

Memorandum
Planning and Urban Development Department
Planning Division



To: Sean Dundon, Chair and Members of the Portland Planning Board
From: Nell Donaldson, Senior Planner
Date: December 17, 2018
Re: **Revised Motions – Congress Street Hospital Building**

Below please find revised motions for the Planning Board to consider in the final review of MMC's Congress Street hospital building.

XIV. REVISED PROPOSED MOTIONS FOR THE BOARD TO CONSIDER

A. 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 December 17, 2018 for application 331-2018 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/does not find**, 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 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/does not waive** the *Technical Manual* standard (*Section 1.7.2.4*) to allow a driveway of 35 feet in width on Congress Street;
2. The Planning Board **finds/does not find**, based upon staff review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.8*) which requires brick sidewalks on Congress Street and Gilman Street, 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/does not waive** the site plan standard (*Section 1.8*) to allow concrete sidewalks on Congress Street and Gilman Street;
3. The Planning Board **finds/does not find**, based upon the consulting civil engineer's review (*Attachment 4*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 5.11*) which requires that redevelopment projects meet the Chapter 500 standards regarding BMP sizing requirements, 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/does not waive** the *Technical Manual* standard (*Section 5.11*) to allow a subsurface stormwater system with less surface area than required per the design criteria.
4. The Planning Board **finds/does not find**, 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/does not waive** the *Technical Manual* standard (*Section 12.2.3*) to allow an average illumination level within the green roof area of 1.84 footcandles and average and maximum illumination levels on the street frontage of 1.34 and 5.4 footcandles respectively.

B. 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 the public hearing on December 17, 2018 for application 331-2018 relevant to Portland's technical standards and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the proposed plan **is/is not** in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, subject to the following conditions of approval, which must be met as follows:

1. In conjunction with TDM reporting requirements, the applicant shall provide documentation regarding employee parking patterns. Should this documentation show that rates of employee use of the St. John Street garage are lower than anticipated, MMC shall identify measures to be implemented to address this issue for review and approval by the Department of Public Works and Planning Authority;
2. Within three months following full occupancy of the Employee Parking Garage on St. John Street and the completion of the St. John Street improvements as required by Dunkin' Donuts, the applicant shall conduct a monitoring study of the Park Avenue/Valley Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements as discussed in the Traffic Impact Study are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
3. Within three months of the removal of the traffic signal at Valley Street and full occupancy of the Employee Garage at St. John Street, the applicant shall conduct a monitoring study of the Congress Street/Gilman Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements as discussed in the Traffic Impact Study are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
4. Within three months following full occupancy of the Employee Garage on St. John Street, the applicant shall conduct a monitoring study of the St. John Street/A Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements as discussed in the Traffic Impact Study are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
5. The applicant shall submit a plan for improving wayfinding to the existing MOB Parking Garage and the Visitor Garage on Congress Street in order to help mitigate sudden stops within this section of roadway for review and approval by the Department of Public Works and the Planning Authority and Planning Authority; and

6. Within one year of certificate of occupancy, the applicant shall conduct a monitoring study. If crash patterns are not mitigated, the applicant shall develop and implement a mitigation plan with the review and approval by the Department of Public Works and Planning Authority.

C. DEVELOPMENT REVIEW and SITE LOCATION OF DEVELOPMENT

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 December 17, 2018 for application 331-2018 relevant to the site plan regulations and *Technical Manual* standards; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, the MMC IOZ Regulatory Framework, and the Site Location of Development standards within the *Technical Manual*, subject to the following conditions of approval, which must be met as follows:

Prior to permission to complete site work in advance of building permit:

1. The applicant shall provide final, revised utility plans addressing the comments of the city's consulting civil engineer with respect to catch basin locations and conflicts, callouts, inlet information, conversion of catch basins to drainage manholes, and underground utility conflicts for review and approval by the Department of Public Works and Planning Authority;
2. The applicant shall provide evidence of sewer capacity for review by the Planning Authority, and any utility modifications post-approval shall be submitted to the Department of Public Works and Planning Authority for review and approval;
3. The applicant shall provide a revised Construction Management Plan addressing comments related to vibration monitoring, maintenance of traffic, and provisions for right-of-way work for review by the Department of Public Works and the Planning Authority;

Prior to building permit application:

1. The applicant shall provide final, revised site plans and details, stamped by a licensed professional engineer, addressing the comments of the city's Transportation Program Manager with respect to multi-modal access and circulation, public transit access, and on-street parking for review and approval by the Department of Public Works and the Planning Authority;
2. The applicant shall submit revised landscape plans addressing street tree and sidewalk planting area comments for review and approval by the City Arborist and the Planning Authority;
3. The applicant shall provide documentation from the Department of Public Works with respect to the storm event modeled within the stormwater management calculations and proposed connections to existing drainage and sewer systems for review and approval by the Planning Authority;

Prior to the issuance of a building permit:

1. The applicant shall provide evidence of license agreements for proposed building encroachments into the right-of-way, including proposed footings and building overhangs, for review and approval by Corporation Counsel and the Planning Authority;
2. The applicant shall provide evidence of FAA approvals for review by the Planning Authority;

Prior to the issuance of a certificate of occupancy:

1. The applicant shall provide evidence of a public pedestrian easement for all areas of sidewalk that are proposed on private property for review and approval by Corporation Counsel and the Planning Authority;
2. The applicant shall provide a final, recorded maintenance agreement for the granite banding proposed within the Congress Street sidewalk and raised tree wells to be reviewed and approved by Corporation Counsel and the Planning Authority;
3. The applicant shall submit a revised master sign plan addressing staff comments related to sign size, design, and placement for review and approval by the Planning Authority;
4. The applicant shall provide a revised Pedestrian Network Plan, including updated diagrams, proposed Western Promenade improvements, sidewalk materials, and public circulation and access points for review and approval by the Planning Authority.
5. A licensed engineer in the state of Maine shall provide certification that the stormwater system is installed according to plan and that there are weekly reports confirming compliance with erosion and sedimentation measures during construction for review and approval by the Department of Public Works and Planning Authority; and
6. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system, and all assigns. shall comply with the conditions of Chapter 32 Storm water including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds, with copies to both the Planning Authority and the Department of Public Works.