

**Memorandum**

**Planning and Urban Development Department**

**Planning Division**

**To:** Steve Bushey, PE, Deluca Hoffman

**From:** Bill Needelman, Senior Planner

**Date:**  December 7, 2012

**Re:** Canal Landing NewYard: Site Plan Review Notes

**CC:** Barbara Barhydt, Development Review Services Manager

Dave Margolis-Pineo, Deputy City Engineer

Tom Errico, PE, TY Lin

David Senus, PE, Woodard Curran

Marge Schmuckal, Zoning Administrator

The following notes are based on the October 31 submission of the Canal Landing NewYard Final Site Plan application for a boat repair, storage and brokerage at 40 West Commercial Street. These notes and comments are in addition to review comments provided or to be provided by the City Department of Public Services, the reviewing traffic and stormwater engineers, the zoning administrator, Fire Safety, and other city staff.

**Issues**:

* Sidewalk and Curb Waiver: The applicant has requested a waiver of sidewalk and granite curbing for the entire frontage of West Commercial Street. The comments below assume that if the sidewalk waiver is granted, then granite curbing would be unneeded and waived as well. As with the adjacent IMT application, which recently received a sidewalk waiver, the issues involve the industrial context of the site, the low potential for off-site foot traffic, and pedestrian accommodations for employees and patrons of the development. The first two issues point toward waiver, while the third leaves a basic transportation standard unaddressed. The above issues are complicated by the high vehicle speeds on West Commercial Street and the poor siting distances around the Nova Seafood site across the street.

The solution for the adjacent IMT project resulted in a waived sidewalk with an identified walking route to a crosswalk accessing the sidewalk network on the northerly side of Commercial Street. In the current condition, there is no such crosswalk serving the subject parcel.

With the updated December 6 material, the applicant is proposing that pedestrians are directed to the IMT crosswalk, located approximately 750 to the east. Pedestrians would need to walk within the rail right of way located between the IMT and the Commercial Street right of way. While there is no active rail service along this right of way (the tracks are discontinuous in both directions,) the area is often used as truck queuing for the IMT. Given the low expected volume of pedestrian traffic and the hazards implicit in introducing a new crossing anywhere near the bend in West Commercial Street (west of the Casco Bay Bridge,) the applicant’s suggestion may be the only practical solution until a signalized pedestrian crossing can be established at the Beach Street Ramp.



Note: the city is currently requesting funds from PACTS to study West Commercial Street to determine the future of the corridor for multiple modes of travel. Since the future policies and configuration of the street are now unknown, it may be prudent to retain contributed funds in anticipation of the results of a future study.

If the Board grants the waiver of sidewalk and granite curbing, staff suggests a condition of approval for a contribution towards the installation of pedestrian signals and a painted crosswalk at the Beach Street ramp should that intersection receive improvements within the next 10 years.

* Removal of rail track: The applicant is asked to provide evidence that the tracks to be removed have either been officially abandoned or a legal opinion that abandonment is not needed. State and or Federal process have been required prior to the removal of track from city-owned rail track.
* Driveway consolidation: The applicant is asking for two drives for phase one and up to 4 in later phases. The city encourages the fewest number of curb cuts needed. Consulting Traffic Engineer, Tom Errico will address this in greater detail.
* Page1-7 of the application narrative does not list Washdown Treatment areas in the phase 1 development description. Please confirm.
* Page 1-9. The Zoning Administrator will need to confirm the building height calculation. Generally building height is calculated from the average grade of the ground around the foundation. The narrative notes the finished floor as the benchmark. Confirm with Zoning Administrator.
* Page 1-11, Shoreland review: Confirm with the Zoning Administrator the tree clearance approach of a 1-1 replacement to achieve a predevelopment tree count of 60% of existing minus the trees located in trash removal areas (which need to be removed regardless.)
* Page 3-5 Public Infrastructure: Utility Easements: Department of Public Services is requesting utility easements over the CSO crossing the site to the Fore River.

Hydrants and water lines: Applicant indicates that additional hydrants will be provided, but the utilities plan does not show either water lines or additional hydrants.

* Page 3, Archeological resources. Where the site was the origination/termination of the Cumberland and Oxford Canal, the subject property has significant historic interest; however, more recent grading and development has obliterated surficial evidence of the canal structure. Likewise, as noted in the Maine State Historic Preservation Commission letter, the site of the former Portland Glass Works is a significant resource, though its location appears to be sited westerly from the proposed phase one buildings. The proposed construction is not anticipated to disturb any evidence of the original canal structure or remains of either of these resources. The Site Plan standards additionally list historic rail beds as a specific resource for preservation and/or documentation. Given the fact that the rail and gasworks uses of the site resulted in a dense web of rail beds constructed and modified over 150 years, this standard is both applicable and nearly impossible to fully address. Numerous period maps and images of the site exist, which show the evolving network of rail sidings on and around the site, serve to document the rail history of the subject property and should serve to address this standard. Planning staff will provided at least one 1882 example to the Planning Board as an example.

**Waivers**

* **Sidewalls and Granite Curbing:** Site Plan Standard 14-526(a)(2)c.1 (and 14-448 an d14-449, by reference)
* **Site Lighting:** Tech Standards Sec. XV. 5.4.A, Uniformity and 4.B, Illumination Levels. Waiver requested
* **Landscaping:**

**Landscape Preservation,** Site Plan Standard 14-526 b.(2)a.4. *Question: Is the applicant asking for a waiver from Landscape Preservation, or from the waiver provisions requiring replacement and/or contribution of trees not preserved?*

**Site Plan Environmental Standards,** Site Plan Standard 14-526 b.(2)(e)2, parking landscaping. Waiver requested

**Industrial and Commercial Landscape Guidelines:** Tech Standards Sec. VI. 5.4., Item 1 and 2, for perimeter trees, and perimeter compatible uses; and, Subsection 9, Tree Species and Size standards.

* **Flooding: Tech Standards Sec.V E, Flooding** Standard due to the capacity of the receiving body (the Fore River).
* **Soil Infiltration Testing…Need Tech standards citation (?) Tech Standards, Sec. V……**
* **Transit Facility…***Waiver requested, not needed (not located on a transit route.)*
* **Bicycle Parking 14-526 a (4) b. Based on an “industrial use located in an outlying area (waiver criteria)** *No information provided*
* **Motorcycle and scooter Parking 14-526 a (4) c.** *No information provided*
* **Driveway width waiver:** Tech Standards, sec 1.7.1.4. 36 feet maximum, 48 feet+/- requested. *Waiver supported by the Consulting Transportation Engineer.*

**Conditions of Approval**

* **MDOT approval of shared Entry way and easement from MDOT to New Yard for use of shared entry way.**
* **Contributions for Beach Street intersection improvements, including but not limited to pedestrian crossing and signalization.**
* **Document and language for the 30 foot wide combined sewer overflow line easement crossing the property from West Commercial Street to the Fore River as shown on the Deluca Hoffaman Site Development Plan, C-2.1, revision 4,dated 12-5-12.**
* **Other Agency Reviews: The Planning Board approval acknowledges multiple State, Federal, and local permits that may require modifications to the City approval, and that any modifications to the City approved plan must be identified and submitted to the Planning Authority for final review prior to issuance of a building permit. Outside agency permits include, NRPA wetland alternation permits, Maine DEP VRAP approvals, and Portland Harbor Commission approvals.**