

CITY OF PORTLAND, MAINE
PLANNING BOARD

Stuart O'Brien, Chair
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Sean Dundon
Bill Hall
Carol Morrisette
Jack Soley

August 12, 2014

Mr. Joel Kittredge, Project Manager
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-0016

Mr. Pat Carroll
Carroll Associates
217 Commercial Street, #200
Portland, Maine 04101

Project Name: Portland International Marine
Address: 460 Commercial Street

Project ID: 2014-038
CBL: 59-A-1-3-4-7-8-11;
59-A-2-5-6-9-10 (leased)

Applicant: Maine Department of Transportation
Planner: Richard Knowland

Dear Mr. Kittredge:

On June 24, 2014 and July 8, 2014, the Planning Board considered the Portland International Marine Terminal facility expansion for the existing laydown and connecting corridor connection project. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance and Shoreland Zoning Regulations. The Planning Board voted to approve the application with the following waivers and conditions as presented below.

WAIVERS

The Planning Board voted (5-0; Hall and Soley absent) to waive the following Technical Standards.

1. The Planning Board finds that two or more criteria for sidewalk waiver, specifically criteria 2 and 3, as provided under Sec. 14-506(b), are met and therefore waives the requirement for sidewalks along the southerly sideline of Commercial Street.
2. The Planning Board finds that two or more criteria for granite curbing waiver, specifically criteria 4 and 5, as provided under Sec. 14-506(b), are met and therefore waives the requirement for granite curbing along the southerly sideline of Commercial Street.
3. The Planning Board waives the Technical Standard for Driveway Design: Maximum driveway width, Section 1.7.1.4. for IMT, Nova Seafood and Graybar as specified on the plan due to the existing constrained circulation conditions for large trucks.

4. The Planning Board waives Technical Standard for flooding as provided under Section 5.III.4.E(2) due to the capacity of the receiving water (Fore River).
5. The Planning Board waives Technical Standard for Soil Infiltration Testing, Sec V, Appendix D.4.(a) based on known conditions on the site and controlled materials to be installed with construction.
6. The Planning Board waives Technical Standard for Landscape and Landscape Preservation for the following sections: Sec. 4.2 and 4.3 – Preservation of Significant Site Features and Existing Vegetation; Sec. 4.5 – Site Landscaping: Screening and Buffers, Industrial and Commercial and Sec. 4.6 – Street Trees. Commercial, industrial and industrial developments shall provide street trees 35 to 45 feet on center along City right-of- way.
7. The Planning Board waives Technical Standard for boundary survey under Sec. 13.2 Level I Site Alteration, II and III General Standards regarding incomplete utility information, incomplete topographic information, and scale drawn to no less than 1 inch to 50 feet.
8. The Planning Board waives Technical Standard for light fixture height under Sec. 12.2.7 of 30 feet by providing fixture heights of 34 feet for the concrete pad area and 35 feet for the container storage area.

SITE PLAN REVIEW

The Planning Board voted (6 to 0; Morrissette absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. That the applicant shall submit a revised site plan and other related material addressing the review comments of Tom Errico (Traffic Review Consultant) memo dated July 2, 2014.
2. That the applicant shall submit a snow storage plan to allow the City to use the IMT snow storage area for snow plowed by the City adjacent to the Commercial Street concrete wall so long as it does not interfere with IMT operations.
3. That the applicant shall submit a revised plan for Planning Staff review and Planning Board approval of the concrete wall and barrier along Commercial Street.
4. City Staff shall review and approve the submitted agreements (including cross agreements), easements, a revised site plan and other relevant documents confirming appropriate cross agreements and easements for access and utilities to service the New Yard property through the IMT site or evidence of rights of access over the additional land to be acquired from the rail road for City Staff review and approval.
5. That the applicant shall submit a revised site plan with sufficient details and dimensions to clarify design intent for Planning Staff review and approval.
6. That the lighting illumination levels shall not exceed the levels shown on the submitted plan and shall meet IESNA (Lighting for Exterior Environments RP-33-99) for the

proposed use. Lighting levels within the container area (S2 and S3 light poles) and security lights within the pad area (S1A and S1B light poles) shall operate at 50% light output levels unless the yard is actively being used. The remaining type S1A light poles within the concrete pad shall only be turned on when the pad area is actively being used.

SHORELAND REGULATIONS REVIEW

The Planning Board voted (6 to 0; Morrisette absent) that the plan is in conformance with the shoreland standards of the Land Use Code.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application #2014-038 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

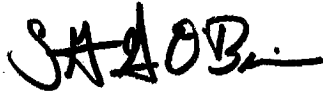
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require 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.
2. **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 Inspection Division.
3. **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.
4. **Final Sets of Plans** Seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services 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.
5. **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 Service's 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. (If applicable)
6. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

7. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

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 Division 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 Richard Knowland at (207) 874-8725.

Sincerely,



Stuart G. O'Brien, Chair
Portland Planning Board

Attachments:

1. Review Memo of Tom Errico (Traffic Review Engineer) dated July 2, 2014
2. Planning Board Report
3. City Code: Chapter 32
4. Sample Stormwater Maintenance Agreement [if applicable]
5. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Philip DiPiero, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

~~XXXXXXXXXX~~

Rick Knowland - IMT -- Final Updated Comments (July 2, 2014)

Att. 1

From: Tom Errico <thomas.errico@tylin.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 7/2/2014 7:56 AM
Subject: IMT -- Final Updated Comments (July 2, 2014)
CC: Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@port...

Rick – The following is a status update of previous comments and is reflective of responses provided by the applicant dated June 27, 2014.

1. The traffic signal plan includes special signal phasing for Nova Seafood. I would suggest that a City agreement with Nova Seafood be crafted related to traffic operations and a memorandum of understanding and for traffic control.

June 18th Status: The applicant shall be required to provide a draft agreement that specifies maintenance, traffic signal, pavement marking and signage requirements for review and approval. The City suggests that this be a three-party agreement (City/State/Property Owner).

Current Status: Outstanding

2. The driveway apron material at Nova Seafood does not meet City standards and a waiver will be required.

June 18th Status: The City supports a waiver from their technical standards for driveway apron material given pedestrian and truck movement conflicts. DPS requests that the driveway apron material be concrete with a color tint (to be determined in the future prior to construction) and be designed to accommodate heavy truck loads.

Current Status: This comment is for the driveway apron area, not the roadway area outside the curb line. Use of cobble for the non-driveway area is acceptable.

3. Several of the driveways on Commercial Street (IMT, Nova Seafood, and Gray Bar) do not meet City width standards and thus waivers will be required.

June 18th Status: For the IMT Driveway, which is proposed to be 100 feet wide, the applicant has provided a "auto-turn" graphic for a WB-67 truck. Reviewing the graphic, I believe the driveway can be narrowed, although not substantially. I would also like to understand more about the truck characteristics before rendering a final decision on the driveway width. Additionally, understanding right and left-turning movements for these large trucks will be helpful. If most are turning left and destined to the Fore River Parkway and the Veterans Bridge, there may be an opportunity to narrow the driveway on the easterly edge, which may also have a positive impact on the design of the crosswalk.

Current Status: The requested information is outstanding.

June 18th Status: I have reviewed the "auto-turn" graphics for the Nova Seafood site and I support a waiver for driveway width given site operations and that it is an existing business with unique truck access/egress requirements.

Current Status: I have no further comment.

June 18th Status: The applicant has provided a "auto-turn" analysis for one of the Graybar Driveways. The applicant shall provide a similar analysis for the second driveway and provide specific truck delivery information before approval of the widths can be provided.

Current Status: The requested information is outstanding.

4. Several of the driveways on Commercial Street do not meet City corner clearance and separation standards.

June 18th Status: Both the Nova Seafood and Graybar driveways currently do not meet corner clearance standards and conditions will not worsen with the proposed project. Given site constraints and access and egress needs for large trucks, I support a waiver from the City's Technical standard.

5. The City is requesting that truck parking on in-bound Commercial Street be prohibited for to be specified distance in advance of the Beach Street intersection. The City will provide this restriction length.

June 18th Status: Trucks shall be prohibited from parking along Commercial Street from the new STOP bar at the signalized intersection to a point westerly of 200 feet. The applicant shall provide recommendations on how this prohibition will be regulated via signs or other measures for review and approval.

Current Status: The applicant has agreed to revised the plans to include pavement markings and signage. Final plans shall be reviewed and approved by the City.

6. The applicant should investigate the provision of a bicycle lane on Beach Street departing the intersection.

June 18th Status: The applicant has noted that adequate shoulder spaces is provided on Beach Street and no action is required. I concur with their response.

7. I am concerned about traffic operations and congestion during peak time periods, particularly when the special Nova Seafood traffic signal phase is actuated. The applicant should investigate the ability to limit the traffic signal phase during peak time periods.

June 18th Status: Specific information needs to be provided by the applicant that helps the City understanding specific constraints to implementing time-of-day restrictions.

Current Status: Nova Seafood has provided the requested information and given low traffic volumes entering and exiting the site during the critical PM peak hour, no special restriction is recommended. I would suggest that the signal operations be monitored and adjustments incorporated as necessary.

8. A sidewalk waiver has been requested and a review of the supporting information will be performed.

June 18th Status: The applicant has documented that two sidewalk waiver criteria are met for the project and are based on prior IMT and New Yard applications. Given these prior decisions, specifically that an alternative route on the opposite side of Commercial Street will serve pedestrian activity in this area and that a signalized crossing will be provided at the IMT Site Driveway/Beach Street intersection, I support a waiver from providing a sidewalk along the property frontage.

9. A granite curbing waiver has been requested and a review of the supporting information will be performed.

June 18th Status: DPS is reviewing this waiver request.

10. The applicant should provide information as it relates to use of the proposed traffic signal by existing IMT traffic. I believe there will be overall site traffic and safety benefits if all IMT traffic has the ability to use the traffic signal.

June 18th Status: I understand the security constraints, as noted by the applicant, but I would suggest that the applicant provide an overview of the entire site and whether the layout could be modified to allow for an internal driveway connecting the existing IMT facility and the new signalized entrance that avoids going through the fenced area of the chassis yard.

Current Status: The request site overview illustrating specific constraints has not been provided.

11. A construction management plan has been prepared. Additional information will be required as it relates to specific traffic, pedestrian, and bicycle impacts during construction.

June 18th Status: The applicant has noted that the contractor will be responsible for development of a construction management plan. Site plan standards require applicants to prepare a plan in conjunction with site plan approval. The applicant is required to develop a conceptual management plan that should indicate how construction will occur on Commercial Street. The plan should note how vehicular traffic, pedestrians and bicyclists will be maintained during construction and should note any peak time period restrictions for construction activity (The City has arterial time restrictions). It may be necessary that some construction activities occur at night to avoid impacts to traffic flow.

Current Status: The applicant has provided general construction management guidelines that I generally find to be acceptable. I would note that the City has specific time of day restrictions that must be complied with or requests for waivers submitted for review and approval. Approval of a complete detailed construction management plan will be required before the DPS permits are issued.

12. At the planning board workshop, there was discussion about the provision of a driveway entrance west of the project site for future development access and egress. The applicant should provide information in support of that driveway if that is to be included in the project approval.

June 18th Status: The applicant has indicated that this is not part of the project application and therefore no further action is required.

13. The City does not support the use of pavement markings to delineated pavements areas for use by large trucks.

June 18th Status: The applicant has suggested the use of cobblestones for the truck apron areas and I find this material, in general, to be acceptable. DPS shall review the product information and design details and provide approval.

14. The phasing for the intersection does not appear to be NEMA compliant. Please revise with Commercial Street as the main street, assuming an east-west phasing structure.

June 18th Status: The plans have been revised and I have no further comment.

15. The phasing sequence should begin with Commercial Street and end with Nova Seafood (currently designated as Phase 9).

June 18th Status: The plans have been revised and I have no further comment.

16. The peak hour cycle length seems unusually long for an intersection with this type of geometry, going as long as 150 seconds during the PM peak hour. Discussion should be provided as to why shorter cycle lengths cannot be achieved.

June 18th Status: The applicant has indicated that this cycle length is necessary for providing optimal level of service conditions. The long cycle length is related to the long Nova Seafood signal phase. Given this requirement, I find their response to be acceptable. I would note that the City can monitor traffic conditions and incorporate signal timing adjustments in the future.

17. The pedestrian timing does not appear to provide sufficient crossing time, particularly for Commercial Street. Please confirm use of a standard 3.5 feet per second pedestrian crossing time from curb to curb.

June 18th Status: The plans have been revised and I have no further comment.

18. Given the sight distance issues for this intersection, the all-red clearance times should likely be extended.

June 18th Status: The plans have been revised and I have no further comment.

19. The City's technical standards are in the process to migrating to infra-red video detection as a requirement. The City now requires that either the cameras used with the VIP processors be the FLIR FC series or that the solution be based on the FLIR TrafiSense cameras.

June 18th Status: The plans have been revised and I have no further comment.

20. Please specify four-inch conduit to provide additional future wiring capabilities.

June 18th Status: The plans have been revised and I have no further comment.

21. Please provide one-piece pedestrian poles.

June 18th Status: The plans have been revised and I have no further comment.

22. All pole bases, pull boxes and controller conduits should be sealed to prevent access by rodents and other small animals.

June 18th Status: The plans have been revised and I have no further comment.

23. Please confirm the method of advance notification when the Commercial Street westbound approach is red to account for minimal sight distances passing by Nova Seafood.

June 18th Status: The applicant has added a supplemental signal head and I have no further comment.

24. It is my understanding that the Nova Seafood driveways will be restricted such that the easterly driveway will be an entrance only and the westerly driveway a exit only driveway. The plans do not reflect this.

June 18th Status: The applicant should include signs and pavement markings that support the one-way access/egress conditions for review and approval.

Current Status: The applicant has indicated that the requested information is to be provided by Nova Seafood. DPS will not issue any permits until plans have been submitted for review and approval.

25. There are areas of roadway pavement that appear to be located outside the public right-of-way. An agreement on maintenance may be required.

June 18th Status: The applicant shall provide a draft maintenance agreement for review and comment.

Current Status: This item is outstanding.

26. The applicant should note the material for the Nova Seafood island.

June 18th Status: The applicant has provided the detail and I find the material to be acceptable.

27. The applicant should provide details for the area between the sidewalk and the Nova Seafood island.

June 18th Status: The applicant has indicated that this area will have cobblestone material. I find this material to be acceptable. I have no further comment.

28. The left-turn bay shadowed island is depicted as paint. The applicant should investigate other material treatment for longevity purposes.

June 18th Status: The City supports the use of paint in this area. I have no further comment.

29. During Casco Bay Bridge openings, traffic may be backed up into the new traffic signalized intersection. The applicant should note whether there are any provisions for this scenario from a traffic signal perspective.

June 18th Status: No special provisions have been identified and therefore I have no further comment.

30. The bicycle lane on the outbound side of Commercial Street continues to the limit of work, while the in-bound bicycle lane begins at the point where the left-turn lane is starting. The applicant should note why the in-bound bicycle lane can't start at the project limits.

June 18th Status: Within the project limits along Commercial Street, a formal bicycle lane should be continuously marked and signed as appropriate. The plans should be revised to reflect this.

Current Status: The applicant has agreed to make the noted changes and I have no further comments.

31. The direction sign that note Casco Bay Bridge 500 Feet is being removed. This removal should be confirmed by City staff.

June 18th Status: A condition of approval shall be included that notes signage for the project is subject to change with final recommendations from the City to be provided prior to construction.

32. The plans illustrate that the sidewalk at the corner of the Nova Seafood building will not need to be reconstructed. Given that the curb is being relocated, the sidewalk will need to be upgraded.

June 18th Status: The applicant has agreed to make this change and revised plans will be reviewed for approval.

33. The length of curbing at the Nova Seafood driveway is being eliminated. Justification on this change shall be provided.

June 18th Status: I have reviewed the "auto-turn" graphics and given Nova Seafood's site needs, I have no further comment.

34. A fire hydrant is located in the middle of the sidewalk east of the easternmost Nova Seafood driveway. It would be beneficial if this hydrant could be relocated.

June 18th Status: No further action is requested of the applicant on this issue.

35. The plan replaces an existing Casco Bay Bridge 500 Feet sign with a sign that notes Casco Bay Bridge (right) and Fore River Parkway (through). City staff should determine if this replacement is acceptable.

June 18th Status: A condition of approval shall be included that notes signage for the project is subject to change with final recommendations from the City to be provided prior to construction.

36. It was my understanding that the bicycle lanes were going to have dashed line treatment through the intersection. The plans do not depict this.

June 18th Status: Enhanced pavement markings shall be provided in the subject area and final approval of the details shall be provided prior to construction.

37. The applicant should confirm that adequate illumination will be provided at the two crosswalk locations.

June 18th Status: The applicant has noted that the traffic signal mast arm support will include light fixtures and provide adequate illumination. I have no further comment.

Additional Comment

- **June 18th Status:** DPS requests that the shared use path along Commercial Street within the project limits consist of brick material meeting city standards and the width be reduced to 8-feet. A revised plan that meets this directive shall be reviewed and approved by DPS.

Current Status: The City of Portland views the proposed shared use path to be a secondary facility for serving pedestrians and bicyclist. The long-term vision is the provision of a landside trail that will be located off the street. The path being constructed for this project will only serve temporary use, until the off-road path is constructed and therefore the City does not believe it to be practical to build a full

width facility under this project. The City continues to request construction of a 8-foot facility.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLININTERNATIONAL

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