’s approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project’s construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.
7. As-Built Final Plans Prior to certificate of occupancy, final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (\*,dwg), release AutoCAD 2005 or greater.
8. 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.
9. 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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

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 and Urban Development Department 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, Planner, at (207)874-8723 or hcd@portlandmaine.gov.

Sincerely,



Sean Dundon, Chair

Portland Planning Board

Attachments:

1. Planning Board report

2. Performance Guarantee Packet

**Electronic Distribution:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development

Stuart G. O’Brien, City Planning Director, Planning and Urban Development

Barbara Barhydt, Development Review Services Manager, Planning and Urban Development

Jean Fraser, Planner, Planning and Urban Development

Philip DiPierro, DRC, Planning and Urban Development

Mike Russell, Director of Permitting and Inspections

Ann Machado, Zoning Administrator, Permitting and Inspections

Jonathan Rioux, Deputy Director, Permitting and Inspections

Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections

Chris Branch, Director of Public Works

Keith Gray, Senior Engineer, Public Works

Doug Roncarati, Stormwater Coordinator, Public Works

Jane Ward, Engineering, Public Works

Rhonda Zazzara, Construction Engineering Coordinator, Public Works

Jeff Tarling, City Arborist, Public Works

Jeremiah Bartlett, Transportation Systems Engineer, Public Works

William Scott, Chief Surveyor, Public Works

Mike Thompson, Fire

Danielle West-Chuhta, Corporation Counsel

Jennifer Thompson, Corporation Counsel

Victoria Volent, Housing Program Manager, Housing and Community Development

Thomas Errico, P.E., TY Lin Associates

Lauren Swett, P.E., Woodard and Curran

Christopher Huff, Assessor