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**Planning & Urban Development Department**

Jeff Levine, AICP, Director

**Planning Division**

Alexander Jaegerman, FAICP, Director

 March 26, 2013

Peter Merfield, Chief Operations Officer

Maine Turnpike Authority

2360 Congress Street

Portland, ME 04102

Re: CJ Properties, Congress Street Development

Dear Mr Merfield:

Thank you for your letter of March 14, 2013 regarding the MTA concerns with CJ Properties’s suggested entrance from Skyway Drive into the commercial development proposed for the property at 2282 Congress Street. The City Council adopted a conditional rezoning agreement on March 4, 2013 to allow the development of a gas station, including alternative fuels, a convenience store and a bank on this site. The concept plan attached to the agreement (refer to attachment), does depict a one-way entrance from Skyway Drive into the site along with a note referring to a proposed easement from MTA for the proposed connection (entrance only), subject to a waiver of controlled access.

The City understands Skyway Drive is a controlled access road and that the MTA wishes to safeguard the transportation function of Skyway Drive. During the review of the zoning amendment application, staff and the Planning Board understood that the developer was pursuing discussions with the MTA and that these discussions were ongoing.

The idea of allowing turnpike users to access the site was considered a positive idea by the Planning Board and some City Councilors, as the gas station is proposed to include compressed natural gas and an electric recharging station which would benefit users of the turnpike. The conditional rezoning agreement (copy attached) was drafted to allow for that possibility; however, the City staff and the Planning Board understand that the access connection to Skyway Drive is a decision to be made by MTA and that the applicant’s conditional rezoning and subsequent site plan review are not contingent on that access.

The overall commercial proposal by CJ Properties is subject to a site plan review by the Planning Board for which an application is expected to be submitted in a few weeks. A traffic movement permit with the associated traffic analysis is required for this proposal. From a site plan perspective such traffic analyses usually include context considerations and could include the impact of an entrance-only from Skyway Drive, if proposed by the developer and supported by the Maine Turnpike Authority.

Thank you for your letter which makes the MTA position on this matter clear and I will forward it to the Planning Board as part of its review of the site plan application. Please note that the MTA will receive notices of the site plan review and we will seek to stay in contact with you as the review progresses.

Sincerely

Barbara Barhydt

Development Review Services Manager

Attachment: Conditional Rezoning Agreement

Cc: Jeff Levine, Director, Dept. of Planning and Urban Development

 Alexander Jaegerman, Planning Division Director

 Michael Bobinsky, Director, Dept. of Public Services

 Katherine Earley, Engineering Services Manager, Public Services

 Jeremiah Bartlett, PTOE, PE, Transportation Systems Engineer, Public Services

 Thomas Errico, P.E., Consulting Traffic Engineer

 David Latulippe, CJ Properties, Inc.