

CBL: 152-B-1

FOLDER NAME: PB memos

file name: 3-7-06 - Site Plan

PROJECT: Monrills Crossing ~~Contract Review~~

ADDRESS: 33 Allen Avenue

## Memorandum

Department of Planning and Development  
Planning Division

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**To:** Chair Beal and Members of the Portland Planning Board

**From:** Sarah Hopkins, Development Review Services Manager

**Date:** March 3, 2006

**Re:** March 7, 2006 Planning Board Workshop  
**Morrill's Crossing Mixed-Use Development**

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At the Planning Board's request during the last Morrill's Crossing workshop in January, staff has been working with the applicant to wrap up the traffic review and commence the review and discussion of the overall development site. Since the last workshop, several meetings have been held with the applicant and various City staff including representatives from Fire, Public Works, Traffic, Parks and Recreation, Zoning, Legal, and our landscape and drainage peer reviews. Based on our meetings and lists of comments and questions, the applicant has responded with a number of clarifications, explanations additional data and amended plans.

Aside from clarifications on plans and the submission of additional data by the applicant, there have been few changes of note since the last workshop. Two amendments to the plans that the Planning Board will want to be aware of are:

1. An option has been presented to the Board to shift the access to the twelve rear apartments from the rear access road to an extension of Morrill Street. This change provides a better connection between the apartments and surrounding neighborhood and also allows an opportunity for emergency access to the rear of the site.
2. The boxing club has been reduced in size to a single-story consisting of 14,000 square feet.

This memo will be organized by topics and will list and discuss items and concerns raised during the review.



## 1. Landscape Review

Patrick Carroll of Carroll and Associates has worked as the City's landscape peer review for this project. Mr. Carroll reviewed the first set of plans dated July 2005 and produced a review memo dated January 27, 2006. The applicant has since responded with amended landscape and layout plans. Mr. Carroll reviewed the updated plans and has submitted an updated list of comments. Issues related to the perimeter buffer and design have been resolved, for the most part, as well as interior planting plans. Mr. Carroll's latest memo does highlight the need to buffer various residential uses from headlight glare, the need to designate snow storage and the requirement of a construction buffer plan or phasing plan to protect neighbors during construction. Mr. Carroll will also provide a review of the lighting plan prior to the next workshop.

The following landscape issues have been discussed:

### Perimeter Buffer and Landscape

- fencing
- tree location and selection
- entrance and streetscape treatment
- views into the site from adjacent roadways

### Interior Planting

- tree preservation
- species selection
- planter design and dimension
- maintenance and irrigation
- phasing
- pedestrian connections

### Other Landscape Issues to be Resolved

- Headlight glare
- snow storage
- phasing plan
- lighting

## 2. Site Design/Drainage

Presently the site consists of parking areas, gravel pads, occupied and unoccupied buildings. Currently, runoff travels to low areas and eventually, by surface flow or through culverts, is discharged to Milliken Brook, a tributary of Fall Brook. The development plan proposes to collect all stormwater in a closed pipe system and directed to a detention area to the rear of the site. The pond will outlet into Fall Brook and an important aspect of the plan, as requested by the DEP is the stabilization of the Milliken Brook bank.

The stormwater from the main retail and supermarket parking area will be collected by deep sump catch basins and directed to subsurface detention systems prior to being discharged into the closed pipe system. Other drainage areas will also be collected in the deep sump catchbasins and directed into the piped system. The Piped under drains will then direct the runoff to the detention basin on the far side of the recreation field. An outlet in the detention basin will send runoff into the stabilized Milliken Brook.

The Stephen Bushey of DeLuca Hoffman has provided the City with peer review services of the site layout, utility and drainage plans. Mr. Bushey submitted a review memo in November of 2005 based on plans for July 2005. His comments were mostly technical in nature and requested information of utility locations and sizing, turning movements, and erosion control. All of Mr. Bushey's comments appear to have been responded to and resolved in the memo from VHB dated February 17, 2006.

### **3. Infrastructure, Combined Sewer Overflow and Paper Streets**

Public works is conducting the review of the off-site infrastructure in the vicinity of the development and its capacity to service the Morrill's crossing development. Review comments have just recently been developed so that the applicant has not yet had an opportunity to respond.

A summary of the status and concerns regarding the paper streets in the vicinity is listed below.

#### Princeton and Magnolia Streets

Both of these streets have been confirmed by Public Works as being "dedicated and unaccepted".

These streets also contain sanitary sewer servicing the area. Public Works does not recommend any work be conducted to this sewer, however, would like to be assured that care will be taken in the construction to protect the sewers.

A culvert drains to the southerly side of the Princeton Street. Stormwater will be collected by a stormwater system to the north of the Townhouses along the property line. The stormwater from the City right of way would be draining through the proposed development's stormwater system. It may be appropriate to request a drainage easement through the site.

#### Morrill Street

Morrill Street is also dedicated and unaccepted from University Street to Milliken Brook. It is not clear where Milliken Brook would have crossed the site prior to development of this site. Public Works would like to retain a right of way across the site in Morrill Street's current location, extending to the railroad property at the southern property line.



The right of way would not propose building locations and could provide for future access across the railroad property.

The developer is currently proposing a 24' wide Morrill's Street extension to the Townhouses Circle and rear apartments. Since this road would become a City street to the site, the road should be constructed to the City's minimum standard and be 28' wide. A hammerhead turn around also needs to be constructed at the end of the City street.

#### Stormwater Contribution

In 1993, the City of Portland entered in to a consent agreement with the Maine Department of Environmental Agency due to its combined sewer overflows. This agreement obligates the City to complete a series of sewer separation projects in three watersheds, Fall Brook, Capisic Brook and the Fore River. In 1997, the City began work on these projects and is expected to spend nearly 100 million dollars by 2012.

As part of the City's consent agreement with the DEP in 1993, a required separation project involves the reestablishment and the widening of Fall Brook to remove the Mona/Bernard neighborhoods from the 100-year flood plain. In order to do so, the City must acquire drainage easements from property owners to along Fall Brook upstream and downstream entrance into Fall Brook. The acquisition process is ongoing.

Public Works recommends a \$100,000 contribution be made towards the acquisition of downstream stormdrain easements along Fall Brook. This contribution was required as part of the conditional rezoning approval.

#### **4. Fire Safety**

Both Lt. McDougal (since retired) and Cpt. Cass of the Fire Department have reviewed the site plans and proposed layout for emergency access and safety. Of particular concern was the proposed access to the rear of the site. The Fire Department requested improved emergency access to the apartments, recreation field, boxing club and rear of supermarket. Locations of hydrants and the requirement of sprinklers in all buildings were also raised.

The applicant has offered options for consideration, namely to provide direct access to the rear apartments from Morrill Street. The extension of Morrill Street also provides for improved emergency access to the recreational field, loading area and boxing club.

## 5. Parking Demand/Supply

John Peverada, Parking Manager, has reviewed the plans and conditional rezoning requirements. He requested additional information on the breakdown of parking demand and supply for the various uses, as well as the scenario for parking during weekends in December—the busiest time of year. Mr. Peverada inquired about the potential need for an off-site shuttle during busy times and the intended responsibilities of the proposed Rideshare Coordinator.

The applicant responded with a clear breakdown of the various uses and the supplied parking for each. Demand/supply charts and graphics were provided illustrating the use of parking field by which users during various peak and non-peak times. Attached to the applicant's February 2, 2006 response to comments are excerpts from the ITE parking demand/generation charts.

As indicated in the applicant's response, the peak time for the shopping center will be on Saturdays and Sundays during December. During those busy times, the applicant proposes to have the retail employees park in designated areas away from the main parking field. According to the applicant, this arrangement should negate the need for an off-site shuttle.

Due to the nature of anticipated multiple trips associated with the mixed use development, the applicant is applying a shared parking credit. At the request of John Peverada and the City's Traffic Engineer, the applicant has submitted a *Shared Parking Manual* published by the Urban Land Institute.

## 6. Traffic Study Updates

There have been several meetings between the applicant and City Traffic Engineer, Tom Errico, to work through the traffic study scope and methodology. Public Works has been involved in discussions related to the right-of-way dimensions and overall extent of the Morrill's Corner improvements. The Maine Department of Transportation has also been involved in the review.

Issues and questions raised to date include but are not limited to:

- Traffic scope and methodology
- Current volume counts and peak hour counts
- Read/Adelaide Street improvements
- Bike and pedestrian deficiencies
- Railroad schedules and queue impacts
- Intersection safety
- Trip generation data specific to Stop and Shop
- Traffic Demand Management
- Potential for a median in Allen Avenue at driveway



Paul White Tile driveway improvements  
Bus turnaround  
Signal warrants at Forest Avenue and Newton Street  
Crosswalk materials and locations  
Turning movements for driveways, circle  
Wayfinding  
Lane merges on Forest and Allen  
Loss of parking on Forest  
Lane storage and queuing  
Circle design  
Bike lanes vs. shoulders dimensions and locations  
Crosswalks in the public right of way  
Allen Ave. apartments driveway relocation  
SimTraffic modeling vs. Synchro

With a very thorough review by Mr. Errico and an equally thorough set of responses by the applicant, most items and concerns have been resolved. As of this writing, the applicant and Mr. Errico are meeting to continue their work prior to the workshop. Due to items requested recently by Mr. Errico, the SimTraffic presentation will not be made on Tuesday.

## **7. Noise**

The applicant has submitted a noise study for the project (See Attachment 7A.) The City sent out the study for a peer review (See Attachment 7B.) The peer review raises the five main issues.

1. Sound level data is needed for supermarket mechanicals and associated uses.
2. The Maine DEP Site Location of Development will include a noise assessment in addition to the review under site plan and subdivision.
3. Concern has been raised by the peer reviewer that the loading dock activity may exceed the B-2 noise limits.
4. Additional data will be needed regarding the loading dock area to determine the anticipated noise impacts.
5. Additional noise mitigation measures may be necessary to protect the adjacent residential uses.

The applicant has not had an opportunity to respond to the Peer Review comments. We anticipate a meeting next week to study the issues. We will report back to the Board at the next workshop.

## **8. Boxing Club**

The applicant has reduced the size of the boxing club to the original single-story 14,000 sq ft total area.

## **9. Recreation Field**

The applicant has been working with the Parks and Recreation Department to design the multi-purpose field to the rear of the site. The drainage and irrigation of the field has been designed to the City's specifications. Further refinement will be needed on the mechanism to transfer back rights or ownership to the City for the operation and maintenance of the field.

## **10. Outstanding Items**

### Lighting

A lighting plan and waiver request has been submitted by the applicant but not yet been reviewed by staff.

### Housing Replacement

An application for housing replacement has been submitted by the applicant and is currently under review by staff.

### PRUD/Multiplex Standards

An analysis of how the townhomes and apartments meet the zoning and site plan standards will be forwarded to the Board.

### DEP Site Location

The applicant will apply for a Site Location of Development permit. The City has been in contact with the DEP on the applications of the new Chapter 500 stormwater rules for the project. As noted earlier, noise impacts will also be reviewed by the DEP, as well as by the City.

### Drainage/snow plow/access easements

Easements will be necessary for the pathways, drainage infrastructure and snow plow turnarounds.

### Noise

The applicant's noise engineer and City's peer reviewer will meet next week and work towards a resolution of the issues raised.



## Attachments

### Site Plan

- 1a. Landscape Peer Review dated 1-25-06
- 1b. VHB response dated 2-17-06
- 1c. Landscape Peer Review dated 3-1-06
2. VHB response to Site Plan Peer Review dated 2-17-06
3. VHB response to Tom Errico Site Plan comments dated 2-17-06
- 4a. VHB response to Traffic Study comments dated 2-6-06
- 4b. VHB response to Traffic Study comments dated 2-26-06
- 4c. VHB response to Traffic Study comments dated 2-27-06
5. VHB response to Parking Demand comments dated 2-7-06
6. VHB response to Fire and Parking comments dated 2-24-06
- 7a. Sound Level Impact Assessment Report dated 1-12-06
- 7b. RSE Noise Peer Review Report dated 3-2-06
8. VHB Waiver Requests dated 2-17-06
9. Letter from Natalie Burns regarding Housing Replacement dated 12-16-05
10. Public Works Engineering memorandum dated 3-1-06
11. Correspondence from Neighbors





# Morrill's Crossing

## Portland, Maine

Revised Site Plan Exhibit  
March 2006







## Public Works Engineering Memorandum

**Date:** March 1, 2006

**To:** Sarah Hopkins, Development Review Services Manager

**From:** Eric J. Labelle, P.E., City Engineer

**Re:** Morrill's Crossing

This memorandum is intended to provide clarification and comment on the Morrill's Crossing development.

### Princeton and Magnolia Streets

**Status:**

Both of these streets have been confirmed by Public Works as being "dedicated and unaccepted".

**Sewer:**

These streets also contain sanitary sewer servicing the area. Public Works does not recommend any work be conducted to this sewer, however, would like be assured that care will be taken in the construction to protect the sewers.

**Drainage:**

A culvert drains to the southerly side of the Princeton Street. Stormwater is proposed to be collected by a stormwater system to the north of the Townhouses along the property line. The stormwater from the City right of way would be draining through the proposed development's stormwater system. It may be appropriate to request a drainage easement through the site.

### Morrill Street

**Status:**

Morrill Street is also a dedicated and unaccepted from University Street to Milliken Brook. It is not clear where Milliken Brook would have crossed the site prior to

development of this site. Public Works would like to retain a right of way across the site in Morrill Street's current location extending the railroad property at the southern property line. The right of way would not propose building locations and could provide for future access across the railroad property.

**Proposed Road:**

The developer is currently proposing a 24' wide road to the Townhouses and Apartments. Since this road would become a City street to the site, the road should be constructed to the City's minimum standard and be 28' wide. A turn around also needs to be constructed at the end of the City street.

**Stormwater Contribution**

In 1993, the City of Portland entered in to a consent agreement with the Maine Department of Environmental Agency due to its combined sewer overflows. This agreement obligates the City complete a series of sewer separation projects in three watersheds, Fall Brook, Capisic Brook and the Fore River. In 1997, the City began work on these projects and is expected to spend nearly 100 million dollars by 2012.

The separation work being conducted requires the reestablishment and the widening of Fall Brook to remove the Mona/Bernard neighborhoods from the 100 year flood planes. In order to do so, the City must acquire drainage easements from property owners to along Fall Brook upstream and downstream entrance into Fall Brook. The acquisition process is ongoing.

Public Works recommends a 100 thousand dollar contribution be made towards the acquisition of downstream stormdrain easements along Fall Brook.





February 17, 2006

Vanasse Hangen Brustlin, Inc.

Ref: 07334.00

Sarah Hopkins  
Development Review Services Manager  
Department of Planning & Development  
City of Portland

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**PERIMETER BUFFER PLANTINGS:**

**Comment (page 2 of 4):**

*The site is highly visible from Forest and Allen Avenues, especially where the railroad crossings occur. At these locations views are predominantly at the rear of the proposed retail buildings adjacent to Bruno's.*

**Response:**

Large evergreens have been added to infill between the proposed Maple Trees creating additional screening to the back of the buildings throughout the year.

#### INTERIOR BUFFER PLANTINGS:

##### Comment (page 2 of 4):

*...with the exception of the supermarket service area, where additional evergreen trees, lower shrub masses, and fencing could be used to provide significantly more screening of this activity than proposed. It is also recommended that the applicant consider providing shrub understory massings where Austrian Pines are indicated.....*

##### Response:

Additional large evergreens and understory shrubs adjacent to the service area have been added including: Dense upright evergreen shrubs and perennials to create screening, year round interest and continuity for visual appeal from the apartments.

##### Comment (page 2 of 4):

*There is some concern regarding the extensive use of Inkberry (Ilex glabra) within the parking lot islands and throughout the site.*

##### Response:

The use of Inkberry has been reduced and replaced with Dwarf Mugo Pine in areas of high salt/plowing exposure, which have proven to withstand this type of abuse.

#### OTHER LANDSCAPE CONCERNS

##### Comment (page 3 of 4):

*Tree plantings indicated within cutouts in the sidewalks at the mixed-use building and other retail buildings appear to be located within very small openings (3'x3') in the pavement. Based on our experience and discussions with the City Arborist, the minimum opening size should be 24 SF, or an area approximately 6' x 4'.*

##### Response:

The 3'x3' cutouts have been increased to 3'x12' and include perennials and concrete pavers. Additionally, structural soil will be provided to sustain long term growth and greater potential for more root growth area. Concrete pavers will be dry laid providing a larger area of pervious paving for water infiltration.





Sarah Hopkins  
Project No.: 07334.00  
February 17, 2006  
Page 3

**Comment (page 3 of 4):**

*There is no street tree planting or other landscaping proposed in front of the supermarket and it appears that there are locations where some level of planting could be installed. This would greatly soften the front façade of the building...*

**Response:**

Freestanding planters have been added to the plan in front of the two Proposed Retail buildings south of the Proposed Stop & Shop. Planters will be a minimum of 5'x5' containing one large ornamental plant encompassed by proposed annuals. Stop & Shop has found that plantings in the walkway along the front of the store actually create conflicts due to the volume of customers with shopping carriages.

**Comment (page 3 of 4):**

*It does not appear that the curbing is proposed in the island areas between driveways at the townhouses.*

**Response:**

Curbing has been added to these areas on the plans to protect the proposed plantings.

**Comment (page 3 of 4):**

*Drawings and notes should be revised to better indicate the areas and means of tree protection.*

**Response:**

Tree protection has been added to the plans in several locations the notes have been revised to reflect the suggestions. The landscape notes have also been revised and now refer to the Tree Protection Fence Detail.

**Comment:**

*With the extensive landscaping proposed it is critical that a maintenance program be established that protects the Owner, City, and neighbors...*

**Response:**

The Plan Maintenance Notes have been revised in order for the contractor to provide a complete maintenance program to the owner for plant and lawn care.



Sarah Hopkins  
Project No.: 07334.00  
February 17, 2006  
Page 4

Other items that are identified in Mr. Carroll's memo include dumpsters (page 2 of 4), 10% interior parking lot landscaping (page 2 of 4), and pedestrian circulation (page 4 of 4). These are all items that were discussed at our meeting and the following summarizes our understanding of the discussion.

With respect to the dumpsters, it was clarified that they are located within the mixed-use building, the townhomes will have curb-side pick-up, and the dumpsters behind the proposed retail (adjacent to the railroad tracks) are roll-out units. It is our understanding that this discussion adequately addressed Mr. Carroll's comments regarding dumpsters.

Within the main parking lot (retail and supermarket parking), approximately 8% interior parking lot landscaping is provided. This is consistent with the landscaping proposed as a part of the conditional rezoning for the property. It is important to note that the overall open space/landscaping for the development exceeds 6.5 acres providing nearly 35% open space. In the design of the parking lot landscaping, a portion of the interior landscaping has been allocated to the perimeter landscape/buffer to address concerns raised during the conditional rezoning process. We believe that the landscape design is consistent with the conditional rezone and the City's Standards of Practice and Landscape Guidelines.

Mr. Carroll also provided six comments regarding pedestrian circulation. These comments were all discussed with planning staff and Mr. Errico. Sidewalks have been added in all locations where recommended by Mr. Carroll. With respect to the recommendation to provide additional berming along the railroad, we will work to incorporate additional berming as we prepare a fully revised set of permit drawings. Lastly, a pedestrian connection to Cambridge Street as not been provided due to the concern that Cambridge Street would be used for parking by the users of the recreation area. We are open to discuss this further with staff.

Please give me a call if you have any questions or need additional information.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.

  
John Hession  
Project Manager

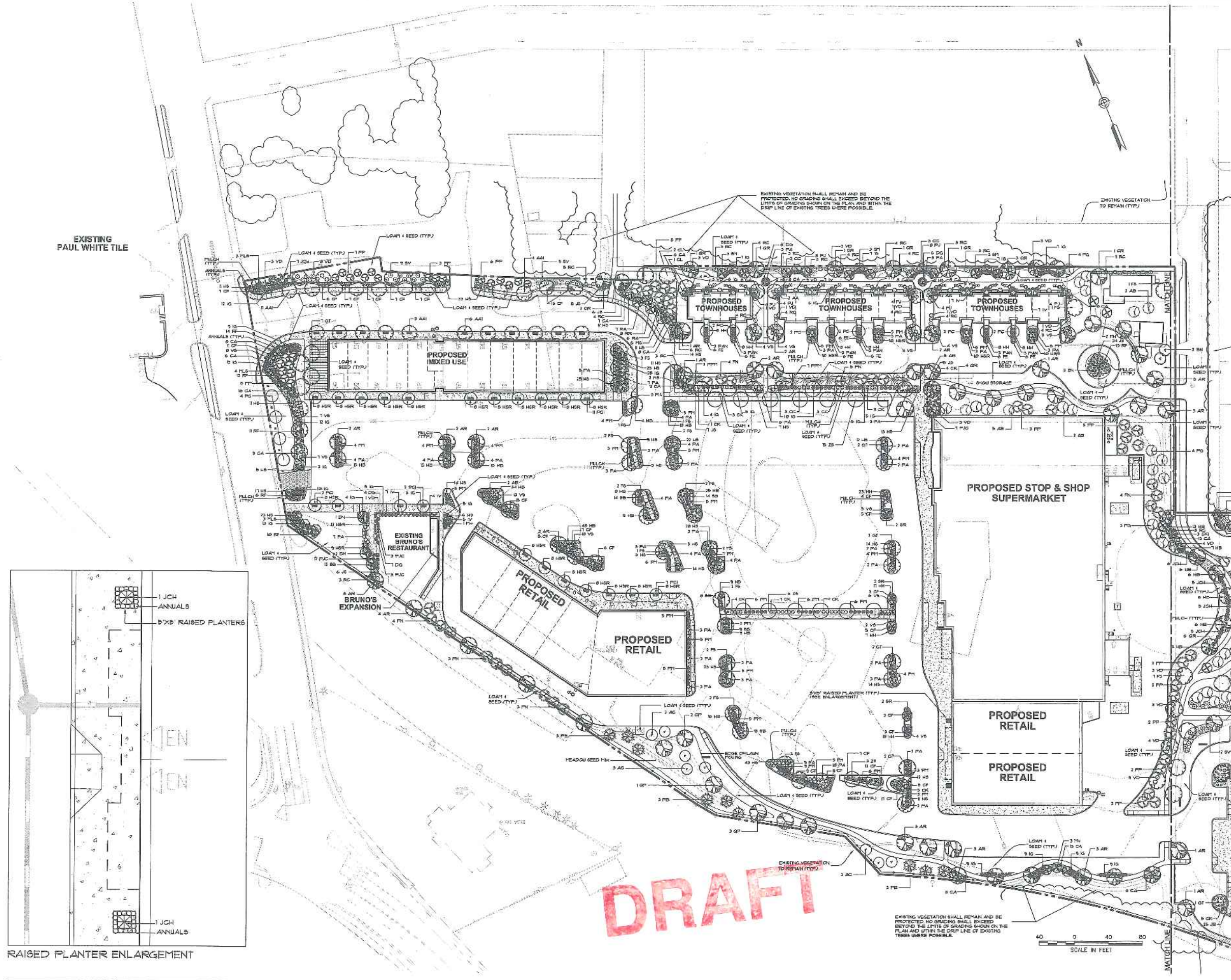
  
David Fenstermacher  
Project Engineer

Enclosure

cc: Pat Carroll - Carroll Associates







**DRAFT**

RESPONSE TO COMMENTS	2/17/08
DESIGNED BY	CHK'D BY
DATE	DATE
SCALE	DATE

Morrill's Crossing

Allen Avenue  
 Portland, Maine

Site Plan Approval

Not Approved for Construction

Landscape Plan 1

C-11

Sheet of 11 16

Project Number: 07334-00

2/13/08 - LA.DWG









February 6, 2006

Vanasse Hangen Brustlin, Inc.

Ref: 07334.00

Ms. Sarah Hopkins  
Development Review Services Manager  
Department of Planning & Development  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Response to Comments  
Morrill's Crossing Traffic Study  
Portland, Maine

Dear Sarah:

Vanasse Hangen Brustlin, Inc. (VHB) has received and reviewed the peer traffic review letter submitted on behalf of the City of Portland by the City's traffic reviewer, Mr. Thomas A. Errico, PE of Wilbur Smith Associates. VHB has since met with Mr. Errico and other members of the City staff on several occasions to review these and other comments with him.

The following provides detailed responses to comments 1-18 and 24 from Mr. Errico's letter dated January 9, 2006. At the request of Mr. Errico, VHB is currently in the process of gathering additional data on traffic operations through the Morrill's Corner area which will be summarized and submitted to the City under separate cover. This additional data is required in order to provide responses to Comments 19-24 and 26.

The following letter provides responses to the comments raised by Mr. Errico (numbered and shown in italics).

- 1. The study area for the traffic study was identified at a project level scoping meeting and meets methods established by the Maine Department of Transportation (MaineDOT). Accordingly, I find the study area to be acceptable.*

No response is necessary.

- 2. From a traffic volume and analysis perspective, intersection turning movement counts are the most relevant. Accordingly, I would ask that the applicant provide a historical perspective on the various intersections turning movement volumes collected over the last several years. I would suggest that this be provided in tabular form with dates of counts, day of week information, peak hour information, and supporting commentary.*

We concur that the peak hour traffic counts are the most relevant aspect of reviewing this project. All roadway and intersection analyses and, in turn, all off-site roadway improvements are designed around the peak hour

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impacts. A table summarizing the dates of traffic counts conducted in the vicinity of the project, the day of the week those counts were conducted, and the volumes observed is attached to this letter (see Comment 2 Attachment). Also included with the Table is a brief summary of the traffic volume information in relation to what general construction was on-going in the region.

It is VHB's opinion that the November 2004 traffic counts are representative of the current traffic volumes in and around the study area. This was confirmed in discussions with Mr. Errico prior to undertaking the November 2004 traffic counts.

- 3. Turning Movement count reports should be provided for the intersections of Forest Avenue/Read Street/Adelaide Street and Forest Avenue/Bell Street.*

The traffic count reports for these two locations were inadvertently omitted from the Technical Appendix to the traffic study. The turning movement count sheets are attached to this letter (Comment 3 Attachment).

- 4. Some of the intersection turning movement volumes do not balance between intersections. As an example: volumes on inbound Forest Avenue between Warren Avenue and Allen Avenue vary by approximately 115 vehicles. Traffic volumes between intersections should reasonably balance.*

VHB has reviewed all the volumes presented in the report and found only this one instance where the volumes would be expected to balance. VHB will correct this minor imbalance as part of the resubmission of the traffic model. Ultimately, this will not likely have a significant impact on area-wide intersection operations.

- 5. Some of the turning movement volumes at the Allen's Corner intersection on Figure 7 do not seem to match data from the turning movement count reports. An explanation should be provided.*

VHB reviewed this intersection and compared them with the turning movement data provided in the Technical Appendix of the traffic study. There are only two movements that are inconsistent. In both cases, these were for movements that are not critical to the overall intersection operation. Therefore, in correcting this information, there is no change in the operational level of service or the findings of this report.

Again, this will be corrected and included in the final traffic model to be presented in the next submission.

- 6. The report notes general pedestrian and bicycle deficiencies. I would ask that the applicant document specific deficiencies.*

VHB conducted a detailed inventory of the pedestrian and bicycle environment recently. Attached to this letter is a figure which provides a summary of general pedestrian deficiencies in the area (Comment 6 Attachment). For the most part, the general pedestrian deficiencies observed included:

- Non-ADA compliant ramps
- Non-ADA compliant railroad crossings
- Worn and faded pedestrian crosswalk pavement markings
- Broken sidewalks/asphalt



There are no formal bicycle amenities provided throughout the Morrill's Corner area along either Forest Avenue or Allen Avenue.

7. *The applicant should provide recent information on train activity at the Allen Avenue crossing. I would like to see crossing information over an extended period of time.*

VHB investigated the train crossing information as requested. VHB is providing information on how often, what time of day, and for how long these crossings restricted vehicular traffic flow. The specific details of this information are provided as an attachment to this letter (Comment 7 Attachment). The following summarizes these findings and observations:

VHB identified 27 train crossings along Allen Avenue between Wednesday, December 7 and Tuesday, December 13, 2005 (or an average of about four crossings per day). The average time that the gates were down was approximately three minutes. In all cases, there was only one instance where a train was documented crossing Allen Avenue during the peak evening commuter hour (Friday, December 9, 2005 at 4:08 PM when the gates were down for three minutes). The remaining 26 train crossing events were documented to occur outside of the evening peak hour.

Of note is that these train crossings, however frequent or infrequent, occur for an average of about three minutes each – or less time than it takes for two complete light cycle phases to take place at the existing intersection of Allen Avenue at Forest Avenue.

VHB also noted that, when a train crosses Allen Avenue, it generally takes between two and three signal cycles to normalize traffic patterns along Forest Avenue. Allen Avenue takes generally between three and five signal cycles to normalize after a train crossing occurs under the existing lane geometry.

With the updated train crossing equipment, improved pre-emption equipment and phasing, as well as the addition of a new lane of traffic in each direction along Allen Avenue, it is VHB's opinion that traffic flow along Allen Avenue will remain unchanged from its current operations and, in fact, will improve in many instances. Ultimately, the upgraded crossing and pre-emption equipment will lead to an improved level of safety for all users throughout the Morrill's Corner area with respect to train crossings.

8. *Four locations within the study area were identified as having potential safety problems as defined by MaineDOT methods. For the Forest Avenue/Stevens Avenue/Bishop Street and Washington Avenue/Allen Avenue intersections, I would suggest that the applicant obtain crash data from the Portland Police Department during the time period following recent improvements to determine if safety problems have been corrected. For the Forest Avenue/Morrill Street and Forest Avenue/Read Street/Adelaide Street intersections, details of improvement strategies should be fully developed. Additionally, collision diagrams should be provided.*

Detailed crash information and collision diagrams were provided to the City Traffic Engineer on Friday, January 13, 2006. The applicant has also been researching crash data from the Portland Police Department as requested and will summarize and provide to the City shortly for review when it is provided to VHB.

Strategies for alleviating these high crash locations are provided below:





*Forest Avenue at Stevens Avenue/Bishop Street* – The proposed roadway project at this location will serve to eliminate one of the primary safety issues at this location. The elimination of the Forest Avenue inbound lane-drop will serve to provide smoother traffic flow along this stretch of roadway.

*Washington Avenue at Allen Avenue (Allen's Corner)* – While no strategies are being provided at this point in time, the recent upgrade of the intersection (completed in 2004) was done, in part, to address safety issues at this location. VHB is researching recent data from the City of Portland Police Department to identify if any improvements to the safety issues inherent with the prior design have been alleviated with these improvements.

*Morrill Street at Forest Avenue* – As will be noted later in this response, the primary cause of delay and safety concerns at this location is the left-turning traffic into and out of Morrill Street – particularly during the peak traffic hours. It is recommended that left turns out of Morrill Street be restricted during peak commuter hours to alleviate both the delays at this intersection, but more importantly address the safety issue inherent with the current design of the intersection.

*Forest Avenue at Read Street/Adelaide Street* – Again, as will be noted later in this response, the odd configuration of this intersection, coupled with the high crash designation supports the concept of addressing the pre-existing safety and operational issues at this intersection. After reviewing the BTIP proposal and investigating the causes of the high crash designation at this location, VHB recommends that the City pursue the following alternative to address both the high crash designation as well as the operational issues at this intersection (which is graphically shown in the Comment 8 Attachment):

- Make Read Street and Adelaide Street one-way heading away from Forest Avenue to Bell Street (although maintain two-way traffic flow for the majority of Adelaide Street as shown in the graphic).
- Widen Bell Street to provide separate right- and left-turn lanes at Forest Avenue.

Ultimately, these improvements should be considered with or without the proposed Morrill's Crossing project as these are conditions that exist today – without the project in place. While the majority of the later two recommendations are mainly restrictive in nature (and do not require any significant capital expenditures to implement) the applicant will work with the City to advance these concepts to a greater degree if so directed.

9. *The City no longer expects funding through the PACTS BTIP process for the Forest Avenue improvement project, and the study should account for this.*

While the project remains on the MDOT's "Deferred List" as a potential future project, the DPW and City Traffic Engineer noted that it was not something that should be considered in the preparation of this traffic study. For this reason, VHB noted that it is a potential project, but took no "credit" for its benefits when creating the traffic study.

However, the Forest Avenue roadway improvements being recommended by the applicant are consistent with the City's and PACTS' original plan (including the four-lane cross-section along Forest Avenue inbound of the train crossings). If the Morrill's Crossing project were to advance with the proposed roadway improvements along Forest Avenue in place, a large portion of the BTIP project would have been, essentially, completed.

10. *The City is in the process of installing a traffic signal at the Allen Avenue/Plymouth Street intersection. The signal should be operational within the next month and therefore all analyses should reflect this condition.*



VHB was initially advised to prepare the traffic study under the assumption that this signal would not be installed. As directed by Mr. Errico, VHB will include a signal at Allen Avenue/Plymouth Street in the updated model.

11. *Historical Growth assumptions within the study area should be discussed, particularly declining traffic volumes documented in the report. This effort should include both daily and peak hour volumes.*

As shown in Table 2 of the Traffic Study, there appears to be some indication from the data that daily traffic volumes might be declining slightly in the vicinity of Morrill's Corner over the past four years. However, peak hour traffic volumes have remained relatively consistent between June 2004 and November 2005.

Even with an apparent decline in daily volumes, the relative stability of the peak hour volumes, or minor increases (as highlighted in the response to Comment 2, earlier in this letter) may indicate that the Forest Avenue corridor is continuing to see some minor level of growth along it.

Some reasons for the apparent daily decline in traffic volumes might be related to improved alternative routes into the City of Portland – namely the upgrades of Congress Street and Washington Street (at Allen's Corner). With these improved routes into the City, there could be a likely shift in driver tendencies to use these alternative commuter routes into and out of the City. Other changes to the regional traffic network include construction and opening of the Exit 47 (formerly known as "Exit 7B") interchange – providing drivers the ability to avoid some of the traditional commuting routes into and out of the City.

Ultimately, in the face of the potential decline or stability in the volumes, the traffic study utilized a one percent per year growth rate to provide some reasonable estimate of potential new traffic on area roadways.

12. *I concur with the trip generation methods. However, I would suggest (if available) that the applicant provide information on trip generation activity at a typical Stop N' Shop supermarket for comparison purposes. Additionally, the applicant should confirm that improvements to the existing Bruno's Restaurant will not increase seating capacity and therefore traffic levels.*

VHB has collected trip generation data at Stop & Shop supermarkets throughout the northeast United States for a number of years. Tabular comparisons of ITE theoretical rates and Stop & Shop observed rates and of the estimated site-generated trips for this project using this data are attached to this letter (Comment 12, Attachment).

Of particular note is that the observed Stop & Shop peak hour traffic generation is universally lower than the theoretical ITE Supermarket rates, which were used in the development of the traffic study currently under review.

As the table shows, the peak hour trips estimated using theoretical ITE regression equations are more than one trip per 1,000 square feet (sf) greater than those observed at similar Stop & Shop supermarket sites in New England. In other words, the traffic study has assumed there will be about 75 to 85 additional peak hour trips on the roadway than will likely be observed when the store is completed and operational. This is the equivalent of building in a "factor of safety" into the analysis results presented in the study.





With respect to the increase in size of Bruno's restaurant and its traffic impact, the additional square footage was included to the retail portion of the project. Ultimately, the minor expansion will consist of adding kitchen and storage space.

13. *The applicant should provide parking demand information in tabular form for each hour (not just the percent) for review purposes with hourly parking totals. I plan on reviewing parking demand issues after receiving the table summary.*

A detailed parking summary / evaluation are provided under separate cover.

14. *At this time the City does not expect BTIP funding to improve the Forest Avenue/Adelaide Street/Read Street intersection. Accordingly, the applicant should identify improvements that mitigate deficiencies.*

As noted in the response to Comment 8, there are number of options worth considering at these intersections to improve operational and safety purposes. After reviewing the BTIP proposal and investigating the causes of the delays at this location, VHB recommends that the City pursue the following alternative to address both the high crash designation as well as the operational issues at this intersection (which was previously shown graphically in the Comment 8 Attachment):

- Make Read Street and Adelaide Street one-way heading away from Forest Avenue to Bell Street (although maintain two-way traffic flow for the majority of Adelaide Street as shown in the graphic).
- Modify Bell Street to provide separate right- and left-turn lanes at Forest Avenue.

15. *In conjunction with the proposed Traffic Demand Management Plan, the City may want to request annual progress reports on the plan for City review and comment.*

The applicant would be willing to incorporate this if so directed.

16. *At the Allen Avenue/Site Drive intersection it is recommended that a raised island be provided that physically prevents driveway movements near the intersection.*

As stated previously, it is our opinion that a raised island will introduce a physical object into the Allen Avenue corridor which could be problematic for wintertime plowing operations as well as providing a fixed object in the travel way for passenger vehicles to contend with. This will also require minor additional widening along Allen Avenue to incorporate this median divider along this route. VHB believes the scored concrete with left-turn restrictions is adequate.

17. *The applicant shall provide information on proposed site layout changes at Paul White Tile as part of the Allen Avenue improvements.*

An exhibit showing the proposed site plan modifications to the Paul White Tile site is included (Comment 17 Attachment)

18. *The applicant shall provide a graphic that illustrates the turning adequacy of bus movements through the traffic circle near Morrill Street. Additionally, the applicant should implement design treatments that minimize illegal movements to Morrill Street.*



Ms. Sarah Hopkins  
Project No.: 07334.00  
February 3, 2006  
Page 7

VHB has been working with the METRO to design the desired bus route serving the Morrill's Crossing site. An exhibit showing the turning radius movement for a bus is included as an attachment to this letter (Comment 18 Attachment). The cul-de-sac radii have been revised to meet the METRO's specifications. The one way connection between Morrill Street has been designed to discourage or prevent illegal movements to Morrill Street through physical restrictions, signage, and pavement markings.

**Note: Comments 19 thru 24 and Comment 26 will be thoroughly addressed as part of the new capacity analysis and simulation that are currently being prepared.**

*25. The applicant should identify a mitigation plan for the Forest Avenue at Riverton School/Newton Street intersection.*

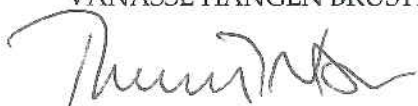
There currently exists a pedestrian signal at this intersection which provides breaks in the traffic stream to let students and residents cross Forest Avenue. Based on the observed and projected volumes at this location, traffic signals are not warranted (except for pedestrian crossings, given the proximity of the school to this location). A review of the recent MDOT crash data indicates that the critical rate factor at this location is well below the state's 1.00 CRF threshold, therefore this intersection is not considered a high crash location.

Under future conditions, it is projected that between 15 and 30 left turns will occur at this intersection from the side street movements. Because there are limited opportunities to widen Newton Street (given the proximity of residential properties on each corner) and/or the School Driveway (given the proximity of the fire station on the corner), there does not appear to be any reasonable means or methods to minimize or eliminate the delay experienced by the side-street drivers at this intersection without significantly impacting the adjacent property owners.

I trust that this letter address these specific comments about traffic. Should you have any questions related to these responses, please feel free to contact me directly.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.



Robert L. Nagi, PE, PTOE  
Principal – Transportation Systems

Copies: City of Portland Planning Board (6 copies)  
Tom Errico, Wilbur Smith Associates  
Tom Gorrill, Gorrill-Palmer Consulting Engineers, Inc.







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## Attachments

- Comment 2
- Comment 3
- Comment 6
- Comment 12
- Comment 14
- Comment 17
- Comment 18

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## Comment 2

### Historical Traffic Comparison – Forest Avenue at Allen Avenue

Date	Day	Forest Avenue (East of Allen Avenue) <sup>a</sup>	Forest Avenue (West of Allen Avenue)	Allen Avenue (North of Forest Avenue)
September 30, 2003	Tuesday	2,890	2,649	1,625
May 19, 2004	Tuesday	2,900	2,736	1,272
October 5, 2004	Tuesday	3,034	2,739	1,706

a    vehicles per hour



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**Comment 3**

# TDC

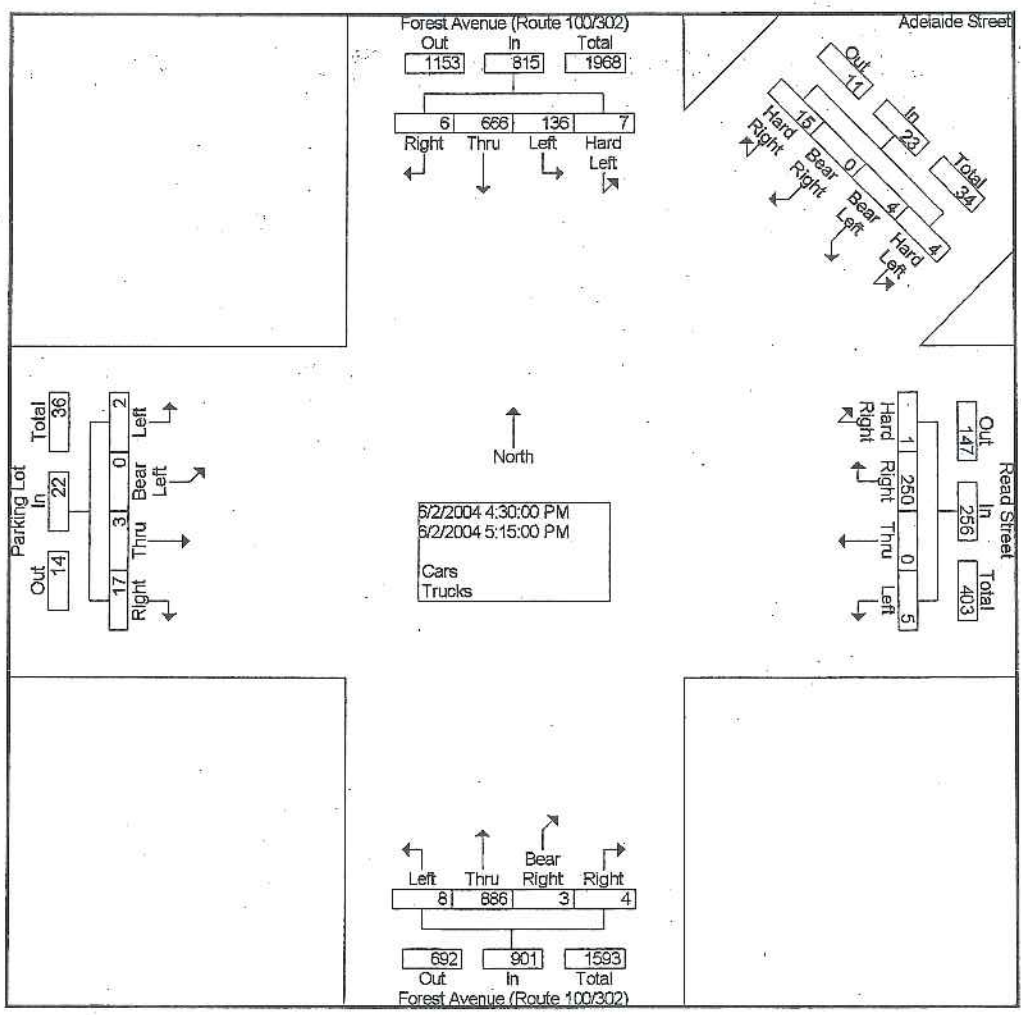
Transportation Data Corporation

P.O. Box 734 Natick, MA 01760  
Office: 508-651-1610 Fax: 508-651-1229

N/S/NE: Forest Avenue/Adelaide Street  
E/W: Read Street/Parking Lot  
City, State: Portland, ME  
Client: VHB/J. Quitter

File Name : 03012BB  
Site Code : 00007334  
Start Date : 6/2/2004  
Page No : 1

Start Time	Forest Avenue (Route 100/302) From North					Adelaide Street From Northeast					Read Street From East					Forest Avenue (Route 100/302) From South					Parking Lot From West					Int. Total
	Rig ht	Thr u	Left	Har d Left	App. Total	Har d Right	Bea r Right	Bea r Left	Har d Left	App. Total	Har d Right	Rig ht	Thr u	Left	App. Total	Rig ht	Bea r Right	Thr u	Left	App. Total	Rig ht	Thr u	Bea r Left	Left	App. Total	
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																										
Intersect ion	04:30 PM																									
Volume	6	66	13	7	815	15	0	4	4	23	1	25	0	5	256	4	3	88	8	901	17	3	0	2	22	201
Percent	0.7	81.	16.	0.9		65.	0.0	17.	17.		0.4	97.	0.0	2.0		0.4	0.3	98.	0.9		77.	13.	0.0	9.1		7
		7	7			2	4	4				7					3	3			3	6				
04:45 Volume	2	17	35	1	214	1	0	0	1	2	0	65	0	1	66	2	0	28	1	283	6	1	0	1	8	573
Peak Factor																										0.880
High Int.	04:45 PM																									
Volume	2	17	35	1	214	6	0	2	1	9	0	82	0	2	84	2	0	28	1	283	6	1	0	1	8	8
Peak Factor					0.95					0.63					0.76					0.79					0.68	8
					2					9					2					6					8	





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Page No : 1

Groups Printed- Trucks

Start Time	Forest Avenue (Route 100/302) From North				Adelaide Street From Northeast				Read Street From East				Forest Avenue (Route 100/302) From South				Parking Lot From West				Int. Total
	Right	Thru	Left	Hard Left	Hard Right	Bear Right	Bear Left	Hard Left	Hard Right	Right	Thru	Left	Right	Bear Right	Thru	Left	Right	Thru	Bear Left	Left	
04:00 PM	0	1	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	4
04:15 PM	0	2	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
04:30 PM	0	0	0	0	0	0	0	0	0	2	0	0	0	0	1	0	0	0	0	0	3
04:45 PM	0	1	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	3
<b>Total</b>	<b>0</b>	<b>4</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18</b>
05:00 PM	0	1	2	1	0	0	0	0	0	1	0	0	0	0	2	0	0	0	0	0	7
05:15 PM	0	2	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	4
05:30 PM	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
05:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	2
<b>Total</b>	<b>0</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>
<b>Grand Total</b>	<b>0</b>	<b>8</b>	<b>12</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>33</b>
Apprch %	0.0	38.1	57.1	4.8	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	
Total %	0.0	24.2	36.4	3.0	0.0	0.0	0.0	0.0	0.0	12.1	0.0	0.0	0.0	0.0	24.2	0.0	0.0	0.0	0.0	0.0	

Start Time	Forest Avenue (Route 100/302) From North					Adelaide Street From Northeast					Read Street From East					Forest Avenue (Route 100/302) From South					Parking Lot From West					Int. Total					
	Rig ht	Thru	Left	Har d Left	App. Total	Har d Right	Bear Right	Bear Left	Har d Left	App. Total	Har d Right	Right	Thru	Left	App. Total	Rig ht	Bear Right	Thru	Left	App. Total	Rig ht	Thru	Bear Left	Left	App. Total						
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																															
Intersection	04:15 PM																														
Volume	0	4	9	1	14	0	0	0	0	0	0	3	0	0	3	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	21
Percent	0.0	28.6	64.3	7.1		0.0	0.0	0.0	0.0		0.0	100.0	0.0	0.0		0.0	0.0	100.0	0.0		0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0		
04:15 Volume Peak Factor	0	2	6	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
High Int. Volume Peak Factor	0	2	6	0	8	0	0	0	0	0	0	2	0	0	2	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	0.656
					0.438										0.375					0.500											

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File Name : 03012BB  
Site Code : 00007334  
Start Date : 6/2/2004  
Page No : 1

Groups Printed- Cars

Start Time	Forest Avenue (Route 100/302) From North				Adelaide Street From Northeast				Read Street From East				Forest Avenue (Route 100/302) From South				Parking Lot From West				Int. Total
	Right	Thru	Left	Hard Left	Hard Right	Bear Right	Bear Left	Hard Left	Hard Right	Right	Thru	Left	Right	Bear Right	Thru	Left	Right	Thru	Bear Left	Left	
04:00 PM	2	150	26	2	2	0	1	0	0	52	0	1	1	0	126	1	3	1	0	0	368
04:15 PM	2	176	37	0	2	0	0	1	0	67	0	0	2	0	131	0	4	0	0	0	422
04:30 PM	1	153	41	3	2	0	1	2	0	80	0	2	1	1	157	1	3	0	0	1	449
04:45 PM	2	175	34	1	1	0	0	1	0	65	0	1	2	0	279	1	6	1	0	1	570
<b>Total</b>	<b>7</b>	<b>654</b>	<b>138</b>	<b>6</b>	<b>7</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>264</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>1</b>	<b>693</b>	<b>3</b>	<b>16</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1809</b>
05:00 PM	1	168	39	2	6	0	2	1	1	53	0	2	1	2	230	2	5	0	0	0	515
05:15 PM	2	166	18	0	6	0	1	0	0	49	0	0	0	0	215	4	3	2	0	0	466
05:30 PM	1	146	24	1	1	0	0	0	0	49	0	0	0	0	151	2	3	0	0	0	378
05:45 PM	3	139	27	0	2	0	0	0	0	41	0	0	0	0	124	3	2	0	0	0	341
<b>Total</b>	<b>7</b>	<b>619</b>	<b>108</b>	<b>3</b>	<b>15</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>192</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>720</b>	<b>11</b>	<b>13</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1700</b>
<b>Grand Total</b>	<b>14</b>	<b>1273</b>	<b>246</b>	<b>9</b>	<b>22</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>456</b>	<b>0</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>1413</b>	<b>14</b>	<b>29</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>3509</b>
Apprch %	0.9	82.6	16.0	0.6	68.8	0.0	15.6	15.6	0.2	98.5	0.0	1.3	0.5	0.2	98.3	1.0	82.9	11.4	0.0	5.7	
Total %	0.4	36.3	7.0	0.3	0.6	0.0	0.1	0.1	0.0	13.0	0.0	0.2	0.2	0.1	40.3	0.4	0.8	0.1	0.0	0.1	

Start Time	Forest Avenue (Route 100/302) From North					Adelaide Street From Northeast					Read Street From East				Forest Avenue (Route 100/302) From South					Parking Lot From West					Int. Total	
	Right	Thru	Left	Hard Left	App. Total	Hard Right	Bear Right	Bear Left	Hard Left	App. Total	Hard Right	Right	Thru	Left	App. Total	Right	Bear Right	Thru	Left	App. Total	Right	Thru	Bear Left	Left		App. Total
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																										
Intersection	04:30 PM																									
Volume	6	66	13	6	806	15	0	4	4	23	1	24	0	5	253	4	3	88	8	896	17	3	0	2	22	200
Percent	0.7	82.1	16.4	0.7		65.2	0.0	17.4	17.4		0.4	97.6	0.0	2.0		0.4	0.3	98.3	0.9		77.3	13.6	0.0	9.1		0
04:45 Volume	2	17	34	1	212	1	0	0	1	2	0	65	0	1	66	2	0	27	1	282	6	1	0	1	8	570
Peak Factor																										0.877
High Int.	04:45 PM					05:00 PM					04:30 PM				04:45 PM					04:45 PM						
Volume	2	17	34	1	212	6	0	2	1	9	0	80	0	2	82	2	0	27	1	282	6	1	0	1	8	8
Peak Factor					0.95					0.63					0.77					0.79						0.68
					0					9					1					4						8



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Groups Printed- Cars - Trucks

Start Time	Forest Avenue (Route 100/302) From North				Adelaide Street From Northeast				Read Street From East				Forest Avenue (Route 100/302) From South				Parking Lot From West				Int. Total
	Right	Thru	Left	Hard Left	Hard Right	Bear Right	Bear Left	Hard Left	Hard Right	Right	Thru	Left	Right	Bear Right	Thru	Left	Right	Thru	Bear Left	Left	
04:00 PM	2	151	28	2	2	0	1	0	0	52	0	1	1	0	127	1	3	1	0	0	372
04:15 PM	2	178	43	0	2	0	0	1	0	67	0	0	2	0	131	0	4	0	0	0	430
04:30 PM	1	153	41	3	2	0	1	2	0	82	0	2	1	1	158	1	3	0	0	1	452
04:45 PM	2	176	35	1	1	0	0	1	0	65	0	1	2	0	280	1	6	1	0	1	573
<b>Total</b>	<b>7</b>	<b>658</b>	<b>147</b>	<b>6</b>	<b>7</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>266</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>1</b>	<b>696</b>	<b>3</b>	<b>16</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1827</b>
05:00 PM	1	169	41	3	6	0	2	1	1	54	0	2	1	2	232	2	5	0	0	0	522
05:15 PM	2	168	19	0	6	0	1	0	0	49	0	0	0	0	216	4	3	2	0	0	470
05:30 PM	1	147	24	1	1	0	0	0	0	50	0	0	0	0	151	2	3	0	0	0	380
05:45 PM	3	139	27	0	2	0	0	0	0	41	0	0	0	0	126	3	2	0	0	0	343
<b>Total</b>	<b>7</b>	<b>623</b>	<b>111</b>	<b>4</b>	<b>15</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>194</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>725</b>	<b>11</b>	<b>13</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1715</b>
<b>Grand Total</b>	<b>14</b>	<b>1281</b>	<b>258</b>	<b>10</b>	<b>22</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>460</b>	<b>0</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>1421</b>	<b>14</b>	<b>29</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>3542</b>
Apprch %	0.9	82.0	16.5	0.6	68.8	0.0	15.6	15.6	0.2	98.5	0.0	1.3	0.5	0.2	98.3	1.0	82.9	11.4	0.0	5.7	
Total %	0.4	36.2	7.3	0.3	0.6	0.0	0.1	0.1	0.0	13.0	0.0	0.2	0.2	0.1	40.1	0.4	0.8	0.1	0.0	0.1	

Start Time	Forest Avenue (Route 100/302) From North					Adelaide Street From Northeast					Read Street From East					Forest Avenue (Route 100/302) From South					Parking Lot From West					Int. Total		
	Right	Thru	Left	Hard Left	App. Total	Hard Right	Bear Right	Bear Left	Hard Left	App. Total	Hard Right	Right	Thru	Left	App. Total	Right	Bear Right	Thru	Left	App. Total	Right	Thru	Bear Left	Left	App. Total			
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																												
Intersection	04:30 PM																											
Volume	6	66	13	7	815	15	0	4	4	23	1	25	0	5	256	4	3	88	8	901	17	3	0	2	22	2017		
Percent	0.7	81.7	16.7	0.9		65.2	0.0	17.4	17.4		0.4	97.7	0.0	2.0		0.4	0.3	98.3	0.9		77.3	13.6	0.0	9.1				
04:45 Volume	2	17	6	35	1	214	1	0	0	1	2	0	65	0	1	66	2	0	28	0	1	283	6	1	0	1	8	573
Peak Factor																										0.880		
High Int.	04:45 PM					05:00 PM					04:30 PM					04:45 PM					04:45 PM							
Volume	2	17	6	35	1	214	6	0	2	1	9	0	82	0	2	84	2	0	28	0	1	283	6	1	0	1	8	
Peak Factor						0.95					0.63					0.76					0.79					0.68		
						2					9					2					6					8		

# TDC

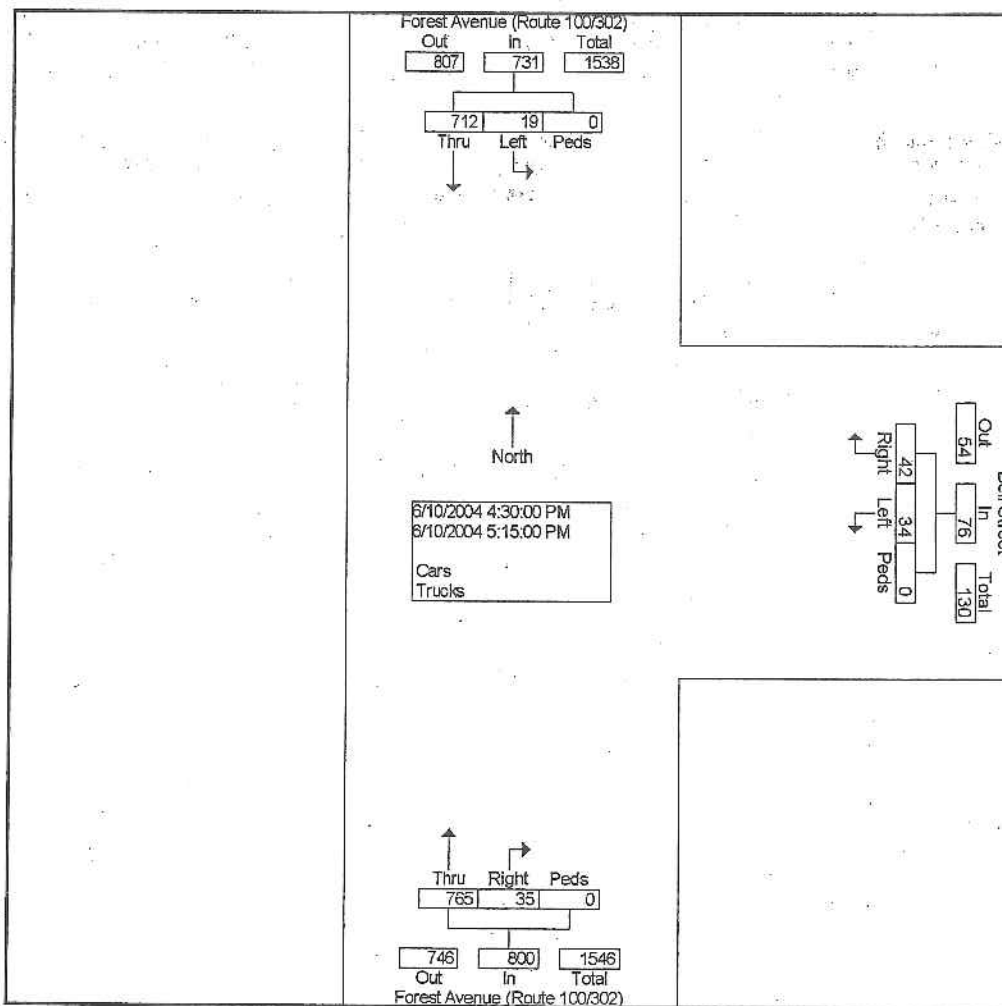
## Transportation Data Corporation

P.O. Box 734 Natick, MA 01760  
Office: 508-651-1610 Fax: 508-651-1229

N/S: Forest Avenue (Route 100/302)  
E: Bell Street  
City, State: Portland, ME  
Client: VHB/J. Quitter

File Name : 03012AA  
Site Code : 00007334  
Start Date : 6/10/2004  
Page No : 1

Start Time	Forest Avenue (Route 100/302) From North					Bell Street From East					Forest Avenue (Route 100/302) From South					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																
Intersection	04:30 PM															
Volume	0	712	19	0	731	42	0	34	0	76	35	765	0	0	800	1607
Percent	0.0	97.4	2.6	0.0		55.3	0.0	44.7	0.0		4.4	95.6	0.0	0.0		
04:45 Volume	0	184	4	0	188	13	0	4	0	17	5	225	0	0	230	435
Peak Factor	0.924															
High Int.	04:30 PM					05:15 PM					04:45 PM					
Volume	0	180	8	0	188	13	0	12	0	25	5	225	0	0	230	
Peak Factor	0.972										0.760					0.870





# TDC

Transportation Data Corporation

P.O. Box 734 Natick, MA 01760

Office: 508-651-1610 Fax: 508-651-1229

J/S: Forest Avenue (Route 100/302)

Intersection: Bell Street

City, State: Portland, ME

Client: VHB/J. Quitter

File Name : 03012AA

Site Code : 00007334

Start Date : 6/10/2004

Page No : 1

Groups Printed- Trucks

Start Time	Forest Avenue (Route 100/302) From North				Bell Street From East				Forest Avenue (Route 100/302) From South				Int. Total
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
04:00 PM	0	1	0	0	1	0	0	0	0	1	0	0	3
04:15 PM	0	2	1	0	0	0	1	0	2	0	0	0	6
04:30 PM	0	3	0	0	0	0	0	0	1	0	0	0	4
04:45 PM	0	1	0	0	1	0	0	0	0	1	0	0	3
<b>Total</b>	<b>0</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>16</b>
05:00 PM	0	3	0	0	1	0	0	0	0	2	0	0	6
05:15 PM	0	0	1	0	0	0	0	0	0	0	0	0	1
05:30 PM	0	1	0	0	0	0	1	0	0	1	0	0	3
05:45 PM	0	2	0	0	0	0	0	0	0	1	0	0	3
<b>Total</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>13</b>
<b>Grand Total</b>	<b>0</b>	<b>13</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>29</b>
Apprch %	0.0	86.7	13.3	0.0	60.0	0.0	40.0	0.0	33.3	66.7	0.0	0.0	
Total %	0.0	44.8	6.9	0.0	10.3	0.0	6.9	0.0	10.3	20.7	0.0	0.0	

Start Time	Forest Avenue (Route 100/302) From North					Bell Street From East					Forest Avenue (Route 100/302) From South					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																
Intersection	04:15 PM															
Volume	0	9	1	0	10	2	0	1	0	3	3	3	0	0	6	19
Percent	0.0	90.0	10.0	0.0		66.7	0.0	33.3	0.0		50.0	50.0	0.0	0.0		
05:00 Volume	0	3	0	0	3	1	0	0	0	1	0	2	0	0	2	6
Peak Factor	0.792															
High Int.	04:15 PM															
Volume	0	2	1	0	3	0	0	1	0	1	2	0	0	0	2	
Peak Factor	0.833					0.750					0.750					

W/S: Forest Avenue (Route 100/302)  
E: Bell Street  
City, State: Portland, ME  
Client: VHB/J. Quitter

File Name : 03012AA  
Site Code : 00007334  
Start Date : 6/10/2004  
Page No : 1

Groups Printed- Cars

Start Time	Forest Avenue (Route 100/302) From North				Bell Street From East				Forest Avenue (Route 100/302) From South				Int. Total
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
04:00 PM	0	164	6	0	5	0	7	0	6	115	0	0	303
04:15 PM	0	184	3	0	7	0	9	0	6	124	0	0	333
04:30 PM	0	177	8	0	4	0	10	0	9	138	0	0	346
04:45 PM	0	183	4	0	12	0	4	0	5	224	0	0	432
Total	0	708	21	0	28	0	30	0	26	601	0	0	1414
05:00 PM	0	174	4	0	11	0	8	0	10	206	0	0	413
05:15 PM	0	171	2	0	13	0	12	0	10	194	0	0	402
05:30 PM	0	153	3	0	6	0	7	0	4	166	0	0	339
05:45 PM	0	142	5	0	7	0	7	0	6	147	0	0	314
Total	0	640	14	0	37	0	34	0	30	713	0	0	1468
Grand Total	0	1348	35	0	65	0	64	0	56	1314	0	0	2882
Apprch %	0.0	97.5	2.5	0.0	50.4	0.0	49.6	0.0	4.1	95.9	0.0	0.0	
Total %	0.0	46.8	1.2	0.0	2.3	0.0	2.2	0.0	1.9	45.6	0.0	0.0	

Start Time	Forest Avenue (Route 100/302) From North					Bell Street From East					Forest Avenue (Route 100/302) From South					Int. Total	
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total		
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																	
Intersection	04:30 PM																
Volume	0	705	18	0	723	40	0	34	0	74	34	762	0	0	796	1593	
Percent	0.0	97.5	2.5	0.0		54.1	0.0	45.9	0.0		4.3	95.7	0.0	0.0			
04:45 Volume	0	183	4	0	187	12	0	4	0	16	5	224	0	0	229	432	
Peak Factor																	0.922
High Int.	04:45 PM					05:15 PM					04:45 PM						
Volume	0	183	4	0	187	13	0	12	0	25	5	224	0	0	229		
Peak Factor																	0.869



# TDC

Transportation Data Corporation

P.O. Box 734 Natick, MA 01760

Office: 508-651-1610 Fax: 508-651-1229

J/S: Forest Avenue (Route 100/302)

Location: Bell Street

City, State: Portland, ME

Client: VHB/J. Quitter

File Name : 03012AA  
 Site Code : 00007334  
 Start Date : 6/10/2004  
 Page No : 1

Groups Printed- Cars - Trucks

Start Time	Forest Avenue (Route 100/302) From North				Bell Street From East				Forest Avenue (Route 100/302) From South				Int. Total
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
04:00 PM	0	165	6	0	6	0	7	0	6	116	0	0	306
04:15 PM	0	186	4	0	7	0	10	0	8	124	0	0	339
04:30 PM	0	180	8	0	4	0	10	0	10	138	0	0	350
04:45 PM	0	184	4	0	13	0	4	0	5	225	0	0	435
<b>Total</b>	<b>0</b>	<b>715</b>	<b>22</b>	<b>0</b>	<b>30</b>	<b>0</b>	<b>31</b>	<b>0</b>	<b>29</b>	<b>603</b>	<b>0</b>	<b>0</b>	<b>1430</b>
05:00 PM	0	177	4	0	12	0	8	0	10	208	0	0	419
05:15 PM	0	171	3	0	13	0	12	0	10	194	0	0	403
05:30 PM	0	154	3	0	6	0	8	0	4	167	0	0	342
05:45 PM	0	144	5	0	7	0	7	0	6	148	0	0	317
<b>Total</b>	<b>0</b>	<b>646</b>	<b>15</b>	<b>0</b>	<b>38</b>	<b>0</b>	<b>35</b>	<b>0</b>	<b>30</b>	<b>717</b>	<b>0</b>	<b>0</b>	<b>1481</b>
<b>Grand Total</b>	<b>0</b>	<b>1361</b>	<b>37</b>	<b>0</b>	<b>68</b>	<b>0</b>	<b>66</b>	<b>0</b>	<b>59</b>	<b>1320</b>	<b>0</b>	<b>0</b>	<b>2911</b>
Apprch %	0.0	97.4	2.6	0.0	50.7	0.0	49.3	0.0	4.3	95.7	0.0	0.0	
Total %	0.0	46.8	1.3	0.0	2.3	0.0	2.3	0.0	2.0	45.3	0.0	0.0	

Start Time	Forest Avenue (Route 100/302) From North					Bell Street From East					Forest Avenue (Route 100/302) From South					Int. Total	
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total		
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																	
Intersection 04:30 PM																	
Volume	0	712	19	0	731	42	0	34	0	76	35	765	0	0	800	1607	
Percent	0.0	97.4	2.6	0.0		55.3	0.0	44.7	0.0		4.4	95.6	0.0	0.0			
04:45 Volume	0	184	4	0	188	13	0	4	0	17	5	225	0	0	230	435	
Peak Factor																	0.924
High Int. 04:30 PM																	
Volume	0	180	8	0	188	13	0	12	0	25	5	225	0	0	230		
Peak Factor																	0.870

# TDC

## Transportation Data Corporation

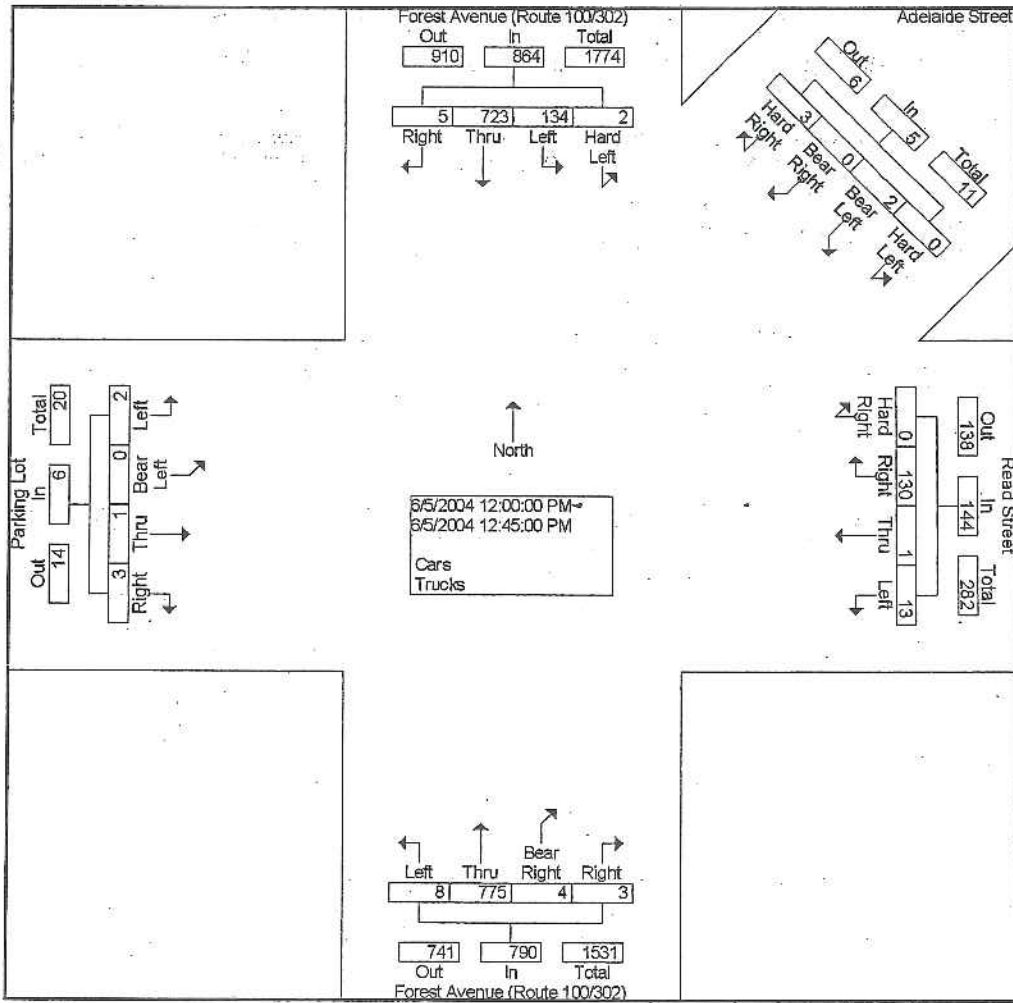
P.O. Box 734 Natick, MA 01760

Office: 508-651-1610 Fax: 508-651-1229

N/S/NE: Forest Avenue/Adelaide Street  
 E/W: Read Street/Parking Lot  
 City, State: Portland, ME  
 Client: VHB/J. Quitter

File Name : 03012BBB  
 Site Code : 00007334  
 Start Date : 6/5/2004  
 Page No : 1

Start Time	Forest Avenue (Route 100/302) From North					Adelaide Street From Northeast					Read Street From East					Forest Avenue (Route 100/302) From South					Parking Lot From West					Int. Total		
	Rig ht	Thru	Left	Har d Left	App. Total	Har d Right	Bea r Right	Bea r Left	Har d Left	App. Total	Har d Right	Rig ht	Thru	Left	App. Total	Rig ht	Bea r Right	Thru	Left	App. Total	Rig ht	Thru	Bea r Left	Left	App. Total			
Peak Hour From 11:00 AM to 01:45 PM - Peak 1 of 1																												
Intersection	12:00 PM																											
Volume	5	72	13	2	864	3	0	2	0	5	0	13	1	13	144	3	4	77	8	790	3	1	0	2	6	180		
Percent	0.6	83.	15.	0.2		60.	0.0	40.	0.0		0.0	90.	0.7	9.0		0.4	0.5	98.	1.0		50.	16.	0.0	33.		9		
12:30 Volume Peak	2	18	7	40	0	229	0	0	1	0	1	0	40	0	4	44	2	1	19	4	0	197	0	0	0	1	1	472
Factor	0.958																											
High Int.	12:45 PM																											
Volume	1	20	3	32	0	236	2	0	0	0	2	0	40	0	4	44	0	0	20	4	2	206	2	1	0	0	3	
Peak Factor	0.50																											





# TDC

Transportation Data Corporation

P.O. Box 734 Natick, MA 01760

Office: 508-651-1610 Fax: 508-651-1229

N/S/NE: Forest Avenue/Adelaide Street  
 E/W: Read Street/Parking Lot  
 City, State: Portland, ME  
 Client: VHB/J. Quitter

File Name : 03012BBB  
 Site Code : 00007334  
 Start Date : 6/5/2004  
 Page No : 1

Groups Printed- Trucks

Start Time	Forest Avenue (Route 100/302) From North				Adelaide Street From Northeast				Read Street From East				Forest Avenue (Route 100/302) From South				Parking Lot From West				Int. Total
	Right	Thru	Left	Hard Left	Hard Right	Bear Right	Bear Left	Hard Left	Hard Right	Right	Thru	Left	Right	Bear Right	Thru	Left	Right	Thru	Bear Left	Left	
11:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	3
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
11:30 AM	0	2	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	5
11:45 AM	0	4	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	5
<b>Total</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>
12:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	4
12:15 PM	0	2	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	3
12:30 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2
12:45 PM	0	2	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	3
<b>Total</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>
01:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	4
01:15 PM	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	4
01:30 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2
01:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	2
<b>Total</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>
<b>Grand Total</b>	<b>0</b>	<b>17</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>38</b>
Apprch %	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	
Total %	0.0	44.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.6	0.0	0.0	0.0	0.0	52.6	0.0	0.0	0.0	0.0	0.0	

Start Time	Forest Avenue (Route 100/302) From North					Adelaide Street From Northeast					Read Street From East					Forest Avenue (Route 100/302) From South					Parking Lot From West					Int. Total
	Right	Thru	Left	Hard Left	App. Total	Hard Right	Bear Right	Bear Left	Hard Left	App. Total	Hard Right	Right	Thru	Left	App. Total	Right	Bear Right	Thru	Left	App. Total	Right	Thru	Bear Left	Left	App. Total	
Peak Hour From 11:00 AM to 01:45 PM - Peak 1 of 1																										
Intersect ion	11:30 AM																									
Volume	0	9	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	8	0	8	0	0	0	0	0	17
Percent	0.0	100.0	0.0	0.0		0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0		0.0	0.0	100.0	0.0		0.0	0.0	0.0	0.0		
11:45 Volume	0	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	5
Peak Factor	0.850																									
High Int. Volume	0	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	0	0	0	0	7
Peak Factor	0.667																									

# TDC

Transportation Data Corporation

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Office: 508-651-1610 Fax: 508-651-1229

N/S/NE: Forest Avenue/Adelaide Street  
E/W: Read Street/Parking Lot  
City, State: Portland, ME  
Client: VHB/J. Quitter

File Name : 03012BBB  
Site Code : 00007334  
Start Date : 6/5/2004  
Page No : 1

Groups Printed- Cars

Start Time	Forest Avenue (Route 100/302) From North				Adelaide Street From Northeast				Read Street From East				Forest Avenue (Route 100/302) From South				Parking Lot From West				Int. Total
	Right	Thru	Left	Hard Left	Hard Right	Bear Right	Bear Left	Hard Left	Hard Right	Right	Thru	Left	Right	Bear Right	Thru	Left	Right	Thru	Bear Left	Left	
11:00 AM	0	142	23	0	1	0	0	0	0	25	0	2	0	1	137	0	0	0	0	1	332
11:15 AM	0	158	28	0	1	1	0	0	0	27	0	2	2	2	164	1	1	1	0	1	389
11:30 AM	1	177	26	0	2	0	1	1	0	40	1	1	0	1	199	2	1	0	0	2	455
11:45 AM	0	154	34	1	1	0	0	0	0	36	0	0	1	0	192	1	2	0	0	1	423
<b>Total</b>	<b>1</b>	<b>631</b>	<b>111</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>128</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>692</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>1599</b>
12:00 PM	2	188	28	1	2	0	0	0	0	24	0	4	0	0	201	2	0	0	0	0	452
12:15 PM	0	142	34	1	1	0	0	0	0	40	1	1	1	0	192	3	1	0	0	1	418
12:30 PM	2	186	40	0	0	0	1	0	0	40	0	4	2	1	193	0	0	0	0	1	470
12:45 PM	1	201	32	0	0	0	1	0	0	25	0	4	0	3	184	3	2	1	0	0	457
<b>Total</b>	<b>5</b>	<b>717</b>	<b>134</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>129</b>	<b>1</b>	<b>13</b>	<b>3</b>	<b>4</b>	<b>770</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1797</b>
01:00 PM	2	189	29	0	0	0	0	0	0	33	1	4	1	0	165	2	0	1	1	1	429
01:15 PM	1	198	28	0	0	0	0	0	0	25	0	0	0	0	156	0	2	0	0	0	410
01:30 PM	2	175	41	0	0	0	0	0	0	31	2	0	2	0	152	0	0	1	0	1	407
01:45 PM	2	172	28	0	2	0	1	0	0	26	0	0	2	1	166	1	0	1	0	1	403
<b>Total</b>	<b>7</b>	<b>734</b>	<b>126</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>115</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>639</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>1649</b>
<b>Grand Total</b>	<b>13</b>	<b>2082</b>	<b>371</b>	<b>3</b>	<b>10</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>372</b>	<b>5</b>	<b>22</b>	<b>11</b>	<b>9</b>	<b>2101</b>	<b>15</b>	<b>9</b>	<b>5</b>	<b>1</b>	<b>10</b>	<b>5045</b>
Apprch %	0.5	84.3	15.0	0.1	62.5	6.3	25.0	6.3	0.0	93.2	1.3	5.5	0.5	0.4	98.4	0.7	36.0	20.0	4.0	40.0	
Total %	0.3	41.3	7.4	0.1	0.2	0.0	0.1	0.0	0.0	7.4	0.1	0.4	0.2	0.2	41.6	0.3	0.2	0.1	0.0	0.2	

Start Time	Forest Avenue (Route 100/302) From North					Adelaide Street From Northeast					Read Street From East					Forest Avenue (Route 100/302) From South					Parking Lot From West					Int. Total
	Rig ht	Thru	Left	Har d Left	App. Total	Har d Rig ht	Bea r Rig ht	Bea r Left	Har d Left	App. Total	Har d Rig ht	Rig ht	Thru	Left	App. Total	Rig ht	Bea r Rig ht	Thru	Left	App. Total	Rig ht	Thru	Bea r Left	Left	App. Total	
Peak Hour From 11:00 AM to 01:45 PM - Peak 1 of 1																										
Intersection	12:00 PM																									
Volume	5	71	13	2	858	3	0	2	0	5	0	12	1	13	143	3	4	77	8	785	3	1	0	2	6	1797
Percent	0.6	83.6	15.6	0.2		60.0	0.0	40.0	0.0		0.0	90.2	0.7	9.1		0.4	0.5	98.1	1.0		50.0	16.7	0.0	33.3		
12:30 Volume	2	186	40	0	228	0	0	1	0	1	0	40	0	4	44	2	1	193	0	196	0	0	0	1	1	470
Peak Factor																										0.956
High Int.	12:45 PM					12:00 PM					12:30 PM					12:00 PM					12:45 PM					
Volume	1	201	32	0	234	2	0	0	0	2	0	40	0	4	44	0	0	201	2	203	2	1	0	0	3	
Peak Factor	0.917										0.625					0.813					0.967					0.500





# TDC

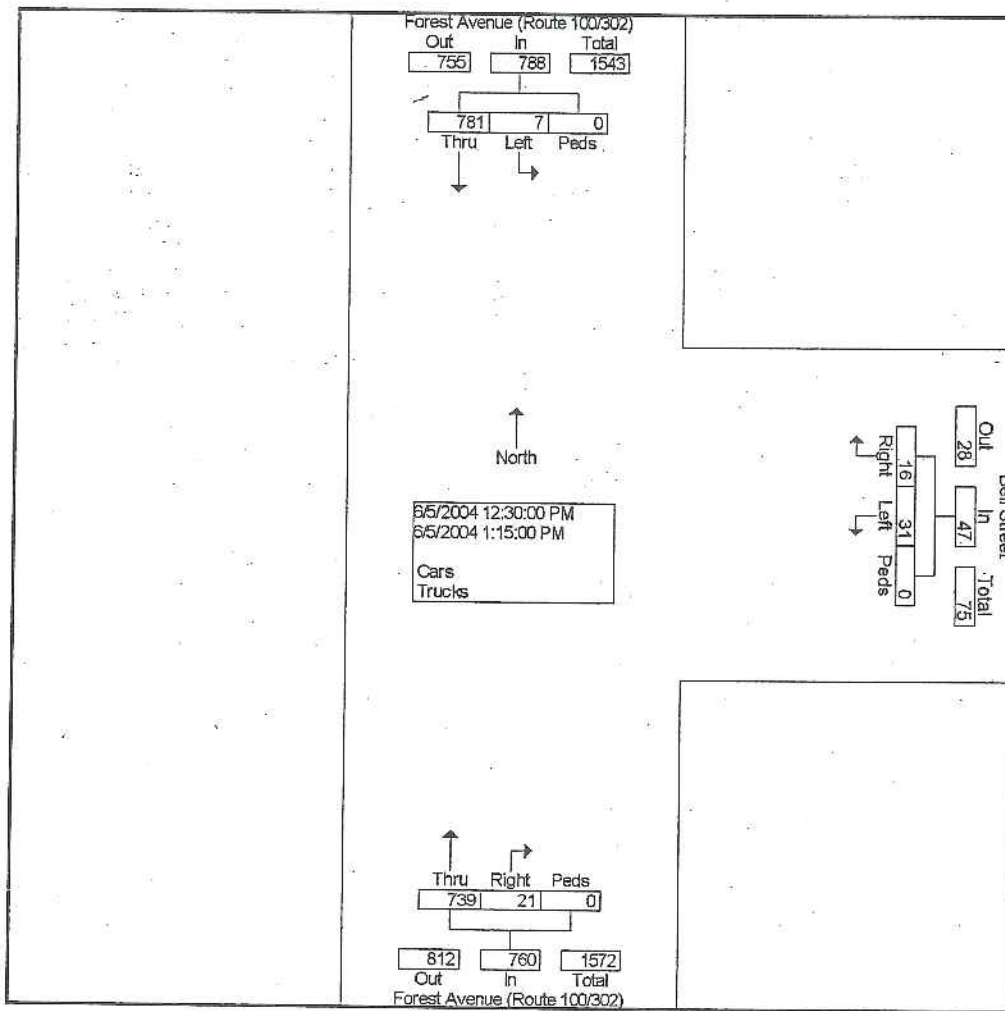
Transportation Data Corporation

P.O. Box 734 Natick, MA 01760  
Office: 508-651-1610 Fax: 508-651-1229

N/S: Forest Avenue (Route 100/302)  
E: Bell Street  
City, State: Portland, ME  
Client: VHB/J. Quitter

File Name : 03012AAA  
Site Code : 00007334  
Start Date : 6/5/2004  
Page No : 1

Start Time	Forest Avenue (Route 100/302) From North					Bell Street From East					Forest Avenue (Route 100/302) From South					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour From 11:00 AM to 01:45 PM - Peak 1 of 1																
Intersection	12:30 PM															
Volume	0	781	7	0	788	16	0	31	0	47	21	739	0	0	760	1595
Percent	0.0	99.1	0.9	0.0		34.0	0.0	66.0	0.0		2.8	97.2	0.0	0.0		
12:45 Volume	0	207	1	0	208	5	0	16	0	21	7	190	0	0	197	426
Peak Factor	0.936															
High Int.	12:45 PM															
Volume	0	207	1	0	208	5	0	16	0	21	6	201	0	0	207	
Peak Factor	0.947															
	0.560															
	0.918															





# TDC

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City, State: Portland, ME  
Client: VHB/J. Quitter

File Name : 03012AAA  
Site Code : 00007334  
Start Date : 6/5/2004  
Page No : 1

Groups Printed- Trucks

Start Time	Forest Avenue (Route 100/302) From North				Bell Street From East				Forest Avenue (Route 100/302) From South				Int. Total
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
11:00 AM	0	1	0	0	0	0	0	0	1	1	0	0	3
11:15 AM	0	0	0	0	0	0	1	0	1	1	0	0	3
11:30 AM	0	2	0	0	0	0	0	0	0	3	0	0	5
11:45 AM	0	4	0	0	0	0	0	0	0	1	0	0	5
<b>Total</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>16</b>
12:00 PM	0	1	0	0	0	0	0	0	0	3	0	0	4
12:15 PM	0	2	0	0	0	0	0	0	0	2	0	0	4
12:30 PM	0	1	0	0	0	0	0	0	0	1	0	0	2
12:45 PM	0	2	0	0	0	0	0	0	0	0	0	0	2
<b>Total</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>12</b>
01:00 PM	0	1	0	0	0	0	0	0	0	3	0	0	4
01:15 PM	0	2	0	0	0	0	0	0	0	2	0	0	4
01:30 PM	0	1	0	0	0	0	1	0	0	1	0	0	3
01:45 PM	0	0	0	0	0	0	0	0	0	2	0	0	2
<b>Total</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>13</b>
<b>Grand Total</b>	<b>0</b>	<b>17</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>41</b>
Apprch %	0.0	100.0	0.0	0.0	0.0	0.0	100.0	0.0	9.1	90.9	0.0	0.0	
Total %	0.0	41.5	0.0	0.0	0.0	0.0	4.9	0.0	4.9	48.8	0.0	0.0	

Start Time	Forest Avenue (Route 100/302) From North					Bell Street From East					Forest Avenue (Route 100/302) From South					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour From 11:00 AM to 01:45 PM - Peak 1 of 1																
Intersection 11:30 AM																
Volume	0	9	0	0	9	0	0	0	0	0	0	9	0	0	9	18
Percent	0.0	100.0	0.0	0.0		0.0	0.0	0.0	0.0		0.0	100.0	0.0	0.0		
11:45 Volume	0	4	0	0	4	0	0	0	0	0	0	1	0	0	1	5
Peak Factor																
High Int. 11:45 AM																
Volume	0	4	0	0	4	0	0	0	0	0	0	3	0	0	3	0.900
Peak Factor	0.563										0.750					

# TDC

## Transportation Data Corporation

P.O. Box 734 Natick, MA 01760  
Office: 508-651-1610 Fax: 508-651-1229

N/S: Forest Avenue (Route 100/302)  
E: Bell Street  
City, State: Portland, ME  
Client: VHB/J. Quitter

File Name : 03012AAA  
Site Code : 00007334  
Start Date : 6/5/2004  
Page No : 1

Groups Printed- Cars

Start Time	Forest Avenue (Route 100/302) From North				Bell Street From East				Forest Avenue (Route 100/302) From South				Int. Total
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
11:00 AM	0	159	2	0	3	0	5	0	2	145	0	0	316
11:15 AM	0	170	7	0	3	0	5	0	11	174	0	0	370
11:30 AM	0	180	4	0	9	0	8	0	3	187	0	0	391
11:45 AM	0	165	4	0	4	0	7	0	6	189	0	0	375
<b>Total</b>	0	674	17	0	19	0	25	0	22	695	0	0	1452
12:00 PM	0	183	2	0	4	0	4	0	3	191	0	0	387
12:15 PM	0	137	3	0	4	0	8	0	3	187	0	0	342
12:30 PM	0	180	4	0	2	0	1	0	6	200	0	0	393
12:45 PM	0	205	1	0	5	0	16	0	7	190	0	0	424
<b>Total</b>	0	705	10	0	15	0	29	0	19	768	0	0	1546
01:00 PM	0	198	0	0	6	0	5	0	5	181	0	0	395
01:15 PM	0	192	2	0	3	0	9	0	3	162	0	0	371
01:30 PM	0	167	4	0	3	0	5	0	6	152	0	0	337
01:45 PM	0	167	7	0	2	0	5	0	9	174	0	0	364
<b>Total</b>	0	724	13	0	14	0	24	0	23	669	0	0	1467
<b>Grand Total</b>	0	2103	40	0	48	0	78	0	64	2132	0	0	4465
Apprch %	0.0	98.1	1.9	0.0	38.1	0.0	61.9	0.0	2.9	97.1	0.0	0.0	
Total %	0.0	47.1	0.9	0.0	1.1	0.0	1.7	0.0	1.4	47.7	0.0	0.0	

Start Time	Forest Avenue (Route 100/302) From North					Bell Street From East					Forest Avenue (Route 100/302) From South					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour From 11:00 AM to 01:45 PM - Peak 1 of 1																
Intersection	12:30 PM															
Volume	0	775	7	0	782	16	0	31	0	47	21	733	0	0	754	1583
Percent	0.0	99.1	0.9	0.0		34.0	0.0	66.0	0.0		2.8	97.2	0.0	0.0		
12:45 Volume	0	205	1	0	206	5	0	16	0	21	7	190	0	0	197	424
Peak Factor	0.933															
High Int.	12:45 PM															
Volume	0	205	1	0	206	5	0	16	0	21	6	200	0	0	206	
Peak Factor	0.949															
	12:30 PM															
	6 200 0 0 206 0.915															



# TDC

Transportation Data Corporation

P.O. Box 734 Natick, MA 01760

Office: 508-651-1610 Fax: 508-651-1229

N/S: Forest Avenue (Route 100/302)

E: Bell Street

City, State: Portland, ME

Client: VHB/J. Quitter

File Name : 03012AAA

Site Code : 00007334

Start Date : 6/5/2004

Page No : 1

Groups Printed- Cars - Trucks

Start Time	Forest Avenue (Route 100/302) From North				Bell Street From East				Forest Avenue (Route 100/302) From South				Int. Total
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
11:00 AM	0	160	2	0	3	0	5	0	3	146	0	0	319
11:15 AM	0	170	7	0	3	0	6	0	12	175	0	0	373
11:30 AM	0	182	4	0	9	0	8	0	3	190	0	0	396
11:45 AM	0	169	4	0	4	0	7	0	6	190	0	0	380
<b>Total</b>	<b>0</b>	<b>681</b>	<b>17</b>	<b>0</b>	<b>19</b>	<b>0</b>	<b>26</b>	<b>0</b>	<b>24</b>	<b>701</b>	<b>0</b>	<b>0</b>	<b>1468</b>
12:00 PM	0	184	2	0	4	0	4	0	3	194	0	0	391
12:15 PM	0	139	3	0	4	0	8	0	3	189	0	0	346
12:30 PM	0	181	4	0	2	0	1	0	6	201	0	0	395
12:45 PM	0	207	1	0	5	0	16	0	7	190	0	0	426
<b>Total</b>	<b>0</b>	<b>711</b>	<b>10</b>	<b>0</b>	<b>15</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>19</b>	<b>774</b>	<b>0</b>	<b>0</b>	<b>1558</b>
01:00 PM	0	199	0	0	6	0	5	0	5	184	0	0	399
01:15 PM	0	194	2	0	3	0	9	0	3	164	0	0	375
01:30 PM	0	168	4	0	3	0	6	0	6	153	0	0	340
01:45 PM	0	167	7	0	2	0	5	0	9	176	0	0	366
<b>Total</b>	<b>0</b>	<b>728</b>	<b>13</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>23</b>	<b>677</b>	<b>0</b>	<b>0</b>	<b>1480</b>
<b>Grand Total</b>	<b>0</b>	<b>2120</b>	<b>40</b>	<b>0</b>	<b>48</b>	<b>0</b>	<b>80</b>	<b>0</b>	<b>66</b>	<b>2152</b>	<b>0</b>	<b>0</b>	<b>4506</b>
Apprch %	0.0	98.1	1.9	0.0	37.5	0.0	62.5	0.0	3.0	97.0	0.0	0.0	
Total %	0.0	47.0	0.9	0.0	1.1	0.0	1.8	0.0	1.5	47.8	0.0	0.0	

Start Time	Forest Avenue (Route 100/302) From North					Bell Street From East					Forest Avenue (Route 100/302) From South					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour From 11:00 AM to 01:45 PM - Peak 1 of 1																
Intersection	12:30 PM															
Volume	0	781	7	0	788	16	0	31	0	47	21	739	0	0	760	1595
Percent	0.0	99.1	0.9	0.0		34.0	0.0	66.0	0.0		2.8	97.2	0.0	0.0		
12:45 Volume	0	207	1	0	208	5	0	16	0	21	7	190	0	0	197	426
Peak Factor																0.936
High Int.	12:45 PM					12:45 PM					12:30 PM					
Volume	0	207	1	0	208	5	0	16	0	21	6	201	0	0	207	
Peak Factor	0.947										0.560					0.918

---

**Comment 6**



## 406 Curb Ramps

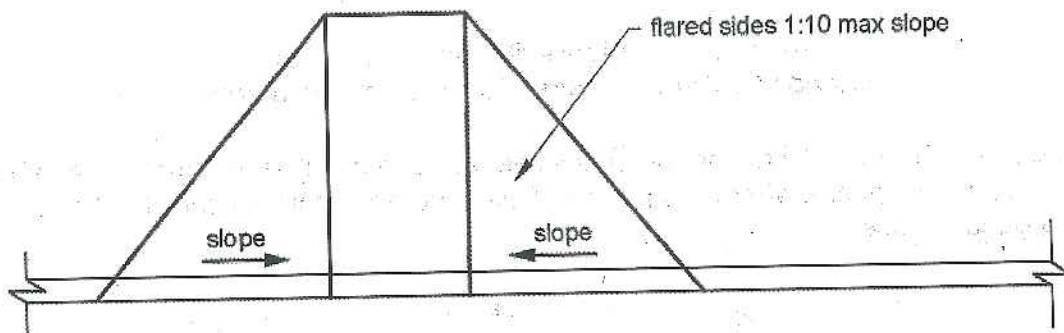
**406.1 General.** *Curb ramps* on accessible routes shall comply with 406, 405.2 through 405.5, and 405.10.

**406.2 Counter Slope.** Counter slopes of adjoining gutters and road surfaces immediately adjacent to the *curb ramp* shall not be steeper than 1:20. The adjacent surfaces at transitions at *curb ramps* to walks, gutters, and streets shall be at the same level.



**Figure 406.2**  
Counter Slope of Surfaces Adjacent to Curb Ramps

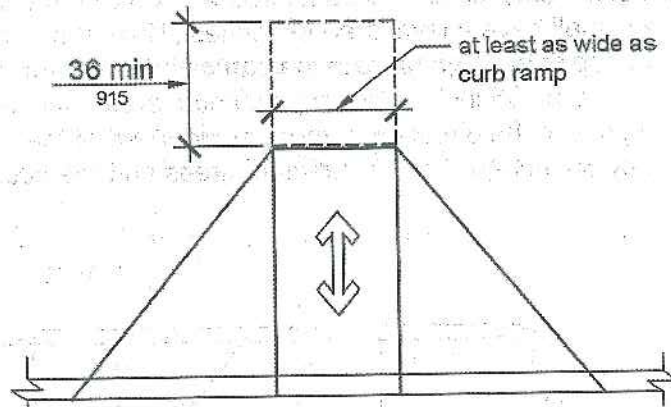
**406.3 Sides of Curb Ramps.** Where provided, *curb ramp* flares shall not be steeper than 1:10.



**Figure 406.3**  
Sides of Curb Ramps

**406.4 Landings.** Landings shall be provided at the tops of *curb ramps*. The landing clear length shall be 36 inches (915 mm) minimum. The landing clear width shall be at least as wide as the *curb ramp*, excluding flared sides, leading to the landing.

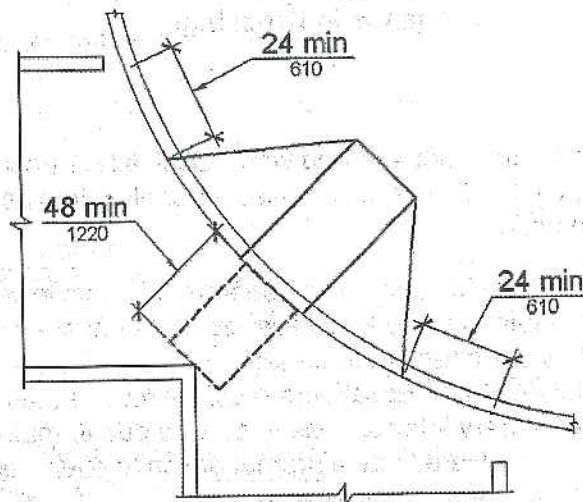
**EXCEPTION:** In *alterations*, where there is no landing at the top of *curb ramps*, *curb ramp* flares shall be provided and shall not be steeper than 1:12.



**Figure 406.4**  
Landings at the Top of Curb Ramps

**406.5 Location.** *Curb ramps* and the flared sides of *curb ramps* shall be located so that they do not project into vehicular traffic lanes, parking spaces, or parking access aisles. *Curb ramps* at *marked crossings* shall be wholly contained within the markings, excluding any flared sides.

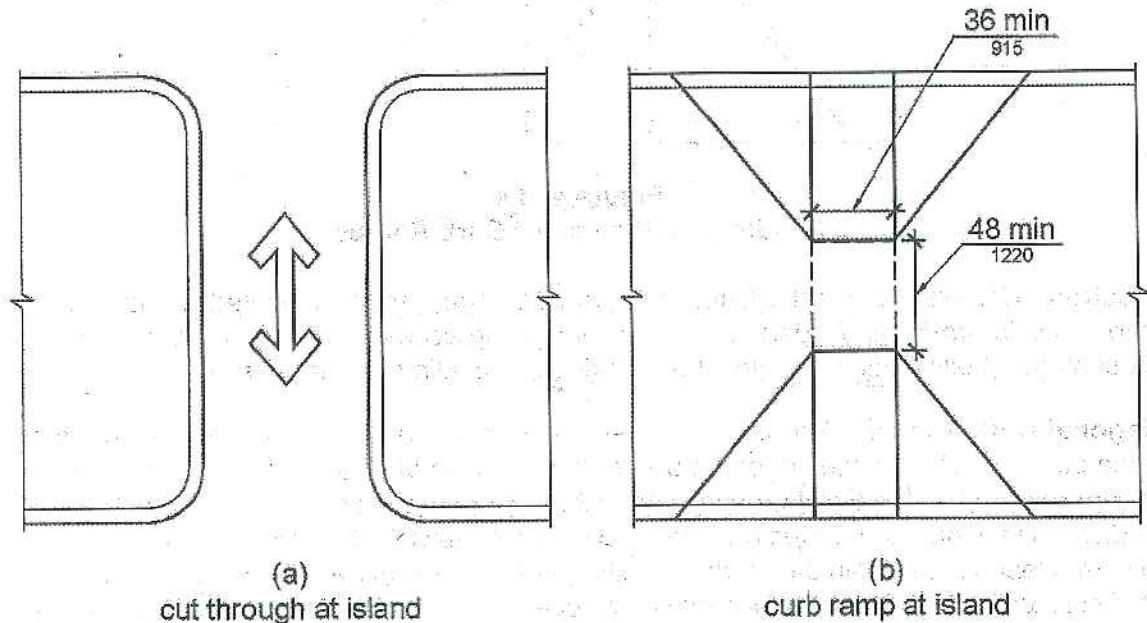
**406.6 Diagonal Curb Ramps.** Diagonal or corner type *curb ramps* with returned curbs or other well-defined edges shall have the edges parallel to the direction of pedestrian flow. The bottom of diagonal *curb ramps* shall have a clear space 48 inches (1220 mm) minimum outside active traffic lanes of the roadway. Diagonal *curb ramps* provided at *marked crossings* shall provide the 48 inches (1220 mm) minimum clear space within the markings. Diagonal *curb ramps* with flared sides shall have a segment of curb 24 inches (610 mm) long minimum located on each side of the *curb ramp* and within the *marked crossing*.



**Figure 406.6**  
Diagonal or Corner Type Curb Ramps



**406.7 Islands.** Raised islands in crossings shall be cut through level with the street or have *curb ramps* at both sides. Each *curb ramp* shall have a level area 48 inches (1220 mm) long minimum by 36 inches (915 mm) wide minimum at the top of the *curb ramp* in the part of the island intersected by the crossings. Each 48 inch (1220 mm) minimum by 36 inch (915 mm) minimum area shall be oriented so that the 48 inch (1220 mm) minimum length is in the direction of the *running slope* of the *curb ramp* it serves. The 48 inch (1220 mm) minimum by 36 inch (915 mm) minimum areas and the *accessible* route shall be permitted to overlap.



**Figure 406.7**  
**Islands in Crossings**

#### 407 Elevators

**407.1 General.** Elevators shall comply with 407 and with ASME A17.1 (incorporated by reference, see "Referenced Standards" in Chapter 1). They shall be passenger elevators as classified by ASME A17.1. Elevator operation shall be automatic.


**Advisory 407.1 General.** The ADA and other Federal civil rights laws require that accessible features be maintained in working order so that they are accessible to and usable by those people they are intended to benefit. Building owners should note that the ASME Safety Code for Elevators and Escalators requires routine maintenance and inspections. Isolated or temporary interruptions in service due to maintenance or repairs may be unavoidable; however, failure to take prompt action to effect repairs could constitute a violation of Federal laws and these requirements.

**407.2 Elevator Landing Requirements.** Elevator landings shall comply with 407.2.



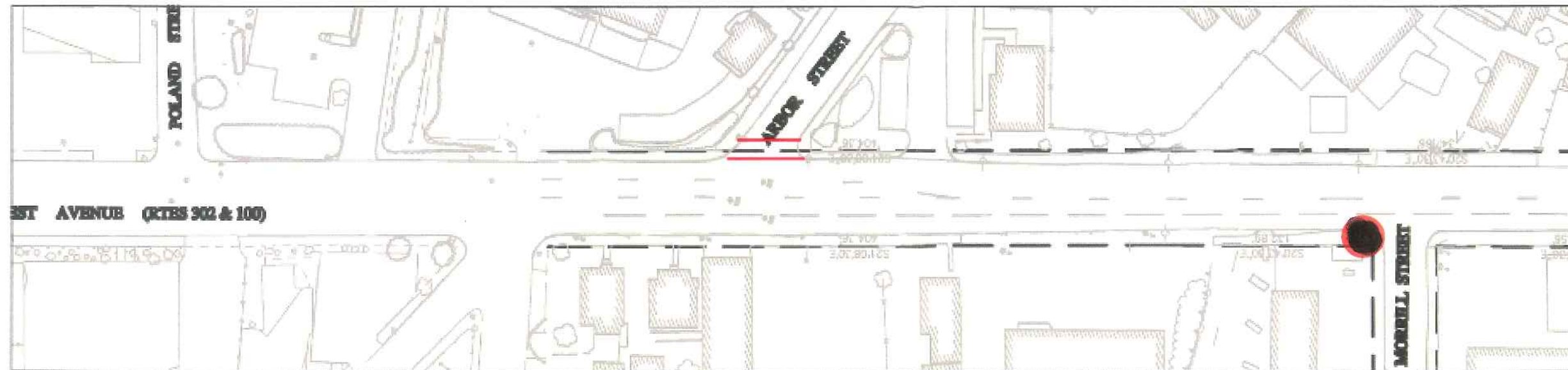
# LEGEND

 Non-ADA Compliant Wheelchair Ramps and Pedestrian Crossings

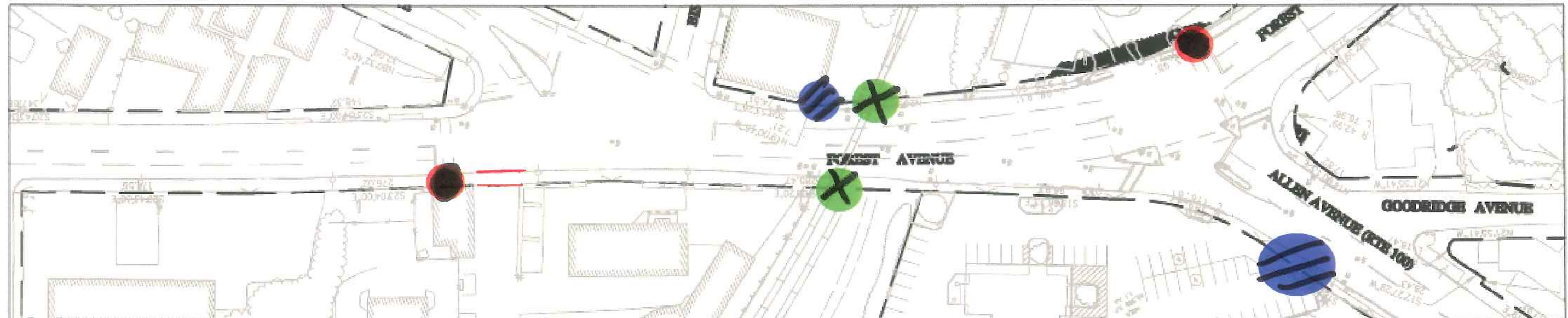
 Railroad Crossing Non-ADA Compliant

 Sidewalk in Poor Condition

 No Striped Crossing



Poland Street to Morrill Street



Morrill Street to Allen Avenue



Goodridge Avenue to Woodlawn Avenue



---

**Comment 7**

Rail Preemption Log  
 Morrill's Corner, Portland Maine  
 Logged by Local Traffic Signal Controller  
 Forest Avenue at Allen Avenue

**Allen Avenue Train Event**

<u>Date</u>	<u>Time</u>	<u>Duration (minutes)</u>	
Wed 12/7	9:04 AM	4	
	12:10 PM	2	
	12:34 PM	2	
	12:48 PM	3	
	6:13 PM	1	
Thursday 12/8	9:27 AM	2	
	8:44 PM	4	
Friday 12/9	12:04 PM	4	
	4:08 PM	3	< Occurred during traditional Evening commuter peak ho
	8:11 PM	4	
Saturday 12/10	6:23 AM	3	
	7:54 AM	4	
	8:05 AM	1	
	11:44 AM	3	
	12:14 PM	3	
	3:27 PM	2	
	11:22 PM	2	
Sunday 12/11	9:24 AM	4	
	11:05 AM	3	
	2:52 PM	2	
Monday 12/12	7:44 AM	4	
	12:12 PM	4	
	8:24 PM	3	
Tuesday 12/13	7:24 AM	5	
	12:08 PM	4	
	8:21 PM	4	
	10:24 PM	2	

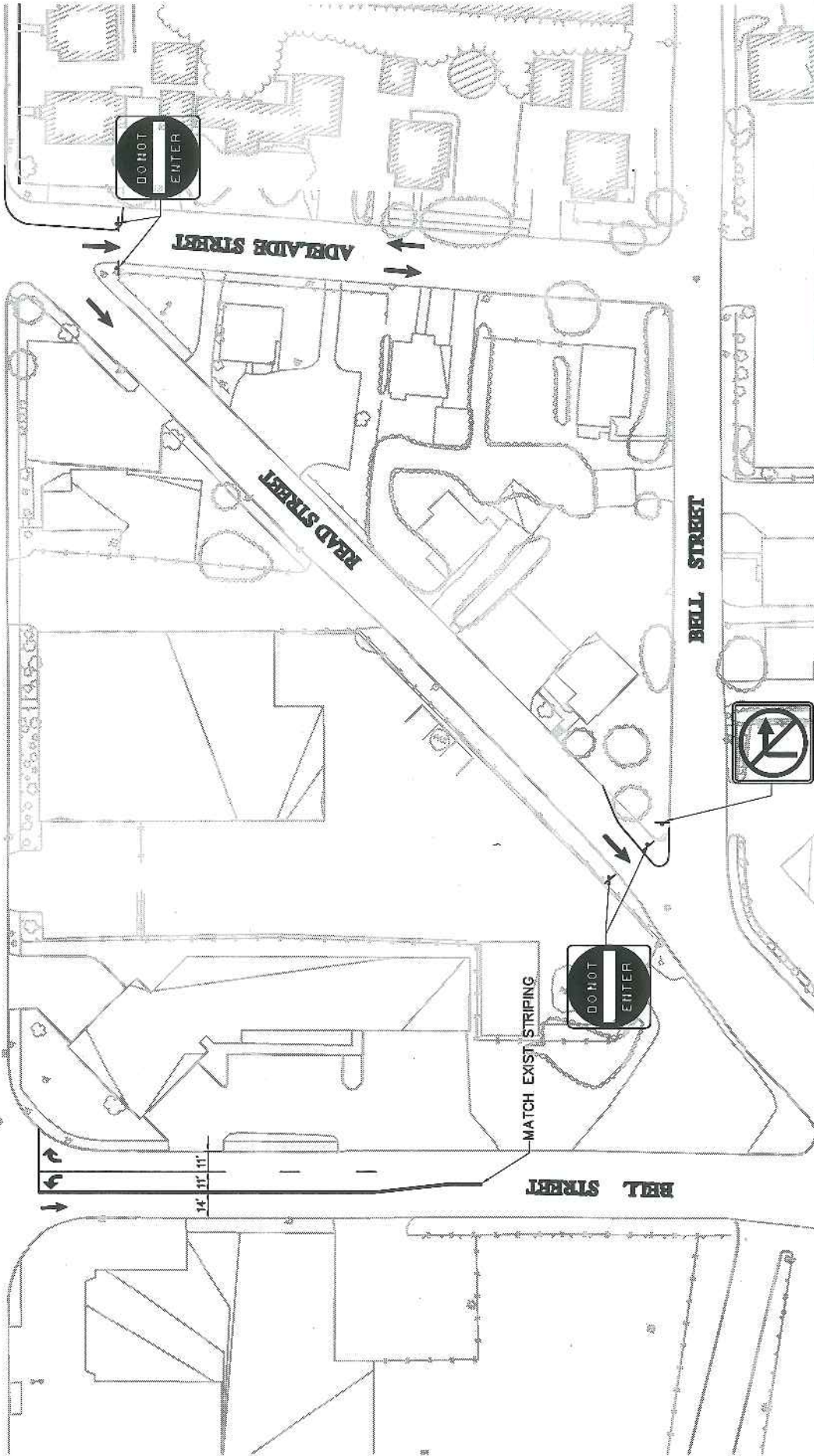
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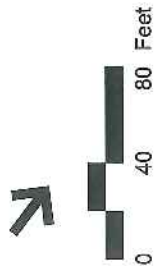
**Comment 8**

**FOREST AVENUE (RTES 302 & 100)**



**Vanasse Hangen Brustlin, Inc.**

Proposed Traffic Improvements  
Forest Street @ Bell Street and Read Street  
Portland, Maine





## Comment 12

### Trip Rate Comparison – ITE Theoretical vs. Stop & Shop Observed

Data Source	Weekday Daily	Weekday Evening Peak Hour	Saturday Daily	Saturday Midday Peak Hour
ITE Theoretical <sup>a</sup>	86.36	10.01	177.62	10.57
S&S Observed <sup>b</sup>	95.92	8.83	107.10	9.50

- a based on ITE LUC 850 (Supermarket – regression) for 71,445 sf of gross floor area. Saturday daily projections are presented as projected by ITE, but include a sample size of only two stores.  
 b based on empirical data collected at Stop & Shop supermarkets throughout the northeast United States

### Trip Generation Comparison – ITE Equations vs. Stop & Shop Empirical Rates

Time Period	Movement	Supermarket		Trip Difference <sup>c</sup>
		ITE <sup>a</sup>	Empirical S&S <sup>b</sup>	
Weekday Daily <sup>d</sup>	Enter	3,085	3,430	-345
	Exit	<u>3,085</u>	<u>3,430</u>	<u>-345</u>
	Total	6,170	6,860	-690
Weekday Evening Design Hour <sup>e</sup>	Enter	365	315	50
	Exit	<u>350</u>	<u>315</u>	<u>35</u>
	Total	715	630	85
Saturday Daily <sup>d</sup>	Enter	6,345	3,825	2,520
	Exit	<u>6,345</u>	<u>3,825</u>	<u>2,520</u>
	Total	12,690	7,650	5,040
Saturday Midday Design Hour <sup>e</sup>	Enter	385	340	45
	Exit	<u>370</u>	<u>340</u>	<u>30</u>
	Total	755	680	75

- a based on ITE LUC 850 (Supermarket – regression) for 71,445 sf of gross floor area. Saturday daily projections are presented as projected by ITE, but include a sample size of only two stores.  
 b based on empirical data collected at Stop & Shop supermarkets throughout the northeast United States  
 c difference in gross trips  
 d vehicles per day  
 e vehicles per hour

**Trip Generation  
Stop & Shop Supermarket  
Stores > 70,000 square feet**

LOCATION: Portland, ME  
PROJECT #: 07334.00

<u>Weekday Daily</u>			
Average Trip Ends vs. 1000 sf of Gross Floor Area		Pass-by Trips vs. New Trips	
avg. rate	1000 sf of area	Total Trips	New Trips
95.92	71,445	6853	6853
Distribution	Enter	3427	994
50% enter	Exit	3427	2433
50% exit	TOTAL	6853	4866

<u>Weekday Evening</u>			
Average Trip Ends vs. 1000 sf of Gross Floor Area		Pass-by Trips vs. New Trips	
avg. rate	1000 sf of area	Total Trips	New Trips
8.83	71,445	631	631
Distribution	Enter	315	139
50% enter	Exit	315	177
50% exit	TOTAL	631	353

<u>Saturday Daily</u>			
Average Trip Ends vs. 1000 sf of Gross Floor Area		Pass-by Trips vs. New Trips	
avg. rate	1000 sf of area	Total Trips	New Trips
107.1	71,445	7652	7652
Distribution	Enter	3826	1110
50% enter	Exit	3826	2716
50% exit	TOTAL	7652	5433

<u>Saturday Midday</u>			
Average Trip Ends vs. 1000 sf of Gross Floor Area		Pass-by Trips vs. New Trips	
avg. rate	1000 sf of area	Total Trips	New Trips
9.5	71,445	679	679
Distribution	Enter	339	98
50% enter	Exit	339	241
50% exit	TOTAL	679	482

STOP & SHOP TRAFFIC COUNTING PROGRAM  
 VARIOUS LOCATIONS  
 WITH MEZZANINE AREA

TRIP GENERATION SUMMARY TABLE

SITE LOCATION	BUILDING SIZE (sf)	MONTH	TRIP RATES			
			DAILY		PEAK HOUR	
			WEEKDAY	SATURDAY	EVENING	SATURDAY
BRISTOL, RI	75,303	april '94	81.74	100.33	7.90	8.96
MALDEN, MA	89,332	january '94	112.67	113.45	10.35	9.57
STONEHAM, MA	52,560	january '94	N/A	N/A	11.89	16.93
BEVERLY, MA	55,027	march '94	137.30	144.20	12.08	13.18
STOUGHTON, MA	72,487	january '94	98.64	107.88	8.83	10.21
N. ATTLEBORO, MA	77,190	april '94	90.62	106.75	8.23	9.26
<b>AVERAGE</b>	<b>70,317</b>		<b>104.19</b>	<b>114.52</b>	<b>9.88</b>	<b>11.35</b>
<b>ITE RATES</b>	<b>122,375</b>		<del>████████</del> <b>87.82</b>	<del>████████</del> <b>177.59</b>	<del>████████</del> <b>10.34</b>	<del>████████</del> <b>15.33</b>
<b>LARGE STORES (OVER 70 KSF)</b>						
BRISTOL, RI	75,303	april '94	81.74	100.33	7.9	8.96
MALDEN, MA	89,332	january '94	112.67	113.45	10.35	9.57
STOUGHTON, MA	72,487	january '94	98.64	107.88	8.83	10.21
N. ATTLEBORO, MA	77,190	april '94	90.62	106.75	8.23	9.26
<b>AVERAGE</b>	<b>78,578</b>		<b>95.92</b>	<b>107.10</b>	<b>8.83</b>	<b>9.50</b>
<b>SMALL STORES (LESS THAN 70 KSF)</b>						
STONEHAM, MA	52,560	january '94	N/A	N/A	11.89	16.93
BEVERLY, MA	55,027	march '94	137.3	144.2	12.08	13.18
<b>AVERAGE</b>	<b>53,794</b>		<del>████████</del>	<del>████████</del>	<b>11.99</b>	<b>15.06</b>



# STOP & SHOP TRAFFIC COUNTING PROGRAM

SITE LOCATION: **Bristol, Rhode Island**

## SQUARE FOOTAGE OF THE SITE

Sales: 63,128  
 Mezzanine: 12,175  
 Total Building: 75,303

WEEKDAY DAILY (Friday April 10, 1994)			
	OBSERVED		
	TRIPS	RATE	
IN	3,340	44.35	
OUT	<u>2,815</u>	<u>37.38</u>	
TOTAL	6,155	81.74	

SATURDAY DAILY (Saturday April 11, 1994)			
	OBSERVED		
	TRIPS	RATE	
IN	4,115	54.65	
OUT	<u>3,440</u>	<u>45.68</u>	
TOTAL	7,555	100.33	

WEEKDAY EVENING PEAK HOUR OF THE ADJACENT STREET (Friday April 10, 1994)			
	OBSERVED		
	TRIPS	RATE	
IN	335	4.45	
OUT	<u>260</u>	<u>3.45</u>	
TOTAL	595	7.90	

SATURDAY MIDDAY PEAK HOUR OF THE GENERATOR (Saturday April 11, 1994)			
	OBSERVED		
	TRIPS	RATE	
IN	365	4.85	
OUT	<u>310</u>	<u>4.12</u>	
TOTAL	675	8.96	

Based on: ATR data collected by Vanasse Hangen Brustlin, Inc.

# STOP & SHOP TRAFFIC COUNTING PROGRAM

SITE LOCATION: **Malden, Massachusetts**

SQUARE FOOTAGE OF THE SITE:

Sales: 75,324  
 Mezzanine: 14,008  
 Total Building: 89,332

WEEKDAY DAILY (Friday Mar. 18, 1994)			
	OBSERVED TRIPS	RATE	
IN	4,990	55.86	
OUT	5,075	56.81	
TOTAL	10,065	112.67	

SATURDAY DAILY (Saturday Mar. 12, 1994)			
	OBSERVED TRIPS	RATE	
IN	4,980	55.75	
OUT	5,155	57.71	
TOTAL	10,135	113.45	

WEEKDAY EVENING PEAK HOUR OF THE ADJACENT STREET (Friday Mar. 18, 1994)			
	OBSERVED TRIPS	RATE	
IN	380	4.25	
OUT	545	6.10	
TOTAL	925	10.35	

SATURDAY MIDDAY PEAK HOUR OF THE GENERATOR (Saturday Mar. 18, 1994)			
	OBSERVED TRIPS	RATE	
IN	360	4.08	
OUT	495	5.54	
TOTAL	855	9.57	

Based on: ATR Data collected by Robert D. Vanasse and Associates

# STOP & SHOP TRAFFIC COUNTING PROGRAM

SITE LOCATION: **Stoughton, Massachusetts**

SQUARE FOOTAGE OF THE SITE:

Sales: 59,987  
 Mezzanine: 12,500  
 Total Building: 72,487

WEEKDAY DAILY (Friday Feb. 4, 1994)			
		OBSERVED TRIPS	RATE
	IN	3,720	51.32
	OUT	<u>3,430</u>	<u>47.32</u>
	TOTAL	7,150	98.64

SATURDAY DAILY (Saturday Feb. 5, 1994)			
		OBSERVED TRIPS	RATE
	IN	3,975	54.84
	OUT	<u>3,845</u>	<u>53.04</u>
	TOTAL	7,820	107.88

WEEKDAY EVENING PEAK HOUR OF THE ADJACENT STREET (Friday Feb. 4, 1994)			
		OBSERVED TRIPS	RATE
	IN	320	4.41
	OUT	<u>320</u>	<u>4.41</u>
	TOTAL	640	8.83

SATURDAY MIDDAY PEAK HOUR OF THE GENERATOR (Saturday Feb. 5, 1994)			
		OBSERVED TRIPS	RATE
	IN	395	5.45
	OUT	<u>345</u>	<u>4.76</u>
	TOTAL	740	10.21

Based on: ATR Data collected by Robert D. Vanasse and Associates



# STOP & SHOP TRAFFIC COUNTING PROGRAM

SITE LOCATION: **No. Attleboro, Massachusetts**

## SQUARE FOOTAGE OF THE SITE

Sales: 65,297  
 Mezzanine: 11,893  
 Total Building: 77,190

WEEKDAY DAILY (Friday April 10, 1994)			
	OBSERVED TRIPS	RATE	
IN	3,715	48.13	
OUT	3,280	42.49	
TOTAL	6,995	90.62	

SATURDAY DAILY (Saturday April 11, 1994)			
	OBSERVED TRIPS	RATE	
IN	4,365	56.55	
OUT	3,875	50.20	
TOTAL	8,240	106.75	

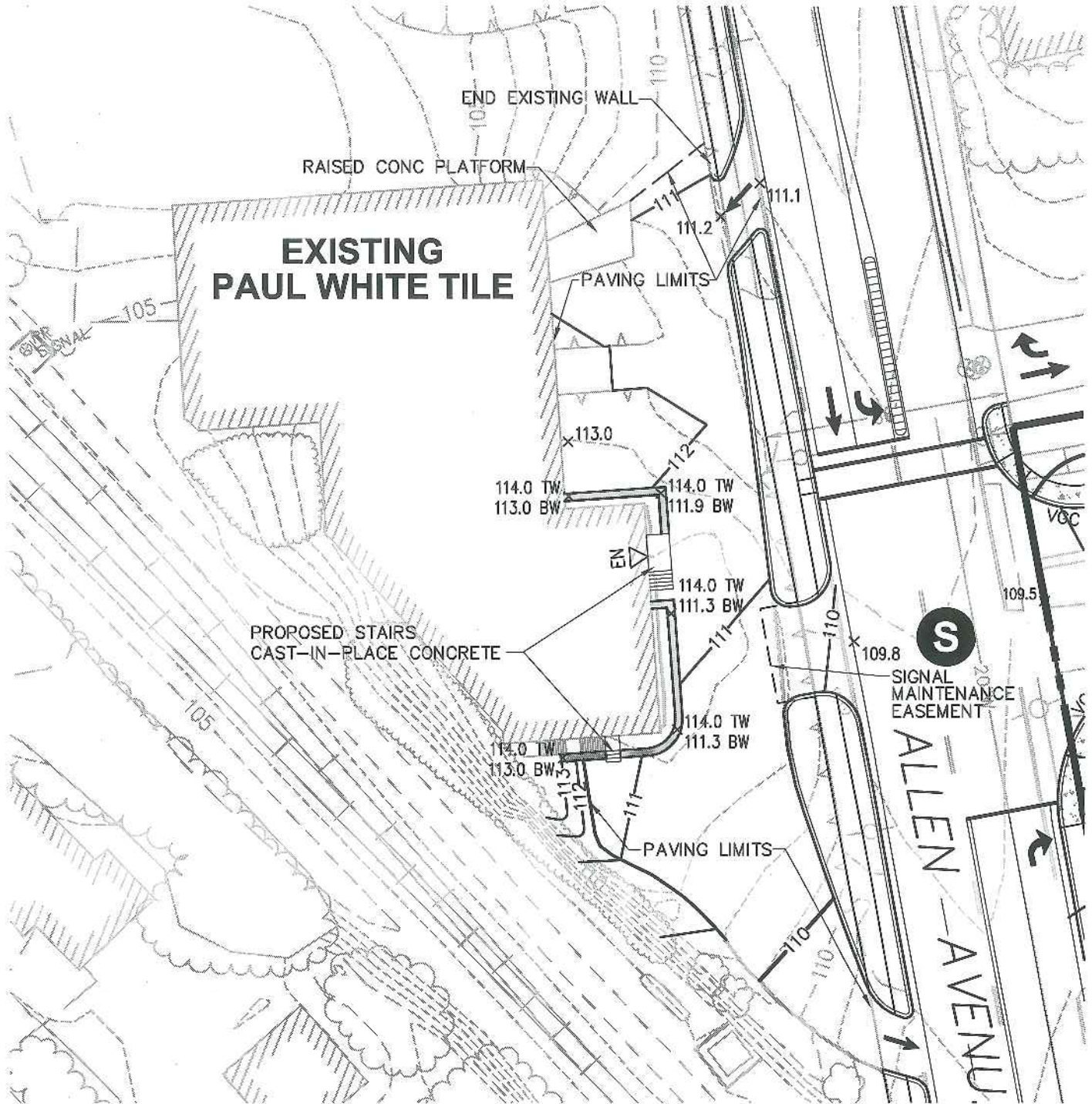
WEEKDAY EVENING PEAK HOUR OF THE ADJACENT STREET (Friday April 10, 1994)			
	OBSERVED TRIPS	RATE	
IN	335	4.34	
OUT	300	3.89	
TOTAL	635	8.23	

SATURDAY MIDDAY PEAK HOUR OF THE GENERATOR (Saturday April 11, 1994)			
	OBSERVED TRIPS	RATE	
IN	360	4.66	
OUT	355	4.60	
TOTAL	715	9.26	

Based on: ATR data collected by Vanasse Hangen Brustlin, Inc.

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**Comment 17**



Notes:

- 1) THE PAVEMENT SECTIONS WITHIN THE PAVING LIMITS WILL BE 3 INCHES OF BITUMINUOUS (1½" SURFACE COURSE OVER 1½" BINDER COURSE) OVER 6 INCHES OF COMPACTED GRAVEL.
- 2) RETAINING WALLS SHALL BE SEGMENTAL BLOCK, WITH A SPLIT-FACE FINISH, AND BE LESS THAN 4 FEET IN HEIGHT

Vanasse Hangen Brustlin, Inc.

Driveway Reconstruction Exhibit  
 Paul White Tile Property  
 Morrill's Crossing  
 Portland, Maine

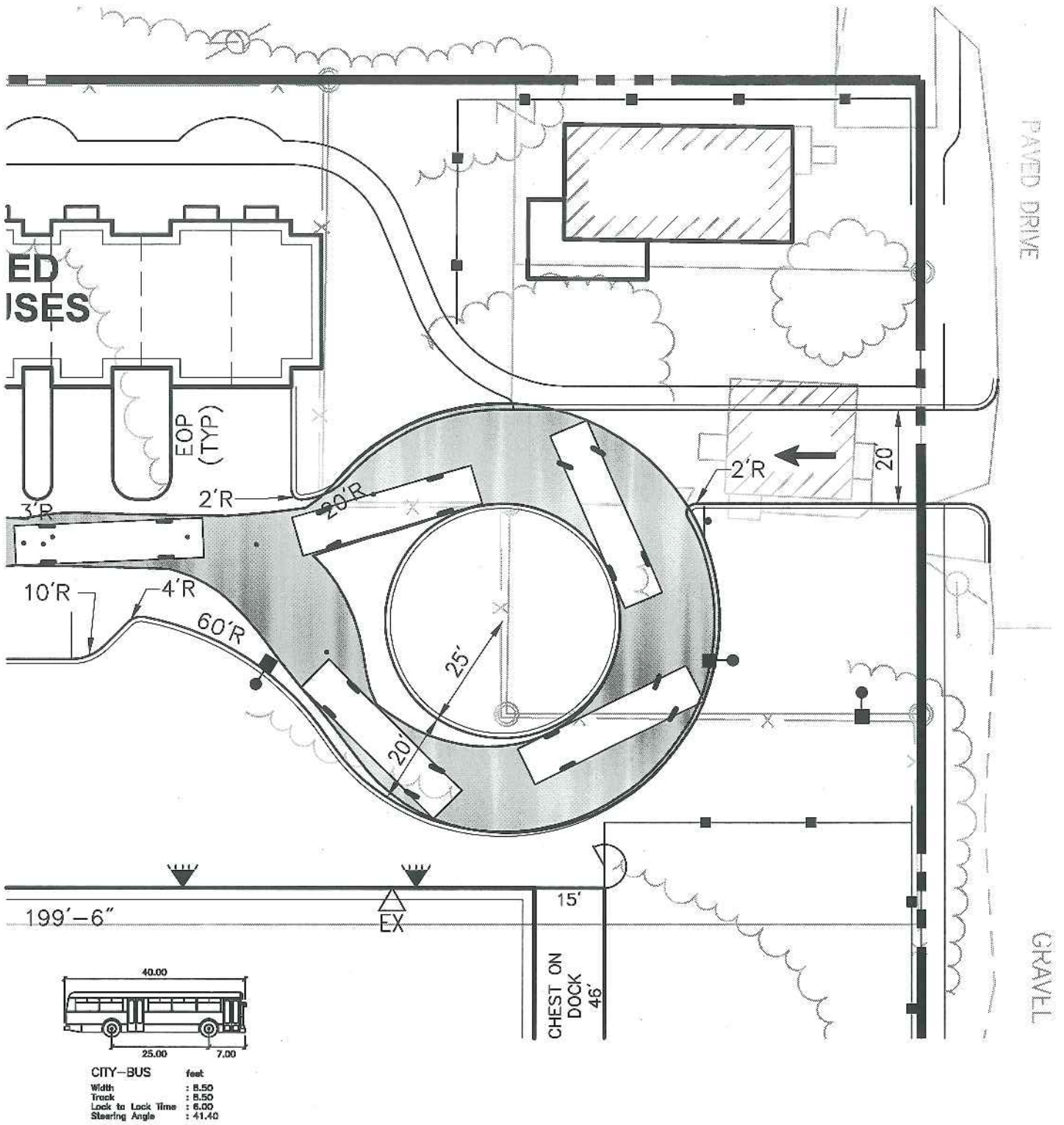
Comment 17





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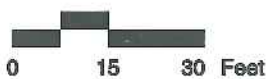
**Comment 18**



Vanasse Hangen Brustlin, Inc.

Bus Route Turning Movement  
Townhouse Cul-de-Sac  
Morrill's Crossing  
Portland, Maine

Comment 18



**Memorandum**  
Department of Planning and Development  
Planning Division

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**To:** Chair Beal and Members of the Portland Planning Board  
**From:** Sarah Hopkins, Development Review Services Manager  
**Date:** September 9, 2006  
**Re:** September 12, 2006 Planning Board Public Hearing  
**Morrill's Crossing Traffic Movement Permit Reconsideration**

---

A request for reconsideration has been received from Deb Keenan regarding the Morrill's Crossing Traffic Movement Permit granted by the Planning Board on July 11, 2006.

The request for reconsideration is included as Attachment 1. A previous request is included as Attachment 2 and a new request is included as Attachment 3. The various requests and timing of requests are done in order to cover any and all bases as to the regulations regarding when reconsiderations may be taken up by the Planning Board.

Included as Attachment 4 is a letter dated September 15, 2006 which was sent in response to a letter sent by Packard's Attorney regarding the Planning Board's ability to take up the reconsideration. See Attachment 5.

Included as Attachment 6 is a memo from Associate Corporation Counsel Penny Littel, advising the Planning Board on this matter.

An approval letter for this project is included as Attachment 7 and a separate Traffic Movement Permit is included as Attachment 8.

Lastly, the record, in regards to traffic, is attached for the Board's review.

Attachments

1. Request for consideration dated August 7, 2006
2. Request for consideration dated July 21, 2006
3. Request for consideration dated September 14, 2006
4. Letter from Ms. Keenan dated September 15, 2006
5. Letter from Natalie Burns dated September 12, 2006
6. Memo from Penny Littel dated September 15, 2006
7. Approval Letter
8. Traffic Movement Permit



Attachment 1  
AUG 07 2006  
2:46 PM *[Signature]*

To whom it may concern:

I am requesting a reconsideration of the traffic movement permit and access driveway permit approved by the Planning Board and the City of Portland thru their MDOT delegated authority on 7/11/06 for the Packard Stop and Shop development, called "Morrill's Crossing" at Morrill's Corner in Portland Maine. I am making this request as permitted under chapter 305 section 12 "Rules and regulation pertaining to Traffic Movement Permits"

It is my belief that this permit violates both the MDOT and city rules and standards regarding issuing a MDOT traffic movement permit.

Through out this process, using chapter 305 Rules and regulations pertaining to Traffic Movement Permits, I have pointed out what I consider to be violation of these rules. I have pointed out these violations throughout the process in various and sundry written and public comments throughout the Planning Board and City council process, on their consideration of the contract zoning request of Packard Development on behalf of Stop and Shop (called Morrill's Crossing) as well as, in conversation with the City Traffic engineer and others, in order to give the City (and Packard Development, et al) EVERY opportunity to follow the MDOT rules which were created to minimize the traffic impact of this proposal on the area and to ensure the safety of residents and commuters traveling in the area. I submitted public comment at and to the scoping meeting pointing out these violations. I have repeatedly asked for a copy of the "revised traffic study" submitted to the council, in vain. Absent that I base my concerns upon the traffic study submitted by the applicant for the traffic permit.

Some of my concerns have been addressed; others have not been. Some of these concerns can be easily addressed. It is possible that others have information that can document that these rules are not being violated. Information /documentation may exist that has not been available to the public that will address some of these concerns.

I am going to try to address my concerns using BOTH the MDOT rules and regs pertaining to traffic movement permitting and the Planning Boards finding of fact regarding traffic under subdivision review as approved July 25th, 2006. Not an easy task since they seem to be inconsistent with each other. Starting with the Planning Board findings dated July 25, 06:

#### 4 Traffic

i. MDOT rules and regs make no provision for an "after the fact" safety review and compliance. As I have stated before my concern is that if this proposal is ever realized and the project opens, we may find that there are NO technically feasible (or other wise) solutions TO the safety problems that will arise. Then it will be "too late" to ensure our safety as required by MDOT permitting.

For example all the right of way has already been used up in areas most likely to be impacted by the traffic generated by this proposal. There is NO right of way left AT Morrill's Corner ---Forest Ave between Allen Ave and Stevens Ave. (And they plan NO mitigation there, in the block closest to the site).

There is no right of way left on Forest Ave immediately west of the site (they call it south)-Forest Ave between Allen Ave and Warren Avenue. (And they plan NO mitigation there, again in the block closest to the site). EVEN without this proposal there has been a significant increase in accidents in this one block area in the last ONE-year period. And the proposed plan to reconfigure the" pavement markings ' aka striping on that block (which I will address in" ii "next), lengthening the queue to favor the Allen Ave left turn approach (at the expense of



shortening the queue turning left onto Warren) is likely to increase accidents there even more. As a shortened left turn queue onto Warren will have traffic over filling that queue blocking thru lanes on Forest Avenue.

**Relief requested--I would like all safety issues addressed now and all proposed alternative mitigation plans intended to solve any of the safety issues to be publicly shared now, so we can determine if there ARE any technically feasible solutions to any potential safety problems, before it's too late and we find there are NO solutions to the safety problem that this proposal will create.**

ii. Reconfiguring the pavement markings --lengthening the left turning lane from Forest onto Allen Avenue to favor access to the Stop and Shop site, comes at the expense of shortening the already inadequate storage lane turning left onto Warren. That storage lane already overfills throughout the day (NOT just at "commuter time"). The result will be that storage lane will be inadequate and will block thru traffic on Forest Ave heading out 302, creating a safety problem.

The proposed solution is a longer green light at Warren and Forest to allow left turning traffic to clear out that shorter storage lane. The safety consequences of that will be felt at Hicks Street. I would guess they have been tinkering with that solution (and that light's timing) for sometime now. The result is a very long and dangerous wait at Warren and Hicks to turn left onto Hicks from Warren. (coming from Home Depot). Warren Avenue is wide near the junction of Forest. It narrows as it approaches Hicks Street. The shoulders of Warren Avenue are in Very bad disrepair. They are NOT navigatable as a spare lane to safely go around traffic stopped to make a turn.

There is a telephone pole directly opposite Hicks Street, which is IN the right of way. In wintertime when a snow bank collects there, the roadway gets narrower still. There is not enough room for a car (let alone a tractor trailer truck) to pass while you wait in the line of traffic for an opening in the opposite line of (now much longer) traffic, to turn left onto Hicks from Warren. It creates an extremely dangerous situation that has NOT been addressed. Traffic traveling on Warren Avenue from Riverside Street is not anticipating an unexpected stop for a left turn movement onto Hicks Street. Hicks is the ONLY thru side street off of Warren. There are No signs warning of potential turning traffic.

Additionally, it appears that Warren Avenue is NOW being used as a designated truck route. In the past the only truck traffic has been that whose destination has been Warren Avenue NOT thru truck traffic. That truck traffic has always stopped short of Hicks Street, in the past. Now it seems to be being used as a thru way to Cold Storage on Reed Street, and elsewhere. That traffic always used Washington Ave in the past.

On numerous occasions recently I have had a tractor trailer truck barreling down on me as I have waited for an opening in on coming traffic, to turn left onto Hicks from Warren. With that telephone pole in the way, there is NO wiggle room or room for error. I have had to proceed straight to go thru Morrill's Corner to turn around to avoid the tractor trailer truck barreling down on me. There was no way he had the stopping distance that he needed to avoid hitting me. Or alternatively, I have had to unsafely make that left turn in an inadequate (an unsafe) break in the traffic to avoid being hit by a tractor-trailer truck barreling down Warren Avenue. It creates a dangerous situation.

Reconfiguring the pavement markings on Forest Ave will have safety consequences that have not been addressed. This so-called "improvement" has unintended and unaddresses safety



consequences for residents of my neighborhood who frequently use Hicks Street for ingress and egress.

**Requested relief---** I would like the safety problems that will be created as a result of the reconfiguration of the pavement marking to be addressed and solved. Specifically 1.the safety problem that will be created on Forest Ave between Allen and Warren 2. The safety problem that will be created at Hicks and Warren. 3. And any other safety problem that will be created as a result of the pavement marking plan and a longer light at Warren and Forest.

iii. This condition too has unintended and unaddressed safety consequences for the residents of Woodlawn and those residents who use Woodlawn as a means of ingress and egress. It will be access to (and out of) Woodlawn which will be blocked by this plan. NOONE asked the resident in the area if they WANTED to be forced into taking Stop and Shops site drive as an access point to and from their neighborhood. NOONE has addressed the safety or soundness of GOING thru a parking lot (notoriously dangerous) or the townhouse driveway, for neighborhood residents. This plan looks like essentially a "taking" of a public street .It make Woodlawn unusable as an access point. While it may facilitate access TO the site and ensure the flow of traffic on Allen Avenue, it does so at the expense of the safety of residents in the Woodlawn neighborhood.

iv. Again MDOT rules make no provision for a post occupancy review. MDOT rules weren't established so someone can gamble with our safety. They were established to ensure our safety from the outset. We need to know NOW if any solutions are possible if things don't work out as planned. I would suggest there are No technically feasible solutions to the safety problems that will be created by this proposal. If there are any we need to see then NOW.

**Requested relief----** a mitigation plan that ensures the safety of residents choosing to use Woodlawn as their point of access and exit.

v. What is the Riverton Safety Project? It's never has been shared. Never been addressed in any public documents. Never been presented. What's the secret??? This is information that has been actively with held from the public.

**Requested relief---** details of the Riverton Safety Project.

viii. In his memo dated 6/6/06. Tom Errico admits that

**1. Collision information---** " Significant crashes are happening in the area' and that VHB states their improvements will solve the problem, particularly providing two inbound Forest to Stevens .The problem is they don't plan added lanes at Morrill's Corner or inbound Forest to Stevens They plan additional lanes on Forest past Stevens and the noted "significant increase in crashes" aren't happening where those added lanes are "planned". Tom hasn't addressed the safety problem west of the site -where he admits those "significant increase in crashes" are happening! VHB improvement plan doesn't address THOSE issues. They aren't solving the problem that is causing and will cause "the significant increase in crashes " Saying adding lanes one place will solve a problem someplace else doesn't address the problem. And defies logic. It avoids it.



**2. Site driveway modification**--- creates problems for Woodlawn access as noted above.

**3. Queing** --- "MOST movements are better." Tom ignores those movements that will be made worse. He admits that the left lane queue onto the site from Allen will exceed capacity and block the thru lane. He goes on to say that a solution is possible but admits it is "complicated by the Woodlawn intersection". Translation DARN that Woodlawn is getting in the way". See above comments and explanation " 4.iii." He also admits that queuing/ back up from the other direction onto the site will also be" significant ". Queuing problems on Forest Ave between Allen and Warren Ave and elsewhere also have not been addressed. **Traffic delay** --Tom admits there are delays on Forest at Warren, which will increase by 20 seconds, which isn't insignificant. I believe that down grades LOS By 2 grades. Three movements see increased delays; they aren't addressed. They are ignored. Three movements at Allen and Forest experience delays, including the movement requiring the pavement marking reconfiguration on Forest Avenue--- left turn onto Allen from Forest. --- So even pushing the safety consequence of this proposal onto Hicks and Warren doesn't solve the problem !!!! The delays on these movements and others aren't addressed, they are ignored.

**Parking information** ---The Boxing events parking has never been included in the plan. Parking will be inadequate.

**Conclusions.** Tom doesn't address the safety issue of areas that fall below LOS D or that experience increased delay or will experience increased accidents as the result of this proposal. In fact many of the intersections and links in the area haven't even been assessed to determine if they will fall below LOS D, will experience delay, or will experience an increase in accidents. I disagree with his conclusion (and his own memo seems to contradict the conclusion) that "it will not cause unreasonable... congestions (areas that fall below LOS D) or unsafe conditions. (increased delays and accidents.)..."

Many of the issues and concerns that Tom Errico, he and others have voiced throughout this lengthy process have NEVER been addressed.

Now on to Chapter 305 MDOT Rules and regulations pertaining to traffic movement permits. **Requested relief --an independent peer review of the traffic study submitted by VHB.**

#### **Specific submission requirements (PG 6)**

Section 1--- site and traffic information,

B. Exiting and proposed site uses--- site uses have not adequately been defined. Tenants other than Stop and Shop have not been identified. The number of restaurants on site will change the amount of traffic generated to and from the site. Traffic from boxing club events haven't been included

**Requested relief -identification of tenants and readjustment of generated traffic to adequately reflect the traffic. Inclusion of Boxing club events traffic.**

C+D. other proposed development in the area of the site has not been included on the map

**Requested relief -inclusion of this data.**

E. Trip generation. Impact during peak of generation of the proposed development has not been examined. The peak traffic generation of the site is earlier in the day than commuter time. The peak generation of traffic on the site coincides with a time of high level of traffic on the adjacent street. Commuter time is one of the lowest times for generation of traffic from the site. It is likely that the traffic impact from the site will be greater in the area at the time of site peak than at the time of commuter peak.

**Requested relief --review of traffic impact at the peak time of traffic generation from the site.**

F+ G. trip distribution and assignment----methods of determination haven't been clearly stated as required .1990 census instead of 2000 was include in appendix.

**Requested relief--methods clearly defined and documented, use of 2000 census figures.**

Section 2. Traffic accidents the last three years of accidents in the area have not been adequately reviewed or assessed.

**Requested relief-- that assessment.**

Section 3. Development entrances and exits. Required info and details hasn't been provided .so we have no idea if any of these sections requirements have or can be met.

**Requested relief--the required information and documentation that the rules governing entrances have and can be met.**

E 1. Existing traffic volume based upon actual counts taken within 2 years of the study. Counts were taken during MDOT construction at Allen corner and on Veteran's day weekend of '05. I consider both to be invalid counts.

**Requested relief--- MDOT did counts in the area in summer of '05. I suggest those counts be substituted for their numbers and they be re-analyzed.**

2. a, b, c traffic attributable to other development in the areas hasn't been included.

**Requested relief- it's inclusion.**

3. Boxing club traffic hasn't been included.

4. Peak hour of traffic from the site has not been examined.

5. buildout projection must include ...background traffic growth---methods include use of existing projection in comprehensive plans. PACTS -Portland Area Comprehensive Transportation System provides this areas projection. Packard/ VHB has used data that significantly over estimated that growth rate by using 1-2% versus PACTS estimated growth rate



of .01-.05%

**Requested relief --appropriate growth rate needs to be used.**

F. Capacity analysis. Not all intersections and links included in the study area have been analyzed.

**Requested relief -- capacity analysis of ALL intersections and links.**

I. Traffic accidents (see above) 4.identification of feasible countermeasures.... Not done

**Requested relief --- do it. Given recent data it is likely more intersection are now high accident areas.**

J. Recommendations ...remedies to deficiencies. Not all have been submitted. Or addressed. What are the plans for solving the safety problems this proposal will create in areas where they have not submitted a mitigation plan?

**Requested remedy-- full disclosure NOW of any and all mitigation plan proposed to ensure our safety.**

**These are a partial list of my on going concerns and the reasons for my rrequesting a reconsideration. I will attach my additional concerns submitted to the Planning Board on July 7th for your July 11th, 2006 decision making meeting, to supplement these. Additionally I am submitting the MDOT rules governing a request for reconsideration of a traffic permit decision and some of the applicable standards re permitting that I believe are being violated. I previously submitted chapter 305: Rules and Regulations Pertaining to Traffic Movement Permit, and would be happy to do so again.**

**Thank you for your consideration,**



**Debra A. Keenan  
August 7, 2006**



# Chapter 305. Rules + Regulation Pertaining to Traffic Movement Permits

## 12. Reconsideration

Any interested person may request reconsideration by the Department within 30 days after notice of the Department's permit decision. This request must set forth in detail, the findings and conclusions of the Department to which the person objects, the basis of those objections and the nature of the relief requested. Upon receipt of the request, the department may schedule and hold a hearing limited to the matters set forth on the request. The department shall issue and write an opinion responding to the request whether or not a hearing is held. The response shall set out the Department's reasons for either maintaining or modifying its permit decision.

The running of the time for appeal pursuant to Section 13 of this rule and the Administrative Procedure Act is terminated by a timely request for reconsideration filed under this section. The full time for appeal commences and is computed from the date of the final Department action addressing the request for reconsideration. The filing of a request for reconsideration, however, is not an administrative or judicial prerequisite for the filing of an appeal under Section 13."

## 13. Appeals

Chapter 305.

4. General standards. The following standards must be met for any project proposed for approval.
  - A. Design and operation. In determining whether the developer has made adequate provision for traffic movement of all types into and out of the development area, and in the vicinity of the development area, the Department shall consider all relevant evidence to that effect, to ensure the safe and efficient flow of traffic. On-site design and operations are subject to review, to the extent necessary, to ensure that the development will not cause any delay, interference or cause safety problems with the operation of adjacent roadways, adjacent driveways or pedestrian walkways. The development must be located and designed so that the roads and intersections in the vicinity of the proposed development will have the ability to safely and efficiently handle the traffic increase attributable to the development at the time the development becomes fully operational.
  - B. Study horizon. The period for which the traffic impacts of a proposed development are to be assessed must be the projected year of build-out and full occupancy. If the proposed development is a multi-phase project with a projected build-out date of more than five (5) years after the year of the study, Department may require a study of both the year of the opening of the first major phase and the year of build-out and full occupancy.
  - C. Unreasonable congestion. Level of Service D, as determined from a capacity analysis, is considered the minimum level of service needed to provide safe and convenient traffic movement. Where a road, intersection, or any approach lane to the specific intersection or

intersections being evaluated in the vicinity of the proposed development is determined to operate at LOS E or LOS F in the horizon year, the proposed development is considered to result in unreasonable congestion, unless: Improvements will be made to raise the level of service of the road or intersection to D or above, except as otherwise provided in one or more of the paragraphs below.

- (1) The level of service of the road or intersection will be raised to D or above through transportation demand management techniques.
- (2) The Department finds that it is not reasonably possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, but improvements will be made or transportation demand management techniques will be used such that the proposed development will not increase delay at a signalized or unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the horizon year.
- (3) The Department finds that improvements cannot reasonably be made because the road or intersection is located in a business district or because implementation of the improvements will adversely affect a historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical.
- (4) The development is located in a designated growth area, or in the compact area of an urban compact municipality in which case the applicant shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise provided in this subsection if needed to address safety issues. The required improvements are limited only to those necessary to mitigate the impacts of the project (which means the applicant is only responsible for returning all approaches to an intersection or piece of a roadway to the current Level of Service).
- (5) In the case of unsignalized intersections, if traffic with the development in place would not meet the warrant criteria for signalization or auxiliary turning lanes, as set forth in the edition of Federal Highway Administration's "Manual on Uniform Traffic Control Devices" shown on MDOT's Fact Sheets and as set forth in HRR #211 - "Volume Warrants for Left Turn Lanes at Unsignalized Intersections", (Right Turn lanes are covered in the edition of the Highway Design Guide referenced on the MDOT Fact Sheet) then the Department may reduce the mitigation requirement for those measures so long as the resulting traffic conditions provide for safe traffic movement.
- (6) The Development is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in M.R.S.A. title 30 - A, Chapter 187, or if a project is located within the compact area of an urban compact municipality or if a project is on a former military base pursuant to M.R.S.A. title 38, section 488, subsection 15, and when the project consists of conversion of an existing facility and the project does not have an entrance or exit on a federally classified arterial highway, the required improvements are limited only to the entrances and exits of the project.



- D. **Unsafe conditions.** Road segments, intersections, or development entrances and exits may be deemed as unsafe when traffic encounters conditions such as, inadequate turning radii, poor geometrics, limited sight distance or high accident locations. High accident locations are road segments or intersections where eight (8) or more accidents have occurred over the most recent three (3) year period, and the "critical rate factor" is greater than one (1.0). The applicant shall submit a proposal to improve or eliminate the unsafe conditions if they exist or if they are determined to be created or exacerbated by the proposed development.
- E. **Baseline For Modification of Existing Permits.** A development requiring a permit on or after July 1, 1997 is subject to review of all traffic generated by the development in excess of a traffic baseline of July 1, 1997, or a maximum of ten years prior to the date of the permit application, whichever period is shorter. To determine the traffic baseline for a particular use or facility as of July 1, 1997, the Department shall consider trip generation rates set forth by the edition of the Institute of Transportation Engineers (ITE), "Trip Generation," referenced on the MDOT Fact Sheets received with the application; any trip generation study prepared by the applicant to determine conditions as of the baseline date; and any other relevant information. The baseline data will be used to determine the number of PCE's generated by the development for purposes of determining jurisdiction under this chapter. The fee for modification of an existing MDOT or MDEP permit shall be \$500.

July 7, 2006

Dear Planning Board Members, Tom Errico, City Interim traffic engineer and MDOT.

I am going to address the MDOT traffic permit. Attached are the "The rules and regulation pertaining to traffic movement permits." These are the rules that need to be followed in order to approve a traffic permit. There are many rules that have not been followed here. We have pointed them out along the way. None of our concerns regarding violation of the rules governing traffic permitting have been addressed.

I will start by saying we have endlessly requested an independent review of the traffic. We have not received that. As I understand it a project of this size needs a "independent peer review". This has NOT received that. Tom Gorrill and company served as the peer reviewer at the council level. That company was in the employment of Packard development at the time of that review. I'd say that wasn't very "independent". Initially in this part of the process, site plan, Tom Errico was called the "Peer reviewer" of this project. I don't believe that Tom can both serve as the City's traffic engineer and a Peer reviewer. He is no longer being called the Peer reviewer. This proposal has had neither an independent review nor an independent peer review. Thruout this process we have indicated why this is necessary.

Portland has NEVER seen a proposal of THIS size. Portland has NEVER seen a proposal that will result in so much impact. This proposal will be at one of the busiest intersection in Maine. This proposal's traffic impact is so big that it needs to add lanes. Other MDOT upgrades in the area, intended to provide the needed increase capacity for our future growth and development for the next 15-20 years, has already used up the existing right of way in the area. In some areas, the added lanes that may be necessary to accommodate this proposal will NOT be possible BECAUSE No remaining right of way exists. It is STILL unclear if added lanes will be possible where any right of way still exists. It is not clear what the impact of those widening will be on property owner- residents and business owner alike-in the area. Despite our repeated questions, information regarding the details of those so called "improvements" have been withheld from the public.

Adding lanes for any reason, especially to accommodate ONE private business at the expense of other private businesses, is in violation of the Maine Sensible Transportation Policy Act.--which among other things says that adding capacity (lanes) is a solution of LAST resort and only after ALL other avenues and solution have been tried. The people of the STATE of Maine went to referenda to preserve a certain lifestyle, which would ensure we will NOT become anywhere USA, and that we would preserve what is unique to Maine and NOT become auto dependent. That referenda became law and has dictated our transportation policy ever since.

This proposal and the many other coming to Maine via Packard development and Walmart and others seeks to violate that referenda generated and established transportation policy. That transportation policy is embedded in our own transportation component of comprehensive plan, which some now seek to change in violation of the laws governing transportation policy in the state of MAINE. (Those changes are coming to you this summer because some folks want to change their vision for Portland. Our existing Comp Plan, which follow state law, is inconveniently and repeatedly getting in the way)

There is a very specific and objective definition of what determines UNSAFE road conditions. When an intersection's Level of Service(LOS) fall below "D" it is considered unsafe. Many of the intersection in the area will become below an LOS of D as a result of this proposal. **At least 7 intersection BECOME below D as a result of this proposal.** It is NOT



TRUE, as has so often been repeated here "OH well they are already failing" They BECOME failing as a result of this proposal. MDOT permitting REQUIRES Packard to mitigate ANYWHERE and EVERYWHERE that their proposal results in failing intersections. There are many intersections where Packard has NO such mitigation plan.. You cannot approve their permit UNTIL they have such a plan.

In addition , even if an intersection remains at an LOS of D BUT the delay at that intersection increases despite retaining a D designation, that TOO is considered an UNSAFE condition. There are MANY intersections that will experience a increase in delay and therefore be MADE unsafe as a result of this proposal, by MDOT's objective definition of the term "safety". Packard and STOP and Shop do not (and SHOULD not)and cannot get a "safety waiver" because Portland has an "Urban Compact Zone" designation.

Another objective indication of UNSAFE road conditions is the accident rate in an area called the critical rate factor( CRF) A critical rate factor looks at a formula ---given the traffic volume , type of intersection and other factors. to determine if the accident rate in an area is above average , above what one would expect .If that factor is above 1.0 that and there are more than 8 accidents in a three year period at ANY intersection OR link that area is considered an UNSAFE road way. There are many intersection and LINKS in the area that already have a CRF above 1.0.

Last time I tried to demonstrate that despite conventional wisdom and thinking in fact "traffic improvements" that increase the "flow of traffic" appear to ALSO INCREASE accidents. IT appears that has been the case with MDOT "improvements". I have New information from MDOT since our last meeting which would seem to indicate that as the result of the IMPROVEMENTS at Allen's corner , several MORE intersection have become high crash areas in the last 12 months, with a CRF above 1.0 , including Allen and Pennell, Allen and Knight , and Allen and Abbott.

One of the things that I missed in the developers last submittal , was that the delay at Hicks and Warren, as a result of this proposal and their proposed "improvements" --a longer light at Warren and Forest becomes an 8 minutes or more delay at HICKS and Warren!!!! You may recall some time ago I mentioned the sudden and unexplicable 5minutes + delay that showed up at Forest and Newton( Riverton School) when they planned improvement s there.. Well that VERY LONG delay just as suddenly dissappeared from Newton and Forest ( after they decided NOT to do "improvements" there) and apparently has been just as suddenly shifted to the intersection of HICKS and Warren ---where the MDOT just as suddenly HAS decide to do improvements!!!!

DID I tell you that you really can't trust ANY of their ever shifting and changing numbers. We were told at the beginning that "Numbers don't lie" Well we hoped that was true. We hoped that traffic engineering was in fact a precise science. What we have learned is that perhaps numbers don't lie ---but BOY they sure do seem to change on a dime to meet this or that requirement depending upon the particular day or issue at hand .or even depending upon the particular audience they are talking to. LOS of C or B suddenly suddenly and with no explantion become D . Traffic volume of 6- 9000 becomes 11-18,000 Delay of 5 minute plus disappears one place to show up in another. THIS proposal is just SCREAMING for an independent review. Why haven't we gotten it??



The most important point is this :as the reviewing agency for the MDOT traffic permitting you can place conditions on this proposal

Pg33-#11 Terms and condition. The department may as a term of approval establish any reasonable requirement to ensure that the applicant has made adequate provisions for traffic movement for ALL types of traffic (defined as pedestrians etc). including but not limited to the following:

A. SIZE , time, manner ,and number, limitations. Limitations on the SIZE , time of operation, manner of operation, number of vehicles operating out of or into the development area AND the size, configuration and operation of the development as a whole.

B...

Unfortunately I am unable to copy and paste from the traffic permitting rules, to point out some of the violations, which I know would make your review easier .I apologize for that. But here are some of the violations.

1. ALL intersection in the impact area need to be reviewed NOT just those cherry picked for review (and where Packard or someone else plans improvements.) That has NOT occurred. We don't know HOW many intersection will become below D or will experience significant delay as a result of this proposal because NOT all intersection in the area have been reviewed for impact.( pgs 24-25 ---B-3) --see section 3- F above

2.The unsignalized intersection in the area are NOT exempt from this examination.(Pg 22-#5) **requested relief -ALL unsignalized intersections be reviewed**

3. Stevens Avenue is NOT included for review even though IT fits the criteria for being included.( pgs 24-25---B-3) **requested relief -- Steven's Avenue inclusion for review**

4. data being used is now more than two years old. New data is available

5. Packard is NOT exempt from safety requirements even though Portland is considered a Urban compact municipality (pg 22--#4 )

6. Does the driveway meet criteria? how wide is it?? ( pg 26-V)

7. Does Packard have written permission from the MDOT to use the right of way? ( pg 27-B-2)

8. The peak hour of the generation of traffic BY the development needs to be examined . It has not been done. The peak of the adjacent road way has been used instead( pg 27 -8-A)

9 Traffic study must be done by a Maine registered traffic engineer .Does rob Nagy meet that?(pg28-B)

10 Other proposed development in the area needs to be considered. That has not been done(pg 28-D-3+4, pg 29-8-b)

11. trip distribution( 1990 census was used) ( pg29-#7)

12. They MUST use traffic volume data based upon actual counts done within two years of the study. That data and that study are now old( numbers were taken when MDOT work was being done at Allen's corner) and new data is now available from MDOT.( pg 29-#8-a,pg30 paragraph 1.)

13. capacity analysis MUST be made of each roadway and intersection in the vicinity of the proposal(not just some of them) pg30 #9)

14. Rate of growth factor needs to be that available by PACTS. The growth factor that they use is 4 times that used by PACTS( the comprehensive regional traffic plan used for this area) (pg29--#8-e)

15. Traffic accidents review must be during the last three year period --data being used is now several years old. Accident rates have gone up in the last 12 months of 2005. Data MUST reflect that.( pg 30-#12)

16 We must see and they are required to provide their improvement plan for ALL ( not just some) intersections in the area that will be down graded.( pg31--#13)

pg 23-D definition of unsafe conditions

We continue to have lots of concerns re the traffic. We disagree with Tom Errico's assessment. that it meets all MDOT permitting requirements.---and we shouldn't wait for any post development review to see what the harm ultimate will be. Then it will be too late to mitigate the harm. We need to know NOW and we need to know if all of the problems this proposal will create have any technically feasible solution NOW or in the future.

Thanks

Deb Keenan



## Sarah Hopkins - For the Planning Board

---

**From:** <Debkeen2@cs.com>  
**To:** <SH@portlandmaine.gov>  
**Date:** 07/07/2006 10:46 AM  
**Subject:** For the Planning Board

---

I have embedded my responses to Tom's comments They should be in **BOLD**.

To: "Sarah Hopkins" <SH@portlandmaine.gov>  
 Date: 07/06/2006 2:58:13 PM  
 SFrom: "Thomas Errico" <terrigo@wilbursmith.com>  
 Subject: Morrill's Crossing

Sarah-

The following outlines my comments in response to some remaining issues.

\* Exclusive Pedestrian Phase - In my professional opinion the introduction of an exclusive pedestrian phase (all traffic must stop) will result in unreasonable traffic congestion at Morrill's Corner. As noted by the applicant, the existing concurrent pedestrian phasing provides few pedestrian/vehicle conflicts and maximizes traffic capacity. While pedestrian wait times can be long, the current system was selected by MaineDOT as being the best overall system.

**THEY said the proposal was pedestrian friendly. That was one of their primary "selling points". This doesn't look too "pedestrian friendly" to me. As Shalom said, in disbelief, a few meeting ago. "You're spending all this money on improvements and nothing changes!!!? " One of the traffic demand requirement of traffic permitting is to provide for ALL modes of traffic--- including pedestrians.( and bikes) This doesn't meet that.**

\* Forest Street/Read Street/Adelaide Street - The City recommends that the implementation of an improvement plan at this location consist of the modified Alternative as presented in the February 27, 2006 letter from VHB. This plan restricts movements from Read Street and Adelaide Street to one-way flow towards Forest Avenue. I would note that the plan presented in the February 27th letter needs some refinement and modification to improve local accessibility issues. This includes allowing two-way flow on a portion of Read Street between Bell Street and Forest Avenue. Some minor geometric curb modification is likely. I would suggest that a condition of approval include the review and approval of the final concept plan by



the  
City.

**We need to see all details of the plan, NOW not later.**

\* Allen Avenue Railroad Crossing - In my professional opinion the design of roadway improvements at Morrill's Corner should not be determined under a scenario where a train crossing occurs. This conclusion is based upon the fact that train crossings are relatively infrequent and therefore not reflective of a Design Hour condition, which is typically used to determine roadway capacity requirements. It is my recommendation that the City continues to work with Guilford Railroad in coordinating a train crossing schedule that minimizes impacts to the peak traffic volume time periods.

**PACKARD and Stop and Shop chose this site with the full knowledge that it was directly beside an active railroad track. It was their unwise choice that will create the problem. People are responsible for their own decisions. Guilford and the railroad was here first ( 100+ years). The burden for accomodating the train is upon Packard and gang, not upon Guilford. Trains are another form of travel that needs to be accomodated by Packard development and stop and shop. Laws governing Interstate commerce say that municipalities can not interfere with the running of trains nor dictate train schedules. Guilford doesn't NEED to accomodate Portland. BUT Packard needs to accomodat the trains.**

**Those of us living here do not consider the train 7 times a day to be "infrequent". And despite what the developer and team has said , they often arrive at commuter time!!! And as Hannaford traffic engineer has determined, it will take up to 7 light cycles to clear out Morill's Corner after a train passage, after Packard and company arrives. It takes 3 cycles now. They said there would be NO impact. I'd say that a doubling of the impact. They need to address this traffic issue.**

**And we need to see the impact ( and back up) of a train during the Design Hour scenario (They DO come during commuter time and NOT "infrequently") I would guess that Allen's Corner and even Woodfords will back up under that post Packard scenario.**

\* Parking Stall Dimension - I support the waiver for reduced parking stall sizes (9' x 18').

**They will NEED that waiver to fit the meager parking they are providing. Does this mean they can add parking??? I object to this and all waivers.**

If you have any questions or comments, please contact me.

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

Portland, Maine 04101

(207) 871-1785 Phone

(207) 871-5825 Fax



## Sarah Hopkins - traffic permitting appeal

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**From:** <Debkeen2@cs.com>  
**To:** <SH@portlandmaine.gov>, <PL@portlandmaine.gov>, <terrico@wilbursmith.com>  
**Date:** 07/21/2006 3:26 PM  
**Subject:** traffic permitting appeal

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To whom it may concern:

Consider this the official basis for an appeal of the traffic movement permit and access driveway permit issued and approved by the Planning Board and the City of Portland thru their MDOT delegated authority on 7/11/06. It is my belief that this permit violates both the MDOT and city standards regarding issuance of traffic movement permit and access driveway permit, as noted below. Deb Keenan, 28 Dorothy Street, Portland, Maine 04103 dated 7/21/06

July 7, 2006

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-B-3)

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15. Traffic accidents review must be during the last three year period --data being used is now several years old. Accident rates have gone up in the last 12 months of 2005. Data MUST reflect that.( pg 30-#12)
- 16 We must see and they are required to provide their improvement plan for ALL ( not just some) intersections in the area that will be down graded.( pg31--#13)  
pg 23-D definition of unsafe conditions

We continue to have lots of concerns re the traffic. We disagree with Tom Errico's assessment. that it meets all MDOT permitting requirements.---and we shouldn't wait for any post development review to see what the harm ultimate will be. Then it will be too late to mitigate the harm. We need to know NOW and we need to know if all of the problems this proposal will create have any technically feasible solution NOW or in the future.

Thanks

Deb Keenan



Attachment 4

**From:** <Debkeen2@cs.com>  
**To:** <SH@portlandmaine.gov>  
**Date:** 9/15/2006 1:34:30 PM  
**Subject:** for the Planning Board

Dear Planning Board Members,

First I will briefly address Natalie Burns and Packard Developments objections to my request for reconsideration of the traffic permit. I did request the reconsideration within the time frame that Natalie suggested was necessary, even though I disagree with her assessment of that required time frame. In fact it would have been difficult TO request a reconsideration BEFORE the Board submitted their "findings of facts and decision" on July 25th..

It is my understanding that under "MDOT delegated authority," that the City acts in the stead of MDOT and is obligated to follow ALL the same rules and regulations as MDOT, including those governing reconsideration of the traffic permit. To do otherwise endangers the City's ability to retain "MDOT delegated authority", as stated in the statute governing municipalities delegated authority.

I was not clear in fact who actually issues the traffic permit, who in the City is responsible for it., nor who to address the request for reconsideration to, which is why the request is addressed " To whom it may concern ".

I disagree with Natalie that a reconsideration is limited to ONLY when a Public Hearing has NOT occurred. Chapter 305 Rules and Regulations Pertaining to Traffic Movement Permits #12 reconsideration, which is the current rules and regulations on the MDOT web site and which is used as a reference by applicants and the public alike and written under statutory authority contains no such restrictive language.. I will attach a copy of Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits. the relevant part re consideration is on page 35.

Since we all learn and absorb information differently. I will have visual aids available that may (or may not) help you to better visualize some of the safety problems that will be created by this proposal's (and noted in the request for reconsideration )additional traffic and the applicant's so called "traffic improvements". I am not clear how intimately knowledgeable you are of the area. Most of you do not live near the area and may not frequently travel the area.. It is not easy to describe with words some of the difficulties that will be created. It likely is not easy to follow when described in words.

Once again thanks for the consideration,

Debra A. Keenan  
Sept 15, 2006



Attorneys at Law

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September 12, 2006

Chair Beal and Members of the Portland Planning Board  
c/o Planning Office  
389 Congress Street  
Portland, Maine 04101

Re: Request for Reconsideration of Morrill's Crossing Traffic Movement Permit

Dear Chair Beal and Members of the Planning Board:

I am writing on behalf of Morrills Corner, LLC in opposition to the request by Debra Keenan that the Planning Board reconsider its approval of the Traffic Movement Permit for the Morrill's Crossing mixed use development. Under the provisions of Article VII, Section 6 of this Board's Rules, the Board may only act upon a motion to reconsider a vote "at the same or at the next regular meeting but not afterwards." The vote on this project occurred on July 11, 2006, so the Board cannot reconsider the vote at this time. In fact, the Board received another request from Ms. Keenan at the July 25 meeting that the Board recognized as a request for reconsideration. The Board did not make a motion to reconsider at that time.

Ms. Keenan states in her request that she is requesting the reconsideration under the provisions of the Maine Department of Transportation's Rules for Traffic Movement Permits. There is a section in the Traffic Movement Permit statute that requires the Department to reconsider the issuance of a permit if a request is made, but this regulation only applies when a permit has been issued without a public hearing. The City conducts its review of Traffic Movement Permits under its own Ordinance and regulations, in accordance with the registered municipalities provisions set forth in 23 M.R.S.A. § 704-A. There is nothing in the statute or the MDOT Rules that makes the statutory reconsideration provision applicable to the City. Even if it were applicable, the Board held a public hearing on this matter. Because of this, the mandatory reconsideration rule established by 23 M.R.S.A. § 704-A(5) does not apply in this case. There is no other provision in either the statute or the Rules concerning reconsideration where a public hearing has occurred, so the Planning Board Rules govern this situation. Under those Rules, the Board cannot reconsider its approval at this time.

I have attached a copy of 23 M.R.S.A. § 704-A for the Board's review.

Jensen Baird  
Gardner Henry

September 12, 2006  
Page 2

Sincerely,



Natalie L. Burns

Enclosure

cc: Penny Littell, Esq.  
Sarah Hopkins  
Paul Cincotta



Prev: Chapter 13 §704  
Next: Chapter 13 §705

**Title 23: HIGHWAYS**

**Part 1: STATE HIGHWAY LAW**

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**Chapter 13: CONSTRUCTION, MAINTENANCE AND REPAIRS**  
**Subchapter 1: GENERAL PROVISIONS**

Download Section 704-A  
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**§704-A. Traffic movement permit**

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**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department" means the Department of Transportation. [1999, c. 468, §2 (new).]

A-1. "High-speed rural arterial highway" means an arterial highway as defined in section 704 that is not located in the urban compact area of an urban compact municipality as described in section 754 and where the posted speed limit at the time of the application for a traffic movement permit is 40 miles per hour or greater. [2003, c. 363, §1 (new).]

B. "Passenger car equivalents at peak hour" means the number of passenger cars or, in the case of nonpassenger vehicles, the number of passenger cars that would be displaced by nonpassenger vehicles at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. For purposes of this paragraph, one tractor-trailer combination is the equivalent of 2 passenger cars. [1999, c. 468, §2 (new).]

C. "Project" includes any construction, alteration or conversion of a building, or any development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2. [1999, c. 468, §2 (new).]

D. "Traffic demand management techniques" means measures taken to reduce or spread peak hour traffic over a longer period of time. Such measures include, but are not limited to, on-site facilities or on-site design considerations to support local, regional or state bicycle, pedestrian, passenger rail, transit and ride-sharing efforts or plans. The department may not require operational support of passenger transportation systems or require parking management strategies of the permit applicant. [2003, c. 363, §2 (new).]  
[2003, c. 363, §§1, 2 (amd).]

**2. Permit.** A traffic movement permit must be obtained from the department for any project that generates 100 or more passenger car equivalents at peak hour. A person receiving a permit under this section is not required to obtain a permit pursuant to section 704.

A. For any project that generates 100 or more passenger car equivalents

at peak hour, the person responsible for the project is required to make adequate provision for traffic movement of all types into and out of the project area. Before issuing a permit, the department shall determine that any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed project. [1999, c. 468, §2 (new) .]

B. The department, together with the appropriate representative of the municipality or municipalities where the project is located, shall discuss with the applicant at a meeting, referred to in this paragraph as a "scoping meeting," the scope of impact evaluation required for the proposed project and the type of proceedings warranted. The applicant shall provide notice to abutting municipalities. If the department determines as a result of these communications that the applicant has demonstrated that the proposed project satisfies standards adopted for projects that generate 100 to 200 passenger car equivalents at peak hour and the department determines that there are no other significant traffic-related issues presented, the department may issue a permit to the applicant without further proceedings. The department shall adopt rules establishing the submission requirement for a scoping meeting. Those rules must, at a minimum, establish 2 submission standards: one for an expedited review without further proceedings and one for a preliminary review with further proceedings anticipated. The rules must also establish the level of professional certification required by any submission and may not impose undue professional liability on the applicant. [1999, c. 468, §2 (new) .]

C. [2003, c. 363, §3 (rp) .]

D. If a project is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in Title 30-A, chapter 187 and the project does not have an entrance or exit located on a high-speed rural arterial highway and the applicant for a traffic movement permit implements traffic demand management techniques recommended by the department, then the required improvements are limited:

(1) To those necessary to mitigate the impact of the project provided all safety standards are met, even if part or all of the traffic impact occurs outside the boundaries of the growth area; and

(2) To the entrances and exits of the project, if the project reuses previously developed land area and buildings with no more than a 10% increase in building footprint regardless of the extent of vertical development.

[2003, c. 363, §4 (rpr) .]

E. Adequate provision for traffic movement may be provided through payment of funds pursuant to section 57-A. [1999, c. 468, §2



(new) .]

F. Prior to issuing a traffic movement permit, the department must find that the applicant has right, title or interest to the property necessary to execute the traffic-related conditions of the permit, and that no inconsistent control of access provision exists with respect to access to the property. The department shall also advise the applicant that following issuance of the permit yet prior to construction of any improvements affecting the right-of-way of the department, the applicant must demonstrate through a developer agreement the financial, legal and technical ability to develop such improvements.

[1999, c. 468, §2 (new) .]

[2003, c. 363, §§3, 4 (amd) .]

**3. Exemptions.** A permit is not required for any project reviewed under Title 38, section 1310-N, 1319-R or 1319-X. A permit is not required for any project exempt from review under Title 38, chapter 3, subchapter I, article 6 pursuant to Title 38, section 488, subsection 7 or subsection 18. [1999, c. 468, §2 (new) .]

**4. Registered municipalities.** The department may register municipalities for issuing traffic movement permits under this section for projects generating 100 or 200 passenger car equivalents at peak hours upon finding that:

A. The municipality has in effect an ordinance or regulation for reviewing traffic movement permits that is consistent with the policy and purpose of this section; and [1999, c. 468, §2 (new) .]

B. The ordinance or regulation is administrable and enforceable and will be properly administered and enforced. [1999, c. 468, §2 (new) .]

Whenever any of the conditions set forth in this subsection are no longer being met, the department shall resume promptly the administration of reviewing traffic movement permits upon written notice to the municipality.

Upon a determination by the department that there will be no adverse traffic impact in a municipality other than the municipality in which the project is located, the department may register any municipality for issuing traffic movement permits under this section for any project generating more than 200 passenger car equivalents at peak hour.

The department may provide technical assistance to municipalities upon request for projects reviewed under this section.

The department may review projects for registered municipalities if the local reviewing authority for the municipality in which the project is located petitions the department in writing. Any neighboring municipality affected by the project may petition the department in writing to review the project no later than 30 days after it has been approved by the local reviewing authority.



[1999, c. 468, §2 (new) .]

**5. Reconsideration.** Requests for reconsideration by the commissioner under this subsection must be made in accordance with this subsection. Nothing in this subsection may be construed to limit a person's lawful right to appeal a final agency action.

If the department issues an order without a hearing, a person may request reconsideration by the department within 30 days after notice of the department's decision. This request must set forth, in detail, the findings and conclusions of the department to which that person objects, the basis of the objections and the nature of the relief requested. Upon receipt of the request, the department may schedule and hold a hearing limited to the matters set forth in the request.

[1999, c. 468, §2 (new) .]

**6. Fees.** The department shall assess fees for the issuance and processing of a permit under this section. Fees may not exceed \$500 for issuance of a permit following a scoping meeting as described in section 704-A, subsection 2, paragraph B, with no further review. Fees may not exceed \$2,000 for issuance of a permit requiring review beyond a scoping meeting. [1999, c. 468, §2 (new) .]

**7. Consolidation.** If an applicant is required to obtain both a permit from the department pursuant to this section and a permit under the site location of development laws from the Department of Environmental Protection pursuant to Title 38, chapter 3, subchapter I, article 6, the applicant may either apply individually to each agency for the appropriate permit or request that the department and the Department of Environmental Protection provide a consolidated application process.

A. On the request of an applicant prior to the submission of applications for permits pursuant to this section and Title 38, chapter 3, subchapter I, article 6, the department and the Department of Environmental Protection shall provide a consolidated application process. As long as an application is not withdrawn, the process must result in a consolidated order issued by both the department and the Department of Environmental Protection, either approving or denying the applicable permits. Any necessary findings or conditions relevant to the individual permits must be separately identified in the order. All applicable fees and the longer of the applicable processing times apply. The processing period may be extended pursuant to Title 38, section 344-B, subsection 3 or if a hearing is required pursuant to subsection 5. [1999, c. 468, §2 (new) .]

B. If an aggrieved party seeks an administrative appeal of a consolidated order, and there are issues relevant to both permits, the department and the Department of Environmental Protection shall provide a

consolidated administrative appeal process. If there are issues relevant to only one permit, the relevant portion of the order may be appealed to the appropriate agency. [1999, c. 468, §2 (new).]

C. The department and the Department of Environmental Protection shall enter into a memorandum of agreement establishing procedures for coordination of the consolidated application process and the consolidated administrative appeal process by June 30, 1999. [1999, c. 468, §2 (new).]

This subsection does not apply to a project reviewed by a municipality under subsection 4 or Title 38, section 489-A.

[1999, c. 468, §2 (new).]

**8. Modification of existing permits.** A permit issued under Title 38, chapter 3, subchapter I, article 6 prior to the effective date of this section may be modified by the department to address issues relating to traffic movement and adequate provision of roads. At the department's request, a person holding such a permit shall send a copy of the permit application to the department and to the Department of Environmental Protection. The department shall notify the Department of Environmental Protection of any substantive changes in the permit and shall provide that department with a copy of the final revised permit. [1999, c. 468, §2 (new).]

**9. Rules.** Rules adopted under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A. [1999, c. 468, §2 (new).]

**10. Violation.** A violation of this section or the rules adopted pursuant to this section is punishable by a fine of not more than \$100 per day per violation. The fine begins to accrue 30 days after the Department of Transportation sends notice of the violation to the landowner. The department shall establish procedures for administrative enforcement of this section, establishing fines and reconsideration and appeals of enforcement actions. [2003, c. 363, §5 (new).]

Section History:

PL 1999, Ch. 468, §2 (NEW).

PL 2003, Ch. 363, §1-5 (AMD).

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public. If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes  
7 State House Station



State House Room 108  
Augusta, Maine 04333-0007

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**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

Kevin Beal, Chair  
Michael Patterson, Vice Chair  
John Anton  
Lee Lowry III  
Shalom Odokara  
David Silk  
Janice E. Tevanian

August 3, 2006

Paul Cincotta  
Packard Development  
One Wells Avenue  
Newton, MA 02459

RE: Morrill's Crossing, LLC

Dear Mr. Cincotta:

On July 11, 2006, the Portland Planning Board

- A. Voted 6-0 (Lowry recused) that the proposal is substantially in accordance with the conditional rezoning agreement, with the following condition of approval:
  - i. That the Boxing Club, in order to be in compliance with the Conditional Rezoning, must be redesigned not to exceed 14,000 sq. ft., in total, and that amended plans and architectural drawings shall be submitted for Planning Authority review and approval.
- B. Voted 5-1 (Odokara opposed; Lowry recused) on a motion to waive sidewalk on one side of Morrill Street (east side) as the Board was satisfied that the Applicant has met criteria 3 and 6 of the City's sidewalk waiver provision of the Land Use Code §14-506(b).;
- C. Voted 1-5 (Odokara, Silk, Tevanian, Patterson and Beal opposed; Lowry recused) on a motion to grant a waiver of Morrill Street from 28 to 24 feet, thus the waiver was denied;
- D. Voted 1-5 (Odokara, Silk, Tevanian, Patterson and Anton opposed; Lowry recused) on a motion to waive requirement for a hammerhead turnaround, thus the waiver was denied;
- E. Voted 6-0 (Lowry recused) to grant a waiver of the lighting uniformity standard;
- F. Voted 4-2 (Anton and Tevanian opposed; Lowry recused) on a motion to approve the subdivision, subject to the following conditions of approval:
  - i. that the fence along the entry drive be continuous and not include a gap around the Metro bus shelter.
  - ii. That no activities be allowed after dark on the multi-purpose recreation field.



- iii. That the Applicant make any additional improvements to the buffering and landscaping as determined by the Planning Authority and Landscape Architect consultant one year after the issuance of a Certificate of Occupancy for the Project.

G. Voted 4-2 (Anton and Tevanian opposed; Lowry recused) on a motion to approve the site plan subject to ten (10) conditions of approval; and

- i. The Applicant shall conduct a post-occupancy safety study confirming the safety benefits of their off-site mitigation plan. If crash rates and patterns indicate existing problems either persist or have been exacerbated by the Project, the Applicant shall identify and implement other reasonable and appropriate improvement strategies to be approved by the City Traffic Engineer.
- ii. The Applicant shall provide a pavement marking plan for the southbound Forest Avenue left-turn lane for review and approval by the City Traffic Engineer.
- iii. The left-turn queue into the site at the Allen Avenue Driveway shall be extended to a length that will allow access without blockage from the through lane queue. The revised plan shall be submitted for review and approval by the City Traffic Engineer.
- iv. The Applicant shall conduct a post-occupancy Traffic Operations Study confirming the proposed off-site mitigation plan addresses impacts associated with the Project. If significant queuing is documented following Project opening, the Applicant shall identify and implement other reasonable and appropriate improvement strategies, to be approved by the City Traffic Engineer.
- v. Prior to the issuance of a building permit, the Applicant shall contribute \$25,000 to the Riverton Safety Project.
- vi. The Planning Board waives the requirement for a sidewalk on both sides of Morrill Street as it is satisfied the Applicant has met criteria 3 and 6 of the City's sidewalk waiver provision of the Land Use Code §14-506(b).
- vii. That a public vehicle access easement from the Morrill Street circle over the Applicant's Townhouse Driveway and through to the Allen Avenue Mixed Use Driveway to Allen Avenue be provided for review and approval by Corporation Counsel.
- viii. That the Applicant satisfy all other conditions contained within Tom Errico's 6/6/06 and 7/6/06 memos (included herein.).
- ix. That the Applicant provide to the City, prior to the release of the Performance Guarantee, a vehicular and utility easement over the existing, undeveloped portion of Morrill's Street (from University Street to the Railroad tracks).
- x. That the Applicant revise the plans in accordance with the City's Technical Standards to reflect Morrill's Street width at 28 feet and the location of a hammerhead Turnaround off Morrill Street at the rear of the Site.

H. Voted 4-2 (Anton and Tevanian opposed; Lowry recused) to approve the Traffic Movement Permit.

The approval is based on the submitted site plan and the findings related to site plan and subdivision review standards as contained in Planning Report 36-06, which is attached.

Findings of Fact were also adopted by the Planning Board on July 25, 2006 which are included herein.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. An additional performance guarantee will not be required for this work.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, 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.
5. 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.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Sarah Hopkins at 874-8720.

Sincerely,



Kevin Beal, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections Division  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File



## Portland Planning Board

### Findings of Fact and Decision Morrill's Crossing LLC at 33 Allen Avenue

The Portland Planning Board (the "Planning Board" or "Board") hereby issues the following findings of fact and decision regarding the application of Morrill's Corner LLC (the "Applicant") for Site Plan and Subdivision Approval and for a Traffic Movement Permit in the vicinity of 33 Allen Avenue, Portland, Maine (the "Site").

Following six (6) workshops on this Project, the Planning Board held a public hearing on the application on July 11, 2006. At the conclusion of the public hearing, and after deliberations, the Planning Board voted (4 to 2, Anton and Tevanian) in public session to approve, with conditions, the Applicant's Site Plan, Subdivision and the Traffic Movement Permit requests.

#### I. FINDINGS OF FACT

##### A. REVIEW PROCESS

1. Following the receipt of a Conditional Rezoning of property in the vicinity of 33 Allen Avenue, the Applicant submitted an application for Site Plan, Subdivision and Traffic Movement Permit approval (the "Project"). The application was received by the City on July 1, 2005. Notices were sent to 232 area residents. A notice also appeared in the *Portland Press Herald*. A neighborhood meeting was held on December 15, 2005.
2. The Planning Board reviewed the Project according to the Land Use Code of the City of Portland (the "Code"), Chapter 14, Articles IV and V, as well as the standards applicable for a Traffic Movement Permit. It also reviewed the Decision and Order of Justice Robert Crowley, in the case of Morrill's Neighborhood Association et al v. City of Portland, et al

##### B. SUBDIVISION REVIEW

This Project is a mixed use development which includes twenty three (23) apartments and twenty (20) townhouses. It is therefore subject to subdivision review.

On the basis of plans and materials submitted by the Applicant, and on the basis of the information contained within Planning Report #37-06 (which we hereby incorporate into our findings of fact), as well as testimony (both written and oral) received from professional consultants, City staff, and the public at the July 11, 2006 public hearing relevant to standards for subdivision approval as set forth in Section 14-497 of the Land Use Code, the Portland Planning Board finds the following:



1. **Water and Air Pollution.** The Planning Board finds development of the Site will not cause water or air pollution. The site is mostly flat, slopes away from Allen Avenue (elevation 109) to Milliken Brook at the eastern end of the site (elevation 80), and consists of a mixture of silty and sandy loams. Soils, floodplain and off-site drainage information, included in the Applicant's Stormwater Management report dated June 2005, revised May 2006, is credible. The stormwater system has been designed to collect runoff from the proposed retail and residential development to a closed drainage system. Runoff will be collected in deep sump catchbasins and directed to subsurface filter systems, prior to being routed to the closed pipe system. The runoff is directed to a wet pond located east of the recreational field. The pond is designed with a discharge to the Milliken Brook. Downstream impacts will be mitigated by the City's upgrade of Fall Brook. The developer will contribute \$100,000.00 toward this effort. The Planning Board requires the developer to copy the City on any correspondence with the DEP concerning Site Location of Approval.

Based on the method of stormwater treatment proposed (which includes underground filtration systems to treatment the impervious surface, the creation of a detention pond at the rear of the site, and the financial contribution of \$100,000.00 to the City for use in improving the downstream receiving waters) and with the conditions recommended by Engineers Steve Bushey and Eric Labelle in memos to the Planning Board dated 6/5/06 and 6/6/06, respectively, the Planning Board finds the Project will not result in undue water or air pollution.

2. **Water.** Water for domestic use and fire suppression will be provided by water lines from Allen Avenue. The Applicant provided the Board with a letter from Portland Water District stating that sufficient capacity exists to serve the proposed development. The Planning Board finds that the Project has sufficient water available and will not cause an unreasonable burden on the existing water supply.

3. **Soil Erosion.** A sedimentation and erosion control plan was submitted meeting both the State of Maine's Chapter 500 requirements and the City's standards and guidelines. The Planning Board accepts the comments of the City's Development Review Coordinator, Stephen Bushey, P.E., and finds that the Project will not result in unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

4. **Traffic.** The Planning Board was very concerned about the Applicant's ability to meet the traffic standards of the City Code and the Traffic Movement Permit requirements. In order to address those concerns, the Applicant submitted a Traffic Impact and Access Study, prepared by Vanasse Hangen Brustlin (VHB) Engineers. VHB detailed the results of its traffic study and explained why, with the multitude of improvements proposed to be installed by the Applicant (including but not limited to physical roadway improvements, traffic signal installation, traffic control measures and follow-up monitoring), the Project meets the City of Portland's traffic standards as well as those applicable for a Traffic Movement Permit.

Thomas Errico, Consulting Traffic Engineer for the City, reviewed all the traffic reports submitted in this case since the fall of 2003. He met with the Applicant and VHB



on numerous occasions, and made requests for more information (additional counts, queuing analysis, as well as accident data, parking counts, and trip generation data) necessary to satisfy his analysis of the traffic in the vicinity of the Site. Mr. Errico also reviewed two letters containing comments by Creighton Manning Engineering LLP, a traffic engineering firm hired by Hannaford Bros. Co. to review, analyze and offer comments on the VHB Traffic Impact and Access Study. The Board heard from Mr. Errico, on the issue of traffic, at numerous workshops and at the public hearing. The Board accepts the findings of Mr. Errico (summarized in his memo dated 7/6/06) as credible and determines the Project meets the traffic requirements for subdivision <sup>1</sup>with the following conditions:

- xi. The Applicant shall conduct a post-occupancy safety study confirming the safety benefits of their off-site mitigation plan. If crash rates and patterns indicate existing problems either persist or have been exacerbated by the Project, the Applicant shall identify and implement other reasonable and appropriate improvement strategies to be approved by the City Traffic Engineer.
- xii. The Applicant shall provide a pavement marking plan for the southbound Forest Avenue left-turn lane for review and approval by the City Traffic Engineer.
- xiii. The left-turn queue into the site at the Allen Avenue Driveway shall be extended to a length that will allow access without blockage from the through lane queue. The revised plan shall be submitted for review and approval by the City Traffic Engineer.
- xiv. The Applicant shall conduct a post-occupancy Traffic Operations Study confirming the proposed off-site mitigation plan addresses impacts associated with the Project. If significant queuing is documented following Project opening, the Applicant shall identify and implement other reasonable and appropriate improvement strategies, to be approved by the City Traffic Engineer.
- xv. Prior to the issuance of a building permit, the Applicant shall contribute \$25,000 to the Riverton Safety Project.
- xvi. The Planning Board waives the requirement for a sidewalk on both sides of Morrill Street as it is satisfied the Applicant has met criteria 3 and 6 of the City's sidewalk waiver provision of the Land Use Code §14-506(b).
- xvii. That a public vehicle access easement from the Morrill Street circle over the Applicant's Townhouse Driveway and through to the Allen Avenue Mixed Use Driveway to Allen Avenue be provided for review and approval by Corporation Counsel.
- xviii. That the Applicant satisfy all other conditions contained within Tom Errico's 6/6/06 and 7/6/06 memos.
- xix. That the Applicant provide to the City, prior to the release of the Performance Guarantee, a vehicular and utility easement over the existing, undeveloped portion of Morrill's Street (from University Street to the Railroad tracks).

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<sup>1</sup> For the same reasons, the Board also finds that the Project meets the requirements for the issuance of a Traffic Movement Permit. 23 MRSA §704-A and its accompanying Rules.



- xx. That the Applicant revise the plans in accordance with the City's Technical Standards to reflect Morrill's Street width at 28 feet and the location of a hammerhead Turnaround off Morrill Street at the rear of the Site.

5. **Parking.** The Project provides 666 parking spaces (inclusive of 39 parking spaces for the apartment complex) and is expected to have a parking demand of 632 parking spaces during the peak December period. The Applicant will be implementing a Parking Management Plan during the peak season that will require retail employees to use the parking spaces located in the rear of the site.

The Planning Board determines that the 666 parking spaces, with a depth of eighteen (18) feet as opposed to nineteen (19) feet (as supported by the Public Works Department) is sufficient to avoid any unreasonable highway public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed.

6. **Sanitary Sewer/Solid Waste Disposal.** The Applicant provided a letter from the City of Portland stating that sufficient sanitary sewer capacity exists to serve the proposed development. In addition, solid waste for the development will be collected privately. The Board finds that the Project will provide for adequate sanitary waste/sewage disposal and will not cause an unreasonable burden on municipal services.

7. **Stormwater.** See B. Subdivision Review ¶ (1), above.

8. **Scenic Beauty, Historic Sites and Habitat Areas.** The proposed development is located on an underutilized, blighted property that many in the public described as "derelict." It presently contains remnants of buildings, large expanses of impervious surface (consisting of decrepit pavement and packed dirt) and abandoned shells of buildings. There is no significant wildlife habitat on this site identified either by the Department of Inland Fisheries and Wildlife or by the City, nor rare and irreplaceable natural areas. Also there is no proximity to the shoreline. The Planning Board finds that the Project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

9. **Comprehensive Plan.** Both the Portland City Council and the Superior Court of Maine have reviewed the Conditional Rezoning Agreement, which incorporates the general requirements of the proposed site plan, including its mixed use and traffic improvements, among other things. The Planning Board, therefore, defers to and adopts the Superior Court and the City Council decisions finding that the Project consistent with the City's Comprehensive Plan.

10. **Financial and Technical Capability.** The Applicant submitted a satisfactory letter of financial capability from Citizen's Bank and Stop and Shop, and provided a list of the professional consulting team (with their professional license numbers) working on the Project. The Planning Board finds that



the Applicant has adequate financial and technical capacity to meet the requirements of the subdivision standards.

11. **Water Bodies.** The Project is not located within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river and this standard does not apply.
12. **Groundwater.** The Project will be served by public water and sewer, thus it will not adversely affect the quality or quantity of ground water.
13. **Flood Hazard/Shoreland.** The Project site is not located within a flood-prone area or a flood plain zone or a shoreland zone.
14. **Wetlands/Abutting Rivers, Streams or Brook.** Wetlands have been appropriately identified by VHB on the plans, as has the location of adjacent Milliken Brook.

### **C. SITE PLAN REVIEW**

As a development of over 10,000 square feet, this Project is subject to Site Plan review. Due to the buildings' square footage exceeding 50,000 sq ft, the Planning Board sets the parking requirement.

On the basis of plans and materials submitted by the Applicant, and on the basis of the information contained within Planning Report #37-06 (which we hereby incorporate into our findings of fact), as well as testimony (both written and oral) received by professional consultants, City staff, and the public at the July 10, 2006 public hearing relevant to standards for Site Plan approval as set forth in Section 14-521 of the Land Use Code, the Portland Planning Board finds the following:

1. **Loading, Parking, Traffic and Circulation:** See B. Subdivision Review. ¶ 4 (Traffic) and 5 (Parking), above. The developer has also adequately accounted for pedestrian and vehicular loading into and through the Site to safely move people, including pedestrians wishing to take the Metro Bus System. In addition, the Project offers a pedestrian trail link through the site to the open space at the rear of the site.  
Loading at the retail stores is located at the rear of the buildings. The largest building, the proposed grocery store, allows for adequate loading space. The Planning Board finds that the developer has met the standards contained in §14-526(1).
2. **Bulk, Location, Height of Proposed Buildings, Diminution of Value, Health, Safety, Air:** The proposed development will include residential units, a supermarket, restaurant, miscellaneous retail, a boxing club and a recreation field. The Applicant submitted elevations of the buildings, as well as the architecture for the main structures. The height of the proposed buildings are below the maximum height allowed for the zone. The townhouses, in particular, were designed at the height and location in order to



buffer the residential neighbors to the north from impacts of the retail development. At the public hearing, Andy Hyland, Architect for the Applicant, presented the design of the buildings, which contain significant architectural detailing. The Planning Board finds that the bulk, location and height of the buildings within the Project, and the proposed uses thereof, will not create a diminution in value of property and will not cause health or safety problems as to existing uses in the neighborhood, with the following condition:

i. that the townhouses be required to provide rear porch low wattage lights that will be turned on and off at dusk and dawn by a centrally controlled switch and not left to the discretion of individual unit owners.

3. **Sewers, Stormdrains, Water** See findings **B. Subdivision Review.** ¶ 1,2 and 6, above.

4. **Landscaping and Existing Vegetation.** The landscaping associated with the development was reviewed by peer reviewer Pat Carroll of Carroll and Associates. It utilizes a combination of tools, including stockade fencing, preservation of existing vegetation, and a planting plan to buffer the development and neighboring properties. The most sensitive areas are treated with a mixture of fencing and landscaping which creates a good buffer. While significant vegetation is lacking on the site due to its prior uses, the developer is preserving critical wetland vegetation along the stream at the east end of the property. We agree with the conclusion of independent reviewer Carroll and find that the Project's landscaping provides adequate buffering between the Project and neighboring properties so as to adequately protect each from any detrimental features of the other and minimizes, to the extent feasible, any disturbance or destruction of significant existing vegetation with the following conditions of approval:

iv. that the fence along the entry drive be continuous and not include a gap around the Metro bus shelter.

v. That no activities be allowed after dark on the multi-purpose recreation field.

vi. That the Applicant make any additional improvements to the buffering and landscaping as determined by the Planning Authority and Landscape Architect consultant one year after the issuance of a Certificate of Occupancy for the Project.

5. **Soils and Drainage.** The Project does not create any significant soil and drainage problems, whether on or off site, and adequately provides for control of erosion and sedimentation during construction and afterward. See findings **B. Subdivision Review.** ¶ 1 and 3.

6. **Exterior Lighting.** While the entrance drive to the Project is to be lit with 250 watt fixtures (which exceed the City's Technical Standards) the photometric plan, the absence of spill over from the proposed lighting, and the recommendation of Pat Carroll to waive the Technical Standard in this regard, convince the Board that a waiver of the lighting wattage standard is justified for the main entrance driveway. In addition, the Board requires a single light and electrical service be installed in the recreation field parking lot for safety purposes, such lighting to be reviewed and approved by the



Planning Authority. With the above conditions of approval in place, the Planning Board finds the Project's provision for exterior lighting will not be hazardous to motorists traveling on adjacent public streets, is adequate for the safety of occupants or users of the Project site, and such lighting will not cause significant glare or direct spillover onto adjacent properties and complies with the applicable specifications of the City of Portland Technical and Design Standards and Guidelines.

6. **Fire/Safety Hazards/Emergency Site Access.** Primary fire access is from Allen Avenue and two secondary emergency access points: one on Allen and a crash gate on Morrill Street. There is a primary access to the rear apartments from Morrill Street. This latter access also provides a mountable curb for emergency access to the rear of the supermarket and boxing club. Public Works has confirmed that in the case of emergency, the Radcliffe Glen emergency gate can be opened, thereby providing emergency vehicular access from the site and neighborhood via Morrill and University Streets to Washington Avenue. The Planning Board finds that the Project will not create fire or other safety hazards and provides adequate access to the site and to the Project building for emergency vehicles.

7. **Noise.** The Applicant submitted a Noise Impact Study which was reviewed by the City's peer reviewer, R. Scott Bodwell, of Resource Systems Engineering. Mr. Bodwell analyzed the revised Sound Level Impact Assessment Report prepared by Epsilon Associates Inc. on behalf of the Applicant. Mr. Bodwell appeared at the public hearing and testified the City's noise standards could be met by the Project with the sound mitigation techniques to be employed by the Applicant. Mr. Bodwell offered conditions of approval (contained in his 7/19/06 letter -Planning Board Report 37-06 Exhibit 1h). We adopt Mr. Bodwell's findings and recommendations including that a noise study be conducted one year after occupancy of the grocery store. In addition, the following condition of approval is imposed:

i. that deliveries for any retail or restaurant establishment will only be accepted between 7:00am and 10:00pm and that the store hours for the supermarket shall not exceed 6:00 am to 11:00 pm..

8. **City Infrastructure and Utilities.** Both the traffic and stormwater management plans have been designed to be consistent with the planned and existing off-premises infrastructure surrounding the site. The traffic improvements have been designed in concert with previous work done by the MDOT and the City in Morrill's Corner. The City has participated in the design of the traffic and stormwater improvements, including



the provision for bike shoulders and improved crosswalks and sidewalks as proposed by the development. Likewise, the design of the stormwater plan has been reviewed by Public Works and our reviewing engineer for compliance with our standards and consistency with the City's goals and policies related to Milliken Brook and the Fall Brook watershed. The Planning Board finds the Project consistent with planned and existing off-premises infrastructure.

9. **Exterior Design.** The Planning Board finds that the exterior design of the Project complements and enhances the nearest residential neighborhood and the design of the exterior facades provides positive visual interest by incorporating appropriate architectural elements. Upstairs apartments are integrated into the design of the Allen Avenue retail building with brick facades, cement board clapboards and trim. The three apartment buildings at the end of Morrill Street are designed to be compatible with the surrounding residential neighborhood. The upstairs apartments, Townhouses, and Morrill Street apartments have all been designed with ample fenestration.

The residential portions of the proposed development are designed to build upon a relationship of buildings to public streets. Given that the entire 20-acre parcel has minimal frontage along Allen Avenue, the development has been designed with a hierarchy of proposed roadways, albeit private, within the site. The Allen Avenue retail building is built alongside the entry drive with sidewalks and other streetscape amenities. The Townhouses are built along Princeton Street with entrances and pathways adjacent to the right-of-way. Lastly, the 12 apartments to the rear have been redesigned with access from Morrill Street at the request of planning staff so that the apartments could be connected to the adjacent residential neighborhood.

The Project respects the existing relationship of buildings to public streets and is integrated with the existing city fabric and streetscape. The exterior design of the portion of the Project Building within the first thirty-five (35) feet of height enhances the character, attractiveness, comfort, security and usability of the street level pedestrian environment. The Project building design provides ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and provides sufficient storage areas.

10. **Historic Districts.** The Project is not within one hundred (100) feet of any landmark, historic district or historic landscape district.

11. **Impact on Natural Resources.** See findings **B. Subdivision Review.** ¶8 .

#### **D. TRAFFIC MOVEMENT PERMIT**

The Planning Board has been satisfied that the Project meets the requirements of a Traffic Movement Permit for all of the reasons listed in findings **B. Subdivision Review.** ¶ 4.

### **VI. CONDITIONAL REZONING**

The Morrill's Crossing development is subject to the terms and restrictions set forth in the rezoning document enacted by the Portland City Council. The Rezoning grants to the Planning Board the authority to make findings of fact regarding the Project's adherence to the site plan attached to, and incorporated in, the Rezoning. The Planning Board has reviewed the Rezoning and finds that the Project is substantially in accordance with the Rezoning with the following condition of approval:

i. that the Boxing Club, in order to be in compliance with the Conditional Rezoning, must be redesigned not to exceed 14,000 sq. ft., in total, and that amended plans and architectural drawings shall be submitted for Planning Authority review and approval.

## **II. FINAL DECISION**

Based on the foregoing findings of fact and conditions of approval, the Portland Planning Board approves the application of Morrill's Corner LLC for Site Plan, Subdivision and Traffic Movement Approval of the mixed use development in the vicinity of Morrill's Corner, Portland, Maine ("Project") with a vote of (4 to 2, Anton and Tevanian opposed) on July 11, 2006.

Dated: July 25, 2006

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*Attachment 8*

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

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Kevin Beal, Chair  
Michael Patterson, Vice Chair  
John Anton  
Lee Lowry III  
Shalom Odokara  
David Silk  
Janice E. Tevanian

September 14, 2006

Paul Cincotta  
Packard Development  
One Wells Avenue  
Newton, MA 02459

**RE:** Morrill's Crossing, LLC ;33 Allen Avenue, Portland

**ID:** 2005 0147

Dear Mr. Cincotta:

Pursuant to the provision of 23 M.R.S.A. 704-A and Chapter 305 of the Maine Department of Transportations Regulations, The City of Portland Planning Board, through their Delegated Review Authority, has considered the application of Morrill's Crossing with supporting data, City review, and other materials submitted. The City finds the project is in conformance with the reg

**Project Description**

In summary, the project consists of a 65,821 sq ft supermarket, 63,765 additional square feet of retail, 11 apartments on the second floor of one retail building, up to 24 townhouse condominiums, 12 apartments, a new boxing facility, a public multi-purpose recreational field, as well as associated stormwater and traffic improvements.

The development is expected to generate 1,120 passenger car equivalent trips during the weekday p.m. peak hour of adjacent street and 1,325 passenger car equivalent trips during the Saturday mid-day peak hour.

The Planning Board voted to approve the Traffic Movement Permit subject to the following conditions:

### MITIGATION

The Applicant shall implement all aspects of the roadway improvement plan for Forest Avenue and Allen Avenue as illustrated on plans dated November 11, 2005 and April 20, 2006 prepared by Vanasse-Hangen-Brustlin. This work shall include but not be limited to traffic signalization modifications, railroad signalization, necessary right-of-way acquisition, roadway widening, pedestrian improvements, etc.

The Applicant shall conduct a post-occupancy safety study for Morrill's Corner (Forest Avenue between Warren Avenue and Stevens Avenue) confirming the safety benefits of their off-site mitigation plan. If crash rates and patterns indicate existing problems either persist or have been exacerbated by the Project, the Applicant shall identify and implement other reasonable and appropriate improvement strategies to be approved by the City Traffic Engineer.

The Applicant shall provide a pavement marking plan for the southbound Forest Avenue left-turn lane between Warren Avenue and Allen Avenue for review and approval by the City Traffic Engineer. The applicant will be responsible for full implementation of the plan.

The left-turn queue into the site at the Allen Avenue Driveway shall be extended to a length that will allow access without blockage to the through lane queue. The revised plan shall be submitted for review and approval by the City Traffic Engineer. The applicant will be responsible for full implementation of the plan.

The Applicant shall conduct a post-occupancy Traffic Operations Study for Morrill's Corner (Forest Avenue between Warren Avenue and Stevens Avenue/Allen Avenue between Forest Avenue and Site Drive) confirming the proposed off-site mitigation plan addresses impacts associated with the Project. If significant queuing is documented following Project opening, the Applicant shall identify and implement other reasonable and appropriate improvement strategies, to be approved by the City Traffic Engineer.

Prior to the issuance of a building permit, the Applicant shall contribute \$25,000.00 toward the implementation of the City of Portland Forest Avenue Safety Project.

Forest Street/Read Street/Adelaide Street – The implementation of an improvement plan at this location should reflect the modified Alternative as presented in the February 27, 2006 letter from VHB. This plan restricts movements from Read Street and Adelaide



Street to one-way flow towards Forest Avenue. The plan presented in the February 27<sup>th</sup> letter needs some refinement and modification to improve local accessibility issues. This includes allowing two-way flow on a portion of Read Street between Bell Street and Forest Avenue. Some minor geometric curb modification is likely. The review and approval of the final concept plan by the City is required. The applicant will be required to implement the improvement plan in its entirety. The applicant will also be asked to conduct a signal warrant study at the Forest Avenue/Bell Street intersection following build-out of the project and if traffic signals are warranted, the applicant will be required to contribute \$25,000.00 to the installation of a traffic signal.

The applicant should submit, for annual review, a traffic demand management plan for City review and comment.

The applicant shall undertake a post-development traffic study of the unsignalized intersections evaluated in the Traffic Impact Study prepared by Vanasse Hangen Brustlin, Inc. In the event that this study demonstrates that the impact from traffic attributable to the development is materially different than what was approved as part of the projects Traffic Impact Study, the applicant may be required to fund mitigation measures to address those impacts, to the extent that such mitigation is technically and economically feasible. As well, the applicant shall be obligated to mitigate impacts created by the development, to the extent technically and economically feasible, which results in a degradation of traffic service at said intersections.

Signage (ground and overhead) and striping shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), the Maine Department of Transportation standards, and City of Portland standards.

The proposed project effects the state highway and drainage systems and requires improvements to that system, the applicant must obtain approval of the design plans and coordinate work through MaineDOT's State Traffic Engineer and the City of Portland.

Please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alexander Jaegerman", with a small "8/1" or similar mark at the end.

Alexander Jaegerman  
Planning Division Director

cc.: Sarah Hopkins, Development Review Manager  
Thomas A. Errico, P.E., Wilbur Smith & Associates  
Penny Littell, Associate Corporation Counsel  
Michael Bobinsky, Public Works Director  
James Carmody, Transportation Manager