

CITY OF PORTLAND, MAINE

PLANNING BOARD

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Lisa Whited

February 23, 2018

Phin Sprague
Canal Landing, LLC
400 West Commercial Street
Portland, ME 04101

Stephen Bushey, P.E.
Stantec Consulting Services, INC
482 Payne Road
Scarborough, ME 04074

Project Name: Canal Landing Phase III
Address: 400 West Commercial Street
Applicant: Canal Landing, LLC
Planner: Matthew Grooms

Project ID: 2017-293
CBL: 059-A-003

On January 23, 2018, the Planning Board considered application 2017-293, a proposal by Canal Landing, LLC to construct two new commercial buildings proposed for retail and office use, two separate off-street parking areas with a total of fifty-five parking spaces, and construction of a pervious man-made surface across approximately ten acres of the development site for use as a boat storage area. Other site improvements include construction of a 2,400 square foot storage building to be used by Waynelete Academy and the installation of a six-foot security fence and site lighting. The proposed development is located at 400 West Commercial Street in the Waterfront Port Development Zone.

The Planning Board reviewed the proposal for conformance with the standards of the following state and local regulations; Site Plan, Conditional Use, Shoreland Zoning Regulations, Stormwater Permit, and Site Development of Location Act. The Planning Board voted 7-0 to approve the application with the following waiver(s) and condition(s) as presented below:

Waivers

The Planning Board voted 7-0 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 Section 14-506(b), are met and therefore waives the requirement for sidewalks along the southerly side of West Commercial Street
2. The Planning Board finds that two or more criteria for granite curbing waiver, specifically criteria 3 and 5, as provided under Section 14-506(b), are met and therefore waives the requirement for granite curbing along the southerly side of West 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 proposed driveways
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 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
6. The Planning Board finds that due to the extended street frontage of the New Yard property and limited usage of the most westerly driveway, the Planning Board waives the Technical Standard for 1.7.2.8. – Number of Driveways to allow a third driveway on the site.

Storm Water Management Permit

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 7-0 to approve the Stormwater Management Permit application, as submitted, subject to the following condition(s):

1. Storm Water Management Condition of Approval
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, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Please submit final copies to both the Department of Planning and Urban Development and the Department of Public Works.

Conditional Use Review

The Planning Board voted 7-0 that the proposed use ‘marine retail and wholesale sales, including yacht brokerage’, is in conformance with the Conditional Use Standards of the Land Use Code as listed under Section 14-320 and Section 14-474.

Site Plan Review

The Planning Board voted 7-0 that the plan is in conformance with the site plan standards of the Land Use Code and the Site Location of Development Act, subject to the following condition(s) of approval:

1. The applicant shall submit updated letters from Central Maine Power (electricity) and City of Portland (sanitary waste) regarding their ability to serve the project
2. The applicant shall submit a revised site plan which shows the parking area surfaced in bituminous pavement and increased in size to accommodate 56 vehicles as required by Division 20, Off-Street parking standards
3. The applicant shall provide a revised landscaping plan for Planning Staff and City Arborist review and approval, demonstrating compliance with the City’s street tree requirements, at a rate of one tree per 30 to 45 feet of linear frontage along West Commercial Street
4. Rooftop mechanical equipment shall be screened from public view and long views of the building shall be considered. Building articulation shall be reviewed on the western edge of the Commercial Street building. The applicant shall provide revised elevations and roof plans for review and approval by Planning Staff
5. The review and approval of the westernmost driveway is based upon low traffic volumes. If the use and traffic volumes intensify as part of the future development plans, the design and provision of this driveway shall be reviewed and approved by the City Traffic Engineer
6. The applicant shall provide a copy of the Supplemental Agreement between the applicant and MaineDOT to install pipe within the public right-of-way
7. The draft easement documentation for the CSO pipe shall be finalized prior to issuance of any building permits

8. A copy of the Permit by Rule application for new stormdrain outfalls will be required prior to issuance of any building permits
9. The street side of the proposed buildings shall be addressed, consistent with 911, tax assessor, Inspections Division, and future mailing addresses
10. A new public hydrant shall be installed on Commercial Street within 75 feet, west of the 'oversized boat entrance'
11. The applicant shall submit a revised lighting plan which includes the ability to dim the lights at night for review and approval by the Planning Authority.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application 2017-293 which is attached.

Shoreland Regulations Review

The Planning Board voted 7-0 that the plan is in conformance with the Shoreland regulations of the Land Use Code.

Standard Conditions of Approval

Please Note: The following standard conditions of approval and requirements apply to 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 Permitting and Inspections Department.
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 and Urban Development Department and Public Works Department prior to the release of a building

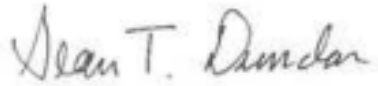
permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

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 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.
7. 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.
8. 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.)
9. As-Built Final Plans 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.

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 Matthew Grooms at (207) 874-8725

Sincerely,



Sean Dundon, Chair
Portland Planning Board

Attachments:

1. Review Memos
2. Planning Board Report
3. Portland City Code: Chapter 32
4. Sample Stormwater Maintenance Agreement
5. 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
Matthew Grooms, 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

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
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Bill Hall
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Jack Soley
Dave Eaton

January 26, 2016

Canal Landing, LLC
Attn: Phin Sprague
400 West Commercial Street
Portland, 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 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 DiPierro, 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

Planning and Urban Development Department Planning Division



January 11, 2018

Phineas Sprague
Canal Landing, LLC
400 West Commercial Street
Portland, ME 04102

Stephen Bushey, P.E.
Stantec Consulting Services, INC
482 Payne Road
Scarborough, ME 04074

RE: Staff Review Comments for Canal Landing Phase III – Marine Retail/Boat Storage and Office Use – 400 West Commercial Street (2017-293) – Planning Board Review

Project Name: Canal Landing Phase III Project ID: (2017-293)
Project Address: 400 West Commercial Street
Applicant: Phin Sprague
Planner: Matthew Grooms

Dear Mr. Sprague and Mr. Bushey,

Thank you for submitting a final Level III Site Plan, Conditional Use, Site Location of Development and Shoreland Zone application for a new commercial project intended for marine retail, storage and office usage at 400 West Commercial Street in the Waterfront Port Development Zone. This project is being reviewed as a preliminary plan subject to the following applicable Land Use Code provisions:

- Site Plan Ordinance, Article V
- Division 18.5 Waterfront Port Development Zone
- Division 20. Off-Street Parking Standards
- Neighborhood Meeting Regulations, Section 14-32

Final Plan for Planning Board Review: Staff Review Comments

I. Site Design Standards

1. This project is required to provide the equivalent of one street tree for every 30-45 feet of frontage along West Commercial Street.
2. Can the applicant provide additional information regarding the proposed internal sidewalk running along the north side of the building? The sidewalk does not appear to provide access to any building entrances and does not wrap around the building.
3. A lighting cut sheet with details for proposed lights and fixtures shall be provided.

4. Please note, exterior mechanical equipment, including rooftop equipment shall be screened in conformance with the city's site plan ordinance and relevant performance standards of the Waterfront Port Development Zone.
5. A total of 56 parking spaces is required by Division, 20, Off-Street Parking Standards for the proposed uses.
6. According to the site plan ordinance, parking lots, except for temporary parking lots be used for less than one year, shall be constructed of a permanent and durable material. Please show the parking area in either bituminous pavement or pervious pavement.

Additional Submittals Required:

Please upload the digital plans and documents to address staff comments. Upon receipt of the revised material, the City of Portland will review the additional plans and information for conformance with applicable ordinances. Please be aware that an application expires within 120 days of the date upon which this written request for additional information was made and only one set of revised plans may be submitted for review.

If you have any questions, feel free to contact me at (207) 874-8725 or by email at mgrooms@portlandmaine.gov.

Sincerely,
Matthew Grooms
Planner



Matthew Grooms <mgrooms@portlandmaine.gov>

Canal Landing New Yard - Phase III Final Traffic Comments

Tom Errico <thomas.errico@tylin.com>

Thu, Jan 18, 2018 at 11:42 AM

To: Matthew Grooms <mgrooms@portlandmaine.gov>

This is what I plan on providing for comments. I will call shortly.

Matt –The following final traffic comments were provided at the time of the 2016 Approval and I find them to be appropriate at this time.

- 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,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL

12 Northbrook Drive

Falmouth, ME 04105

+1.207.781.4721 main

+1.207.347.4354 direct

+1.207.400.0719 mobile

+1.207.781.4753 fax

thomas.errico@tylin.com

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"One Vision, One Company"

MEMORANDUM



TO: Matt Grooms, Project Planner
FROM: Lauren Swett, P.E.
DATE: January 18, 2018
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

- Response to Comments and Attachments, dated January 17, 2018, prepared by Stantec on behalf of Canal Landing, LLC.
- Site Layout Plan, REV dated January 17, 2018, prepared by Stantec 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. 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 is utilizing a porous crushed stone yard surface to infiltrate stormwater falling on the boat yard area and to manage 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.
 - c) Flooding Standards: The project discharges directly to the Fore River, and a waiver may be granted for the Flooding Standard.
- 2) As a condition of the original approval for the project, the Applicant was required to address comments provided previously by David Senus and David Margolis-Pineo. The Applicant has provided a detailed response to all comments, and we note the following items remain:
 - a) The Applicant has noted that rights were obtained from MaineDOT to install pipe within the ROW. A copy of the Supplemental Agreement should be provided to the City for the record.
 - b) The Applicant has provided draft easements for the CSO pipe. These easements should be finalized prior to issuance of a building permit.
 - c) The Applicant has noted that they will file Permit By Rule applications for any new stormdrain outfalls. Copies of these PBR applications should be provided to the City prior to issuance of a building permit.
 - d) The Applicant has noted that they are working with PWD to obtain final approval of the water service design. The final ability to serve should be provided to the City prior to issuance of a building permit.

Planning and Urban Development Department

Planning Division



Subject: WPDZ Design Review – 400 West Commercial (Canal Landing)
Written by: Caitlin Cameron, Urban Designer
Date of Review: Thursday, January 18 2018

The project at 400 West Commercial Street – Canal Landing - was reviewed according to the adopted WPD Zone performance standards by Caitlin Cameron, Urban Designer.

Design Review Comments: *(questions and unmet standards in red)*

Sec. 14-320.3 Performance Standards

(k) Lighting – Applicant has provided a photometric plan **but has not addressed whether the standard is met that site lighting will not have “an unreasonable adverse impact on adjacent residential zones.”** Staff recommend cut sheets that give evidence that site lighting is full cutoff.

(l) Signs – Signs will come under separate permit application according to Sign Ordinance in Division 22.

(o) Design and Visual Character:

- 1) *Long Views/Building Design:* Change in roof form provides some visual interest to meet the standard. Rooftop mechanicals are placed in the middle of the building to reduce visibility from the street, **however, long views of this equipment have not been addressed. Screening or parapet should be incorporated into the design for these rooftop units.**
- 2) *Massing:* Massing and roof forms organized to emphasize uses, indicate one, street-facing entrance.
- 3) *Façades – equal treatment:* All façades include equal treatment of materials and openings. The roof form is somewhat varied and the material choice of standing seam will provide some texture – **however, the screening of rooftop mechanicals has not been addressed.**
- 4) *Façades – variation and articulation:* Project provides some visual interest with varied roof line, change in material texture, windows, cornice line.
- 5) *Scale and Articulation:* Project meets articulation requirement with canopy and fenestration. Previous versions included awnings over street-facing windows which provided more articulation and scale to the otherwise flat façade of Building C – these elements have subsequently been removed from the proposal though the standard is still met.



PLANNING BOARD REPORT PORTLAND, MAINE

Canal Landing New Yard – Phase III Reapproval
400 West Commercial Street
Level III Site Plan; Conditional Use; Site Location of Development
Project # 2017-293
Canal Landing, LLC, Applicant

Submitted to Portland Planning Board:
Public Hearing Date: January 23, 2018

Prepared by: Matthew Grooms
Date: January 19, 2018

I. INTRODUCTION

Canal Landing, LLC is requesting that the Planning Board reapprove their proposal to expand their boat maintenance and repair facility at 400 West Commercial Street. The Board unanimously approved the Level III Site Plan, Conditional Use, Site Location of Development, and Traffic Movement Permit application on January 12, 2016. The approval for all applications save the traffic movement permit lapsed after a period of one year, and no extension request was filed. The applicant's proposal remains largely unchanged, and involves the



Figure 1: Project Site

construction of two new buildings (C and D), which are connected, and expansion of their existing boat yard storage area. The proposed development is described as phase III, as two prior approvals were granted by the Planning Board for developments at this site relating to boat maintenance, storage and repair.

This development is subject to site plan, conditional use (marine products, wholesaling and retailing), site location of development law, and shoreland review.

The applicant held a Neighborhood Meeting on January 16, 2018 at the offices of Portland Yacht Services at 400 West Commercial Street which was attended by thirteen neighbors; notes are included in [Attachment S](#). This Hearing was noticed to 75 neighbors and interested parties, and the public notice appeared in the *Portland Press-Herald* on January 15th and 16th, 2018. The Planning Division has not received any public comments as of the completion of this Report.

Applicant: Canal Landing, LLC, Phin Sprague

Consultants: Stephen Bushey, P.E., Stantec Consulting Services INC.

Required reviews and requested waivers

O:\3 PLAN\5 DEVELOPMENT REVIEW\1 Dev Rev Projects\West Commercial - 400 (Canal Landing Phase III)

Applicant's Proposal	Applicable Standards
<p>Site work of approximately 12 acres including development of an off-street parking area, preparation of boat storage areas and construction of two new buildings totaling 31,000 SF for marine retail and office uses.</p>	<p>14-523 Site plan Required Approval and Applicability Level III Site Plan and 14-526 Site Plan Standards</p>
Waivers	Applicable Standards
<p>The applicant requests a waiver from providing curbing along their West Commercial Street frontage citing criteria 3 (street rehabilitated without curbing within the last 60 months) and criteria 5 (runoff from the development site or within the street does not require curbing for stormwater management.)</p> <p><u>Staff Recommendation:</u> Staff supports this waiver request and asks that the applicant provide an appropriate alternative form of separation to prevent vehicles from accessing the site away from established driveways.</p>	<p>Site Plan Standard, Section 14-526(a)(2)c.i. which requires that developments provide curbing along a property's street frontage.</p>
<p>The applicant is requesting a sidewalk waiver along their West Commercial Street frontage based upon criteria 2 (no sidewalk within 1,000 feet along southerly side of Commercial Street) and criteria 3 (alternative walking route along northerly side of Commercial Street).</p> <p><u>Staff Recommendation:</u> Staff recommends approval of this waiver request and instead is asking for a \$25,000 contribution to connect this site with the future West Commercial Street trail.</p>	<p>Site Plan Standard, Section 14-526(a)(2)c.1, which requires that developments provide a sidewalk built to city standards along all portions of their street frontage.</p>
<p>The applicant is requesting to increase their driveway width to 40 feet, so as to accommodate large trucks and boat trailers for the main driveway.</p> <p><u>Staff Recommendation:</u> Staff recommends approval of this request given the regular usage of this site by larger vehicles.</p>	<p>Section 1.7 of the Technical Manual which allows a maximum driveway width for industrial uses of 30 feet for a two-way driveway.</p>
<p>The applicant is requesting a waiver of the Maine DEP Chapter 500 Flooding Standard, as a result of the capacity of receiving body, the Fore River.</p> <p><u>Staff Recommendation:</u> Staff agrees with the applicant and is supportive of this waiver request.</p>	<p>Section V of the Technical Manual, Appendix D.4(a), which requires that all Level III site plans with more than 1,000 square feet of impervious surface meet Maine DEP Chapter 500 flooding standards.</p>
<p>The applicant is requesting a waiver from interior parking lot landscaping requirements due to the unknown needs for maneuvering</p>	<p>Section IV,(4.5.5) of the Technical Manual which provides standards for the landscaping of off-street parking lots.</p>

large vehicles and marine vessels across the site.	
<u>Staff Recommendation:</u> Staff supports this waiver request, and is asking that the applicant provide street trees in accordance with city standards as a distance of one tree for every 30 to 45 feet of frontage, and provide visual screening of the parking area.	

II. PROJECT DATA

<i>SUBJECT</i>	<i>DATA</i>
Existing Zoning	Waterfront Port Development Zone (WPDZ)
Existing Use	Undeveloped/Boat Storage
Proposed Use	Marine Retail/Storage/Repair
Parcel Size	17.77 acres
Existing building footprint	0 SF
Proposed building footprint	24,000 SF
Existing floor area	0 SF
Proposed floor area	31,000 SF
Impervious Surface Area	
--Existing	0 sq ft
--Proposed	72,309 SF
--Net Change	72,309 SF
Total Disturbed Area	12.7 acres
Parking Spaces	
-Existing	0
-Proposed	56
-Net change	+56

III. BACKGROUND AND EXISTING CONDITIONS

The development site is located north of the Fore River, south of West Commercial Street, west of the International Marine Terminal and east of Cassidy Point. Directly across West Commercial Street is primarily vacant land, with the Star Match commercial building being located further east. Further to the north lies the West End Neighborhood, with Danforth Street and Salem Street overlooking this site.



This site has 2,160 linear feet of frontage along West Commercial Street. Historically, this area was utilized as a rail yard, though the majority of these rail lines have since been removed. MDOT installed the existing line, which bisects the site running east-west, in 2014 to serve the recently developed International Marine Terminal. The development area is relatively flat with the highest points along the property's West

Figure 2: View of the existing site from West Commercial Street

Commercial Street frontage at approximately 16' feet to 18' feet in elevation, sloping down to the Fore River. The site's lowest area, located along the bank of the Fore River, is between 9' and 10' feet in elevation. The flood hazard elevation in this area is 10' feet. The high annual tide line for the Fore River is 7.4' feet and the mean low water line is approximately -4' feet.

This property is located within the Waterfront Port Development Zone (WPDZ). This area of Portland's waterfront is intended for marine industrial uses and is an integral component of the city's working waterfront. At present, the site is undeveloped and sporadically used for boat and material storage. 'New Yard', which represents the portion of the western waterfront being utilized for boat storage and repair, has been under development since 2012, as identified in the timeline below.

December 8, 2012 – Planning Board approves a boat yard and service yard on a 22-acre site just west of the Casco Bridge (currently occupied by the IMT). The approved site plan included a 42,000 SF boat repair building and regrading of approximately 7 acres of the site for boat storage and circulation. Additional site improvements included two boat ramps, a travel lift basin, floating docks, stormwater improvements, utility work, lighting and site landscaping.

August 27, 2013 – The applicant requested and received Planning Board approval for an amendment to the previous site plan allowing a phased development.

October 22, 2013 – The Planning Board approved a revised site plan, which shifted the two buildings shown in Phase I to the far westerly end of the site. This change avoided buildings being located on land that would later be acquired for IMT expansion. The first building was labeled as Phase 1b "proposed tension fabric building" with a footprint of 19,200 SF.

July 8, 2014 – The Planning Board approved an expansion of the IMT facility. The IMT site plan included approximately 17 acres previously controlled by New Yard. New Yard's remaining land, totaling 5 acre, contained their newly constructed 19,200 SF tension fabric building.

August 12, 2014 – The Planning Board approved a 27,600 SF addition to the existing building, intended for boat maintenance and repair.



Figure 3: View of the two buildings approved by the Planning Board in 2014 on the Canal Landing Site

January 12, 2016 – The Planning Board approved a new proposal by New Yard for construction of two new buildings intended for use as marine retail space and administrative offices. Additional site improvements included site regrading, installation of a pervious gravel surface across approximately 12 acres of newly acquired property for boat display and storage, and construction of a 2,400 SF shell building at the southwestern corner of the site, to be used by Waynelete Academy for storage of small personal watercraft. Conditions of approval included the installation of street trees, contributions of \$65,000 and \$25,000 for construction of a dedicated left turn lane and improvements to West Commercial Street as identified in the West Commercial Street Master Plan respectively.

September 6, 2017 – The City Council approved a text amendment to the WPDZ which permits taller structures across the zone while delineating more stringent dimensional standards for building length and lot coverage. The

amendment also established basic design standards, a view corridor provision, and strengthened conditional use standards to promote marine activity.

The approval granted on January 12, 2016 lapsed one year later, and no extension was filed for. As a result, the application before the Planning Board now is considered a new application, with the exception of the traffic movement permit, which is valid for a period of five years. In preliminary meetings with the applicant prior to submittal of this application, it was communicated that a resubmitted application should address all conditions of approval associated with the previous approval (*Attachment 1*). This application is also subject to the revised zoning standards of the WPDZ.

IV. PROPOSED DEVELOPMENT

The applicant’s proposal remains largely unchanged from their 2016 application, with the exception of a few minor amendments addressing new performance standards found within the WPDZ. The proposal is centered around the construction of two new buildings, a 19,800 SF individual metal building (Building C) along West Commercial Street for marine retail and boat maintenance operations (a conditional use under the WPDZ) and an attached 12,000 SF structure to be used as offices by Portland Yacht Services (Building D). To serve these uses, parking for fifty-six vehicles is being provided in two separate parking areas, located on both the east and west sides of the proposed buildings. Three new driveways are proposed, with the primary driveway being located just west of the proposed buildings with direct access to the customer parking area. A secondary access is proposed east of the proposed buildings proximate to the IMT property line. These two driveways have a separation distance of 750 feet and both have been designed to align with recently installed rail grade crossings. A third driveway is proposed at the far westerly end of the site, which would serve a fenced in area intended to provide storage for marine products, and IMT equipment. These driveways will be constructed of reinforced bituminous pavement to support the anticipated weight loads of boats being transported.

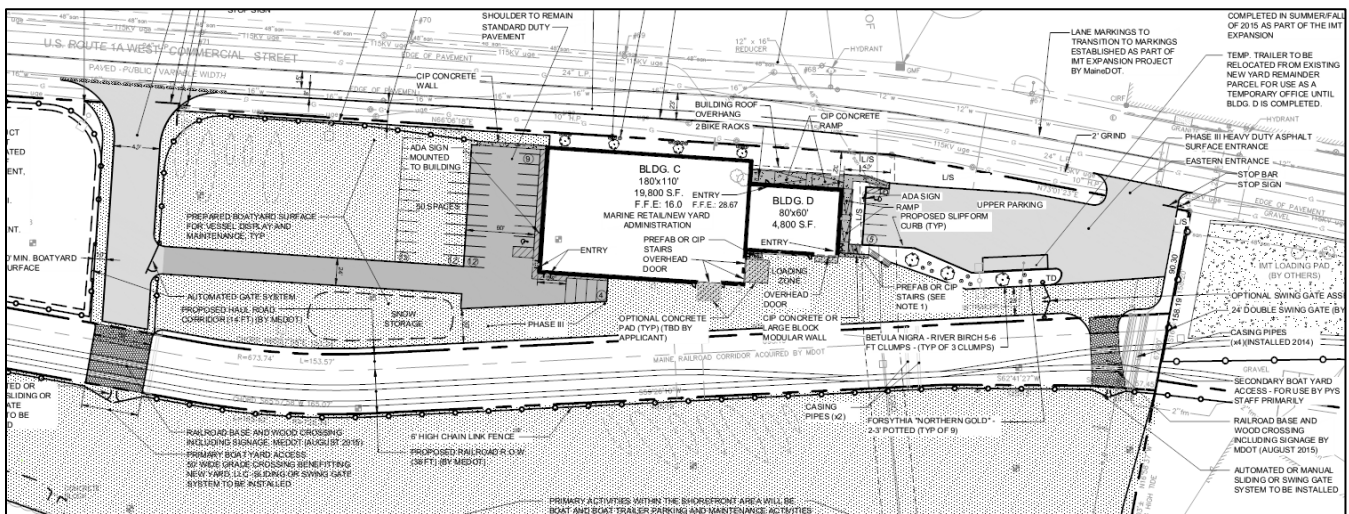


Figure 4: Proposed site plan, encompassing Bldgs C and D. Driveways are located to access rail crossing points and areas in light grey are 'prepared surfaces' for boat storage

As a boat storage facility, a substantial proportion of the site will be cleared, stabilized, regraded and prepared with a porous gravel surface ideal for site circulation and marine storage. The porous material proposed also qualifies as a “manmade pervious surface” to provide water quality treatment as described in Chapter 7.7 of the Maine DEP Volume III BMP’s Technical Design Manual, which meets the minimum treatment standards as required by the General Standards. A waiver of the stormwater quantity management standards has been requested and is recommended by staff given the capacity of the receiving body, the Fore River.

Other site improvements include the installation of utilities for building use and future phase activities, planting of landscaped areas in and around the proposed parking areas and along building edges, installation of site lighting,

construction of 2,400 SF storage building along the waterfront for storage of Waynelete racing shells, and the installation of a 6' foot black vinyl coated chain link security fence around boat storage areas and along West Commercial Street.

V. NEIGHBORHOOD MEETING AND PUBLIC COMMENT

A neighborhood meeting for this project was held on January 16, 2018 at Portland Yacht Services, located at 400 West Commercial Street. This meeting was attended by thirteen members of the public. Attendees asked various questions regarding building location and appearance, building height, materials to be used in the project and anticipated noise generation that would result.

As of the drafting of this report, no public comments have been received by the Planning Division in regards to this development proposal.

VI. STAFF REVIEW

A. ZONING

The zoning review contains the following sections; Waterfront Port Development Zone Review, Shoreland Zone Review and the Conditional Use Review.

Waterfront Port Development Zone Review

The project is located in the Waterfront Port Development Zone. The proposed boat repair and boat storage uses are permitted uses within this zone. The proposed use, 'marine retail and wholesale sales, including yacht brokerage', is a conditional use and is subject to the conditional use standards listed under Section 14-320 and 14-474 of the land use code.

The WPDZ includes a provision for protecting access to the water for water dependent uses under Section 14-318.5, "No Adverse Impact on Marine Uses". The standards for that section are listed below.

Sec. 14-318.5

- (a) *The proposed non-water dependent use will displace an existing water-dependent use;*
- (b) *The proposed use will reduce existing commercial vessel berthing space;*
- (c) *The proposed nonwatery-dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other uses to the water by water-dependent uses; or*
- (d) *The siting of a proposed nonwatery-dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.*

The uses 'boat storage' and 'marine retail', while not necessarily dependent upon water access, are both benefitted by access to the water through both the launching and landing of vessels. Similarly, these uses are an integral component of a more comprehensive operation, in which vessel repair occurs. These uses together coalesce to create a ship-yard, which gains its competitiveness in the market through direct access to the water.

Dimensional Standards Review

Structures proposed within 100 feet of West Commercial Street are permitted 50% lot coverage, a building height of 50 feet or less and are limited to building lengths of 300 feet or less as measured parallel to West Commercial

Street. The proposed development falls well within these limitations, with a lot coverage of 9.6%, proposed building height of 43 feet and building length of 260 feet.

Performance Standards Review

In compliance with Section 14-320.3, Performance Standards, the applicant has submitted an impact mitigation narrative summarizing how the project intends to meet the applicable performance standards.

- (a) *Outdoor Storage of Materials:* Proposed storage of vessels will be entirely contained within designated areas requiring security access. The surface material, which is a porous manmade surface permitted by Maine DEP for stormwater quality control, serves to treat runoff contaminants.
Staff Finding: This applicant's proposal complies with this standard.
- (b) *Noise:* It is not anticipated that noise levels will exceed 55 decibels between 7:00 p.m. and 7:00 a.m.
Staff Finding: This applicant's proposal complies with this standard
- (c) *Vibration:* *It is not anticipated that this phase of the development will result in significant vibration impacts.*
Staff Finding: *This applicant's proposal complies with this standard*
- (d) *Federal and State Environmental Regulations:* Proposed boat repair and maintenance activities will be performed in accordance with State and Federal regulations, so actions such as sand blasting and related boat work are managed and controlled to minimize emissions.
Staff Finding: This applicant's proposal complies with this standard
- (e) *Discharges into Harbor Areas:* Proposed discharge into the Fore River will occur either through the existing City drainage system (CSO), or through new drainage outfalls falling under Permit By Rule authorization from Maine DEP.
Staff Finding: This applicant's proposal complies with this standard
- (f) *Storage of Vehicles:* This development does not involve the storage of vehicles, and boats are exempt from this requirement, as boat storage is a permitted use.
Staff Finding: This applicant's proposal complies with this standard
- (g) *Landfill of Docking and Berthing Areas:* Proposed development does not involve landfill of docking or berthing areas.
Staff Finding: This applicant's proposal complies with this standard
- (h) *Off-Street Parking:* The proposed uses under Division 20, Off-Street Parking Standards, require a minimum of 56 off-street parking spaces. The site plan identifies 55 off-street spaces.
Staff Finding: Staff has requested that one additional parking space be provided to meet off-street parking requirements for this site. This has been drafted as a condition of approval. Once met, this standard will have been complied with.
- (i) *Off-Street Loading:* The proposed building will feature multiple overhead doors and ample maneuvering space for loading and unloading activities.
Staff Finding: This applicant's proposal complies with this standard
- (j) *Shoreland and Flood Plain Management Regulations:* Proposed activities are located outside of the shore land zone, and the proposal is fully compliant with shoreland zone requirements.
Staff Finding: This applicant's proposal complies with this standard

(k) *Lighting*: The applicant has indicated that all proposed site lighting will be shielded and of low intensity. Building lights are to be cutoff style and to be installed on the water side only. No lighting cut sheets were provided as part of this application.

Staff Finding: As a condition of approval, staff is requesting that a lighting cut sheet be provided demonstrating compliance with the city's standards for site lighting.

(l) *Signs*: The applicant has indicated that they will apply for building and free standing signage in accordance with Division 22 of the City Code.

Staff Finding: Subject to compliance with Division 22, the applicant's proposal complies with this standard

(m) *Storage of Pollutants and Oily Wastes*: The anticipated activity of this development does not involve the storage of pollutants or oily waste. Any waste that is collected is either recycled or disposed of in accordance with Maine DEP regulations and protocols.

Staff Finding: The applicant's proposal complies with this standard

(n) *Compatibility of non-marine uses with marine uses*: All proposed uses are identified as marine uses.

Staff Finding: The applicant's proposal complies with this standard



Figure 5: View of the proposed buildings looking west along West Commercial Street



Figure 6: View of the proposed buildings looking east along West Commercial Street

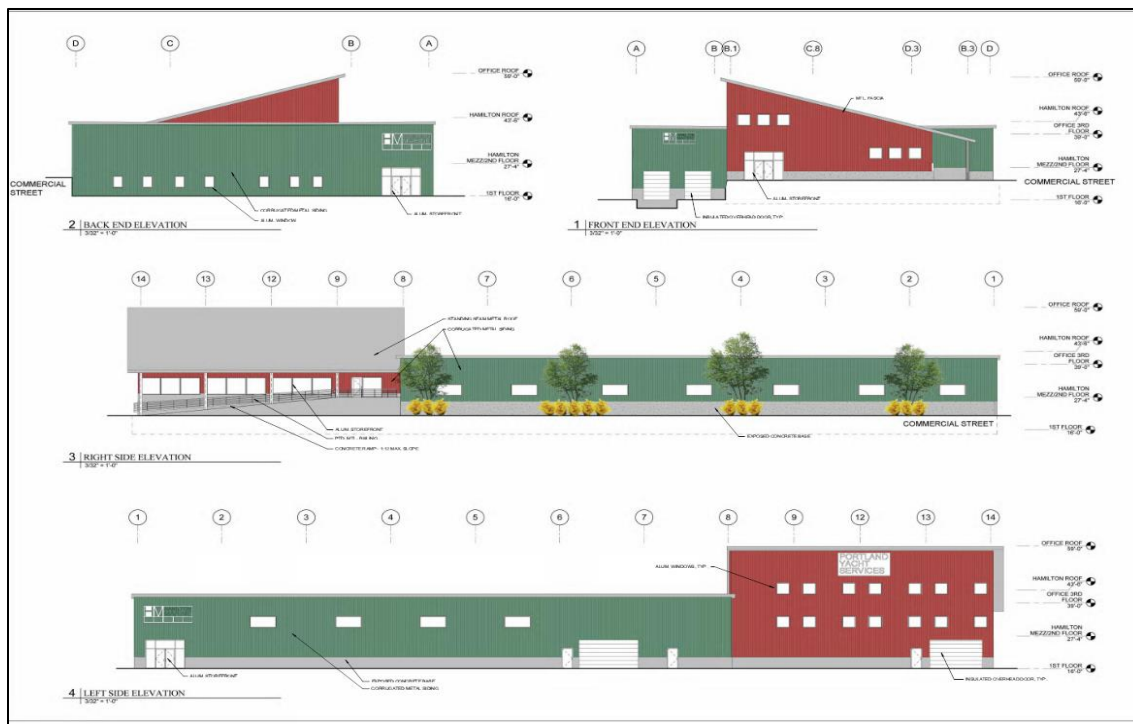


Figure 7: Proposed building elevations

(o) *Design and Visual Character: The applicant's proposal was reviewed by the City's Urban Designer, Caitlin Cameron, for conformance with the design and visual character elements of the WPDZ performance standards. Below are final comments regarding design of the site:*

1. *Long Views/Building Design: Change in roof form provides some visual interest to meet the standard. Rooftop mechanicals are placed in the middle of the building to reduce visibility from the street, however, long views of the equipment have not been addressed. Screening or parapet should be incorporated into the design for these rooftop units.*
2. *Massing: Massing and roof forms organized to emphasize uses, indicate one, street facing façade.*
3. *Facades – equal treatment: All facades, include equal treatment of materials and openings. The roof form is somewhat varied and the material choice of standing seam will provide some texture – however, the screening of rooftop mechanical equipment has not been addressed.*
4. *Facades – variation and articulation: Project provides visual interest with varied roof line, change in material texture, windows, cornice line.*
5. *Scale and Articulation: Project meets articulation requirement with canopy and fenestration. Previous versions included awnings over street-facing windows which provided more articulation and scale to the otherwise flat façade of Building C – these elements have subsequently been removed from the proposal though the standard is still met.*

Staff Finding: A condition of approval is recommended which requires that screening of rooftop mechanical equipment be provided. Once met, the applicant's proposal will meet this standard.

Shoreland Zone Review

The Planning Board shall approve a site plan located within the shoreland zone if it finds that the following standards, in addition to the standards set forth in 14-526, are met.

(a) *The proposal will maintain safe and healthy conditions;*

Staff Finding: There are no known safety or health conditions associated with this project

- (b) *The proposal will not result in water pollution, erosion, or sedimentation to surface waters*
Staff Finding: See Stormwater Management Section of this report.
- (c) *This proposal will adequately provide for disposal of all wastewater*
Staff Finding: This phase will have a direct connection to a city sewer in Commercial Street.
- (d) *The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*
Staff Finding: The proposed improvements are on land. The property is a former industrial site in a previously disturbed site with no known bird or wildlife habitat. Comments from the Maine Department of Inland Fisheries and Wildlife indicate that there are no locations of Endangered, Threatened or Special Concern species within the project area.
- (e) *The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;*
Staff Finding: The site is a former industrial site that is being redeveloped for a boat repair facility. Due to the nature of the facility, active public access to the shore is not proposed. The treatment of groundcover within the shoreland zone will be stable to avoid erosion and sedimentation concerns.
- (f) *The proposal will protect archaeological and historic resources*
Staff Finding: See Site Plan Section, Historic Resources.
- (g) *The proposal will not adversely affect existing commercial fishing or maritime activities;*
Staff Finding: No commercial fishing operations exist at this site. The proposed development supports the existing water-dependent activities occurring at the New Yard site.
- (h) *The proposal will avoid problems associated with floodplain development and use;*
Staff Finding: The proposed Commercial Street building is proposed at a first floor elevation of 16' feet which is well above the flood hazard elevation of 10' feet for this area of the Fore River.
- (i) *The proposal is in conformance with the standards set forth this section.*
Staff Finding: The proposal is in conformance with the standards set forth this section.

Conditional Use Review for 'Marine Retail and Wholesale Sales, including Yacht Brokerage' in the WPDZ

The use, 'marine retail and wholesale sales, including yacht brokerage', is identified as a conditional use under Section 14-319 'Permitted Uses'. It should be noted that both additional uses, 'shipbuilding and facilities for construction, maintenance and repair of vessels' and 'boat storage facilities', are identified as conditional uses in the event that the proposed structure exceeds the maximum allowable by-right dimensional standards for the WPDZ, which would then trigger a conditional use review in order to achieve the conditional use dimensional standards which exceed the base standard. Given that no portion of the proposed facility exceeds those base standards related to building height and building length, they are for the purposes of this review, identified as a permitted use. The conditional use standards for the WPDZ are listed below:

Section 14-320. Conditional Uses

- (a) *Conditional uses shall be permitted in the Waterfront Port Development Zone, provided that, notwithstanding section 14-471 (c), section 14-474(a), or any other provision of this Code, the Planning Board shall be substituted for the Board of Appeals as the Reviewing Authority.*

In addition to the provisions of section 14-474(c)(2) such uses will:

- *Not impede or preclude existing or potential water-dependent development on other lots;*
- *Allow for adequate access to the water;*
- *Be compatible with water dependent and marine uses;*
- *Operationally support one or more water dependent use(s), or be located in a building or structure that is physically adaptable or relocatable to make way for future development of water-dependent uses; and*
- *Meet any additional performance and dimensional standards set forth below.*

The development's buildings are designed to be short-term 20-year buildings that serve the marine retail component of this operation. These buildings, as designed and described in the applicant's application, are fully compliant with the WPDZ dimensional and performance standards. All portions of this site, including the proposed buildings are easily adaptable and or relocatable given their relatively temporary nature, and do not occupy space directly adjacent to the water. The development proposal as presented does not preclude future water-dependent uses in this location and further supports existing and proposed water-dependent uses at this location. Under this scheme of development, customers would be able to purchase, store and repair their vessel in one location, furthering the applicant's desire to create a comprehensive shipyard along Portland's waterfront. The staff finds that this application meets the WPDZ conditional use standards.

Section 14-474. Conditional Use

The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:

- (a) *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and*

Staff Review: This project is similar to other uses in this zone in terms of parking and traffic levels, including the abutting IMT facility. As such, staff finds that the proposal is in conformance with this standard.

- (b) *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewerage disposal, emissions to the air, odor, lighting or litter; and*

Staff Review: The proposed uses are not expected to produce any such impacts as stated above, thus, staff finds that the proposal conforms with this standard.

- (c) *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash, or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.*

Staff Review: The proposed development will not differ from any other uses in this zone in regards to site design, and thus, meets this standard. This is subject to the recommended condition of approval for the planting of street trees.

The Staff recommends that the Planning Board find the proposed use in conformance with the Conditional Use Standards.

B. SITE PLAN STANDARDS

Transportation Standards - Impact on the Surrounding Street Network and Circulation

In reviewing the applicant's proposal against site plan standards regarding impacts to the surrounding street network and site circulation, the city's consulting traffic engineer, Tom Errico, found that the access and circulation provided met city standards. The following comments relate to draft conditions of approval for this project. (Attachment 3)

- *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.*
- *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.*

Final review comments remain unchanged from the applicant's 2016 final submittal, noting that conditions of the Traffic Movement Permit are still outstanding.

- *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.

Transportation Standards - Loading and Servicing

The two-way driveway provided both east and west of the proposed buildings provide adequate access for loading and servicing activities on the site. There are multiple overhead doors located at the southeast corner of Building C, easily accessible via the easterly-most driveway.

Transportation Standards - Sidewalks

The project site has 2,160 linear feet of frontage along West Commercial Street, and given the fact that no sidewalk exists along the south side of West Commercial Street between the intersection of West Commercial and High Street (near Becky's Diner) and Cassidy Point, the applicant is requesting a waiver from the sidewalk requirement along their entire frontage. In support of this request, it should be noted that sidewalk waivers have been granted for various IMT expansion projects, immediately east of the proposed development site.

Planning efforts along West Commercial Street have envisioned a sidewalk/trail along the northerly side of West Commercial Street, and a truck queuing lane along the south side of West Commercial Street. As a result, the staff is recommending a \$25,000 contribution from the applicant, that would be put towards the development of a cross-walk to tie into the proposed sidewalk/trail, providing safe pedestrian access to the site. (*Attachment 3*)

Transportation Standards – Public Transit Access

Not Applicable

Transportation Standards – Parking

The applicant has provided a breakdown of building use and floor area in the submission to determine the zoning parking requirement for this portion of the development. Staff has reviewed this information and further calculated the zoning parking requirement.

Buildings C and D contain 19,800 SF of marine retail space, which has a base requirement of 99 spaces (1 space per 200 SF) while office support space has a requirement of 12 spaces (1 space per 1,000 SF) for a total of 111 spaces. Properties located within the WPDZ qualify for a 50% reduction as stipulated under Division 20, which brings the overall parking requirement down to 56 parking spaces. (*Attachment 2*)

The applicant's proposal shows 55 standard sized parking spaces, including 2 handicap spaces, located within two separate lots, one to the east of Buildings C and D with 5 parking spaces, and one to the west with 50 parking spaces, intended to serve the retail space. Staff has requested that one additional parking space be provided, which has been added as a condition of approval.

Transportation Standards – Bicycle Parking

Two bicycle racks are proposed along the northerly side of Building D, which meets the city's standards for bicycle parking.

Transportation Standards – Snow Storage

The applicant has identified locations on their site plan for snow storage.

Transportation Standards – TDM

Not Applicable

Environmental Quality Standards – Preservation of Significant Natural Features

The site is located on fill land which was developed for and used as a rail yard. Its natural features were disturbed many years ago and today the existing site has sparse vegetation. The original submittal included a letter from the

Maine Department of Inland Fisheries and Wildlife, dated June 10, 2015, which states that there are no locations of Endangered, Threatened or Special Concern species within the project area. The letter further states that while the project area does contain Tidal Waterfowl and Wading Bird habitat, it is not anticipated that this development would result in significant impacts.

Environmental Quality Standards – Landscape and Landscape Preservation

The applicant does not intend to save any existing vegetation in this phase of the development. The applicant states, “the site’s existing tree population is limited and the City’s Shoreland Zoning vegetation management provisions do not require tree protection in the Waterfront Development Zone”.

Environmental Quality Standards – Site Landscaping

A review of the site plan indicates minimal site landscaping along the edges of proposed parking areas and immediately adjacent to the two proposed buildings. The applicant has requested a waiver of the parking lot landscaping requirements based upon the proposed boatyard use and the need for flexibility with respect to boat parking and heavy vehicle maneuvering. The narrative states, “the applicant would like to work with City Staff on the placement of street trees along Commercial Street”.

Providing street trees in proximity to Commercial Street is a reasonable approach in addressing the operational needs of this use and the site’s highly visible gateway location. Staff is supportive of the parking lot landscaping waiver but as a condition of the site plan approval we are recommending that the applicant submit an appropriate landscaping plan with a focus on street trees near the Commercial Street frontage to enhance the site’s role in a gateway location.

The provided plans also indicate a 6-foot-high black vinyl chain link fence to be installed along much of the applicant’s Commercial Street frontage. The staff is recommending that the applicant provide additional screening of vehicles in the two proposed parking areas.

Environmental Quality Standards – Water Quality, Stormwater Management and Erosion Control

A description of the proposed stormwater scheme is provided below:

The majority of the site will rely on the placement of “Boatyard Surface” which is consistent with the surface treatment approved during the original project permitting and installed within the existing 5-acre initial development area for Portland Yacht Services. According to Maine DEP BMPs, this is known as a “manmade Pervious Surface” approach to stormwater quality treatment. The pervious surface consists of a permeable surface material and subbase materials that allow penetration of runoff into the underlying soils. The system must be designed to store and infiltrate the water quality volume (1.0” of impervious area and 0.4” of pervious area) with the remainder (larger storm events) discharged through an “overflow” system. The effectiveness of the system depends heavily on long-term inspection and maintenance.

A minimum of 3” thick crushed stone surface across the entire ‘prepared surface’ area designed on the site plan is proposed. This layer of stone will act as a reservoir for the 1” storm event. The material may be placed over geotextile fabric and infiltration into the existing underlying gravel will meet the requirements of this BMP. Runoff from larger storm events may flow to a number of proposed catch basin inlets that will convey flow via a pipe to the existing CSO lines that traverse the site or otherwise result as sheet flow across the waterfront parcel towards the shoreline, where any runoff would ultimately reach the river’s edge. Internal drains within the building and storage tanks/collection systems beneath the concrete washdown aprons (at the future travel lift basin and boat ramps) will minimize the potential for petroleum, etc. to enter the stone areas.

Reviewing Engineer, Lauren Swett, P.E., Woodard and Curran, has reviewed the final plan and her comments are listed below (*Attachment 4*). Outstanding comments listed below have been drafted as conditions of approval.

- *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. 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:*
 - *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.*
 - *General Standards: The Applicant is utilizing a porous crushed stone yard surface to infiltrate stormwater falling on the boat yard area and to manage 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.*
 - *Flooding Standards: The project discharges directly to the Fore River, and a waiver may be granted for the Flooding Standard.*
- *As a condition of the original approval for the project, the Applicant was required to address comments provided previously by David Senus and David Margolis-Pineo. The Applicant has provided a detailed response to all comments, and we note the following items remain:*
 - *The Applicant has noted that rights were obtained from MaineDOT to install pipe within the ROW. A copy of the Supplemental Agreement should be provided to the City for the record.*
 - *The Applicant has provided draft easements for the CSO pipe. These easements should be finalized prior to issuance of a building permit.*
 - *The Applicant has noted that they will file Permit By Rule applications for any new stormdrain outfalls. Copies of these PBR applications should be provided to the City prior to issuance of a building permit.*
 - *The Applicant has noted that they are working with PWD to obtain final approval of the water service design. The final ability to serve should be provided to the City prior to issuance of a building permit.*

Public Infrastructure and Community Safety Standards – Consistency with City Master Plans

The proposed development is highly supportive of the City's recently approved Comprehensive Plan, which provides a number of goals and strategies to create a vibrant and diversified working waterfront. Two goals in particular identified in the Comprehensive Plan stand out as being highly compatible with this proposed development.

- Prioritize and promote Portland's unique mix of water-dependent, marine-related and compatible non-marine uses.
- Ensure the future of the marine economy through support for emerging marine industries and mitigation of market trends that could compromise the balance between marine industries and competing development.

The proposed marine retail and storage facility will further diversify the operations occurring at Canal Landing, which is poised to become the first true shipyard in the City of Portland. By adding a retail component, and expanding opportunities for storage, one can effectively purchase a vessel, launch directly from this location, service that vessel and then store the vessel when not in use. By possessing each of these capabilities, the operations at Canal Landing will become more competitive with other regional operations, and supports an industry which while once common in the city, has in recent years been virtually non-existent. The proposed expansion also

demonstrates how marine-related businesses can coincide with water-dependent uses and be supportive of those activities.

As part of this development, the City has also secured a financial contribution of \$25,000 as part of the Traffic Movement Permit, which will be put towards realizing the West Commercial Street Master Plan, which calls for a pedestrian sidewalk/trail along the north side of West Commercial Street. This contribution would specifically be used to construct a crosswalk connecting this site to that trail.

Public Infrastructure and Community Safety Standards – Public Safety and Fire Prevention

The proposed development has been reviewed by Fire Chief, Robert Thompson, who offers the following comments in regards to Public and Fire Safety (*Attachment 2*).

- *The street side of the building(s) must be the address for the property. This should be consistent with 911, tax assessor, Inspections Division and future mailing address.*
- *A new public hydrant must be installed on Commercial Street within 75 feet west of the 'oversized boat entrance'.*

Public Infrastructure and Community Safety Standards – Availability and Adequacy of Public Utilities

Submission of Utility Capacity letters has been drafted as a condition of approval.

Site Design Standards – Massing Ventilation and Wind Impact

It is not anticipated that the proposed development will result in adverse impacts related to ventilation or wind as a result of proposed massing.

Site Design Standards – Shadows

Not Applicable

Site Design Standards – Snow and Ice Loading

Not Applicable

Site Design Standards – View Corridors

Recent text amendments to the WPDZ require view corridors measuring a minimum of 90 feet in width to remain unbuilt to preserve a clear line of sight between West Commercial Street and the water. No formalized view corridor has been provided, although the intent of the view corridor provision is met given the substantial area left undeveloped.

Site Design Standards – Historic Resources

The site contains historic and archaeological resources. The 19th century seawall is currently being restored in conjunction with the proposed marine improvements. A 19th century glass works and the Cumberland Oxford Canal straddle both the New Yard and IMT properties.

While IMT's recent project excavation activities were more extensive than New Yard's, both entities contacted and informed the MSHPC of their respective development plans. Staff is aware of documentation conducted by archaeologists prior to construction of the last New Yard building.

Comments from the MHPC on this new phase is summarized below:

- *Based on discussion with Phin Sprague, former plans called for the covering of the former glassworks site. Surface excavation for utilities or another structure should be monitored by a professional archaeologist to document glassworks remains that may be negatively impacted. No archaeological monitoring or work is necessary west of the former glassworks property and sewer outfall.*

The site plan indicates limited excavation within the sewer outfall area. Staff recommends that the same condition of approval required in the 2016 site plan approved be incorporated into this approval.

Site Design Standards – Site Lighting

The applicant has submitted a lighting and photometric plan which shows 8 building mounted fixtures and sixteen pole mounted fixtures. Lighting cut sheets with associated details have been requested and made a condition of approval.

Site Design Standards – Noise and Vibration

The proposed develop is not anticipated to result in adverse conditions related to noise and or vibration.

Site Design Standards – Signage and Wayfinding

Not Applicable.

Site Design Standards – Zoning Related Design Standards

Please see discussion above

Financial and Technical Capacity

The applicant has provided a description of their technical capacity to complete the proposed project. Similarly, a letter from Norway Savings Bank was supplied demonstrating the applicant’s financial capacity to complete the project, which is estimated to cost between \$300,000 and \$500,000 for site work, and \$1 million to \$3 million for construction of the buildings.

Right, Title & Interest

The applicant supplied a Release Deed and Settlement Agreement demonstrating ownership of the property and property encumbrances.

VIII STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed commercial development at 400 West Commercial Street, Canal Landing Phase III.

IX MOTIONS FOR THE BOARD TO CONSIDER

VII. PROPOSED MOTIONS

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 January 23, 2018 for application #2017-293 (Canal Landing Phase III) 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 traffic engineer’s review (Attachment 2), that extraordinary conditions exist or undue hardship may result from strict compliance with the Site Plan Standard Section 14-526(a)(2)c.i. to [**waive/not waive**] the granite curbing requirement along the property’s street frontage as supported by the Traffic Engineering reviewer; and
2. The Planning Board [**finds/does not find**], based upon the consulting traffic engineer’s review (Attachment 2), that extraordinary conditions exist or undue hardship may result from strict

- compliance with the Site Plan Standard Section 14-526(a)(2)c.i. to [waive/not waive] the sidewalk requirement along the property's street frontage as supported by the Traffic Engineering reviewer; and
3. The Planning Board [finds/does not find], based upon the consulting traffic 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) to [waive/not waive] increase the requirement that a two-way driveway width for industrial use be 30 feet, to allow 40 feet as supported by the Traffic Engineering reviewer; and
 4. The Planning Board [finds/does not find], based upon the consulting traffic engineer's review (Attachment 3), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual Standard (Section V.E) to [waive/not waive] the Flooding Standard of Maine DEP Chapter 500 as supported by the Peer Engineering reviewer; and
 5. The Planning Board [finds/does not find], based upon the consulting traffic engineer's review (Attachment 4), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual Standard (Section IV, 4.5.5) to [waive/not waive] the requirement that the applicant provide parking lot landscaping as supported by the City Arborist.

B. CONDITIONAL USE

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 January 23, 2018 for application 2017-293 relevant to the Conditional Use as authorized by Division 18.5, Section 14-320, Conditional Uses and Division 28, Section 14-474, Conditional Uses; and the testimony presented at the Planning Board Hearing, the Planning Board finds the proposed conditional use for 'marine retail and wholesale sales, including yacht brokerage' [does or does not] meet the standards of Section 14-474.

C. SITE PLAN 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 January 23, 2018 for application 2017-293 relevant to the Portland's site plan standards and the Site Location of Development Act regulations; 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, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. That the applicant shall submit updated letters from Central Maine Power (electricity) and City of Portland (sanitary waste) regarding their ability to serve the project; and
2. The applicant shall provide a revised site plan which shows the parking area surfaced in bituminous pavement and increased to accommodate 56 vehicles as required by zoning; and
3. The applicant shall provide a revised landscaping plan for Planning staff and City Arborist review and approval demonstrating compliance with the city's street tree requirements, at a rate of one tree per 30-45 feet of linear frontage along West Commercial Street; and
4. Rooftop mechanical equipment shall be screened from public view and the long views of the building shall be considered. The applicant shall provide revised elevations and roof plans for review and approval by Planning Staff.
5. The review and approval of the western most driveway is based upon low traffic volumes. If the use and traffic volumes intensify as part of the future development plans, the design and provision of this driveway shall be reviewed and approved by the City Traffic Engineer; and

6. The applicant shall provide a copy of the Supplemental Agreement between the applicant and MaineDOT to install pipe within the public right-of-way.
7. The draft easement documentation for the CSO pipe shall be finalized prior to issuance of any building permits; and
8. A copy of the Permit By Rule application for new stormdrain outfalls will be required prior to issuance of any building permits; and
9. The street side of the proposed buildings shall be addressed, consistent with 911, tax assessor, Inspections Division and future mailing addresses; and
10. A new public hydrant must be installed on Commercial Street within 75 feet, west of the 'oversized boat entrance.'

D. SHORELAND REGULATIONS

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 January 23, 2018 for application 2017-293 relevant to the Shoreland Regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan *is/is not* in conformance with the shoreland regulations standards of the land use code.

ATTACHMENTS:

Attachments to Memorandum

1. Approval Letter from January 2016
2. Planning and Fire Review Comments
3. Traffic Engineering Review comments
4. Design Review comments
5. Peer Engineering Review comments

Applicant's Submittal

- A. Cover Letter
- B. Response to Staff Comments
- C. Site Plan Application
- D. Development Description
- E. Right, Title and Interest and Technical/Financial Capacity
- F. Zoning Compliance
- G. Traffic and Construction Management Plan
- H. O&M Manual
- I. Stormwater Management Plan
- J. Fire Safety

Plans

- P1. Cover Sheet
- P2. General Notes and Legend (2 sheets)
- P3. Boundary Survey
- P4. Boundary and Topographic Survey 1 of 2
- P5. Boundary and Topographic Survey 2 of 2
- P6. Existing Conditions Plan
- P.7 Site Layout Plan
- P.8 Amended Overall Project Plan
- P.9 Temporary Access Plan

P.10 Grading and Drainage Plan
P.11 Building Grading and Drainage Plan
P.12 Utility Plan I
P.13 Utility Plan II
P. 14 Erosion and Sediment Control Plan
P. 15 Erosion and Sediment Control Details
P.16 Lighting Plan
P.17 Site Details I
P.18 Site Details II
P.19 Water System Details
P.20 Utility Details
P.21 Storm Drain System Details
P.22 Fire Protection Plan
P.23 Roof Plan
P.24 Building Elevations
P.25 Building Perspective I
P. 26 Building Perspective II