

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
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Carol Morrissette
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January 27, 2016

Canal Landing, LLC
Attn: Phin Sprague
400 West Commercial Street
Potrland, ME 04101

Stephen Bushey
Stantec
778 Main Street, Suite 8
South Portland, ME. 04106

Project Name: Canal Landing New Yard
Address: 400 West Commercial St.

Project ID: #2115-101
CBL: 59-A-3-4; 60-F-1-2-3-4; 71-F-2-4-5-6

Applicant: Canal Landing, LLC
Planner: Richard Knowland

Dear Mr. Sprague:

On January 12, 2016, the Planning Board considered Canal Landing New Yard – Phase III for an expansion of a boat maintenance and repair facility, including the construction of Buildings C and D with a total floor area of about 31,250 square feet. The Planning Board reviewed the proposal for conformance with the standards of Conditional Use Review, Shoreland Zoning Regulations, Traffic Movement Permit, Site Plan Ordinance, including Site Development of Location Act. The Planning Board voted to approve the application with the waiver(s) and condition(s) as presented below.

CONDITIONAL USE

The Planning Board voted 5 to 0 (Boepple absent) that the proposed plans are in conformance with Conditional Use Standards of the Waterfront Port Development Zone for marine products, wholesaling and retailing, which includes the proposed boat storage and sales, and section 14-474 of the of the Land Use Code.

WAIVERS

The Planning Board voted 5 to 0 (Boepple 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 3 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 finds that due to circulation needs for trucks transporting large boats, the Planning Board waives the Technical Standard for Driveway Design: Maximum driveway width, Section 1.7.1.4. to allow a maximum width of 40 feet for the middle driveway.
4. The Planning Board finds that due to the capacity of the receiving water (Fore River) for stormwater, the Planning Board waives the Technical Standard for flooding as provided under Section 5.III.4.E(2).
5. The Planning Board finds based on known conditions on the site and controlled materials to be installed during construction, the Planning Board waives the Technical Standard for Soil Infiltration Testing, Sec V, Appendix D.4.(a).
6. The Planning Board finds that due to the need for flexibility in boat storage and boat yard operations, the Planning Board waives the Technical Standard for Landscape and Landscape Preservation: Sec. 4.iv.4.5.5. – Interior Site Landscaping.
7. The Planning Board finds that due to the extended street frontage of the New Yard property and limited usage of the most easterly driveway, the Planning Board waives the Technical Standard for 1.7.1.8 Number of Driveways to allow a third driveway on the site.

TRAFFIC MOVEMENT PERMIT

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 5 to 0 (Boepple absent) to approve the Traffic Movement Permit application for Canal Landing New Yard – Phase III subject to the following conditions of approval to be met prior to the issuance of a building permit:

1. That the applicant shall contribute \$65,000 towards the construction of a three lane roadway section that will include provision for a left-turn lane into Canal Landing (New Yard) as provided for in Tom Errico's Review Memo (Traffic Review Consultant) dated January 8, 2016.
2. That the applicant shall contribute \$25,000 towards the implementation of a safe crosswalk facility that is ADA compliant for access to a proposed shared-use path on the land side of the street as provided for in Tom Errico's Review Memo (Traffic Review Consultant) dated January 8, 2016.

SITE PLAN REVIEW

The Planning Board voted 5 to 0 (Boepple absent) that the plan is in conformance with the Site Plan standards of the Land Use Code including the Site Location of Development Act, subject to the following condition(s) of approval to be met prior to the issuance of a building permit:

1. That the applicant shall submit an updated letter from Central Maine Power regarding their ability to serve the project.
2. That the applicant shall submit a revised site plan addressing the review comments (dated 12-22-2015) of David Senus, Development Review Consultant, for review and approval.

3. That the applicant shall submit a landscaping plan for Planning Board review and approval with a focus on providing street trees, fencing and plantings on or near the project street frontage.
4. That the applicant shall provide a treatment along Commercial Street that ensures vehicle movements will be restricted to the formal paved driveways. The parking and boat storage areas along Commercial Street shall have a fence, guardrail or other physical barrier to contain vehicles storage within designated areas as reviewed and approved by Planning Staff.
5. The review and approval of the western most driveway is based on low traffic volumes. If the use and traffic volumes intensify as part of future development plans, the design and provision of this driveway shall be reviewed and approved by the City Traffic Engineer. The applicant shall provide usage information to the City Traffic Engineer annually for up to 5 years from the date of the certificate of occupancy.
6. That a revised site plan shall be submitted for the site substantiating the total number of available parking and bicycle spaces on the site for Planning and Staff review and approval.
7. That the applicant address the review comments of David Margolis-Pineo (Deputy City Engineer) dated January 8, 2016.
8. That the applicant shall submit a revised site plan for review and approval by the Fire Department, which will show emergency access routes to be kept clear of stored and trailered vessels, vehicle parking and snow storage.
9. Applicant shall submit an internal signage plan for Planning Staff review and approval.

Shoreland Regulations

The Planning Board voted 5 to 0 (Boepple absent) that the plan is in conformance with the Shoreland Standards of the Land Use Code. Note that the applicant is not preserving trees within the Shoreland Zone which is permitted in the Waterfront Port Development Zone.

The approval is based on the submitted plans and the findings related to site plan and other review standards as contained in Planning Report for application #2015-101 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. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and 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. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **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)
7. **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.)
8. **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,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Tom Errico (Traffic Review Consultant) Review Comments, dated Jan 8, 2016
2. David Senus (Development Review Consultant) Review Comments, dated Dec 22, 2015
3. David Margoils-Pineo (Deputy City Engineer) Review Comments, dated Jan 8, 2016
4. Planning Board Report
5. City Code: Chapter 32
6. Sample Stormwater Maintenance Agreement [if applicable]
7. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Philip DiPiero, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Brad Saucier, Administration, Inspections Division
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
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

ATT. 4

Rick Knowland - Canal Landing - Final Traffic Comments

From: Tom Errico <thomas.errico@tylin.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 1/8/2016 1:43 PM
Subject: Canal Landing - Final Traffic Comments

Rick – I have reviewed the application materials and offer the following final traffic comments.

- I find the parking access and circulation layout to be acceptable. The applicant should provide treatment along West Commercial Street that ensures vehicle movements will be restricted to the formal paved driveways.
- I support a waiver for driveway width given large vehicle deliveries expected for the site.
- My review and approval of the westernmost driveway is based on low traffic volumes. If the use and traffic volumes intensify as part of future development plans, the design and provision of this driveway shall be reviewed. Accordingly, I support a waiver from City standards as it relates to provision of three driveways.
- I have reviewed the traffic analysis conducted as an outcome of the Traffic Movement Permit Scoping Meeting. My comments regarding the traffic study are noted as follows:
 - The applicant shall provide a safe pedestrian crossing on West Commercial Street for access to a proposed shared-use path on the land side of the street (a sidewalk along the applicant's frontage is being waived). Given heavy traffic volumes and speeds, this crosswalk will require special design treatments. Possible treatments include a Rectangle Rapid Flashing Beacon Warning system and a median refuge island. It is my recommendation that a contribution be provided for installation of the crosswalk given that the shared-use path is not constructed and coordination with possible future development at the JB Brown site. Accordingly, the applicant shall contribute \$25,000 towards implementation of a safe crosswalk facility that is ADA compliant.
 - The applicant has conducted a traffic analysis at the project driveways. The analysis indicates failing or long delays are projected for movements exiting the site. Long delays from STOP controlled driveways or streets is not unusual on high traffic arterials, such as West Commercial Street. The level of traffic expected from the project will be significantly below threshold warrants for a traffic signal, so STOP sign controlled driveways are acceptable. I do have concerns regarding left-turn entry movements from West Commercial Street, particularly during the morning peak period where heavy inbound traffic volumes limit gaps for turning. Further, the recommendations from the West Commercial Street Multi-Modal Corridor Study is to provide a three lane roadway, where the center lane would function as a turn lane at major driveways, such as Canal Landing. Additionally, I reviewed MaineDOT methodologies for left-turn lane warrants for a roadway like West Commercial Street. It is my professional opinion the warrant is met considering all left-turn movements entering the site. Accordingly, the applicant shall provide a left-turn lane on West Commercial Street. Given that the City and State will likely be constructing the West Commercial Street shared-use path and the JB Brown site may be developed in the near future, the applicant shall contribute \$65,000 towards the construction of a three lane roadway section that will include provision for a left-turn lane into Canal Landing.

If you have any questions, please contact me.

Best regards,

MEMORANDUM



TO: Rick Knowland, Senior Planner
FROM: David Senus, P.E.
DATE: December 22, 2015
RE: Canal Landing, Final Level III Site Plan Application & Response to Comments

Woodard & Curran has reviewed the Final Application and Response to Comments submittals for the Level III Site Plan for Phase III of Canal Landing (New Yard) located at 400 West Commercial Street in Portland, Maine. The project involves the construction of approximately 30,250 SF of new building space and restoration/stabilization of boat yard areas across approximately eight acres of the former rail yard.

Documents Reviewed by Woodard & Curran

- Final Level III Site Plan Application, dated September 4, 2015, prepared by FST on behalf of Canal Landing, LLC.
- Response to Comments Letter and attachments, dated December 2, 2015, prepared by FST, on behalf of Canal Landing, LLC.
- Engineering Plans, Sheets C-1.0, C-1.1, C-1.3, C-2.1, C-2.2, C-2.3, C-2.4, C-3.1, C-3.2, C-4.1, C-6.1, C-6.2, C-6.3, C-6.4, C-7.0, C-8.0, C-8.1, C-8.2, C-8.3, C-8.4, C-11.0. REV dated November 10, 2015, prepared by FST, on behalf of Canal Landing, LLC.

Comments

- 1) The project is being reviewed under the City's Delegated Review Authority for the Site Location of Development Act; as such, the project must show conformance with MaineDEP Chapter 500 Basic, General, and Flooding Standards (latest edition, 2015). Also, in accordance with Section 5 of the City of Portland Technical Manual, a Final Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:
 - a) Basic Standards: Plans, notes, and details and a full Erosion and Sediment Control report have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500.
 - b) General Standards: The Applicant has proposed a porous crushed stone yard surface to infiltrate stormwater falling on the boat yard area and to managed run-on from the small adjacent paved surfaces; an underdrained drip edge filter to manage runoff from the Building D roof and adjacent sidewalk; and Fabco Model 10080 -1 Stormbasin Cartridge Filters (or equal) to manage runoff from the Building C roof to meet the quality requirements associated with the General Standards. This approach is in-line with the previously approved practices on the adjacent sites, and given the variable mix of pervious and developed / gravel areas in the existing condition, the use of features such as the Fabco filter for roof water can be considered innovative treatment measures for redevelopment areas. Overall the proposal is largely compliant with the General Standards; with compliance to be acknowledged pending response to the following comments:
 - i. The Post Construction Stormwater O&M Manual should be updated to include the inspection and maintenance requirements for the Fabco Model 10080 -1 Stormbasin Cartridge Filters.
 - ii. Any "Future" buildings or pavement areas depicted on Sheet C-2.3 will require stormwater quality treatment measures in accordance with the General Standards; this should be noted on that plan sheet.
 - iii. The Applicant should prepare a Stormwater Treatment Plan that identifies how each current (Phase III) area is being treated to meet the water quality (General) standards,



and that includes tables that show compliance with the treatment area requirements of the General Standards.

- c) Flooding Standard: Runoff from the Site flows to the tidal Fore River; as such, the Applicant has requested a waiver from the Flooding Standard. We support this requested waiver from the Flooding Standard.
- 2) Sheet C-3.2 - A storm drain pipe connection to the Emery Street Combined Sewer Overflow is shown within the railroad right of way. The Applicant should clarify whether they have an easement or rights to install pipe within this railroad right of way location.
- 3) A retaining wall & stairs is proposed near Building D over the top of the 30" brick Emery Street Combined Sewer Overflow pipe; the Applicant should seek approval from the City Department of Public Works to place the retaining wall structure at this location within the proposed easement.
- 4) The plans should note a location for snow storage. The snow storage location should be sited outside of existing and proposed drainage courses.
- 5) C-3.2 & C-4.1 – The proposed grade changes at the Emery Street CSO structure will require that the CSO manhole frames and covers be removed and reset to grade. This should be detailed in the plan set and called out on the site plan.
- 6) C-3.1 – Two new outfalls are proposed through the sea wall. Is outlet stabilization required at these locations (is there a soft bottom or existing stone bottom at these outfall locations?). Will this work require approval through MaineDEP & USACOE?
- 7) C-2.1 – The plans call for maintaining the existing gravel shoulder area between the edge of pavement on West Commercial Street and the building / fence line. We recommend improving the surface in this area; the type of surface improvement will need to be determined in consultation with planning and Public Works / Engineering.

Rick Knowland - Review Comments for Canal Landing

From: David Margolis-Pineo
To: Rick Knowland; Tom Errico
Date: 1/8/2016 2:51 PM
Subject: Review Comments for Canal Landing
CC: Barbara Barhydt

January 8, 2015

TO: Barbara Barhydt
Rick Knowland
FROM: David Margolis-Pineo
RE: Review Comments: West Commercial St. - #40; Industrial Boat & Ship repair - Canal Landing

The Department of Public Services has the following comments concerning this proposed project.

1. Proposed 30' wide sewer easement should be in place prior to issuance of permits.
2. Since the 48" interceptor sewer is a combined system, backflow preventers are required on all lateral connections.
3. It is unclear how stormwater drainage off West Commercial will be handled. Would the applicant please clarify.
4. The applicant is proposing a gravel area between the edge of pavement and the applicant's property. Since a majority of this area is currently grass, the City is requesting this space to remain as grass.
5. Please clarify the need for the concrete sidewalk along the property line.
6. The applicant is proposing to encroach upon the proposed sewer easement with concrete steps. An agreement should be in place stating who should remove and replace all none related sewer infrastructure if access is needed.

We have no further comments at this time.