

**CITY OF PORTLAND, MAINE
PLANNING BOARD**

Carol Morrissette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

May 20th, 2013

David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freeport, ME 04032
Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

Project Name: **Commercial Development including gas station and convenience store with ATM**
Project ID: 2013-086 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear Mr Latulippe:

On May 14th, 2013, the Planning Board considered the Level III Site Plan and Traffic Movement Permit application for the commercial development at 2282 Congress Street to construct a commercial development that includes a 3,850 sq. ft. convenience store with an ATM and fuel station (14 filling dispensers plus a future compressed natural gas pump and electric recharging stations), a small farmstand associated with the convenience store, and 26 parking spaces. The Planning Board reviewed the proposal for conformance with the Conditional Rezoning Agreement as approved by the City Council on March 4th, 2013 and with standards of the Site Plan, Traffic Movement Permit, and Stormwater Permit.

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 24 - 13 for the commercial development at 2282 Congress Street relevant to the Site Plan, Traffic Movement Permit and Stormwater Permit reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) to approve the application with the following waivers and conditions as presented below:

WAIVERS

1. *Driveway Design:*

The Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) to waive Technical Standard, Section 1.7.1.4, which specifies a maximum of 36 feet wide for a major commercial driveway, to allow a 38 ft wide driveway that accommodates the large vehicles anticipated to require regular access to the site.

2. *Parking Aisle:*

The Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) to waive Technical Standard, Section 1.14, Figures 1-28 to 1-32 which require a 24 foot wide drive aisle, to allow wider aisles as shown in the approved site layout plan (Plan 5 as attached to this Report).

TRAFFIC MOVEMENT PERMIT

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, with the following conditions of approval:

- i. That the applicant shall contribute \$5000 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Congress Street/Hutchins Drive/Skyway Drive; and
- ii. That a post-occupancy signal warrant study shall be conducted one year after opening. If a traffic signal is warranted or the queuing lanes prove inadequate, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal or improvements to such queuing lanes; and
- iii. That the operation of the right turn into the site from Congress Street shall be monitored for one year following opening. If the crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.

STORMWATER MANAGEMENT PERMIT

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the plan is in conformance with the standards for a Storm Water Permit application for the commercial development at 2282 Congress Street and grants a permit subject to the following condition:

- i. That the applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan as included Attachment G.1-3 of this Report, and as based on the Long Creek Watershed District standards/requirements and state permits and guidelines.

SITE PLAN REVIEW

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That this site plan approval is subject to the Conditional Zone Agreement as approved by the City Council on March 4, 2013, and that C J Developers Inc. shall sign and record the aforementioned Conditional Zoning Agreement prior to the issuance of a building permit, and if the CZA is assigned, C J Developers Inc. shall provide notification of the assignment to the City; and
- ii. That the signed and recorded access easement from Maine Turnpike Authority for the area of the proposed access from Congress Street shall be submitted to the Planning Authority prior to the issuance of a building permit; and
- iii. That a copy of the MDEP Stormwater Discharge approval shall be submitted to the Planning Authority prior to the issuance of a building permit. If there are significant modifications to the stormwater system as a result of the MDEP review, then an amended site plan would be required for approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant shall submit a revised off-site improvements plan that addresses Tom Errico's memorandum dated 05.09.2013 regarding the left turn accommodations, crosswalk design with ADA landing, and painted crosswalk on Blueberry, for review and approval by the Planning Authority prior to the issuance of a building permit; and

- v. That the applicant shall submit a revised Landscaping Plan (with notes), for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit, that meets the recommendations set out in Jeff Tarling's e-mail dated 5.10.2013; and
- vi. That all necessary permits and licenses shall be obtained from the Federal, State (including MDEP) or local authorities in respect to the fuel storage, compressed natural gas installation and electric charging stations; and
- vii. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements; and
- viii. That a plan showing the signage and pavement markings that support the on-site circulation shall be reviewed and approved by the Planning Authority prior to installation, with installation to be completed prior to the issuance of a Certificate of Occupancy.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Services representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curbs, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

- Attachments:
1. Traffic Engineering Review comments, e-mail from Tom Errico dated 5.9.2013
 2. City Arborist comments, e-mail from Jeff Tarling dated 5.10. 2013
 3. Planning Board Report #24-13
 4. City Code, Chapter 32
 5. Performance Guarantee Packet

Electronic Distribution:

cc:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Phillip DiPietro, Development Review Coordinator, Planning
Marge Schmucka, Zoning Administrator, Inspections Division
Tammie Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Dantelle West-Chuhua, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMIP@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>
Date: 5/9/2013 11:23 AM
Subject: 2282 Congress Street - Final Traffic Comments

Jean – The following represents my final comments and also presents a status update on my April 18, 2013 preliminary comments.

April 18, 2013 Comments Status

- It is suggested that the pedestrian facility between Congress Street and the proposed convenience store building be as direct as possible. This may require the loss of some of the 9 parking spaces located along the front of the property.
Status: The applicant has revised the site plan to improve the crosswalk alignment and given constraints with Maine Turnpike Authority property, I find the proposed condition to be acceptable.
- Parking supply seems excessive for the type and scale of the proposed land use. Supporting documentation on the parking needs shall be provided.
Status: The applicant has revised the site plan and is now proposing to construct 26 parking spaces with an option for future expansion of the parking supply if deemed necessary. I find the proposed condition to be acceptable.
- Auto-turn analyses shall be provided that supports on-site circulation aisle widths and the width of the driveway entrance on Congress Street. The applicant should also provide information on the number of large trucks anticipated to enter and exit the site.
Status: The site plan has been revised based upon discussions with the applicant and I find the proposed plan to be acceptable. I would note that the applicant did add a raised concrete apron at the driveway entrance and I find this condition to be acceptable. A waiver for driveway width is required and given large truck turning requirements, I support a waiver from City standards.

- It is unclear whether there are vehicle circulation restrictions on site (e.g. one-way vs. two-way). Signage and pavement markings shall clearly support proposed circulation restrictions.
Status: It is my understanding that the revised site plan accounts for a one-way circulation around the back side of the convenience store. Signage and pavement markings should be provided.
- Many aisle widths exceed City standards and waivers from our technical standards may be necessary. As noted above, supporting information will be required before I render any decision on waivers.
Status: Given the specific needs of on-site vehicle circulation and accessibility to fueling areas, I find the proposed layout to be acceptable and support waivers from City standards.

Traffic Study/New Comments

- I find the methods used in the traffic study to be acceptable.
- The analysis indicated the Congress Street/Site Drive/Blueberry Road intersection will operate at acceptable levels of service following build-out of the project. I concur with this conclusion.
- A signal warrant analysis was conducted at the Congress Street/Site Drive/Blueberry Road intersection. According to the applicant a traffic signal is not warranted. I concur with this conclusion, but suggest that a post-occupancy signal study be conducted one year after opening. If a traffic signal is warranted, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal.

Thomas A. Ertco, PE
 Senior Associate
 Traffic Engineering Director
TYLIN INTERNATIONAL
 12 Northbrook Drive
 Falmouth, ME 04105
 207.347.4354 direct
 207.400.0719 mobile
 207.781.4753 fax
 Visit us online at www.tylin.com
 thomas.ertco@tylin.com
 "One Vision, One Company"
 Please consider the environment before printing.

Best regards,

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

Street.

- According to a warrant analysis for a right-turn lane entering the site from Congress Street, a right-turn lane is warranted. At this time I concur with the applicant that provision of a right-turn lane entering the site is not preferred given that it will increase the crosswalk length. I would suggest that conditions be monitored one year following opening and if crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.
- The Congress Street/Skyway Drive/Hutchins Drive intersection is projected to have movements that will operate at an unacceptable level of service following the construction of the project. In addition, while not a High Crash Location per MaineDOT criteria, the intersection does display a pattern of rear-end collisions. The City has been collecting funds from developments in the area for the implementation of improvements to mitigate congestion and safety deficiencies. Based upon prior contribution methods, the applicant shall contribute \$5,000.00 towards improvements at the subject intersection.
- The applicant has developed an improvement plan for Congress Street such that left-turn accommodations are provided. I support the general concept of the plan provided in the application. Final design plans shall be submitted to the City for review and approval (it should be noted that adjustments to the design may be required during this review process).
- A pedestrian crosswalk is being proposed on Congress Street between the project site and Blueberry Road. Though the contract rezone process the crosswalk was to include a refuge median island in addition to a flashing sign warning system. Given vehicle turning needs, a refuge island is not feasible at this location. In lieu of the refuge island the applicant shall construct an ADA accessible landing on the northwest radius of Blueberry Road. In addition, the crosswalk pavement marking shall consist of durable paint. Final design elements shall be reviewed and approved by the City.
- Per City standards the applicant is required to construct a sidewalk along their property frontage (60 feet of frontage). The project does not meet sidewalk waiver requirements. In lieu of constructing the required sidewalk, the applicant shall install a painted crosswalk on the Blueberry Road approach to Congress Street.

Jeff Tarling
City Arborist

Thanks,

Overall the landscape plan is acceptable as shown with the recent improvement and suggested conditions.

standards.

b) Trees in parking lot - In the area shown as snow storage, and addition one to two trees could be set back away from the edge of pavement to still allow snow clearing and meet the parking lot tree / shrub

a) Tree Save - the 'tree-save', tree thinning area along Congress Street is improved and meets our recommendations. Additional 'tree-save' areas along the Western property line and towards Skyview Drive will need to be marked prior to site work and as approved by the City Arborist. There may be trees to be thinned or removed due to poor condition or risk. (Thinning trees for views is not recommended - thinning trees for safety and condition is.) Standard tree protection measures shall be used during construction, these include protection of tree root zones, identifying trees to protected, construction fencing or tagging where needed. No storage of equipment or construction materials in tree protection root zone areas. The area around the Shagbark Hickory is one of the tree protection zones.

comments, conditions:

following

I reviewed the recent landscape plan submission for the 2282 Congress Street project and offer the

Hi Jean -

From: Jeff Tarling
To: Jean Fraser
CC: David Margolis-Pineo
Date: 5/10/2013 11:06 AM
Subject: 2282 Congress Street Project

*disc. ref to MTA
convention sketch
4-16-13*

BB(TF)/JF

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF 2282 CONGRESS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

AGREEMENT made this _____ day of _____, 2013 by CI DEVELOPERS, INC. of Cumberland County ("CID") with a place of business in 35 Primrose Lane, Freeport, Maine, and its successors and assigns.

WITNESSETH:

WHEREAS, CID is or will be the owner of the property located at 2282 Congress Street, Portland, Maine (The "Property") more particularly described and shown on the Portland Assessors Map 237, Block A as Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book _____, Page _____; and,

WHEREAS, CID did request a rezoning of the property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a major auto service station, convenience store, restaurant (without a drive thru) and bank (with a drive thru) on 3.24 acres; and,

WHEREAS, in 1999 the City rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired.

WHEREAS, the Property is currently in the IM zone and is difficult to develop for an industrial use because of its limited size, MTA easements and wetland areas; and

WHEREAS, the Property is located in an unique and isolated location with the turnpike on one side, busy streets on two sides, and a developed lot on the other side, which together would limit the loss of industrial land and provide a convenient location for commercial uses to serve the adjoining industrial employment area; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A.M.R.S.A Sec.4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and,

AS APPROVED BY CITY COUNCIL ON 3.4.2013

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY'S comprehensive land use plan.

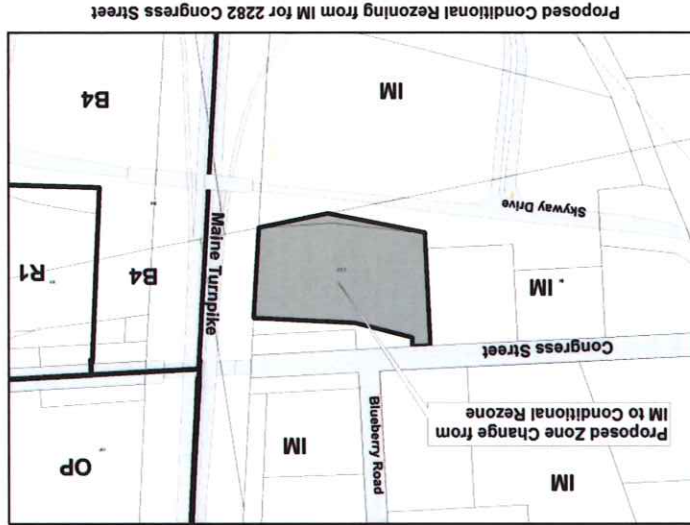
WHEREAS, the CITY'S Comprehensive Plan seeks to "provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community;"

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns; and,

WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning of the Property, CJD agrees to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting conditional IM zone amendment shown below;



2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process;

3. Permitted uses: Those uses allowed in the IM zone. In addition, the Property shall be permitted to be used for the following uses:
 - a. Major auto service station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
 - b. Bank or ATM (with a drive through)
 - c. Convenience Store (without a drive through)
 - d. Restaurant (without a drive through)
4. Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
 - a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.
 - c. CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.
5. Community Contribution: shall install a new crosswalk on Congress Street from the project site to the sidewalk on the north side of Congress Street. The crosswalk shall include the following features:
 - a. A pedestrian island in Congress Street. The island shall be raised and include granite curbing. The location, size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA compliant and include sidewalk ramps and connections to the existing sidewalk;
 - d. Durable pavement markings and supplemental signs; and
 - e. Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services.
6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and requirements of the underlying IM zone. The project must still adhere to all applicable dimensional requirements, other requirements and performance standards of the IM zone and obtain separate permits for all signage.

1) Curbside pickup
 2) proposals about
 provide/proposal
 3) Poss in future
 developer coop.

AS APPROVED BY CITY COUNCIL ON 3.4.2013

7. If a building permit has not been pulled within two (2) years of the date of this Agreement, the zone shall revert to I-M; provided that CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CJD, or any successor, fails to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS:

CJ DEVELOPERS, INC.

By: _____

David Latulippe
its President

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2013

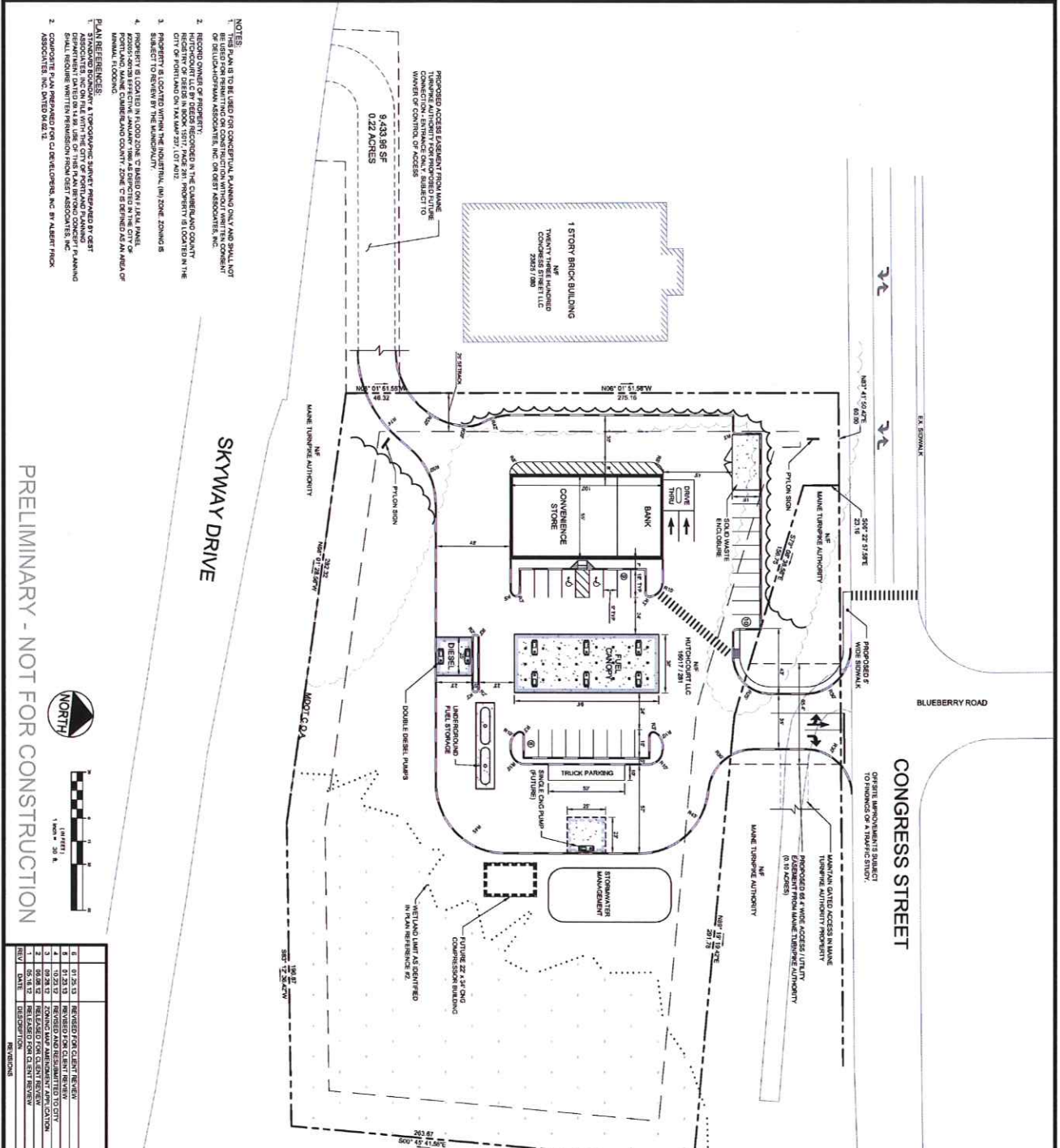
Personally appeared the above named David Latulippe, and acknowledged the foregoing instrument to be his free act and deed of CJ Developers, Inc.

Before me,

Notary Public / Attorney at Law

Attachments:

1. City Council Order No. 154-12/13
2. CONCEPT 3 Plan dated 1.30.2013



REV	DATE	DESCRIPTION	REVISIONS
1	01/25/23	REVISED FOR CLIENT REVIEW	
2	02/02/23	REVISED AND RESUBMITTED TO CITY	
3	02/08/23	ZONING LAW AMENDMENT ADOPTED	
4	02/14/23	REVISED FOR CLIENT REVIEW	
5	02/14/23	RELEASED FOR CLIENT REVIEW	

PROJECT TITLE	MULTI-USE DEVELOPMENT
CLIENT	35 PRINCESS LANE FREEPORT, MAINE 04032
DESIGNER	DELUCA-HOFFMAN ASSOCIATES, INC. 20771 HIGHWAY 27 FREEPORT, MAINE 04032
DATE	02/14/23
SCALE	1" = 30'
PROJECT NO.	2023-001

CITY OF PORTLAND, MAINE - PERFORMANCE STANDARDS	EXISTING REGULATIONS	REQUIREMENTS
CRITERIA		
USE - CONVENIENCE STORE W/ FUEL	NOT PERMITTED	REQUIRED
MINIMUM LOT SIZE	NONE	NONE
FRONT YARD SETBACK	1' FROM THE FRONT PROPERTY LINE FOR EACH 1' OF BUILDING HEIGHT	1' FROM EACH SIDE OR REAR FOR EACH 1' OF BUILDING HEIGHT UP TO
REAR YARD SETBACK		
MINIMUM HEIGHT	25'	25'
MAXIMUM HEIGHT	75'	75'
MAXIMUM IMPERVIOUS SURFACE RATIO		
PAVEMENT SETBACK FROM LOT BOUNDARIES	10'	10'
MINIMUM STREET FRONTAGE	60'	60'
MAXIMUM FLOOR AREA RATIO		
MINIMUM LOT WIDTH		

REQUIRING CONDITIONAL REZONE TO ALLOW USE



NOTES: PLAN IS TO BE USED FOR CONCEPTUAL PLANNING ONLY AND SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION WITHOUT THE COMMENT OF DELUCA-HOFFMAN ASSOCIATES, INC. OR CLIENT ASSOCIATES, INC.

2. RECORD OWNER OF PROPERTY: DELUCA-HOFFMAN ASSOCIATES, INC. 20771 HIGHWAY 27, FREEPORT, MAINE 04032. CITY OF PORTLAND ON 1/14/2023 (LOT A02).

3. PROPERTY IS LOCATED WITHIN THE INDUSTRIAL (IM) ZONE ZONING B SUBJECT TO REVIEW BY THE SUBCOMMITTEE.

4. PROPERTY IS LOCATED IN A ZONING C' BASED ON 1/14/2023. PORTLAND AND MAINE CLARIFICATION ZONE C' IS DEFINED AS AN AREA OF ANNUAL FLOODING.

PLAN REFERENCES: 1. TOPOGRAPHIC SURVEY PERFORMED BY CLIENT ASSOCIATES, INC. ON 1/14/2023. 2. ZONING MAP PERFORMED BY CLIENT ASSOCIATES, INC. ON 1/14/2023. 3. CONCEPTUAL SITE PLAN PERFORMED BY CLIENT ASSOCIATES, INC. ON 1/14/2023.

PRELIMINARY - NOT FOR CONSTRUCTION

Jean Fraser - RE: 2282 Congress Street

From: Tom Errico <thomas.errico@tylin.com>
To: Thomas Gorrill <T.Gorrill@gorrillpalmer.com>
Date: 4/5/2013 10:02 AM
Subject: RE: 2282 Congress Street
CC: Jean Fraser <JF@portlandmaine.gov>, "Bartlett, Jeremiah" <JBartlett@port...

Tom – The scoping meeting will be held at City Hall (Jean, please confirm that the 4th conference room is available) on April 16th at 3pm. Thanks

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director
TYLIN INTERNATIONAL
 12 Northbrook Drive
 Falmouth, ME 04105
 207.347.4354 direct
 207.400.0719 mobile
 207.781.4753 fax
 Visit us online at www.tylin.com
 thomas.errico@tylin.com
 "One Vision, One Company"
 Please consider the environment before printing.

From: Thomas Gorrill [mailto:T.Gorrill@gorrillpalmer.com]
Sent: Friday, April 05, 2013 8:36 AM
To: Tom Errico
CC: Jean Fraser; Bartlett, Jeremiah; Katherine Earley; David Margolis-Pineo; Jeff Tarling
Subject: RE: 2282 Congress Street

Tom:
 If you can finalize a date, time and place, I can include that in the notice we send to the people on Jean's list informing them of the filing of the MaineDOT permit application
 tom

From: Tom Errico [mailto:thomas.errico@tylin.com]
Sent: Friday, April 05, 2013 8:15 AM
To: Thomas Gorrill
CC: Jean Fraser; Bartlett, Jeremiah; Katherine Earley; David Margolis-Pineo; Jeff Tarling
Subject: 2282 Congress Street

Hi Tom – I have reviewed the Traffic Movement Permit Application for the above noted project and find the contents to be complete. Accordingly, we can schedule a date for the scoping meeting. Please let me know your availability the week of April 15th (please note that the 15th is a holiday and I am not available on the 19th). The scoping meeting will likely be held at City Hall (we'll determine a site once we get a date established). I would also note that the City would like to invite both the Maine Turnpike Authority and UNUM to the meeting (in addition to MaineDOT) and want to make sure if that the selected date allows them to attend if desired. I can coordinate with them directly if you would like me to do so.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL, T.Y. Lin International

12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
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"One Vision, One Company"
Please consider the environment before printing.



July 22, 2014

Ms. Jean Fraser, Planner
Planning and Urban Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

RECEIVED
JUL 23 2014
Dept. of Building Inspections
City of Portland Maine

**Subject: Convenience Store and Fuel Station Development
2282 Congress Street
Amended Site Plan Application
Applicant: Portland Property Holdings, LLC**

Dear Jean:

On behalf of Portland Property Holdings, LLC, we are pleased to provide the accompanying package of Amended Site Plan submission materials related to the proposed Convenience Store/Fuel Station at 2282 Congress Street. This submission package is intended to meet the City's typical Plan Submission Requirements as outlined in the Level III Final Site Plan Application procedures. These materials represent the ongoing design development for the proposed Convenience Store for the property generally bounded by Congress Street (north), Maine Turnpike (east), Skyway Drive (south) and Community Substance Abuse Center (west). As you know, the project was previously approved by the Planning Board on May 20, 2013. Since then, the Applicant has been negotiating tenant agreements which have resulted in some minor adjustments to the plan. It is currently the Applicant's intent to construct a 3,850 s.f. convenience store and fuel station. The development site is an approximately 3.24-acre area that is currently undeveloped. Previously submitted evidence of the applicant's interest in the property remains in effect. Under City Council Order 154 – 12/13, the Applicant successfully received a Conditional Rezoning Agreement with the City of Portland. The Conditional Rezone Agreement allows the proposed uses as well as those uses allowed within the I-M Zone.

Accompanying this cover letter are the following materials:

- Amended Level III Site Plan Application
- Section 1: Written Description of Project
- Section 2: Written Assessment of Proposed Project's Compliance with Applicable Zoning and Land Use Requirements
- Section 3 Amended Stormwater Management Report and Computations
- Reduced Sized Plans

Ms. Jean Fraser
July 22, 2014
Page 2

You will find in the accompanying materials, information including the Amended Site Plan, Lighting Package and supporting plans that provide details for the building development activities. Information pertaining to the project's utilities needs and statements regarding compliance with the City's Standards are contained within this submission. The findings of previously approved materials including the Traffic Impact Study remain unchanged.

On behalf of the Portland Property Holdings, LLC, we look forward to your continued assistance on the project and we look forward to the possibility for a staff level review. Please find one (1) hard copy of the application materials including one set of 11 x 17 and full size plans, along with a CD containing PDF files for all submitted materials.

If you have any questions regarding these materials please contact this office.

Sincerely,

FAY, SPOFFORD & THORNDIKE



Stephen R. Bushey, P.E.
Senior Principal Engineer

SRB/cmd

Attachments

c: David Latulippe, Portland Property Holdings, LLC
Wes Thames, Priority Group

R:\3118-Convenience Store, Portland, ME\Admin\Permitting\Local\Amended Level III Application 07.14.2014\3118 2014.07.21
Fraser (Cover Letter).docx

NOTE: All electronic paperwork must be delivered to buildingsinspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.

I have provided digital copies and sent them on: _____
Stephen R. Bushey, P.E.
Applicant Signature: _____
Date: July 22, 2014
Date: July 22, 2014



- I intend to deliver a payment method through the U.S. Postal Service mail once my application paperwork has been electronically delivered. Owner will Hand Deliver
 - Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to call the Inspections Office at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
 - Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to call the Inspections Office at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- Portland Maine by method noted below:
- I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are *paid in full* to the Inspections Office, City of Portland Maine by method noted below:
- By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a *legal signature* per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

Notice: Your electronic signature is considered a legal signature per state law.

Electronic Signature and Fee Payment Confirmation

Jeff Levine, AICP, Director
Planning & Urban Development Department



Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine Planning and Urban Development Department Planning Division



Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level III: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civiplus.com/DocumentCenter/Home/View/1080>
Design Manual: <http://me-portland.civiplus.com/DocumentCenter/View/2355>
Technical Manual: <http://me-portland.civiplus.com/DocumentCenter/View/2356>

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

<p>Billing Information</p> <p>Name: CJ Developers, Inc. Address: 35 Primrose Lane City/State: Freeport, ME Zip Code: 04032</p> <p>Work # 207-865-4323 Cell # 207-865-4305 Fax# e-mail: ddlatulip@aol.com</p>	<p>Billing Information</p> <p>Name: David Latulippe Address: 35 Primrose Lane City/State: Freeport, ME Zip Code: 04032</p> <p>Work # 207-865-4323 Cell # 207-865-4305 e-mail: ddlatulip@aol.com</p>
<p>Owner Contact Information</p> <p>Name: Hutchcourt LLC Address: 1000 Market Street, Building 1 City/State: Portsmouth, NH Zip Code: 03801</p> <p>Work # Home# Cell # Fax# e-mail: rich.ade@oceanprop.com</p>	<p>Agent/ Representative</p> <p>Name: Hutchcourt LLC Address: 1000 Market Street, Building 1 City/State: Portsmouth, NH Zip Code: 03801</p> <p>Work # Home# Cell # Fax# e-mail: rich.ade@oceanprop.com</p>
<p>Applicant Contact Information</p> <p>Name: Portland Property Holdings, LLC Business Name, if applicable: Address: 2 Main Street City/State: Topsham, ME Zip Code: 04086</p> <p>Work # 207-865-4323 Home# 207-865-4305 Cell # 207-240-1074 Fax# e-mail: ddlatulip@aol.com</p>	<p>Owner - (if different from Applicant)</p> <p>Name: Hutchcourt LLC Address: 1000 Market Street, Building 1 City/State: Portsmouth, NH Zip Code: 03801</p> <p>Work # Home# Cell # Fax# e-mail: rich.ade@oceanprop.com</p>
<p>Applicant - must be owner, Lessee or Buyer</p> <p>Name: Portland Property Holdings, LLC Business Name, if applicable: Address: 2 Main Street City/State: Topsham, ME Zip Code: 04086</p> <p>Work # 207-865-4323 Home# 207-865-4305 Cell # 207-240-1074 Fax# e-mail: ddlatulip@aol.com</p>	<p>Agent/ Representative</p> <p>Name: David Latulippe Address: 35 Primrose Lane City/State: Freeport, ME Zip Code: 04032</p> <p>Work # 207-865-4323 Cell # 207-865-4305 e-mail: ddlatulip@aol.com</p>

CONTACT INFORMATION:

CHART/BLOCK/LOT: 237/A/012

PRELIMINARY PLAN _____

FINAL PLAN _____

AMENDED _____

July 22, 2014 (date)

(date)

PROJECT DESCRIPTION:

New commercial development on a 3.24 acre property located on the south side of Congress Street, west of the MTA. The project includes a 3,850 SF C-Store/Fuel Station with 10 filling dispenser positions. An ATM drive-thru will be provided. Site access will be off Congress Street.

PROPOSED DEVELOPMENT ADDRESS:

2282 Congress Street - Portland, Maine

PROJECT NAME:


Convenience Store with Fuel Station - Amended Site Plan Application

<p>Level III Development (check applicable reviews)</p> <p>___ Less than 50,000 sq. ft. (\$500.00) ___ 50,000 - 100,000 sq. ft. (\$1,000) ___ 100,000 - 200,000 sq. ft. (\$2,000) ___ 200,000 - 300,000 sq. ft. (\$3,000) ___ over \$300,00 sq. ft. (\$5,000) ___ Parking lots over 11 spaces (\$1,000) ___ After-the-fact Review (\$1,000.00 plus applicable application fee)</p> <p>Plan Amendments (check applicable reviews)</p> <p><input checked="" type="checkbox"/> Planning Staff Review (\$250) ___ Planning Board Review (\$500)</p> <p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) <p>Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.</p>	<p>Other Reviews (check applicable reviews)</p> <p><input checked="" type="checkbox"/> Traffic Movement (\$1,000) <input checked="" type="checkbox"/> Stormwater Quality (\$250) ___ Subdivisions (\$500 + \$25/lot) ___ # of Lots ___ x \$25/lot = ___ ___ Site Location (\$3,000, except for residential projects which shall be \$200/lot) ___ # of Lots ___ x \$200/lot = ___ ___ Other ___ Change of Use ___ Flood Plain ___ Shoreland ___ Design Review ___ Housing Replacement ___ Historic Preservation</p>
--	--

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

APPLICATION FEES:

<p>Engineer</p> <p>Name: Steve Bushey, P.E. Address: 778 Main Street, Suite 8 City/State: South Portland, ME Zip Code: 04106</p> <p>Work # 207-775-1121 Cell # 207-756-9359 Fax# 207-879-0896 e-mail: sbushey@fstinc.com</p>	<p>Surveyor</p> <p>Name: Rex Croteau Name: Titcomb Associates Address: 13 Gray Road City/State: Falmouth, ME Zip Code: 04105</p> <p>Work # 207-797-9197 Cell # 207-878-3142 Fax# 207-878-3142 e-mail: rcroteau@titcombsurvey.com</p>
<p>Architect</p> <p>Name: Alpha Architects Address: 17 Chestnut Street, Suite 201 City/State: Portland, ME Zip Code: 04101</p> <p>Work # 207-761-9500 Cell # 207-617-4110 Fax# e-mail: mark@alphaarchitects.com</p>	<p>Attorney</p> <p>Name: John Moncure Name: Moncure & Barnicle Address: 9 Bowdoin Mill Island City/State: Topsham, ME Zip Code: 04086</p> <p>Work # 207-729-0856 Cell # Fax# 207-729-7790 e-mail: jMoncure@mb-law.com</p>

Date: July 22, 2014	Signature of Applicant: 
---------------------	--

This application is for a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

APPLICANT SIGNATURE:

Please refer to the application checklist (attached) for a detailed list of submission requirements.

1. One (1) full size plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c)), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the Electronic Plan and Document Submittal page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>

APPLICATION SUBMISSION:

PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	146,361 SF (Total) 141,134 SF (Parcel) 5,227 SF (MTA Easement Area)
Proposed Total Disturbed Area of the Site	93,218 sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.	
Impervious Surface Area	
Impervious Area (Total Existing)	0 sq. ft.
Impervious Area (Total Proposed)	51,836 sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	0 sq. ft.
Building Footprint (Total Proposed)	4,066 SF (Total) 3,850 SF (C-store) & 216 SF (Farm Stand)
Building Floor Area (Total Existing)	0 sq. ft.
Building Floor Area (Total Proposed)	4,066 SF (Total) 3,850 SF (C-store) & 216 SF (Farm Stand)
Zoning	
Existing	I-M
Proposed, if applicable	Conditional Zoning Agreement
Land Use	
Existing	Undeveloped
Proposed	C-Store, Fuel Station & Farm Stand
Residential, if applicable	
# of Residential Units (Total Existing)	N/A
# of Residential Units (Total Proposed)	
# of Lots (Total Proposed)	
# of Affordable Housing Units (Total Proposed)	
Proposed Bedroom Mix	
# of Efficiency Units (Total Proposed)	
# of One-Bedroom Units (Total Proposed)	
# of Two-Bedroom Units (Total Proposed)	
# of Three-Bedroom Units (Total Proposed)	
Parking Spaces	
# of Parking Spaces (Total Existing)	0
# of Parking Spaces (Total Proposed)	27
# of Handicapped Spaces (Total Proposed)	2
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	8
Estimated Cost of Project	\$2-3 Million

Not Applicable - See Final Checklist

PRELIMINARY PLAN (Optional) - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
		1	Completed Application form
		1	Application fees
		1	Written description of project
		1	Evidence of right, title and interest
		1	Evidence of state and/or federal approvals, if applicable
		1	Written assessment of proposed project's compliance with applicable zoning requirements
		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
		1	Written requests for waivers from site plan or technical standards, if applicable.
		1	Evidence of financial and technical capacity
		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
			Proposed grading and contours;
			Existing structures with distances from property line;
			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
			Preliminary infrastructure improvements;
			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
			Exterior building elevations.

FINAL PLAN - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
X		1	* Completed Application form
X		1	* Application fees
X		1	* Written description of project
X		1	* Evidence of right, title and interest
X		1	* Evidence of state and/or federal permits
X		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
X		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
X		1	* Evidence of financial and technical capacity
X		1	Construction Management Plan
X		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
X		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
X		1	Stormwater management plan and stormwater calculations
X		1	Written summary of project's consistency with related city master plans
X		1	Evidence of utility capacity to serve
X		1	Written summary of solid waste generation and proposed management of solid waste
X		1	A code summary referencing NFPA 1 and all Fire Department technical standards
X		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
X		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

- Continued on next page -

Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST	
			(* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	1	Final Site Plans including the following:
X				Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
X				Existing and proposed structures on parcels abutting site;
X				All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
X				Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
X				Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
X				Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
X				Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
X				Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
X				Location of all snow storage areas and/or a snow removal plan;
X				A traffic control plan as detailed in Section 1 of the Technical Manual;
X				Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
X				Location and proposed alteration to any watercourse;
X				A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
X				Proposed buffers and preservation measures for wetlands;
X				Existing soil conditions and location of test pits and test borings;
X				Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
X				A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
X				Grading plan;
X				Ground water protection measures;
X				Existing and proposed sewer mains and connections;

X	Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
X	Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
X	Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
X	Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
X	Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
X	A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
X	A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
X	Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
X	An exterior lighting plan in accordance with Section 12 of the Technical Manual;
X	A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
X	Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.



July 22, 2014

Captain Chris Pirone
 City of Portland Fire Department
 380 Congress Street
 Portland, ME 04101

Subject: Convenience Store with Fuel Station – Amended Site Plan
 2282 Congress Street
 Fire Department Site Review Checklist

Dear Captain Pirone:

In accordance with instructions in the City's Level III Site Plan Review packet, please find enclosed the drawings necessary for your review of the proposed amended project. We have listed each item in your checklist below, followed by our response.

1. *Name, address, telephone number of applicant.*
 Portland Property Holdings, LLC
 2 Main Street
 Topsham, ME 04086
 (207) 865-4323

2. *Name, address, telephone number of architect.*
 Project Architect:
 Alpha Architects
 17 Chestnut Street, Suite 201
 Portland, ME 04101
 Attn: Mark Sengelmann
 207-761-9500

3. *Proposed uses of any structures (NFPA and IBC classification).*

Building	IBC Code	NFPA Code
C-Store	Mercantile	Mercantile

4. *Square footage of all structures (total and per story).*
 3,850 SF

5. *Elevation of all structures.*

The building finish floor elevation will be elevation 99.6'. The building height will be approximately 27'-6".

6. *Proposed fire protection of all structures.*

The proposed store will have a domestic water supply only and will not be sprinkled.

Multiple fire extinguishers will be provided in the building and a code compliant foam suppression system will be provided within the fuel canopies over the dispensers.

7. Hydrant locations.

A fire hydrant is currently located on the opposite side of Congress Street from the project site's 60' street frontage.

8. Water main(s) size and location.

The Portland Water District maintains a 12" water supply line in Congress Street.

9. Access to all structures (min. 2 sides).

The structure will be accessible from all four sides.

10. A code summary shall be included referencing NFPA 1 and all fire department technical standards.

NFPA 1 – Chapter 18 Fire Department Access and Water Supply

18.2 Fire Department Access:

The project site is located on an arterial road and is bordered by public streets on three sides. The following street widths are currently available:

Street Width

Congress Street > 40 ft.
 Skyway Drive > 36 ft.

Per NFPA 1 – Chapter 18.2.3.2.2.1, all first story floors shall be located not more than 450 ft. from a Fire Department access road.

City of Portland Technical Manual – Section 3 Public Safety

3.4.1 Every dead-end roadway more than one hundred fifty (150') feet in length shall provide a turnaround at the closed end. Turnarounds shall be designed to facilitate future street connectivity and shall always be designed to the right (refer to Figure I-5).

Supporting Evidence: Not Applicable

3.4.2 Where possible, developments shall provide access for Fire Department vehicles to at least two sides of all structures. Access may be from streets, access roads, emergency access lanes, or parking areas.

Supporting Evidence: The Site Plan includes an access drive that circles the building and will provide four-sided access to the building.

3.4.3 Building setbacks, where required by zoning, shall be adequate to allow for emergency vehicle access and related emergency response activities and shall be evaluated based on the following factors:

Captain Chris Pirone
July 22, 2014
Page 3

- Building Height.
- Building Occupancy.
- Construction Type.
- Impediments to the Structures.
- Safety Features Provided.

Supporting Evidence: The proposed building and fuel station canopy will be fully accessible to emergency equipment.

3.4.4. Fire Dept. access roads shall extend to within 50' of an exterior door providing access to the interior of the structure.

Supporting Evidence: The access drive will allow an emergency vehicle to pull within 10' of the structure.

3.4.5. Site access shall provide a minimum of nine (9) feet clearance height to accommodate ambulance access.

Supporting Evidence: There are no vertical obstructions into the site and the fuel canopies will be at least fourteen feet above grade.

3.4.6. Elevators shall be sized to accommodate an 80 x 24 inch stretcher.

Supporting Evidence: Not Applicable.

3.4.7. All structures are required to display the assigned street number. Numbers shall be clearly visible from the public right of way.

Supporting Evidence: The applicant will work with the City's Public Services Division to assign street addresses and numbering to meet City Standards.

If you need any further information, please contact our office.

Sincerely,

FAY, SPOFFORD & THORNDIKE



Stephen R. Bushey, P.E., C.P.E.S.C.
Senior Principal Engineer

SRB/cmd

Enclosures:

c: Jean Fraser, City of Portland Planning Department
David Latulipe, Portland Property Holdings, LLC
Wes Thames, Priority Group

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Mr. Frank J. Brancey,
 Senior Engineering Technician,
 Phone #: (207) 874-8832,
 Fax #: (207) 874-8852,
 E-mail: fjb@portlandmaine.gov



Department of Public Services,
 55 Portland Street,
 Portland, Maine 04101-2991
 Date: July 22, 2014

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 2282 Congress Street

Chart Block Lot Number: 237, A, 012

Commercial (see part 4 below)	<input checked="" type="checkbox"/>
Industrial (complete part 5 below)	<input type="checkbox"/>
Governmental	<input type="checkbox"/>
Residential	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>

Proposed Use: Mixed-Use Commercial
 Previous Use: Undeveloped
 Existing Sanitary Flows: 0 GPD
 Existing Process Flows: 0 GPD
 Description and location of City sewer that is to receive the proposed building sewer lateral.
 The site does not currently have a sewer service.

(Clearly, indicate the proposed connections, on the submitted plans)

2. Please, Submit Contact Information.

City Planner's Name: Jean Fraser Phone: 207-874-8728

Owner/Developer Name: Portland Property Holdings, LLC c/o CJ Developers, Inc.

Owner/Developer Address: 2 Main Street - Topsham, ME 04086

Phone: 207-865-4323 Fax: E-mail: ddlatulip@aol.com

Engineering Consultant Name: Bo Kennedy, Fay, Spofford & Thordike

Engineering Consultant Address: 778 Main Street, Suite 8 - So. Portland, ME 04106

Phone: 207-775-1121 Fax: 207-879-0896 E-mail: bkennedy@fstinc.com

(Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review)

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 460 GPD

Peaking Factor/ Peak Times: *

Specify the source of design guidelines: (i.e., "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify))

See attached letter dated March 26, 2013

*Estimated to be 8 times daily flow and equal to 2.5 gal/min. Peak time is projected to be 11:00am-2:00pm (lunchtime)

(Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet)

Notes, Comments or Calculation

(Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided below, or attached, as a separate sheet)

(Note: On the submitted plans, please show where the building's domestic sanitary sewer lateral, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps)

Estimated Industrial Process Wastewater Flows Generated:	N/A	GPD
Do you currently hold Federal or State discharge permits?	Yes	
Is the process wastewater termed categorical under CFR 40?	Yes	GPD
OSHA Standard Industrial Code (SIC):	No	
Peaking Factor/Peak Process Times:	N/A	GPD
http://www.osha.gov/oshsats/sicser.html	No	

5. Please, Submit Industrial Process Wastewater Flow Calculations

(Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet)

Retention Time: _____

Size of External Grease Interceptor: _____

Peaking Factor/ Peak Times: _____

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values: _____

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LIST OF ATTACHMENTS

Section 1: Attachment A – Amended Lighting Package
Attachment B – AutoTURN Templates

Section 3: Amended Stormwater Management Report and Computations

LIST OF PLANS

SHEET #	TITLE
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C-1.2	EXISTING CONDITIONS SURVEY / BOUNDARY SURVEY
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C-2.0	AMENDED SITE LAYOUT PLAN
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C-4.0	AMENDED UTILITY PLAN
C-5.0	AMENDED LANDSCAPE PLAN
C-6.0	EROSION AND SEDIMENT CONTROL PLAN
C-7.0	LIGHTING PLAN CANOPY ON
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C-8.1	UTILITY DETAILS
C-8.2	MISCELLANEOUS DETAILS
C-8.3	SITE DETAILS
C-8.4	SITE DETAILS
C-8.5	ELECTRICAL AND LIGHTING DETAILS
C-8.6	EROSION CONTROL DETAILS
C-8.7	EROSION CONTROL NOTES
C-9.0	STORMWATER MANAGEMENT: CHANNEL PROTECTION & FLOODING BASIN
C-10.0*	UTILITY PROFILES
C-11.0*	STORM DRAIN PROFILES
C-11.1*	STORM DRAIN PROFILES
C-12.0*	ACCESS DRIVE PROFILES
C-12.1*	ACCESS DRIVE PROFILES
C-13.0	VACANT
C-14.0	PREDEVELOPMENT WATERSHED MAP
C-14.1	POSTDEVELOPMENT WATERSHED MAP

* Plan not included with this submission. To be released for construction documents.

1. DEVELOPMENT DESCRIPTION

1.1 PROJECT OVERVIEW

Portland Property Holdings, LLC proposes to construct, own, and operate a 3,850 SF Convenience Store and Fuel Station at 2282 Congress Street, just west of the Maine Turnpike Overpass, in Portland, Maine. The project was previously reviewed and approved by the Planning Board on May 14, 2013. The Applicant is currently seeking an Amendment to the Site Plan Approved associated with minor changes to the site layout.

Our tenant has reevaluated this local market area and has determined that there is a greater demand for diesel from small to mid-size vehicles as opposed to tractor trailers. Therefore, the stand alone, high speed diesel pumps are not required and diesel can be incorporated into the two end dispensers of the reconfigured dispenser island. To accommodate the diesel vehicles, the dispenser layout has been changed from 6 stacked dispensers to 5 "dive" in dispensers.

The development includes new building construction, fuel canopy and UST installation, pavement for parking and circulation and a new entrance off Congress Street generally opposite Blueberry Drive. The Amended plans include the installation of the following:

- Primary site access off Congress Street consisting of a 14 foot entry lane and two 12' wide exit lanes. The driveway radii have been configured to allow ease of movement for semi trailer vehicles;

- A Fuel canopy area that will contain five two-way (10 pumps total) dispensers and an overhead canopy (the two dispensers will include both gasoline and diesel);

- A 55' x 70' Convenience Store with a building appendage housing an ATM for drive thru service. The building will be oriented to face the Turnpike and the ATM will be positioned on the southerly side of the building generally facing Skyway Drive. Parking is located around the perimeter of the building and its been configured to allow for ease of entry and exit from the Congress Street driveway. Within the C-Store, retail space will include areas for coolers, merchandise display, and checkout counter;

- Landscape buffering along the rear property boundary, Congress Street, and Skyway Drive;
- Internal pedestrian circulation and connectivity;
- Enclosed waste container area for dumpsters;
- Lighting meeting the City's Standards;
- Underground utilities including multiple underground fuel storage tanks that will be installed in accordance with Local, State and Federal Regulations;

- The development will include a stormwater management system consisting of a closed drainage collection system and management basin to achieve compliance with the MedEP Chapter 500 Requirements including Basic and General Standards. This includes quantity controls in accordance with the Flooding Standards as well as water quality treatment under the General Standards. The proposed system has been modestly revised and reduced in scale due to the amended layout. The primary stormwater management measure will be an

There are no substantial changes to the sites existing conditions since the original approval. The development site is undeveloped and was generally cleared of any major timber, except along its edges, within the past ten years. No evidence of any previous structures or development is apparent. Existing development in the area includes the following:

- Congress Street and the intersection of Blueberry Drive are located to the north of the site. There are several commercial buildings on each side of Blueberry Lane. The Eco-Maine facility is located at the end of Blueberry Lane.

1.4 EXISTING CONDITIONS

As outlined and approved in the Conditional Zone Agreement, the property is considered unique due to its somewhat isolated location with streets/roads on three sides of the property and a developed parcel on its fourth side. Because of its smaller size the parcel is ideal for the development of the services proposed which will serve the broader surrounding industrial and commercial area. Currently, there is a deficit of available services for the nearby businesses as well as to serve the MTA interchange. This finding is supported by various letters from landowners and business operators in the area that were submitted to the City during the CZA discussions and hearings. In approving the Conditional Zone Agreement, the City has found that the proposed use is compatible and reasonable for the land and will fit in with the character of the area, subject to the CZA provisions for landscaping, lighting and building design. We believe these circumstances remain fully applicable to the Amended Site Plan.

1.3 PROJECT PURPOSE AND NEED

There are no changes to the site ownership conditions or Applicant's interest in the property.

1.2 SITE OWNERSHIP AND LOCATION

	May 2013 Original Plan	July 2014 Amended Plan	Reduction
Developed Area	2.25 acres	2.14 acres	0.11 acres
Impervious Area	1.57 acres	1.19 acres	0.38 acres
Fuel Dispensers	6 plus 2 diesel dispensers	5 w/ diesel included dispensers	3 dispensers
Parking Spaces	26 plus 14 at the dispensers	27 plus 10 at the dispensers	3 spaces

The following is a summary of the resulting minor site plan revisions:

- Entry identification and directional signage; and
- Stormwater treatment and detention measures. A summary of the project's stormwater management analysis is included in Section 3.

underdrained filter basin located on the easterly side of the site. The site is within the Long Creek Watershed which is an urban impaired watershed. The plans include closed drainage systems and water quality treatment measures to meet the applicable standards. The project requires an Amended Stormwater Permit from the City of Portland under their delegated authority;

- The City of Portland maintains an 8" sanitary sewer line along Congress Street that ends approximately 190 feet west of the site. Existing easements are in place along the property frontage of the adjacent parcel to allow an extension of the sewer from the proposed development site to the existing terminus point. It remains the applicant's intent to extend an 8' gravity sewer to tie into the existing sewer. The work will involve trenching and surface restoration behind the curb line on Congress Street.
- The Portland Water District maintains a 12" water main in Congress Street in front of the site. The applicant continues to propose to extend a 2" domestic service from the main into the site, generally within the property's 60' of frontage along Congress Street.
- Until maintains a natural gas line along the site's MTA Congress Street frontage. A service main from Congress Street to the building is proposed for the building's heating needs.

The site contains access to several active utility lines. The primary utilities are identified as follows:

1.6 SITE UTILITIES

The site development plans currently do not include any access onto Skyway Drive. The site access will continue to include a bituminous asphalt sidewalk that will extend out to Congress Street and to a crosswalk that will be provided on the west side of the intersection. The crosswalk will connect to the existing sidewalk located on the north side of Congress Street. The site development plans currently do not include any access onto Skyway Drive.

As approved in the original Traffic Study, the site entrance will remain an unsignalized intersection and that the Congress Street improvements include lane striping and median construction. The site access will continue to include a bituminous asphalt sidewalk that will extend out to Congress Street and to a crosswalk that will be provided on the west side of the intersection. The crosswalk will connect to the existing sidewalk located on the north side of Congress Street.

1.5 ACCESS CONDITIONS

- The site's primary access will be developed from a new driveway to be located generally opposite Blueberry Drive on Congress Street. The proposed access driveway will contain a single 14' wide entrance lane and separate 12' wide left-thru and right turn lanes. The access driveway will allow direct entrance into the fuel canopy area as well as to parking that will be provided around the perimeter of the C-Store.
- As approved in the original Traffic Study, the site entrance will remain an unsignalized intersection and that the Congress Street improvements include lane striping and median construction.
- The site has approximately 479 LF of frontage along Skyway Drive to the south. This frontage is currently restricted by a Control of Access by the MTA.
- The MTA owns a strip of property between much of the Congress Street frontage and the site boundary. The MTA currently leases a portion of their parcel for the placement of a Natural Gas Regulator station.
- The Merrimack River Medical Services Methodone Clinic is a tenant with the existing building located to the west of the site.
- The MTA southbound highway is located to the east of the site. The site has approximately 264 LF of frontage along the highway. There is an existing 40' wide utility easement serving an underground natural gas line along the MTA frontage.

- Power to the site will be supplied by Central Maine Power. The Development Team is currently working with CMP and Fairpoint to determine any improvements that may be necessary from the existing overhead lines on Congress Street into the site. An onsite transformer may be required and it will be appropriately screened and in compliance with CMP standards.

1.7 TOPOGRAPHY, STORMWATER AND DRAINAGE

The development site is currently undeveloped and mostly cleared of mature vegetation. The accompanying Survey Plan and Amended Grading Plan include topographic information based on the City's NGVD29 datum. The site contains approximately 28' of relief and slopes from west to east towards the MTA ROW. There is evidence of rock outcroppings nearby, so it is believed that much of the site may be underlain by shallow bedrock.

The project's stormwater management needs involve the new construction of treatment and control systems. Under Basic Standards Compliance the Applicant proposes the following:

- During construction the Applicant's contractor will be required to maintain temporary and permanent sediment capture measures including, but not limited to, installation of erosion control barriers on the down hill side of all disturbed ground surfaces, silt sacks or approved equivalent at new catch basin structures, street sweeping, and temporary and permanent ground stabilization as may be necessary.
- The Applicant will continue to be responsible for the routine maintenance of all onsite drainage systems. This will include semi-annual inspections of all drainage systems and prompt cleaning of systems to assure proper functioning. Evidence of draft maintenance agreement(s) will be supplied to the City prior to the issuance of a Building Permit.

1.8 LAND ORDINANCE REVIEW

1.8.1 OVERVIEW

The applicant has pursued a Conditional Zone agreement with the City of Portland, which was approved under City Council Order 154 – 12/13 on March 4, 2013. A copy of the Conditional Zone Agreement is contained in the City's records.

Permitted Uses

Those uses allowed in the I-M Zone. In addition, the Property shall be permitted to be used for the following uses:

- Major Auto Service Station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
- Bank or ATM (with a drive through)
- Convenience Store (without a drive through)
- Restaurant (without a drive through)

Attachment A – Amended Lighting Package
 Attachment B – AutoTURN Figures

1.11 ATTACHMENTS

- City of Portland Planning Board Level III Amended Site Plan Approval
- City of Portland Building Permit(s)
- Traffic Movement Permit by the City of Portland under delegated review
- Amended Stormwater Permit by the City of Portland under delegated review
- Post construction discharge in Urban Impaired Stream Watershed (See Order ME 550006)

The following permits are anticipated:

1.10 APPROVAL REQUIREMENTS

According to Section 14-332 (c) of the Land Use Ordinance, retail establishments shall require one (1) parking space for each 200 square feet in excess of 2,000 SF. Based on a floor area of 3,850 SF a parking supply of 18 spaces is required per the code. The proposed Site Layout Plan includes 27 parking spaces plus space for an additional 10 vehicles at the fueling positions. The applicant is proposing more spaces than required by Code as they anticipate a robust Convenience Store business during breakfast and lunch periods and they want to assure ease of access and parking for patrons in/out of the facility.

The proposed project will not result in significant impacts to previously approved Traffic Impact Study. Based on findings of the Traffic Impact Study, the approved offsite road improvements will be limited to some pavement striping/markings improvements and minor shoulder widening along Congress Street in front of the site.

1.9 TRAFFIC/PARKING

Dimensional Standard	Requirement
Minimum Lot Size	None
Minimum Frontage	60 feet
Front Yard Setback	1' from the property line for each 1' of building height
Side and Rear Yard Setback	1' from each side or rear line for each 1' of building height up to 25'
Pavement setback from boundary line	10'
Maximum Lot Coverage	100%
Maximum impervious surface ratio	75%
Maximum Building Height	75'

The following dimensional requirements apply and will be compiled within the I-M District:

(To be submitted under separate cover)

Amended Lighting Package

ATTACHMENT A

AutoTURN Figures

ATTACHMENT B



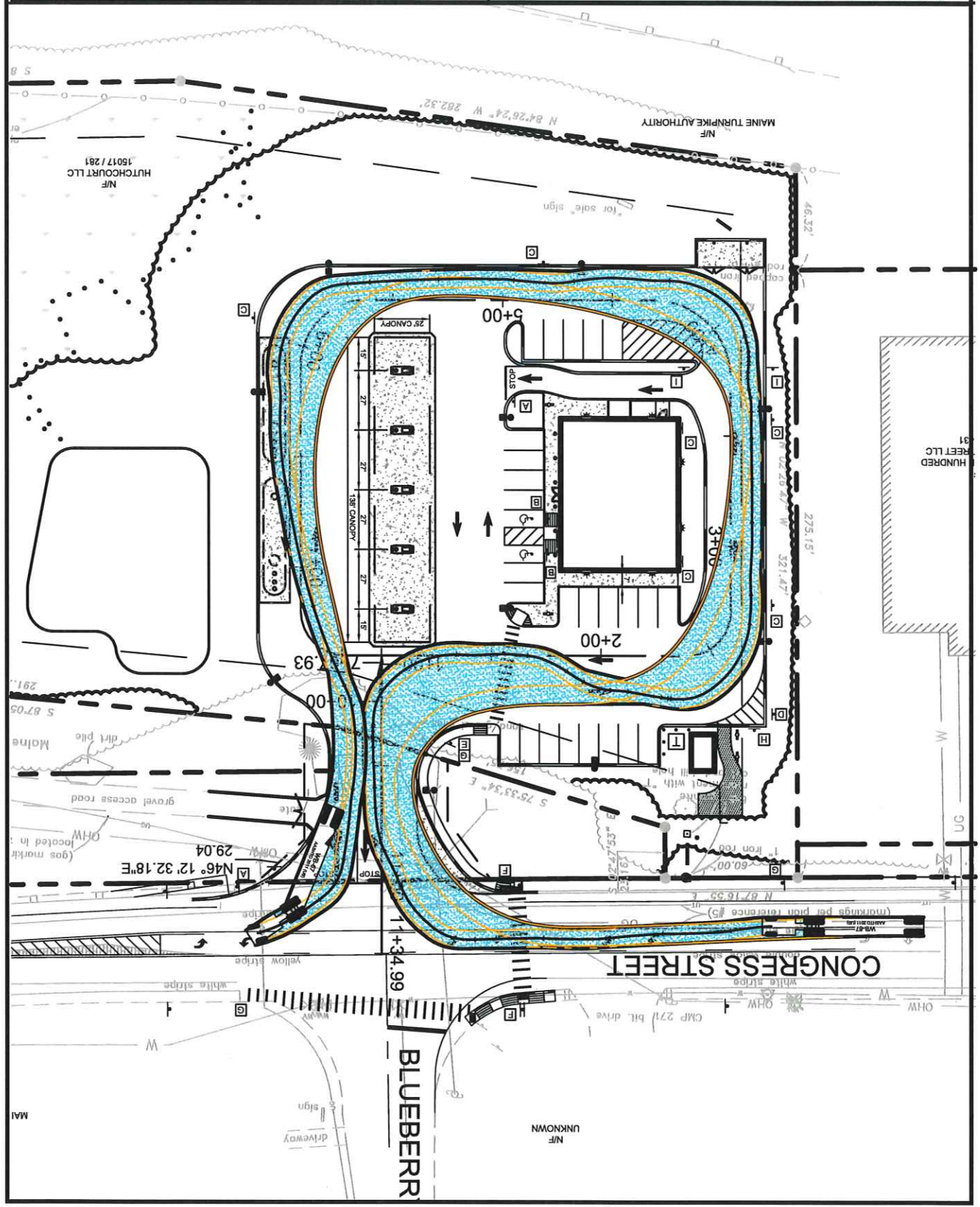
FAY, SPOFFORD & THORNDIKE
ENGINEERS · PLANNERS · SCIENTISTS
778 MAIN ST, SUITE B, SOUTH PORTLAND, ME 04106

FILE NAME:	3118-AT1		
CHECKED:	SRB	JOB NO.	3118
DESIGNED:	BEK	SCALE:	1"=60'
DRAWN:	JRP	DATE:	JULY 22 2014

FIGURE 1

CONVENIENCE STORE AND FUEL STATION PORTLAND, ME

WB-67 AUTOTURN SIMULATION





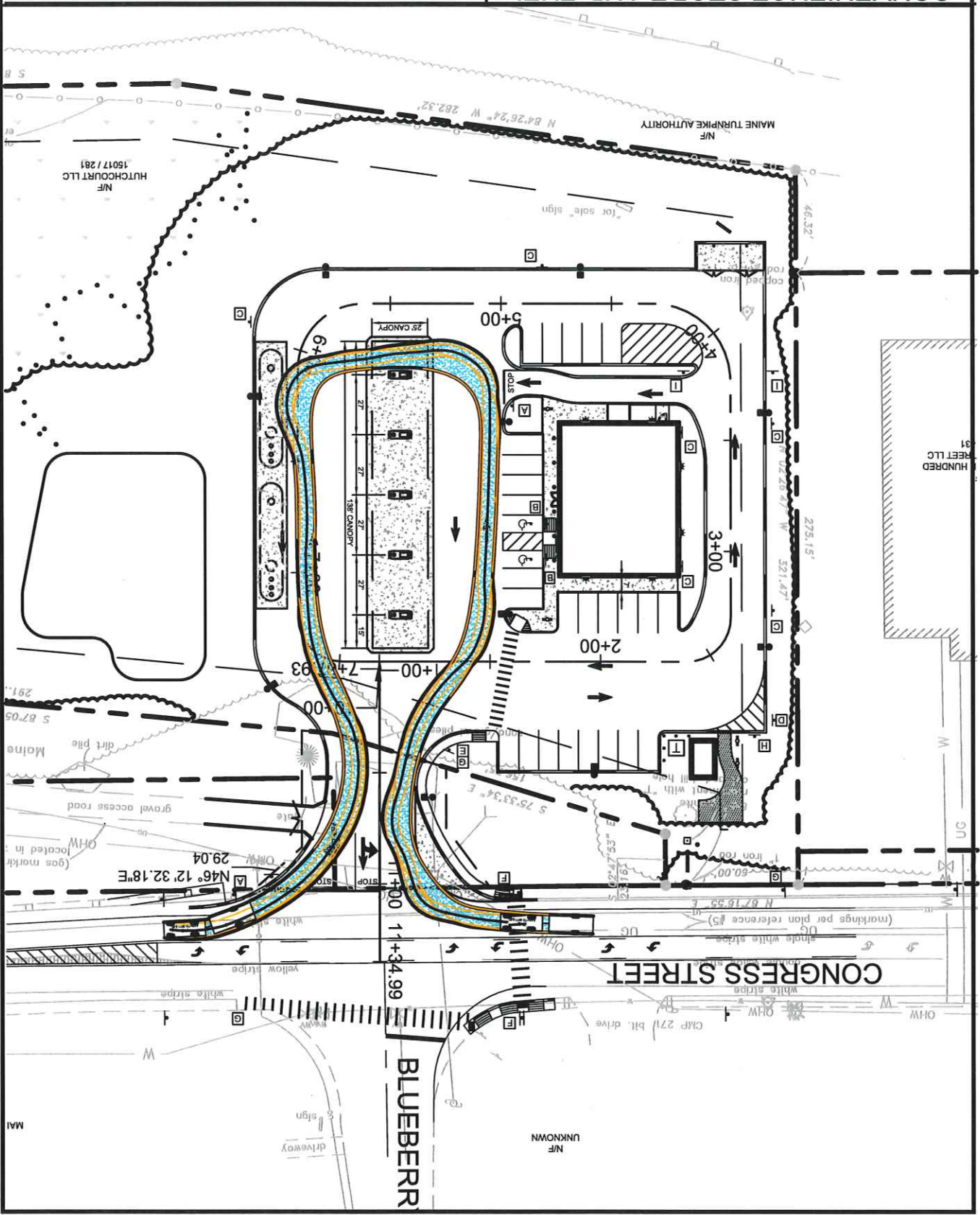
FAY, SPOFFORD & THORNDIKE
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 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

FILE NAME:	3118-AT1	
CHECKED:	SRB	
DESIGNED:	BEK	
DATE:	JULY 22 2014	
DRAWN:	JRP	
SCALE:	1"=60'	
JOB NO.:	3118	

2

CAR AND TRAILER AUTOTURN SIMULATION

CONVENIENCE STORE AND FUEL STATION PORTLAND, ME



2. CONFORMITY WITH APPLICABLE DESIGN STANDARDS (Amended Site Plan)

The following statements are made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526.

2.1 OVERVIEW

This project conforms with all the applicable design standards of Section 14-526 as demonstrated in the following narrative.

(a) Transportation Standards

1. Impact on Surrounding Street Systems:

Gorill-Palmer Consulting Engineers has completed a Traffic Impact Study with findings that the proposed development can adequately be served with a driveway off Congress Street opposite Blueberry Drive. Minor road improvements including lane markings and center median work will be used to define turning movements through this unsignalized intersection. Based on the traffic analysis, the surrounding street system will continue to appropriate at satisfactory levels of service.

2. Access and Circulation:

a. Site Access and Circulation.

(i) The development provides primary access off Congress Street with a two way unsignalized driveway consisting of a 16' wide entrance lane, an 11' wide left-thru exit lane and 11' wide right exit lane. The driveway radii have been designed to accommodate the turning movements of a WB-67 semi-trailer vehicle. Site distances in each direction exceed the minimum requirements for the posted speed limit in the area. The internal circulation includes 24' (minimum) wide drive aisles and perpendicular parking for ease of entry and exit.

(ii) Access and egress have been designed to avoid conflicts with existing turning movements and traffic flows.

(iii) The site does feature drive up ATM service which has been positioned on the south side of the building to allow for ample queuing capacity (greater than 4 vehicles). Queued vehicles will not back into any adjacent streets.

b. Loading and Servicing.

(i) The site circulation and pavement areas will adequately allow larger delivery vehicles the opportunity to exit off Congress Street and be able to unload without needing to park or otherwise maneuver within the street. There will remain adequate circulation space for vehicle and patrons to move around the site during deliveries.

(ii) The Applicant has not prepared a TDM strategy, as it is not applicable to the intended uses.

(i) The Applicant is proposing to provide 27 parking spaces as well as 10 dispensing spaces for a total of 37 spaces for patrons to park in. Fourteen spaces are proposed adjacent the building to allow for ease of direct access into the store. Zoning Code requirements for retail use require only 18 parking spaces.

a. Location and Required Number of Vehicle Parking Spaces:

4. Parking:

d. Waiver: The Applicant requests a waiver of the Transit facility requirement.

c. A new Transit stop is not proposed.

b. A new Transit stop is not proposed.

a. The development contains no residential uses; therefore, Public Transit access is not applicable.

3. Public Transit Access

3. The street has been rehabilitated without curbing in the last 60 months.
5. Runoff from the development site or within the street does not require curbing for stormwater management.

Curbing

3. A safe alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.
2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.

Sidewalks

(i) The applicant is proposing to extend a sidewalk from the interior of the site along the proposed Congress Street entrance out to Congress Street. We propose to install a crosswalk on the westerly side of the intersection for pedestrian connectivity to the existing sidewalk on the north side of Congress Street. The applicant is not proposing to install a sidewalk within the site's 60' of property frontage since there currently is no sidewalk on the south side of Congress Street, between the Skyway Drive intersection and the MTA overpass. The applicant was previously granted a waiver from the curb and sidewalk requirements as outlined in Section 14-506 (b) of the code per the following conditions in existence:

c. Sidewalks.

(!!!!) The Applicant proposes the amount of parking which is appropriate for the anticipated uses of this site.

(iv) All parking spaces and drive aisles meet the City Standard 9' x 18' parking space dimension and 24' wide aisle width. Pavement will be used throughout the parking lot.

b. Location and Required Number of Bicycle Parking Spaces:

(i) The Applicant is providing bicycle parking measures at the front entrance to the store and near the proposed seasonal farm stand.

c. Motorcycles and Scooter Parking:

(i) Based on the number of available full size parking spaces being provided, we believe that adequate spaces for motorcycles or scooters will be available around the site without need for specifically dimensioning such spaces.

d. Snow Storage:

(i) Snow storage will be provided around the perimeter of the site. There will remain ample space to push and pile snow off the edges of the pavement surfaces.

3. Transportation Demand Management (TDM):

a. A TDM Plan is not required for the project.

(b) Environmental Quality Standards

1. Preservation of Significant Natural Features:

a. The existing site retains no prominent significant natural features; therefore, no issue related to the preservation of these features applies.

b. The Applicant is not requesting a waiver from this standard.

2. Landscaping and Landscaping Preservation:

a. Landscape Preservation.

(i) There are numerous trees along the property boundaries that will remain. The Applicant is considering some modest street planting around the perimeter of the parking lot. Existing vegetation down in the lower wetland areas will remain as is.

(ii) Not applicable

(iii) Not applicable

(iv) The Applicant will request a waiver from this standard.

- b. Site Landscaping.
- (i) Landscaped Buffers:
- (a) There are no service or loading areas observable from nearby sidewalks or residential properties. The dumpster pad area will be screened with a chain link fence and vinyl slats enclosure.
- (b) The development is not subject to residential zoning setbacks or buffering requirements.
- (c) Not applicable.
- (ii) Parking Lot Landscaping:
- (a) thru (d) The landscaping plan has been prepared in a manner to fulfill these requirements.
3. Water Quality, Stormwater Management and Erosion Control:
- a. Stormwater:
- (i) The site lies at the outer extent of a drainage boundary with a small portion of the site draining towards the Stroudwater River and the majority of the site draining to Long Creek. No offsite drainage will be impeded.
- (ii) The project will not adversely impact adjacent lots or the City street system. Measures will be provided to control runoff release rates from the site in order to meet pre and post development peak runoff restrictions as outlined in the City's Stormwater regulations. An Amended Stormwater Analysis Report accompanies this submission.
- (iii) The project will not adversely impact adjacent lots or the City street system. (iii) The project will not adversely impact adjacent lots or the City street system.
- (iv) The project will not adversely impact adjacent lots or the City street system.
- b. A Stormwater Management Plan is proposed based on site use and size.
- c. The project is located in the Long Creek Watershed which is an urban impaired stream, thus measures meeting the requirements of the Chapter 500 Regulations will be provided. See Stormwater Report for details.
- d. N/A
- e. The project is serviced by both a public wastewater system and public water supply system. All underground storage tank installations will be performed in accordance with current MeDEP and City Standards and requirements. The project will not pose a risk of groundwater contamination.
- f. The project will be connected to the public sanitary sewer system which is adequately sized for the project flows.

1. Massing, Ventilation and Wind Impact:
 - a. The bulk, location and height of the building do not appear to result in adverse impacts to abutting properties. There are no substantive changes to the building plans from the approved plans.
 - b. HVAC venting is proposed to be directed to the building roof and directed away from public spaces. We understand that all HVAC equipment must meet maximum noise regulations for the I-M District.
2. Shadows:
 - a. The development is located in the I-M Zone and this standard is not applicable.

(d) Site Design Standards.

1. Consistency with City Master Plans:
 - a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure in accordance with the findings from the Planning Authority and Portland City Council related to the approved Conditional Zoning Agreement.
 - b. The Applicant will coordinate with utility representatives for the extension of services related to utility infrastructure entering the site.
2. Public Safety and Fire Prevention:
 - a. The site has been designed to promote safe and inviting customer access.
 - b. No change to emergency access conditions within the surrounding streets is proposed.
 - c. Fire hydrants are located within the adjacent street system.
3. Availability and Adequate Capacity of Public Utilities:
 - a. The Applicant has previously secured letters from all applicable utilities stating their ability to serve this project.
 - b. Secondary power into the site will be underground.
 - c. All new utility infrastructure will meet the provisions of the Technical Manual.
 - d. The project will extend a new service connection to the sewer system.
 - e. The sanitary sewer collection system will be designed to meet all applicable sections of the Technical Manual. Wastewater flows are expected to consist of regular domestic flows only.
 - f. Not applicable.

3. Snow and Ice Loading:

a. The proposed building will be designed and located such that accumulated snow and ice will not fall onto adjacent properties or public ways.

4. View Corridors:

a. The project site is located outside the Downtown Vision Corridor Protection Plan.

5. Historic Resources:

a. The site is not subject to Historic Landmark or Historic building review.

6. Exterior Lighting:

a. Site Lighting.

(i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual. An Amended Lighting Report has been prepared and is included with this submission.

7. Noise and Vibration:

The project noise levels will be designed to meet the permitted levels as outlined in the I-M Zone. All HVAC and mechanical equipment is proposed to be mounted on the roof or ground mounted and concealed from nearby properties.

8. Signage and Wayfinding:

a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

(i) The project is not located in a historic district or subject to Article IX.

(ii) Proposed commercial signage is still being designed and subject to a condition of approval.

(iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

9. Zoning Related Design Standards:

a. The project is within the IM and zoning related design standards are not applicable.

3. AMENDED STORMWATER MANAGEMENT REPORT AND COMPUTATIONS

JN3118
July 2014

3-1

*Amended Site Plan Application
Convenience Store and Fuel Station
Portland, Maine*

**AMENDED STORMWATER MANAGEMENT REPORT
(BASIC, GENERAL, FLOODING AND URBAN IMPAIRED
STREAM STANDARDS)**

**CONVENIENCE STORE AND FUEL STATION
PORTLAND, ME**

PREPARED FOR:

**PORTLAND PROPERTY HOLDINGS, LLC
2 MAIN STREET
TOPSHAM, MAINE 04086
(207) 865-4323**

PREPARED BY:

**FAY, SPOFFORD AND THORNDIKE
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
(207) 775-1121**

**APRIL 2013
UPDATED JULY 2014**

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Appendices

- A - Figures **(on file with MaineDEP – not included with this submission)**
- B - Existing Conditions Photographs **(on file with MaineDEP – not included with this submission)**
- C - Predevelopment Computations (2, 10 and 25-year Storm Event HydroCAD Computations) **(on file with MaineDEP – not included with this submission)**
- D - Postdevelopment Computations without Detention (2, 10 and 25-year Storm Event HydroCAD Computations)
- E - Postdevelopment Computations (2, 10 and 25-year Storm Event HydroCAD Computations)
- F - Open Detention Basin Stage Storage Computations
- G - Water Quality Summary Chart and Computations
- H - Orifice Drawdown Computations
- I - Geotechnical Exploration Test Pit Logs **(on file with MaineDEP – not included with this submission)**
- J - Erosion Control Plan **(on file with MaineDEP – not included with this submission)**
- K - Amended Inspection & Maintenance Manual for Stormwater Management and Related Stormwater Facilities

STORMWATER MANAGEMENT REPORT

This report has been amended to reflect changes associated with the July 2014 Amended Site Plan Application. The text highlighted in yellow indicates additions/changes to the document.

1.0 Introduction

Fay, Spofford & Thordike has been retained by Portland Property Holdings, LLC for the preparation of site design and site permitting for a proposed convenience store/fuel station at 2282 Congress Street in Portland, Maine. The development will include a convenience store, drive-thru ATM and fueling facilities. In May of 2013 the project's stormwater management was approved by the City under delegated review. In October 2013, the MaineDEP approved an Individual Waste Discharge Permit (#ME55006). Since that time changes to the site have been made requiring an update to the stormwater management report.

The designed project proposes a total of 2.14 acre of developed area of which 1.19 acre will be new structure area (building and other impervious surfaces) within the 3.36 acre project boundary (3.24 acre parcel plus 0.12 acre Access Easement). The original project involved 2.25 acres of developed area and 1.57 acres of impervious area. This project continues to meet the thresholds which require a MaineDEP Stormwater Law permit which can be reviewed by the City of Portland under their delegated review authority. The stormwater management design presented herein will show that it continues to meet the criterion of the City of Portland Stormwater Requirements and the adopted MedEP Chapter 500 Regulations. The applicant received MaineDEP Waste Discharge approval in October 2013, for which an amended approval is being sought concurrent with the City submission.

The site flows easterly to a 24" RCP Culvert adjacent to the I-95 Interstate which flows southerly under Skyway Dr. and ultimately drains to the North Branch of Long Creek. Because the site is within the Long Creek Watershed the applicant will be required to apply for a Maine Waste Discharge Permit with the MedEP and it must meet the urban impaired stream requirements described in MedEP Chapter 500 Regulations.

Runoff from the proposed site will drain to a new inlet and the conveyance system will discharge to an open stormwater detention basin. The stormwater detention basin will provide channel protection storage meeting the MedEP General Standards and Requirements. The open detention basin system will meet the flooding standards and manage the release of the 2, 10 and 25-year storm event to below predevelopment conditions as required by the City of Portland Stormwater Regulations. A grassed underdrain or focal point filter has been designed to meet stormwater quality standards required under the general standards as outlined in the adopted MedEP Chapter 500 Stormwater Management Technical Manual. The grassed underdrain soil filter system will provide water quality treatment for approximately 82% of the proposed development.

On behalf of the applicant, Fay, Spofford & Thordike has prepared this Amended report to show the proposed Stormwater Management Plan meets the City's General Stormwater Standards, as well as standards applicable to projects in the Long Creek Watershed.

2.0

Existing Site Conditions

The site is 3.24 acres and is currently undeveloped with the following land cover:

TABLE 1 - LAND COVER	
Current Land Cover	Area (acre)
Woods (Emerging)	3.04
Meadow (Natural Gas Easement)	0.20
Total	3.24

Topography slopes from west to east with slopes ranging from 3% to 14%. The site elevations range from 73 to 102 based on NGVD29. Existing topography sheet flows across the southerly and easterly property lines and drainage is towards a 24" RCP culvert adjacent to the abutting I-95 interstate highway (SB lanes).

The soils on the site are shown on the USDA medium intensity soils map to be primarily Hollis fine sandy loam and Scanatic silt loam. Geotechnical explorations by SW Cole in March 2013 show that the soils are predominantly silty sand overlying sandy silt with gravel overlying relatively shallow bedrock.

The site is in the IM Industrial Zone and has been approved by the City of Portland as a permitted use through a Conditional Zone Agreement.

The existing conditions are shown on Drawing C-1.3 and supplemented by photographs appended to the end of this narrative in Appendix B.

The site is not located in a mapped 100-year floodplain and is denoted as Zone X based upon the Dec. 8, 1998 FEMA mapping and depicted on Figure 7 provided by MGIS Firm Panel # 230051 Panel #12-C.

The drainage is divided into two areas; the majority of the site is tributary to the North Branch of the Long Creek Subwatershed C as identified in the Long Creek Watershed Management Plan. A small portion of the Northwest corner of the site flows westerly along Congress Street and is tributary to the Stroudwater River.

Figures 8, 9, and 10 appended to the original report provide the USDA medium intensity soils, sand and gravel aquifers maps, and surficial geology map for the site.

3.0

Updates To The Proposed Project

Updates to the proposed project are generally described below and are shown on Drawing C-2.0. The project will develop 2.14 acres of the 3.24 acre wooded site. Updates to the site design of the project will reduce the overall developed foot print of the site from 2.25 ac to 2.14 acres. Impervious area will be reduced from 1.57 acres to 1.19 acres.

The following table shows the changes in proposed land cover from the approved design to the current design:

- Chapter 500 DEP Rules, revision October 2010.
- Stormwater Management for Maine Volume III – BMP Technical Design Manual
- Portland Stormwater Management – Section 5 Adopted 7-19-10.
- City of Portland – Code of Ordinances, Section 32 Rev. 9-17-09
- Erosion and Sediment the MeDEP in 2003 <http://www.maine.gov/dep/blwg/docstand/escbmps/index.htm>, published by
- Urban Hydrology for Small Watersheds from the USDA SCC Technical Release SS, dated 1986

References

5.0

- USDA SCS Medium Intensity Mapping with interpretation of wetland delineation by Albert Frick Associates.
- Hydrologic Soil Group Information
- Titcomb Associates, Inc., dated March, 2013.
- Site Topographic Survey
- Bo Kennedy P.E., Project Engineer, Fay, Spofford & Thorndike Reviewed by Stephen Bushey, P.E., Fay, Spofford & Thorndike
- Field Reconnaissance
- USGS Topographic Mapping

The following resources were used for watershed delineation:

Watershed Delineation Method

4.0

Due to the reduction in developed and impervious area a grassed underdrain soil filter is able to be utilized, eliminating the need for a StormTreat system and its related underground storage components.

TABLE 2 – LAND USE (ONSITE ONLY)			
Proposed Land Cover	May 2013 Design Area (acre)	July 2014 Design Area Update (acre)	Change Due to 2014 Update (acre)
Woods	0.99	0.94	(0.05)
Meadow (Natural Gas Easement)	0.20	0.20	0.0
Meadow (Vegetated Fill Slopes)	0.42	0.92	0.50
Lawn/Landscaped Planting Areas	0.01	0.03	0.02
Pavement	1.48	1.06	(0.420)
Roof	0.09	0.09	0.00
Rip Rap Slope	0.05	0.00	(0.05)
Total	3.24	3.24	-

Runoff from the site flows from the northwest corner in a southeasterly direction and generally passes over the property line as sheet flow. Flow begins to concentrate beyond the property line in road side ditches along Skyway Dr. to the south and I-95 to the east. Runoff discharges through a 24" RCP culvert crossing under Skyway Dr. flowing southerly through a channel to Long Creek's North Branch. The site is considered part of Long Creek Subwatershed C as defined in the Long Creek Watershed Management Plan. Long Creek is considered an Urban Impaired Stream as classified by the MedDP.

For the purpose of this analysis, the offsite area downstream of the property boundaries tributary to the 24" culvert have been omitted for clarity and is not considered relevant to this particular project. This peripheral area is small and does not produce a significant amount of runoff. The predevelopment analysis considers the sheet flow across the

10.0 Predevelopment Analysis

- Inlets modeled as ponds with cylindrical storage based on invert to rim depth and structure diameter. It is assumed that all stormwater can enter at inlets.
- Analysis was run with pipe lengths (modeled as culvert outlets). Pipe sizes were generated using the HydroCAD modeling flow computations.
- The Tc flow paths were assumed to be a min. of 6 minutes as recommended in the TR-55 technical manual. In instances where flow paths were computed to be less than 6 minutes a direct entry command was used.

9.0 Modeling Assumptions

The stormwater analysis has been performed for the project to determine the requirements of the City of Portland, Section 5 and adopted MedDP Chapter 500 Stormwater Rules and to show a plan which will generally meet the requirements with the exceptions noted herein. The analysis is documented with supporting HydroCAD models appended to this narrative.

8.0 Presentation of Analysis

Hydrologic Parameters: Cumberland County SE Type III Distribution: Antecedent Moisture Condition 2, SCS 24 Hour Distribution as per MedDP Stormwater Best Management Practices (page 25).

TABLE 3 - RAINFALL	
Rainfall Amount (inches)	
2-Year Storm	3.0
10-Year Storm	4.7
25-Year Storm	5.5

7.0 Design Storms

- HydroCAD Stormwater Modeling System, version 8.5, Applied Microcomputer Systems – used for modeling underground storage facilities.
- Microsoft Excel 2007, Microsoft Corporation – used for spreadsheet computations.

6.0 Modeling Software

southerly and easterly property boundaries to the 24" culvert as the Point of Interest (POI) 1. The postdevelopment analysis analyzes the same POI and assumes that any concentrated flows will be redistributed to match predevelopment sheet flows as discussed in the following Postdevelopment Analysis section. The Predevelopment Watershed Map C-14.0 is enclosed as part of the plan set.

Peak flows at POI 1 are as follows:

TABLE 4 PREDEVELOPMENT FLOWS (PEAK DISCHARGE RATES) AT POI 1			
POI #	2 Yr Storm Event (CFS)	10 Yr Storm Event (CFS)	25 Yr Storm Event (CFS)
1	2.86	7.18	9.42

Runoff from a small portion of the site in the northwestern corner flows westerly along Congress Street and ultimately enters the City of Portland storm drainage system tributary to the Stroudwater River. This area of the site is by in large excluded from the development area and therefore the analysis. A small piece of this area, which is development, is captured, redirected, treated and discharged to the Long Creek Watershed.

11.0 Postdevelopment Analysis

The postdevelopment analysis breaks up the site into two categories; the first category includes proposed vegetated fill slopes around the southeast perimeter of the development and undeveloped area downstream of the development. This area is identified as Subcatchment 101 in the postdevelopment analysis and shown on the Postdevelopment Watershed Map C-14.1 enclosed in the plan set. Subcatchment 101 is best described as the remaining portion of the predevelopment subcatchment directly tributary to POI 1 and its characteristics have changed as shown in Table 5. July 2014 changes to the data are presented in bold lettering.

TABLE 5 PREDEVELOPMENT VS. POSTDEVELOPMENT COMPARISON OF SUBCATCHMENT 1						
Subcatchment ID	Peak Flows (CFS)			CN	Area (Ac.)	Hydrologic Time of Concentration (min.)
	2 Yr Storm Event	10 Yr Storm Event	25 Yr Storm Event			
1	2.86	7.18	9.42	74	4.16	18.3
101	1.99	4.73	6.13	76	2.33	14.9
	2.03	4.82	6.25		2.45	16.1

*Bold indicates July 2014

The second category includes the area of the project development which drains to a new inlet and conveyance system. This area is released in two discharge locations as shown on the Grading and Drainage Plan C-3.0 and is described below:

Peak flows from the basin are routed to POI 1 using overland flow reaches with a high Manning's coefficient typically seen in a wooded sheet flow application and combined with flows from Subcatchment 101. Postdevelopment flows tributary to POI 1 without any attenuation of flow are compared to Predevelopment in the following table and computations are attached in Appendix C:

***Bold indicates July 2014 update**

Storm Event Interval	Peak Flows (CFS)
2-Year	4.45 3.91
10-Year	7.62 6.87
25-Year	9.12 8.29

Flows entering the stormwater management basin are summarized in the table below:

Discharge from the development enters the open detention basin (DET O) that is equipped with a pretreatment sediment forebay. Runoff will travel through an underdrained soil filter system which is also designed to detain water to meet flooding standards. Runoff in excess of 1" or equivalent to the water quality volume will exceed the storage capacity of the underdrain soil filter causing it to fill the open detention basin.

The developed area is broken into seven (7) subcatchments which enter a series of catch basin inlets, flow to a central stormwater management area and are tributary to discharge location 1. An eighth subcatchment identified as C1, located in the access drive that is discharged at location 2 and bypasses the stormwater management facility. Each subcatchment has been modeled and routed to a catch basin inlet modeled as a pond. The inlets are routed together such that HydroCad can combine all of the hydrographs and compute the peak flow rates entering the stormwater detention basins. The model assumes each subcatchment has a minimum Time of Concentration (Tc) of 6.0 min.

***Bold indicates July 2014**

Discharge Location ID	Description
1	Channel Protection discharge from Storm Treat Treatment tanks with riprap apron directly to the southerly property line.
1	Discharge from open detention and grassed underdrain filter with riprap apron and level lip spreader.
2	Culvert discharge from Subcatchment C1 (access drive) with riprap apron.

**TABLE 6
 SUMMARY OF POSTDEVELOPMENT DISCHARGES**

Flow from the detention area will be restricted through a 1' long broad crested weir located in an outlet control manhole (A1). Flows and storage characteristics of the system are as follows:

~~The open detention area will be constructed of large arched chambers manufactured by StormTech® and backfilled with crushed stone having approximately 40% porosity. Design plans require the entering row of chambers be constructed as an isolator row with inspection ports and terminus maintenance manhole.~~

13.0 Stormwater Management Quantity Summary

The plan has been designed in accordance with the City of Portland Stormwater Rules.

- Designing the project to meet the Portland Stormwater Management Standards adopted 7/19/10 and Basic Standards, General Standards, and Flooding Standards of MeDEP (revised October 2010).
- Designing water quality measures to provide long-term removal of non-point contaminants.
- Implementing a plan to control erosion, sedimentation, or fugitive dust emissions during construction.
- Maintenance of the Stormwater Management System in accordance with the Stormwater O&M Manual (provided as a separate document).

This goal will be achieved by:

The goal of the Stormwater Management Plan is to design, operate, and maintain the development to avoid downstream erosion or significant water quality impairment.

12.0 Stormwater Management Objectives

As evident from the table above, it is necessary to attenuate flow in the proposed subsurface detention area to meet the MeDEP Flooding standard objective as noted below.

***Bold indicates July 2014**

TABLE 8 PEAK FLOW RATES AT POI 1 (WITHOUT DETENTION STORAGE)			
	2 Yr Storm Event (CFS)	10 Yr Storm Event (CFS)	25 Yr Storm Event (CFS)
Predevelopment	2.86	7.18	9.42
Postdevelopment	5.54 5.12	10.90 10.31	13.55 12.89
Net	+2.68 +2.26	+3.72 +3.13	+4.13 +3.47

To meet the General Standards, our office has reviewed the implementation of the 4 approved treatment strategies listed below. Our findings are as follows:

- **Wetpond** – Wetponds were considered for part of the project's stormwater management strategy; however, due to physical and natural resource site constraints. The depth to bedrock and poor normal pool geometry make this option not feasible. and the required limits of proposed development, there is insufficient space to utilize this method of water quality treatment without eliminating proposed development area or filling wetlands. Generally speaking, the approximately 2.25 acres of treated development area would require a wet pond of approximately 0.30 acres in size or 3 times the size of basin currently designed; thus this option is not feasible.
- **Filter** – Filters cover a broad range of techniques including pre-approved proprietary stormwater treatment devices. The preliminary stormwater management strategy presented herein focuses on filters to meet the General Standard requirements.

14.0 Stormwater Management Quality Summary

The postdevelopment flows are lower than those in predevelopment conditions at point of interest 1 and therefore the Flooding Standard Goal has been met. Postdevelopment computations are contained in Appendices D & E.

Approach

***Bold indicates July 2014**

TABLE 10 PEAK FLOW RATES AT POI 1 (WITH DETENTION STORAGE)			
	2 Yr Storm Event (CFS)	10 Yr Storm Event (CFS)	25 Yr Storm Event (CFS)
Predevelopment	2.86	7.18	9.42
Postdevelopment	2.54 2.18	7.06 6.34	9.17 8.84
Net	-0.35 -0.68	-0.12 -0.78	-0.25 -0.58

Detaining flows results in the following comparison of peak flows at POI 1:

***Bold indicates July 2014**

TABLE 9 SUMMARY OF DETENTION SYSTEM (DET 2)				
Storm Event Interval	Peak Flows In (CFS)	Peak Flows Out (CFS)	Storage (CF)	Peak Elevation (FT)
2-Year	4.43	1.34	7,874	91.22
10-Year	6.53	2.65	12,302	91.51
25-Year	9.08	3.07	13,860	91.55
	8.29	3.02	12,745	90.96
	6.87	2.05	11,298	90.72
	3.91	0.43	7,585	90.06

- **Infiltration** – Our office has reviewed the Geotechnical Report about the site and the USDA medium intensity soil survey. The medium intensity soil survey maps the site as predominantly Hollis fine sandy loam and Scantic Silt loam. These soils are commonly found to be somewhat excessively drained to poorly drained. The limiting factor to effective infiltration is the restrictive layer (i.e. bedrock, depth to groundwater, and infiltration rates of receiving soils). Despite the favorable drainage category as classified by the USDA soils mapping, the presence of a restrictive layer (high groundwater table and bedrock) will make infiltration very difficult to incorporate into this site. Geotechnical explorations show that bedrock is present around 1.5 ft to 5 ft below existing grade and seasonally high groundwater table approximately 2 ft below existing grade. Due to the proximity to the groundwater table and bedrock, our office is proposing the use of an impermeable liner around all of the stormwater storage areas.
- **Buffers** – Buffers were not considered as part of the site's stormwater management due to insufficient space. As an example, a minimum forested or meadow buffer width needs to be 75 ft, 100 ft or 150 ft with a slope of 0% - 8%, none of which is attainable on the site. Additionally, buffers are required to be encumbered by a conservation easement and deed restrictions.

Implementation

Our office has laid out a plan which utilizes proprietary water quality treatment filters as described in Chapter 7.0 Filtration BMPs of the MedEP Volume III BMPs Technical Design Manual to meet the minimum treatment standards as required by the General Standards. The plan shown on Sheet C-3.0 incorporates a grassed underdrain soil filter or Focal Point™ Filter (approved equal) to best utilize the site conditions. The plan sheets detailing this system is enclosed in the full plan set.

A water quality summary chart of the project is appended with this application in Appendix G. The basis of design of the underdrain soil filter treatment method is as follows:

- **Grassed Underdrain Soil Filter:**

The grassed underdrain soil filter has been designed to treat at least 95% of the new structure area and 80 % of the developed area.

To meet Chapter 500, the Channel Protection Volume provided must be equal to or greater than the following:

$$\frac{1}{12} \times \text{Impervious area (1.17 ac) plus } 0.4''/12 \times \text{landscaped area (0.58 ac)} = \text{Water Quality Volume (5,077 cubic feet)}$$

Amended computations of the water quality volume are appended in Appendix G.

The water quality volume provided is equal to 5,343 cubic feet in an open detention basin at an elevation of 89.62. The pond stage storage calculations are appended in Appendix F.

Focal Point™ bio-filtration system by ACF Environmental

Based on Chapter 7 of the MaineDEP Best Stormwater Practices, grassed underdrained soil filters are required to be sized to be 5% of total tributary impervious area and 2% of total tributary pervious area.

The required filter size for this project is $(50,748 \cdot .05) + (25,454 \cdot .02) = 3,047$ SF. The provided filter size for this project is 3,518 SF.

Underdrained soil filters must draw down the required water quality volume between 24-36 hours. Soil filters are designed such that water passes vertically down through a filter media section before reaching an underdrain outlet system. The underdrain has been designed with an outlet flow control orifice located in DMH A1. The orifice for this project was computed to be 1". The 1" orifice allows the system to drain in 32 hours if maintained properly. The orifice drawdown computations are appended in Appendix H.

Discharge from larger storm events overflow over a 0.5 foot long broad crested weir housed in a precast concrete outlet control structure set at elevation 89.62 (i.e. the basin stage when water quality volume has been reached), and a 1.0 foot long broad crested weir set at 90.50 (in order to control different flooding events). The overflow piping network is sized to handle runoff from a 25-year storm event. A rain event exceeding the storm drainage network capacity would flood the channel protection basin and detention basin and discharge over the reinforced turf overflow spillway at the northeast corner of the basin.

Pretreatment for flow entering from all inlet pipes to the storage area will be provided via the installation a riprap lined sediment forebay.

Therefore, water quality goals for the Grassed Underdrain Soil Filter System meet the General Stormwater Standards of the November 2005 Chapter 500 Rules of MeDEP (rev. October 2010).

15.0 Chapter 500 Treatment Percent Compliance

The proposed redevelopment project creates 4.57 1.19 acres of newly constructed impervious area and 0.68 0.95 acres of pervious area for a total disturbed area of about 2.25 2.14 acres.

Of the 4.57 1.19 acres of impervious area the proposed Stormwater Management Plan provides treatment for 4.53 1.17 acres or 97.42 98.19 percent. The disturbed area as part of this redevelopment is approximately 2.25 2.14 acres. Of the 2.25 2.14 acres the proposed Stormwater Management Plan provides treatment for 2.04 1.75 acres or 89.32 81.56 percent. Hence, the strategies proposed herein meets the minimum requirements stated in the General Standards.

16.0 Erosion Control

An Erosion Control Narrative, Plan, and Details have been prepared for the project are on file with the City of Portland and the MaineDEP.

17.0 Operations and Maintenance

An Operations & Maintenance Manual has been amended and accompanies this application in Appendix K.

18.0 Permit Requirements

City of Portland review and permitting of the Stormwater Management Plan is required and will be completed with the review of the Site Plan Application submitted to the City of Portland Planning Authority. This review will also meet the requirements of the MeDEP Stormwater Management Regulations and permit. A separate but concurrent review with the Long Creek Watershed District will be performed.

19.0 Drainage Network Pipe Sizing

The drainage network has been sized using the flows computed using HydroCad modeling software. The pipe sizes are noted on the drawings.

20.0 Appendices

A – Figures (on file with MaineDEP – not included with this submission)

B – Existing Conditions Photographs (on file with MaineDEP – not included with this submission)

submission)

C – Predevelopment Computations (2, 10 and 25-year Storm Event HydroCAD

Computations) (on file with MaineDEP – not included with this submission) **on file**

with MaineDEP – not included with this submission)

D – Postdevelopment Computations without Detention (2, 10 and 25-year Storm Event

HydroCAD Computations)

E – Postdevelopment Computations (2, 10 and 25-year Storm Event HydroCAD

Computations)

F – Open Detention Basin Stage Storage Computations

G – Water Quality Summary Chart and Computations

H – Orifice Drawdown Computations

I – Geotechnical Exploration Test Pit Logs (on file with MaineDEP – not included

with this submission)

J – Erosion Control Plan (on file with MaineDEP – not included with this

submission)

K – Amended Inspection & Maintenance Manual for Stormwater Management and

Related Stormwater Facilities

(On file with original submission – not included with this submission)

Figures

APPENDIX A

(On file with original submission – not included with this submission)

Existing Conditions Photographs

APPENDIX B

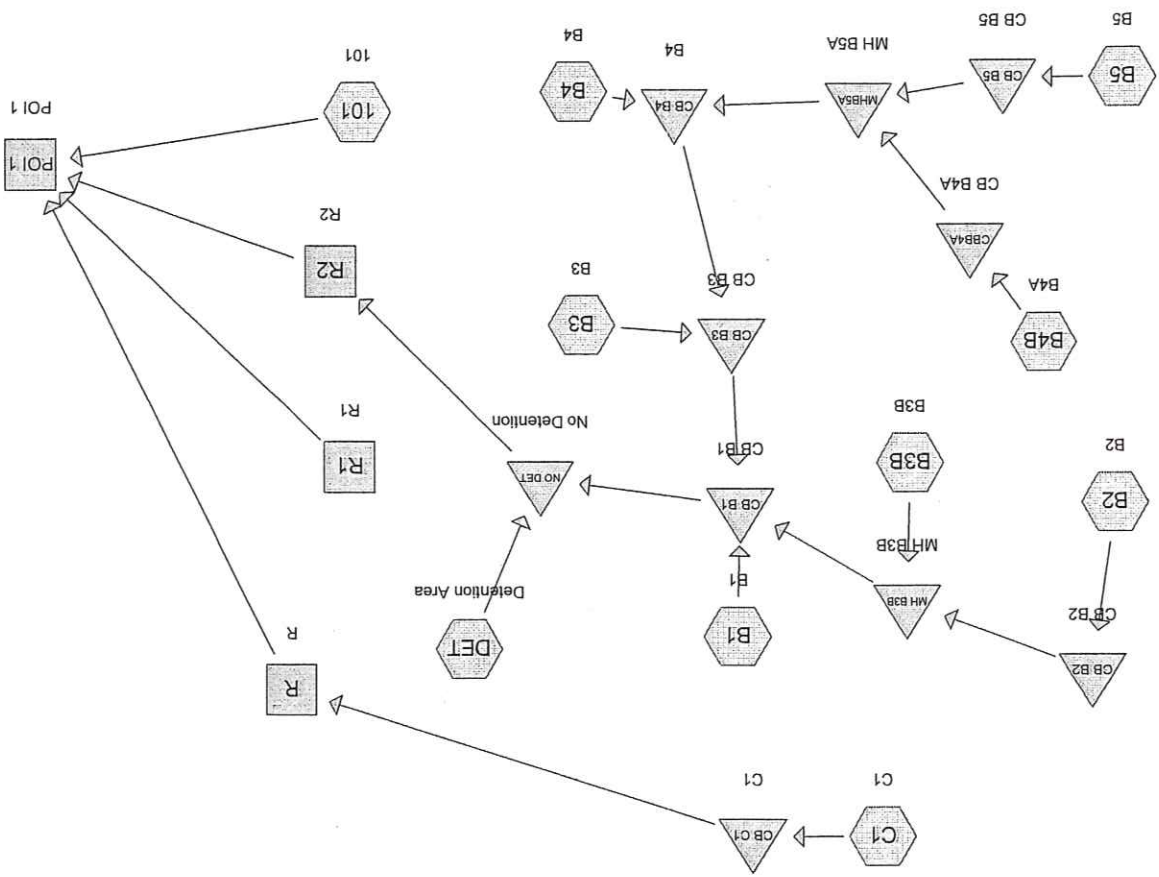
(On file with original submission – not included with this submission)

Predevelopment Computations

APPENDIX C

Postdevelopment Computations Without Detention

APPENDIX D



2014.07.10 POSTDEVELOPMENT

Prepared by {enter your company name here}
HydroCAD® 8.50 s/n 000734 © 2007 HydroCAD Software Solutions LLC

Soil Listing (selected nodes)

Area	Soil	Subcatchment	Group	Numbers	(acres)
0.000	HSG A				0.000
0.000	HSG B				0.000
1.861	HSG C	101, B2, B4B, B5, DET			1.861
0.984	HSG D	101			0.984
1.454	Other	101, B1, B2, B3, B3B, B4, B4B, B5, C1			1.454
4.299		TOTAL AREA			4.299

Pond CB B3: CB B3
Inflow=1.78 cfs 0.135 at
Primary=1.78 cfs 0.135 at

Pond CB B4: B4
Inflow=1.50 cfs 0.112 at
Primary=1.50 cfs 0.112 at

Pond CB B5: CB B5
Inflow=0.75 cfs 0.054 at
Primary=0.75 cfs 0.054 at

Pond CB C1: C1

Inflow=0.29 cfs 0.023 at
Primary=0.29 cfs 0.023 at

Pond CBB4A: CB B4A

Inflow=0.56 cfs 0.043 at
Primary=0.56 cfs 0.043 at

Pond MH B3B: MH B3B

Inflow=1.29 cfs 0.094 at
Primary=1.29 cfs 0.094 at

Pond MHB5A: MH B5A

Inflow=1.31 cfs 0.097 at
Primary=1.31 cfs 0.097 at

Pond NO DET: No Detention

Inflow=3.91 cfs 0.295 at
Primary=3.91 cfs 0.295 at

Total Runoff Area = 4.299 ac Runoff Volume = 0.526 at Average Runoff Depth = 1.47"
66.17% Pervious = 2.845 ac 33.83% Impervious = 1.454 ac

Summary for Subcatchment B3: B3

Runoff = 0.28 cfs @ 12.08 hrs, Volume = 0.022 af, Depth = 2.77"
 Runoff by SCS TR-20 method, UH=SCS, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12,204	98	Paved roads w/curbs & sewers	12,204				
3,238	70	Woods, Good, HSG C					
5,811	71	Meadow, non-grazed, HSG C					
860	74	>75% Grass cover, Good, HSG C					
22,113	86	Weighted Average					
9,909		Pervious Area					
12,204		Impervious Area					
Direct Entry, 6.0							

Runoff = 0.30 cfs @ 12.08 hrs, Volume = 0.024 af, Depth = 2.77"
 Runoff by SCS TR-20 method, UH=SCS, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Summary for Subcatchment B3B: B3B

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,242	98	Paved roads w/curbs & sewers	4,242				
4,242		Impervious Area					
Direct Entry, 6.0							

Runoff = 0.19 cfs @ 12.08 hrs, Volume = 0.015 af, Depth = 2.77"
 Runoff by SCS TR-20 method, UH=SCS, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Summary for Subcatchment B4: B4

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,562	98	Paved parking & roofs	4,562				
4,562		Impervious Area					
Direct Entry, 6.0							

Summary for Subcatchment C1: C1

Runoff = 0.29 cfs @ 12.08 hrs, Volume = 0.023 af, Depth = 2.77"
 Runoff by SCS TR-20 method, UH=SCS, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
4,401	98	Paved roads w/curbs & sewers
4,401		Impervious Area

Tc Length (min) (ft)
 Slope Velocity (ft/ft) (ft/sec)
 Capacity (cfs)
 Description

Summary for Subcatchment DET: Detention Area

Runoff = 0.25 cfs @ 12.10 hrs, Volume = 0.019 af, Depth = 0.91"
 Runoff by SCS TR-20 method, UH=SCS, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
10,851	74	>75% Grass cover, Good, HSG C
10,851		Pervious Area

Tc Length (min) (ft)
 Slope Velocity (ft/ft) (ft/sec)
 Capacity (cfs)
 Description

Summary for Reach POI 1: POI 1

Inflow Area = 4.299 ac, 33.83% Impervious, Inflow Depth = 1.47" for 2 YR event
 Inflow = 5.12 cfs @ 12.17 hrs, Volume = 0.525 af
 Outflow = 5.12 cfs @ 12.17 hrs, Volume = 0.525 af, Atten = 0%, Lag = 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs

Summary for Reach R: R

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 2.77" for 2 YR event
 Inflow = 0.29 cfs @ 12.08 hrs, Volume = 0.023 af
 Outflow = 0.14 cfs @ 12.24 hrs, Volume = 0.023 af, Atten = 53%, Lag = 9.4 min
 Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Max. Velocity = 0.19 fps, Min. Travel Time = 31.3 min
 Avg. Velocity = 0.07 fps, Avg. Travel Time = 90.2 min

18.00' x 1.00' deep channel, n=0.200 Sheet flow: Woods+light brush
 Side Slope Z-value=100.0' Top Width=218.00'
 Length=138.0' Slope=0.0435'/'
 Inlet Invert=80.00', Outlet Invert=74.00'



Summary for Pond CB B1: CB B1

Inflow Area = 1.500 ac, 77.66% Impervious, Inflow Depth = 2.21" for 2 YR event
 Inflow = 3.67 cfs @ 12.09 hrs, Volume= 0.276 af
 Primary = 3.67 cfs @ 12.09 hrs, Volume= 0.276 af, Atten=0%, Lag=0.0 min

Routing by Dyn-Stor-Ind method, Time Span=0.00-30.00 hrs, dt=0.01 hrs

Summary for Pond CB B2: CB B2

Inflow Area = 0.508 ac, 55.19% Impervious, Inflow Depth = 1.66" for 2 YR event
 Inflow = 0.99 cfs @ 12.09 hrs, Volume= 0.070 af
 Primary = 0.99 cfs @ 12.09 hrs, Volume= 0.070 af, Atten=0%, Lag=0.0 min

Routing by Dyn-Stor-Ind method, Time Span=0.00-30.00 hrs, dt=0.01 hrs

Summary for Pond CB B3: CB B3

Inflow Area = 0.684 ac, 84.25% Impervious, Inflow Depth = 2.36" for 2 YR event
 Inflow = 1.78 cfs @ 12.08 hrs, Volume= 0.135 af
 Primary = 1.78 cfs @ 12.08 hrs, Volume= 0.135 af, Atten=0%, Lag=0.0 min

Routing by Dyn-Stor-Ind method, Time Span=0.00-30.00 hrs, dt=0.01 hrs

Summary for Pond CB B4: B4

Inflow Area = 0.587 ac, 81.64% Impervious, Inflow Depth = 2.30" for 2 YR event
 Inflow = 1.50 cfs @ 12.09 hrs, Volume= 0.112 af
 Primary = 1.50 cfs @ 12.09 hrs, Volume= 0.112 af, Atten=0%, Lag=0.0 min

Routing by Dyn-Stor-Ind method, Time Span=0.00-30.00 hrs, dt=0.01 hrs

Summary for Pond CB B5: CB B5

Inflow Area = 0.326 ac, 68.83% Impervious, Inflow Depth = 1.98" for 2 YR event
 Inflow = 0.75 cfs @ 12.09 hrs, Volume= 0.054 af
 Primary = 0.75 cfs @ 12.09 hrs, Volume= 0.054 af, Atten=0%, Lag=0.0 min

Routing by Dyn-Stor-Ind method, Time Span=0.00-30.00 hrs, dt=0.01 hrs

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Time span=0.00-30.00 hrs, dt=0.01 hrs, 3001 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment101: 101	Runoff Area=106,667 sf 7.69% Impervious Runoff Depth=2.29" Flow Length=102' Tc=16.1 min CN=76 Runoff=4.82 cfs 0.467 af
SubcatchmentB1: B1	Runoff Area=8,879 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.94 cfs 0.076 af
SubcatchmentB2: B2	Runoff Area=22,113 sf 55.19% Impervious Runoff Depth=3.19" Tc=6.0 min CN=86 Runoff=1.88 cfs 0.135 af
SubcatchmentB3: B3	Runoff Area=4,242 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.45 cfs 0.036 af
SubcatchmentB3B: B3B	Runoff Area=4,562 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.48 cfs 0.039 af
SubcatchmentB4: B4	Runoff Area=2,843 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.30 cfs 0.024 af
SubcatchmentB4B: B4A	Runoff Area=8,504 sf 96.88% Impervious Runoff Depth=4.35" Tc=6.0 min CN=97 Runoff=0.89 cfs 0.071 af
SubcatchmentB5: B5	Runoff Area=14,208 sf 68.83% Impervious Runoff Depth=3.59" Tc=6.0 min CN=90 Runoff=1.33 cfs 0.098 af
SubcatchmentC1: C1	Runoff Area=4,401 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.46 cfs 0.038 af
SubcatchmentDET: Detention Area	Runoff Area=10,851 sf 0.00% Impervious Runoff Depth=2.13" Tc=6.0 min CN=74 Runoff=0.62 cfs 0.044 af
Reach POI 1: POI 1	Inflow=10.31 cfs 1.028 af Outflow=10.31 cfs 1.028 af
Reach R: R	Avg. Depth=0.05' Max Vel=0.23 fps Inflow=0.46 cfs 0.038 af n=0.200 L=354.0' S=0.0593 % Capacity=18.75 cfs Outflow=0.24 cfs 0.038 af
Reach R1: R1	Avg. Depth=0.00' Max Vel=0.00 fps n=0.200 L=196.0' S=0.0306 % Capacity=64.45 cfs Outflow=0.00 cfs 0.000 af
Reach R2: R2	Avg. Depth=0.27' Max Vel=0.48 fps Inflow=6.87 cfs 0.523 af n=0.200 L=138.0' S=0.0435 % Capacity=121.42 cfs Outflow=5.92 cfs 0.523 af
Pond CB B1: CB B1	Inflow=6.26 cfs 0.478 af Primary=6.26 cfs 0.478 af
Pond CB B2: CB B2	Inflow=1.88 cfs 0.135 af Primary=1.88 cfs 0.135 af

Summary for Subcatchment 101: 101

Runoff = 4.82 cfs @ 12.22 hrs, Volume= 0.467 af, Depth= 2.29"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
8,201	98	Paved roads w/curbs & sewers
4,313	89	Gravel roads, HSG C
13,704	70	Woods, Good, HSG C
37,589	71	Meadow, non-grazed, HSG C
10,508	78	Meadow, non-grazed, HSG D
32,352	77	Woods, Good, HSG D
106,667	76	Weighted Average
98,466		Pervious Area
8,201		Impervious Area
Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)
15.9	0.0370	0.09
Sheet Flow,		
Woods: Light underbrush n= 0.400 P2= 3.00"		
0.2	12	0.0400
1.00		
Shallow Concentrated Flow,		
Woodland Kv= 5.0 fps		
16.1	102	Total

Summary for Subcatchment B1: B1

Runoff = 0.94 cfs @ 12.08 hrs, Volume= 0.076 af, Depth= 4.46"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
8,879	98	Paved roads w/curbs & sewers
8,879		Impervious Area
Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)
6.0		
Direct Entry,		

Summary for Subcatchment B2: B2

Runoff = 1.88 cfs @ 12.09 hrs, Volume= 0.135 af, Depth= 3.19"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

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Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2,843	98	Paved roads w/curbs & sewers	2,843				
2,843		Impervious Area					

Summary for Subcatchment B4A:

Runoff = 0.89 cfs @ 12.08 hrs, Volume = 0.071 af, Depth = 4.35"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
8,239	98	Paved parking & roofs	265				
265	74	>75% Grass cover, Good, HSG C					
8,504	97	Weighted Average					
265		Pervious Area					
8,239		Impervious Area					

Summary for Subcatchment B5: B5

Runoff = 1.33 cfs @ 12.09 hrs, Volume = 0.098 af, Depth = 3.59"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
9,780	98	Paved roads w/curbs & sewers	2,175				
2,175	70	Woods, Good, HSG C					
868	71	Meadow, non-grazed, HSG C					
1,385	74	>75% Grass cover, Good, HSG C					
14,208	90	Weighted Average					
4,428		Pervious Area					
9,780		Impervious Area					

Direct Entry,

6.0

Peak Storage= 372 cf @ 12.22 hrs, Average Depth at Peak Storage= 0.05'
 Bank-Full Depth= 0.50', Capacity at Bank-Full= 18.75 cfs

18.00' x 0.50' deep channel, n= 0.200 Sheet flow: Woods+light brush
 Side Slope Z-value= 54.0' /' Top Width= 72.00'
 Length= 354.0' Slope= 0.0593' /'
 Inlet Invert= 95.00', Outlet Invert= 74.00'



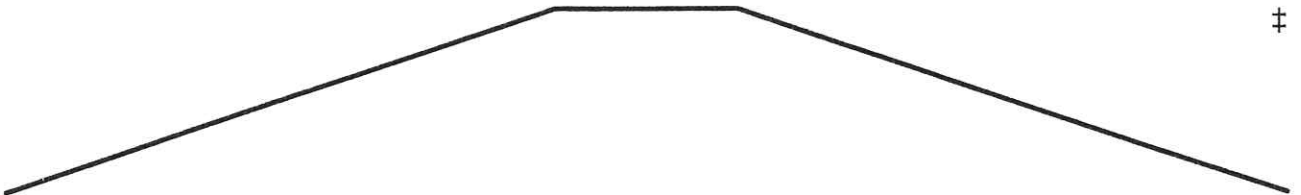
Summary for Reach R1: R1

Outflow = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Max. Velocity= 0.00 fps, Min. Travel Time= 0.0 min
 Avg. Velocity= 0.00 fps, Avg. Travel Time= 0.0 min

Peak Storage= 0 cf @ 0.00 hrs, Average Depth at Peak Storage= 0.00'
 Bank-Full Depth= 1.00', Capacity at Bank-Full= 64.45 cfs

18.00' x 1.00' deep channel, n= 0.200 Sheet flow: Woods+light brush
 Side Slope Z-value= 54.0' /' Top Width= 126.00'
 Length= 196.0' Slope= 0.0306' /'
 Inlet Invert= 80.00', Outlet Invert= 74.00'



Summary for Reach R2: R2

Inflow Area = 1.749 ac, 66.60% Impervious, Inflow Depth = 3.58" for 10 YR event
 Inflow = 6.87 cfs @ 12.09 hrs, Volume= 0.523 af
 Outflow = 5.92 cfs @ 12.13 hrs, Volume= 0.523 af, Atten= 14%, Lag= 2.8 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Max. Velocity= 0.48 fps, Min. Travel Time= 4.8 min
 Avg. Velocity= 0.15 fps, Avg. Travel Time= 15.8 min

Peak Storage= 1,714 cf @ 12.13 hrs, Average Depth at Peak Storage= 0.27'
 Bank-Full Depth= 1.00', Capacity at Bank-Full= 121.42 cfs

Summary for Pond CB C1: C1

Inflow Area = 0.101 ac, 100.00% ImperVIOUS, Inflow Depth = 4.46" for 10 YR event
 Inflow = 0.46 cfs @ 12.08 hrs, Volume= 0.038 af
 Primary = 0.46 cfs @ 12.08 hrs, Volume= 0.038 af, Atten=0%, Lag= 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CBB4A: CB B4A

Inflow Area = 0.195 ac, 96.88% ImperVIOUS, Inflow Depth = 4.35" for 10 YR event
 Inflow = 0.89 cfs @ 12.08 hrs, Volume= 0.071 af
 Primary = 0.89 cfs @ 12.08 hrs, Volume= 0.071 af, Atten=0%, Lag= 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond MH B3B: MH B3B

Inflow Area = 0.612 ac, 62.85% ImperVIOUS, Inflow Depth = 3.41" for 10 YR event
 Inflow = 2.36 cfs @ 12.09 hrs, Volume= 0.174 af
 Primary = 2.36 cfs @ 12.09 hrs, Volume= 0.174 af, Atten=0%, Lag= 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond MHB5A: MH B5A

Inflow Area = 0.521 ac, 79.34% ImperVIOUS, Inflow Depth = 3.87" for 10 YR event
 Inflow = 2.22 cfs @ 12.08 hrs, Volume= 0.168 af
 Primary = 2.22 cfs @ 12.08 hrs, Volume= 0.168 af, Atten=0%, Lag= 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond NO DET: No Detention

Inflow Area = 1.749 ac, 66.60% ImperVIOUS, Inflow Depth = 3.58" for 10 YR event
 Inflow = 6.87 cfs @ 12.09 hrs, Volume= 0.523 af
 Primary = 6.87 cfs @ 12.09 hrs, Volume= 0.523 af, Atten=0%, Lag= 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

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Pond CB B3: CB B3 Inflow=3.52 cfs 0.274 af Primary=3.52 cfs 0.274 af

Pond CB B4: B4 Inflow=3.00 cfs 0.231 af Primary=3.00 cfs 0.231 af

Pond CB B5: CB B5 Inflow=1.60 cfs 0.119 af Primary=1.60 cfs 0.119 af

Pond CB C1: C1

Inflow=0.54 cfs 0.044 af
Primary=0.54 cfs 0.044 af

Pond CBB4A: CB B4A

Inflow=1.05 cfs 0.084 af
Primary=1.05 cfs 0.084 af

Pond MH B3B: MH B3B

Inflow=2.86 cfs 0.212 af
Primary=2.86 cfs 0.212 af

Pond MHB5A: MH B5A

Inflow=2.64 cfs 0.202 af
Primary=2.64 cfs 0.202 af

Pond NO DET: No Detention

Inflow=8.29 cfs 0.633 af
Primary=8.29 cfs 0.633 af

Total Runoff Area = 4.299 ac Runoff Volume = 1.280 af Average Runoff Depth = 3.57"
66.17% Pervious = 2.845 ac 33.83% Impervious = 1.454 ac

Summary for Subcatchment B3: B3

Area (sf)	CN	Description	Tc Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12,204	98	Paved roads w/curbs & sewers	3,238	70	Woods, Good, HSG C	70	3,238
5,811	71	Meadow, non-grazed, HSG C	5,811	71	Meadow, non-grazed, HSG C	71	5,811
860	74	>75% Grass cover, Good, HSG C	860	74	>75% Grass cover, Good, HSG C	74	860
22,113	86	Weighted Average	22,113	86	Weighted Average	86	22,113
9,909		Pervious Area	9,909		Pervious Area		9,909
12,204		Impervious Area	12,204		Impervious Area		12,204
Direct Entry, 6.0							

Runoff = 0.52 cfs @ 12.08 hrs, Volume= 0.043 af, Depth= 5.26"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Summary for Subcatchment B3B: B3B

Area (sf)	CN	Description	Tc Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,242	98	Paved roads w/curbs & sewers	4,242	98	Paved roads w/curbs & sewers	98	4,242
4,242		Impervious Area	4,242		Impervious Area		4,242
Direct Entry, 6.0							

Runoff = 0.56 cfs @ 12.08 hrs, Volume= 0.046 af, Depth= 5.26"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Summary for Subcatchment B4: B4

Area (sf)	CN	Description	Tc Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,562	98	Paved parking & roofs	4,562	98	Paved parking & roofs	98	4,562
4,562		Impervious Area	4,562		Impervious Area		4,562
Direct Entry, 6.0							

Runoff = 0.35 cfs @ 12.08 hrs, Volume= 0.029 af, Depth= 5.26"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Summary for Subcatchment C1: C1

Runoff = 0.54 cfs @ 12.08 hrs, Volume = 0.044 af, Depth = 5.26"
 Runoff by SCS TR-20 method, UH=SCS, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
4,401	98	Paved roads w/curbs & sewers
4,401		Impervious Area
Tc Length (min)		
Slope (ft/ft)		
Velocity (ft/sec)		
Capacity (cfs)		
Description		
Direct Entry, 6.0		

Summary for Subcatchment DET: Detention Area

Runoff = 0.81 cfs @ 12.09 hrs, Volume = 0.057 af, Depth = 2.77"
 Runoff by SCS TR-20 method, UH=SCS, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
10,851	74	>75% Grass cover, Good, HSG C
10,851		Pervious Area
Tc Length (min)		
Slope (ft/ft)		
Velocity (ft/sec)		
Capacity (cfs)		
Description		
Direct Entry, 6.0		

Summary for Reach PO1 1: PO1 1

Inflow Area = 4.299 ac, 33.83% Impervious, Inflow Depth = 3.57" for 25 YR event
 Inflow = 12.89 cfs @ 12.16 hrs, Volume = 1.280 af
 Outflow = 12.89 cfs @ 12.16 hrs, Volume = 1.280 af, Atten = 0%, Lag = 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs

Summary for Reach R: R

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 5.26" for 25 YR event
 Inflow = 0.54 cfs @ 12.08 hrs, Volume = 0.044 af
 Outflow = 0.29 cfs @ 12.21 hrs, Volume = 0.044 af, Atten = 47%, Lag = 7.6 min
 Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Max. Velocity = 0.24 fps, Min. Travel Time = 24.2 min
 Avg. Velocity = 0.08 fps, Avg. Travel Time = 77.1 min

18.00' x 1.00' deep channel, n=0.200 Sheet flow: Woods+light brush
 Side Slope Z-value=100.0' Top Width=218.00'
 Length=138.0' Slope=0.0435'/'
 Inlet Invert=80.00', Outlet Invert=74.00'



Summary for Pond CB B1: CB B1

Inflow Area = 1.500 ac, 77.66% Impervious, Inflow Depth = 4.60" for 25 YR event
 Inflow = 7.48 cfs @ 12.08 hrs, Volume= 0.575 af
 Primary = 7.48 cfs @ 12.08 hrs, Volume= 0.575 af, Atten=0%, Lag=0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B2: CB B2

Inflow Area = 0.508 ac, 55.19% Impervious, Inflow Depth = 3.94" for 25 YR event
 Inflow = 2.30 cfs @ 12.09 hrs, Volume= 0.167 af
 Primary = 2.30 cfs @ 12.09 hrs, Volume= 0.167 af, Atten=0%, Lag=0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B3: CB B3

Inflow Area = 0.684 ac, 84.25% Impervious, Inflow Depth = 4.80" for 25 YR event
 Inflow = 3.52 cfs @ 12.08 hrs, Volume= 0.274 af
 Primary = 3.52 cfs @ 12.08 hrs, Volume= 0.274 af, Atten=0%, Lag=0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B4: B4

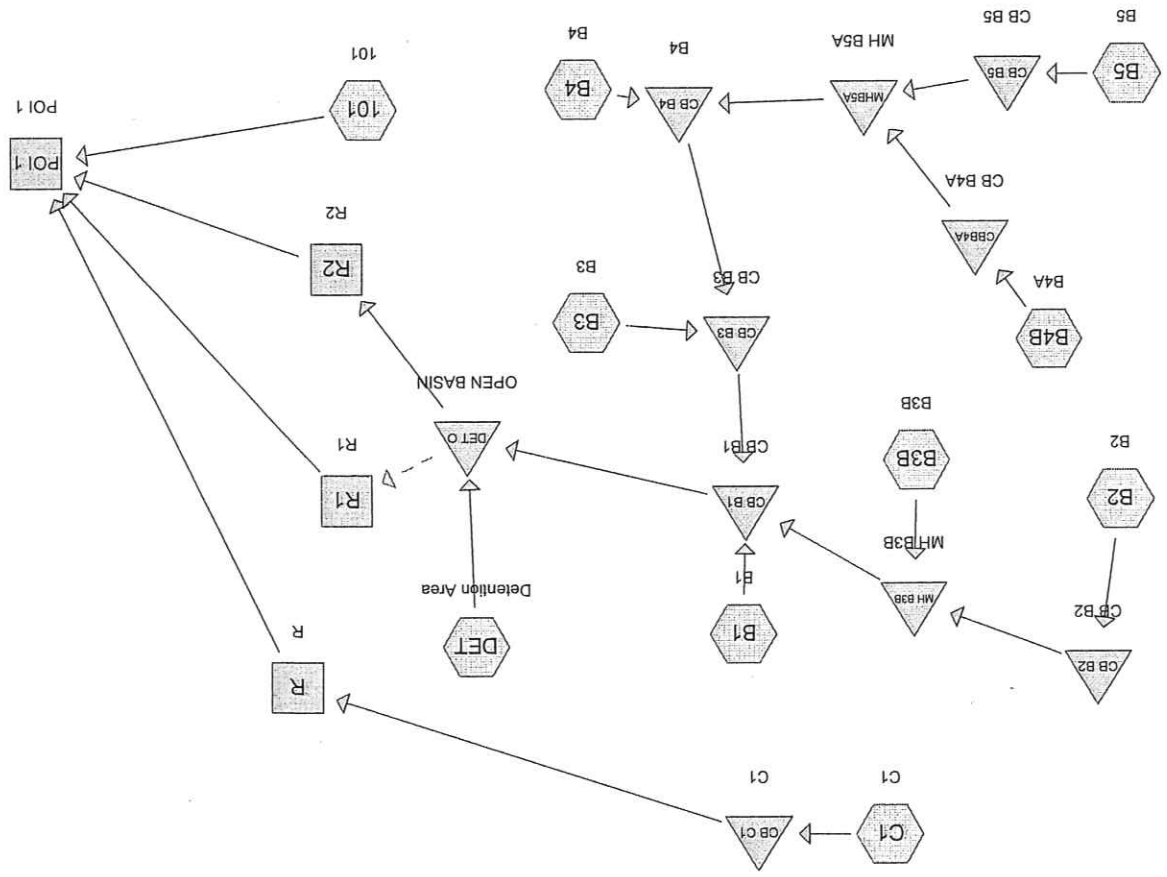
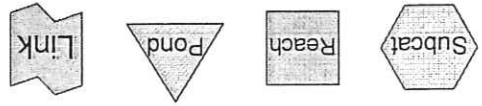
Inflow Area = 0.587 ac, 81.64% Impervious, Inflow Depth = 4.72" for 25 YR event
 Inflow = 3.00 cfs @ 12.08 hrs, Volume= 0.231 af
 Primary = 3.00 cfs @ 12.08 hrs, Volume= 0.231 af, Atten=0%, Lag=0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B5: CB B5

Inflow Area = 0.326 ac, 68.83% Impervious, Inflow Depth = 4.36" for 25 YR event
 Inflow = 1.60 cfs @ 12.08 hrs, Volume= 0.119 af
 Primary = 1.60 cfs @ 12.08 hrs, Volume= 0.119 af, Atten=0%, Lag=0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Postdevelopment Computations with Detention Storage

APPENDIX E



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Soil Listing (selected nodes)

Area	Soil	Subcatchment	Area (acres)
0.000	HSG A		0.000
0.000	HSG B		0.000
1.861	HSG C	101, B2, B4B, B5, DET	1.861
0.984	HSG D	101	0.984
1.454	Other	101, B1, B2, B3, B3B, B4, B4B, B5, C1	1.454
4.299		TOTAL AREA	4.299

Pond CB B3: CB B3
Inflow=1.78 cfs 0.135 at
Primary=1.78 cfs 0.135 at

Pond CB B4: B4
Inflow=1.50 cfs 0.112 at
Primary=1.50 cfs 0.112 at

Pond CB B5: CB B5
Inflow=0.75 cfs 0.054 at
Primary=0.75 cfs 0.054 at

Pond CB C1: C1
Inflow=0.29 cfs 0.023 at
Primary=0.29 cfs 0.023 at

Pond CBB4A: CB B4A
Inflow=0.56 cfs 0.043 at
Primary=0.56 cfs 0.043 at

Pond DET O: OPEN BASIN
Peak Elev=90.06' Storage=7,585 cf Inflow=3.91 cfs 0.295 at
Primary=0.43 cfs 0.169 at Secondary=0.00 cfs 0.000 at Outflow=0.43 cfs 0.169 at

Pond MH B3B: MH B3B
Inflow=1.29 cfs 0.094 at
Primary=1.29 cfs 0.094 at

Pond MHB5A: MH B5A
Inflow=1.31 cfs 0.097 at
Primary=1.31 cfs 0.097 at

Total Runoff Area = 4.299 ac Runoff Volume = 0.526 af Average Runoff Depth = 1.47"
66.17% Pervious = 2.845 ac 33.83% Impervious = 1.454 ac

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 Type III 24-hr 2 YR Rainfall=3.00"
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Summary for Subcatchment B3: B3

Runoff = 0.28 cfs @ 12.08 hrs, Volume = 0.022 af, Depth = 2.77"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12,204	98	Paved roads w/curbs & sewers	12,204				
3,238	70	Woods, Good, HSG C					
5,811	71	Meadow, non-grazed, HSG C					
860	74	>75% Grass cover, Good, HSG C					
22,113	86	Weighted Average					
9,909		Pervious Area					
12,204		Impervious Area					
Tc Length (min) 6.0							
Direct Entry,							

Summary for Subcatchment B3B: B3B

Runoff = 0.30 cfs @ 12.08 hrs, Volume = 0.024 af, Depth = 2.77"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,242	98	Paved roads w/curbs & sewers	4,242				
4,242		Impervious Area					
Tc Length (min) 6.0							
Direct Entry,							

Summary for Subcatchment B4: B4

Runoff = 0.19 cfs @ 12.08 hrs, Volume = 0.015 af, Depth = 2.77"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,562	98	Paved parking & roofs	4,562				
4,562		Impervious Area					
Tc Length (min) 6.0							
Direct Entry,							

Summary for Subcatchment C1: C1

Runoff = 0.29 cfs @ 12.08 hrs, Volume= 0.023 af, Depth= 2.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
4,401	98	Paved roads w/curbs & sewers
4,401		Impervious Area
Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)
6.0		Capacity (cfs)
Description		
Direct Entry,		

Summary for Subcatchment DET: Detention Area

Runoff = 0.25 cfs @ 12.10 hrs, Volume= 0.019 af, Depth= 0.91"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
10,851	74	>75% Grass cover, Good, HSG C
10,851		PerVIOUS Area
Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)
6.0		Capacity (cfs)
Description		
Direct Entry,		

Summary for Reach POI 1: POI 1

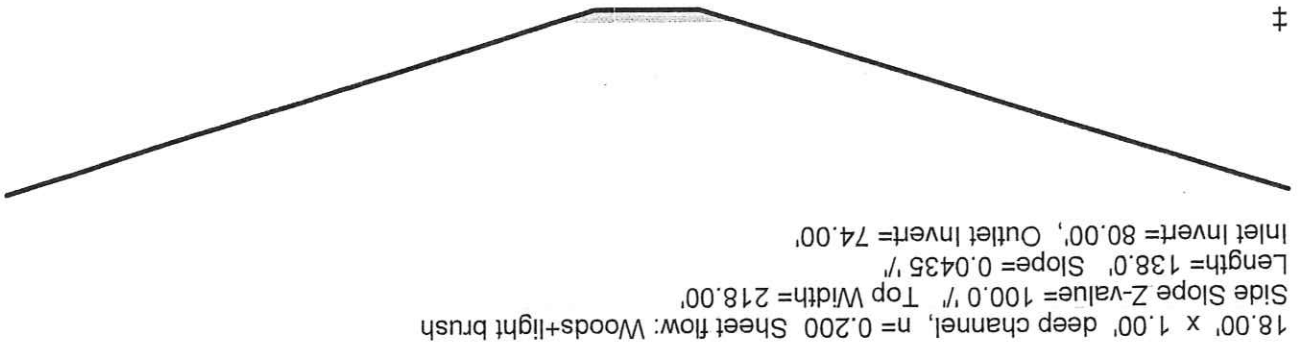
Inflow Area = 4.299 ac, 33.83% Impervious, Inflow Depth > 1.11" for 2 YR event
 Inflow = 2.18 cfs @ 12.24 hrs, Volume= 0.399 af
 Outflow = 2.18 cfs @ 12.24 hrs, Volume= 0.399 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Reach R: R

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 2.77" for 2 YR event
 Inflow = 0.29 cfs @ 12.08 hrs, Volume= 0.023 af
 Outflow = 0.14 cfs @ 12.24 hrs, Volume= 0.023 af, Atten= 53%, Lag= 9.4 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Max. Velocity= 0.19 fps, Min. Travel Time= 31.3 min
 Avg. Velocity = 0.07 fps, Avg. Travel Time= 90.2 min



Summary for Pond CB B1: CB B1

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 1.500 ac, 77.66% ImperVIOUS, Inflow Depth = 2.21" for 2 YR event
 Inflow = 3.67 cfs @ 12.09 hrs, Volume = 0.276 af
 Primary = 3.67 cfs @ 12.09 hrs, Volume = 0.276 af, Atten = 0%, Lag = 0.0 min

Summary for Pond CB B2: CB B2

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 0.508 ac, 55.19% ImperVIOUS, Inflow Depth = 1.66" for 2 YR event
 Inflow = 0.99 cfs @ 12.09 hrs, Volume = 0.070 af
 Primary = 0.99 cfs @ 12.09 hrs, Volume = 0.070 af, Atten = 0%, Lag = 0.0 min

Summary for Pond CB B3: CB B3

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 0.684 ac, 84.25% ImperVIOUS, Inflow Depth = 2.36" for 2 YR event
 Inflow = 1.78 cfs @ 12.08 hrs, Volume = 0.135 af
 Primary = 1.78 cfs @ 12.08 hrs, Volume = 0.135 af, Atten = 0%, Lag = 0.0 min

Summary for Pond CB B4: B4

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 0.587 ac, 81.64% ImperVIOUS, Inflow Depth = 2.30" for 2 YR event
 Inflow = 1.50 cfs @ 12.09 hrs, Volume = 0.112 af
 Primary = 1.50 cfs @ 12.09 hrs, Volume = 0.112 af, Atten = 0%, Lag = 0.0 min

Summary for Pond CB B5: CB B5

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 0.326 ac, 68.83% ImperVIOUS, Inflow Depth = 1.98" for 2 YR event
 Inflow = 0.75 cfs @ 12.09 hrs, Volume = 0.054 af
 Primary = 0.75 cfs @ 12.09 hrs, Volume = 0.054 af, Atten = 0%, Lag = 0.0 min

Head (feet) 0.20 0.40 0.60 0.80 1.00
 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary Outflow Max=0.43 cfs @ 12.84 hrs HW=90.06' TW=80.07' (Dynamic Tailwater)
 1=Culvert (Passes 0.43 cfs of 20.91 cfs potential flow)
 3=Broad-Crested Rectangular Weir (Weir Controls 0.43 cfs @ 1.95 fps)
 4=Broad-Crested Rectangular Weir (Controls 0.00 cfs)

Secondary Outflow Max=0.00 cfs @ 0.00 hrs HW=88.42' TW=80.00' (Dynamic Tailwater)
 2=Broad-Crested Rectangular Weir (Controls 0.00 cfs)

Summary for Pond MH B3B: MH B3B

Inflow Area = 0.612 ac, 62.85% Impervious, Inflow Depth = 1.85" for 2 YR event
 Inflow = 1.29 cfs @ 12.09 hrs, Volume= 0.094 af
 Primary = 1.29 cfs @ 12.09 hrs, Volume= 0.094 af, Atten= 0%, Lag= 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond MHB5A: MH B5A

Inflow Area = 0.521 ac, 79.34% Impervious, Inflow Depth = 2.24" for 2 YR event
 Inflow = 1.31 cfs @ 12.09 hrs, Volume= 0.097 af
 Primary = 1.31 cfs @ 12.09 hrs, Volume= 0.097 af, Atten= 0%, Lag= 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

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Type III 24-hr 10 YR Rainfall=4.70"

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Pond CB B3: CB B3

Inflow=2.97 cfs 0.229 at
Primary=2.97 cfs 0.229 at

Pond CB B4: B4

Inflow=2.52 cfs 0.193 at
Primary=2.52 cfs 0.193 at

Pond CB B5: CB B5

Inflow=1.33 cfs 0.098 at
Primary=1.33 cfs 0.098 at

Pond CB C1: C1

Inflow=0.46 cfs 0.038 at
Primary=0.46 cfs 0.038 at

Pond CBB4A: CB B4A

Inflow=0.89 cfs 0.071 at
Primary=0.89 cfs 0.071 at

Pond DET O: OPEN BASIN

Peak Elev=90.72' Storage=11,298 cf Inflow=6.87 cfs 0.523 at
Primary=2.05 cfs 0.396 at Secondary=0.00 cfs 0.000 at Outflow=2.05 cfs 0.396 at

Pond MH B3B: MH B3B

Inflow=2.36 cfs 0.174 at
Primary=2.36 cfs 0.174 at

Pond MHB5A: MH B5A

Inflow=2.22 cfs 0.168 at
Primary=2.22 cfs 0.168 at

Total Runoff Area = 4.299 ac Runoff Volume = 1.028 af Average Runoff Depth = 2.87"
66.17% Pervious = 2.845 ac 33.83% Impervious = 1.454 ac

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Type III 24-hr 10 YR Rainfall=4.70"
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Summary for Subcatchment B3: B3

Runoff = 0.45 cfs @ 12.08 hrs, Volume= 0.036 af, Depth= 4.46"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
12,204	98	Paved roads w/curbs & sewers
3,238	70	Woods, Good, HSG C
5,811	71	Meadow, non-grazed, HSG C
860	74	>75% Grass cover, Good, HSG C
22,113	86	Weighted Average
9,909		Pervious Area
12,204		Impervious Area
Tc Length (min)		
(feet)		
Slope (ft/ft)		
Velocity (ft/sec)		
Capacity (cfs)		
Description		
Direct Entry, 6.0		

Summary for Subcatchment B3B: B3B

Runoff = 0.48 cfs @ 12.08 hrs, Volume= 0.039 af, Depth= 4.46"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
4,242	98	Paved roads w/curbs & sewers
4,242		Impervious Area
Tc Length (min)		
(feet)		
Slope (ft/ft)		
Velocity (ft/sec)		
Capacity (cfs)		
Description		
Direct Entry, 6.0		

Summary for Subcatchment B4: B4

Runoff = 0.30 cfs @ 12.08 hrs, Volume= 0.024 af, Depth= 4.46"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
4,562	98	Paved parking & roofs
4,562		Impervious Area
Tc Length (min)		
(feet)		
Slope (ft/ft)		
Velocity (ft/sec)		
Capacity (cfs)		
Description		
Direct Entry, 6.0		

Summary for Subcatchment C1: C1

Runoff = 0.46 cfs @ 12.08 hrs, Volume= 0.038 af, Depth= 4.46"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
4,401	98	Paved roads w/curbs & sewers
4,401		Impervious Area
Tc Length (min) (ft)		
Slope (ft/ft)		
Velocity (ft/sec)		
Capacity (cfs)		
Description		
Direct Entry, 6.0		

Summary for Subcatchment DET: Detention Area

Runoff = 0.62 cfs @ 12.09 hrs, Volume= 0.044 af, Depth= 2.13"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
10,851	74	>75% Grass cover, Good, HSG C
10,851		Pervious Area
Tc Length (min) (ft)		
Slope (ft/ft)		
Velocity (ft/sec)		
Capacity (cfs)		
Description		
Direct Entry, 6.0		

Summary for Reach POI 1: POI 1

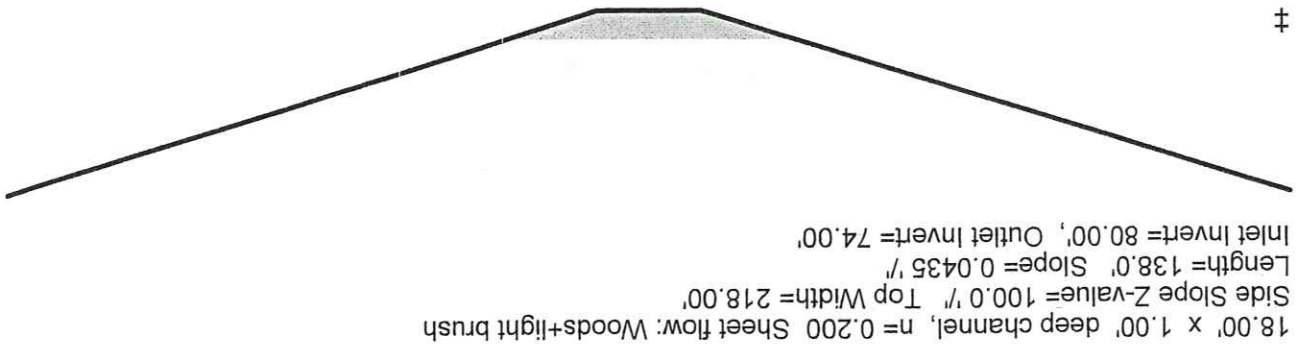
Inflow Area = 4.299 ac, 33.83% Impervious, Inflow Depth > 2.51" for 10 YR event
 Inflow = 6.34 cfs @ 12.26 hrs, Volume= 0.901 af
 Outflow = 6.34 cfs @ 12.26 hrs, Volume= 0.901 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Reach R: R

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 4.46" for 10 YR event
 Inflow = 0.46 cfs @ 12.08 hrs, Volume= 0.038 af
 Outflow = 0.24 cfs @ 12.22 hrs, Volume= 0.038 af, Atten= 48%, Lag= 7.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Max. Velocity= 0.23 fps, Min. Travel Time= 25.9 min
 Avg. Velocity = 0.07 fps, Avg. Travel Time= 80.8 min



Summary for Pond CB B1: CB B1

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Inflow Area = 1.500 ac, 77.66% Impervious, Inflow Depth = 3.83" for 10-YR event
 Inflow = 6.26 cfs @ 12.08 hrs, Volume= 0.478 af
 Primary = 6.26 cfs @ 12.08 hrs, Volume= 0.478 af, Atten= 0%, Lag= 0.0 min

Summary for Pond CB B2: CB B2

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Inflow Area = 0.508 ac, 55.19% Impervious, Inflow Depth = 3.19" for 10 YR event
 Inflow = 1.88 cfs @ 12.09 hrs, Volume= 0.135 af
 Primary = 1.88 cfs @ 12.09 hrs, Volume= 0.135 af, Atten= 0%, Lag= 0.0 min

Summary for Pond CB B3: CB B3

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Inflow Area = 0.684 ac, 84.25% Impervious, Inflow Depth = 4.01" for 10 YR event
 Inflow = 2.97 cfs @ 12.08 hrs, Volume= 0.229 af
 Primary = 2.97 cfs @ 12.08 hrs, Volume= 0.229 af, Atten= 0%, Lag= 0.0 min

Summary for Pond CB B4: B4

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Inflow Area = 0.587 ac, 81.64% Impervious, Inflow Depth = 3.94" for 10 YR event
 Inflow = 2.52 cfs @ 12.08 hrs, Volume= 0.193 af
 Primary = 2.52 cfs @ 12.08 hrs, Volume= 0.193 af, Atten= 0%, Lag= 0.0 min

Summary for Pond CB B5: CB B5

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Inflow Area = 0.326 ac, 68.83% Impervious, Inflow Depth = 3.59" for 10 YR event
 Inflow = 1.33 cfs @ 12.09 hrs, Volume= 0.098 af
 Primary = 1.33 cfs @ 12.09 hrs, Volume= 0.098 af, Atten= 0%, Lag= 0.0 min

Head (feet) 0.20 0.40 0.60 0.80 1.00
 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary Outflow Max=2.05 cfs @ 12.41 hrs HW=90.72' TW=80.16' (Dynamic Tailwater)
 1=Culvert (Passes 2.05 cfs of 23.06 cfs potential flow)
 3=Broad-Crested Rectangular Weir (Weir Controls 1.91 cfs @ 3.48 fps)
 4=Broad-Crested Rectangular Weir (Weir Controls 0.14 cfs @ 1.31 fps)
 2=Broad-Crested Rectangular Weir (Controls 0.00 cfs)
 Secondary Outflow Max=0.00 cfs @ 0.00 hrs HW=88.42' TW=80.00' (Dynamic Tailwater)

Summary for Pond MH B3B: MH B3B

Inflow Area = 0.612 ac, 62.85% Impervious, Inflow Depth = 3.41" for 10 YR event
 Inflow = 2.36 cfs @ 12.09 hrs, Volume= 0.174 af
 Primary = 2.36 cfs @ 12.09 hrs, Volume= 0.174 af, Atten=0%, Lag=0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond MHB5A: MH B5A

Inflow Area = 0.521 ac, 79.34% Impervious, Inflow Depth = 3.87" for 10 YR event
 Inflow = 2.22 cfs @ 12.08 hrs, Volume= 0.168 af
 Primary = 2.22 cfs @ 12.08 hrs, Volume= 0.168 af, Atten=0%, Lag=0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

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Type III 24-hr 25 YR Rainfall=5.50"
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Pond CB B3: CB B3

Inflow=3.52 cfs 0.274 af
Primary=3.52 cfs 0.274 af

Pond CB B4: B4

Inflow=3.00 cfs 0.231 af
Primary=3.00 cfs 0.231 af

Pond CB B5: CB B5

Inflow=1.60 cfs 0.119 af
Primary=1.60 cfs 0.119 af

Pond CB C1: C1

Inflow=0.54 cfs 0.044 af
Primary=0.54 cfs 0.044 af

Pond CBB4A: CB B4A

Inflow=1.05 cfs 0.084 af
Primary=1.05 cfs 0.084 af

Pond DET O: OPEN BASIN

Peak Elev=90.96' Storage=12,745 cf Inflow=8.29 cfs 0.633 af
Primary=3.02 cfs 0.506 af Secondary=0.00 cfs 0.000 af Outflow=3.02 cfs 0.506 af

Pond MH B3B: MH B3B

Inflow=2.86 cfs 0.212 af
Primary=2.86 cfs 0.212 af

Pond MHB5A: MH B5A

Inflow=2.64 cfs 0.202 af
Primary=2.64 cfs 0.202 af

Total Runoff Area = 4.299 ac Runoff Volume = 1.280 af Average Runoff Depth = 3.57"
66.17% Pervious = 2.845 ac 33.83% Impervious = 1.454 ac

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Type III 24-hr 25 YR Rainfall=5.50" Prepared by {enter your company name here} HydroCAD® 8.50 s/n 000734 © 2007 HydroCAD Software Solutions LLC Page 27

Summary for Subcatchment B3: B3

Runoff = 0.52 cfs @ 12.08 hrs, Volume= 0.043 af, Depth= 5.26"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12,204	98	Paved roads w/curbs & sewers	12,204				
3,238	70	Woods, Good, HSG C					
5,811	71	Meadow, non-grazed, HSG C					
860	74	>75% Grass cover, Good, HSG C					
22,113	86	Weighted Average					
9,909		Pervious Area					
12,204		Imperious Area					
6.0		Direct Entry,					

Summary for Subcatchment B3B: B3B

Runoff = 0.56 cfs @ 12.08 hrs, Volume= 0.046 af, Depth= 5.26"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,242	98	Paved roads w/curbs & sewers	4,242				
4,242		Imperious Area					
6.0		Direct Entry,					

Summary for Subcatchment B4: B4

Runoff = 0.35 cfs @ 12.08 hrs, Volume= 0.029 af, Depth= 5.26"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description	Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,562	98	Paved parking & roofs	4,562				
4,562		Imperious Area					
6.0		Direct Entry,					

Summary for Subcatchment C1: C1

Runoff = 0.54 cfs @ 12.08 hrs, Volume= 0.044 af, Depth= 5.26"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
4,401	98	Paved roads w/curbs & sewers
4,401		Impervious Area

Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0				Direct Entry,

Summary for Subcatchment DET: Detention Area

Runoff = 0.81 cfs @ 12.09 hrs, Volume= 0.057 af, Depth= 2.77"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
10,851	74	>75% Grass cover, Good, HSG C
10,851		Pervious Area

Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0				Direct Entry,

Summary for Reach PO1: PO1

Inflow Area = 4.299 ac, 33.83% Impervious, Inflow Depth > 3.22" for 25 YR event
 Inflow = 8.84 cfs @ 12.25 hrs, Volume= 1.153 af
 Outflow = 8.84 cfs @ 12.25 hrs, Volume= 1.153 af, Atten= 0%, Lag= 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Reach R: R

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 5.26" for 25 YR event
 Inflow = 0.54 cfs @ 12.08 hrs, Volume= 0.044 af
 Outflow = 0.29 cfs @ 12.21 hrs, Volume= 0.044 af, Atten= 47%, Lag= 7.6 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Max. Velocity= 0.24 fps, Min. Travel Time= 24.2 min
 Avg. Velocity = 0.08 fps, Avg. Travel Time= 77.1 min

18.00' x 1.00' deep channel, n = 0.200 Sheet flow: Woods+light brush
 Side Slope Z-value = 100.0' / Top Width = 218.00'
 Length = 138.0' Slope = 0.0435' /
 Inlet Invert = 80.00', Outlet Invert = 74.00'



Summary for Pond CB B1: CB B1

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 1.500 ac, 77.66% Impervious, Inflow Depth = 4.60" for 25 YR event
 Inflow = 7.48 cfs @ 12.08 hrs, Volume = 0.575 af
 Primary = 7.48 cfs @ 12.08 hrs, Volume = 0.575 af, Atten = 0%, Lag = 0.0 min

Summary for Pond CB B2: CB B2

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 0.508 ac, 55.19% Impervious, Inflow Depth = 3.94" for 25 YR event
 Inflow = 2.30 cfs @ 12.09 hrs, Volume = 0.167 af
 Primary = 2.30 cfs @ 12.09 hrs, Volume = 0.167 af, Atten = 0%, Lag = 0.0 min

Summary for Pond CB B3: CB B3

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 0.684 ac, 84.25% Impervious, Inflow Depth = 4.80" for 25 YR event
 Inflow = 3.52 cfs @ 12.08 hrs, Volume = 0.274 af
 Primary = 3.52 cfs @ 12.08 hrs, Volume = 0.274 af, Atten = 0%, Lag = 0.0 min

Summary for Pond CB B4: B4

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 0.587 ac, 81.64% Impervious, Inflow Depth = 4.72" for 25 YR event
 Inflow = 3.00 cfs @ 12.08 hrs, Volume = 0.231 af
 Primary = 3.00 cfs @ 12.08 hrs, Volume = 0.231 af, Atten = 0%, Lag = 0.0 min

Summary for Pond CB B5: CB B5

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs
 Inflow Area = 0.326 ac, 68.83% Impervious, Inflow Depth = 4.36" for 25 YR event
 Inflow = 1.60 cfs @ 12.08 hrs, Volume = 0.119 af
 Primary = 1.60 cfs @ 12.08 hrs, Volume = 0.119 af, Atten = 0%, Lag = 0.0 min

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Type III 24-hr 25 YR Rainfall=5.50"
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Head (feet) 0.20 0.40 0.60 0.80 1.00
Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary Outflow Max=3.02 cfs @ 12.34 hrs HW=90.96' TW=80.19' (Dynamic Tailwater)
1=Culvert (Passes 3.02 cfs of 23.79 cfs potential flow)
3=Broad-Crested Rectangular Weir (Weir Controls 2.57 cfs @ 3.84 fps)
4=Broad-Crested Rectangular Weir (Weir Controls 0.46 cfs @ 2.00 fps)
2=Broad-Crested Rectangular Weir (Controls 0.00 cfs)
(Dynamic Tailwater)

Summary for Pond MH B3B: MH B3B

Inflow Area = 0.612 ac, 62.85% Impervious, Inflow Depth = 4.16" for 25 YR event
Inflow = 2.86 cfs @ 12.09 hrs, Volume= 0.212 af
Primary = 2.86 cfs @ 12.09 hrs, Volume= 0.212 af
Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond MHB5A: MH B5A

Inflow Area = 0.521 ac, 79.34% Impervious, Inflow Depth = 4.65" for 25 YR event
Inflow = 2.64 cfs @ 12.08 hrs, Volume= 0.202 af
Primary = 2.64 cfs @ 12.08 hrs, Volume= 0.202 af
Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

2014.07.10 POSTDEVELOPMENT

Type III 24-hr 100 YR Rainfall=6.70"

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Pond CB B3: CB B3
Inflow=4.35 cfs 0.341 af
Primary=4.35 cfs 0.341 af

Pond CB B4: B4
Inflow=3.71 cfs 0.289 af
Primary=3.71 cfs 0.289 af

Pond CB B5: CB B5
Inflow=2.00 cfs 0.150 af
Primary=2.00 cfs 0.150 af

Pond CB C1: C1
Inflow=0.66 cfs 0.054 af
Primary=0.66 cfs 0.054 af

Pond CBB4A: CB B4A
Inflow=1.28 cfs 0.103 af
Primary=1.28 cfs 0.103 af

Pond DET O: OPEN BASIN
Peak Elev=91.16' Storage=14,004 cf Inflow=10.41 cfs 0.801 af
Primary=4.01 cfs 0.638 af Secondary=2.16 cfs 0.036 af Outflow=6.17 cfs 0.674 af

Pond MH B3B: MH B3B
Inflow=3.62 cfs 0.271 af
Primary=3.62 cfs 0.271 af

Pond MHB5A: MH B5A
Inflow=3.28 cfs 0.253 af
Primary=3.28 cfs 0.253 af

Total Runoff Area = 4.299 ac Runoff Volume = 1.669 af Average Runoff Depth = 4.66"
66.17% Pervious = 2.845 ac 33.83% Impervious = 1.454 ac

Summary for Subcatchment B3: B3

Runoff = 0.64 cfs @ 12.08 hrs, Volume= 0.052 af, Depth= 6.46"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 100 YR Rainfall=6.70"

Area (sf)	CN	Description	Tc Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
12,204	98	Paved roads w/curbs & sewers	3,238	70			Woods, Good, HSG C
5,811	71	Meadow, non-grazed, HSG C	860	74			>75% Grass cover, Good, HSG C
22,113	86	Weighted Average	9,909				
9,909		Pervious Area	12,204				Impervious Area
12,204							
Tc Length (min) (ft/ft) (ft/sec) (cfs) Description							
6.0 Direct Entry,							

Summary for Subcatchment B3B: B3B

Runoff = 0.69 cfs @ 12.08 hrs, Volume= 0.056 af, Depth= 6.46"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 100 YR Rainfall=6.70"

Area (sf)	CN	Description	Tc Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,242	98	Paved roads w/curbs & sewers	4,562	98			Paved parking & roofs
4,242			4,562				Impervious Area
Tc Length (min) (ft/ft) (ft/sec) (cfs) Description							
6.0 Direct Entry,							

Summary for Subcatchment B4: B4

Runoff = 0.43 cfs @ 12.08 hrs, Volume= 0.035 af, Depth= 6.46"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 100 YR Rainfall=6.70"

Area (sf)	CN	Description	Tc Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4,562	98	Paved parking & roofs	4,562	98			Paved parking & roofs
4,562			4,562				Impervious Area
Tc Length (min) (ft/ft) (ft/sec) (cfs) Description							
6.0 Direct Entry,							

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Summary for Subcatchment C1: C1

Runoff = 0.66 cfs @ 12.08 hrs, Volume= 0.054 af, Depth= 6.46"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 100 YR Rainfall=6.70"

Area (sf)	CN	Description
4,401	98	Paved roads w/curbs & sewers
4,401		Imperious Area
Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)
6.0		Capacity (cfs)
Description		
Direct Entry,		

Summary for Subcatchment DET: Detention Area

Runoff = 1.11 cfs @ 12.09 hrs, Volume= 0.079 af, Depth= 3.78"
 Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Type III 24-hr 100 YR Rainfall=6.70"

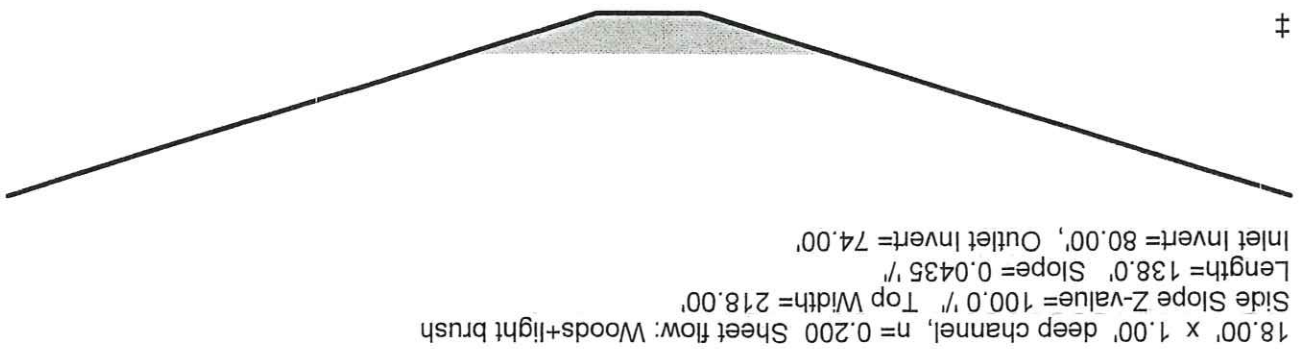
Area (sf)	CN	Description
10,851	74	>75% Grass cover, Good, HSG C
10,851		Pervious Area
Tc Length (min)	Slope (ft/ft)	Velocity (ft/sec)
6.0		Capacity (cfs)
Description		
Direct Entry,		

Summary for Reach PO1: PO1

Inflow Area = 4.299 ac, 33.83% Imperious, Inflow Depth > 4.30" for 100 YR event
 Inflow = 13.34 cfs @ 12.25 hrs, Volume= 1.542 af
 Outflow = 13.34 cfs @ 12.25 hrs, Volume= 1.542 af, Atten= 0%, Lag= 0.0 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Reach R: R

Inflow Area = 0.101 ac, 100.00% Imperious, Inflow Depth = 6.46" for 100 YR event
 Inflow = 0.66 cfs @ 12.08 hrs, Volume= 0.054 af
 Outflow = 0.37 cfs @ 12.20 hrs, Volume= 0.054 af, Atten= 45%, Lag= 7.1 min
 Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Max. Velocity= 0.26 fps, Min. Travel Time= 22.4 min
 Avg. Velocity = 0.08 fps, Avg. Travel Time= 72.7 min



Summary for Pond CB B1: CB B1

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs

Inflow Area =	1.500 ac, 77.66% Impervious, Inflow Depth = 5.78"	for 100 YR event
Inflow	9.31 cfs @ 12.08 hrs, Volume = 0.722 af	
Primary	9.31 cfs @ 12.08 hrs, Volume = 0.722 af	Atten = 0%, Lag = 0.0 min

Summary for Pond CB B2: CB B2

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs

Inflow Area =	0.508 ac, 55.19% Impervious, Inflow Depth = 5.08"	for 100 YR event
Inflow	2.93 cfs @ 12.09 hrs, Volume = 0.215 af	
Primary	2.93 cfs @ 12.09 hrs, Volume = 0.215 af	Atten = 0%, Lag = 0.0 min

Summary for Pond CB B3: CB B3

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs

Inflow Area =	0.684 ac, 84.25% Impervious, Inflow Depth = 5.98"	for 100 YR event
Inflow	4.35 cfs @ 12.08 hrs, Volume = 0.341 af	
Primary	4.35 cfs @ 12.08 hrs, Volume = 0.341 af	Atten = 0%, Lag = 0.0 min

Summary for Pond CB B4: B4

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs

Inflow Area =	0.587 ac, 81.64% Impervious, Inflow Depth = 5.90"	for 100 YR event
Inflow	3.71 cfs @ 12.08 hrs, Volume = 0.289 af	
Primary	3.71 cfs @ 12.08 hrs, Volume = 0.289 af	Atten = 0%, Lag = 0.0 min

Summary for Pond CB B5: CB B5

Routing by Dyn-Stor-Ind method, Time Span = 0.00-30.00 hrs, dt = 0.01 hrs

Inflow Area =	0.326 ac, 68.83% Impervious, Inflow Depth = 5.53"	for 100 YR event
Inflow	2.00 cfs @ 12.08 hrs, Volume = 0.150 af	
Primary	2.00 cfs @ 12.08 hrs, Volume = 0.150 af	Atten = 0%, Lag = 0.0 min

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Type III 24-hr 100 YR Rainfall=6.70"

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Head (feet) 0.20 0.40 0.60 0.80 1.00
 Coef. (English) 2.80 2.92 3.08 3.30 3.32

Primary Outflow Max=4.01 cfs @ 12.19 hrs HW=91.16' TW=80.21' (Dynamic Tailwater)
 1=Culvert (Passes 4.01 cfs of 24.38 cfs potential flow)

3=Broad-Crested Rectangular Weir (Weir Controls 3.17 cfs @ 4.12 fps)
 4=Broad-Crested Rectangular Weir (Weir Controls 0.84 cfs @ 2.55 fps)

2=Broad-Crested Rectangular Weir (Weir Controls 2.16 cfs @ 1.05 fps)
 Secondary Outflow Max=2.16 cfs @ 12.19 hrs HW=91.16' TW=80.09' (Dynamic Tailwater)

Summary for Pond MH B3B:

Inflow Area = 0.612 ac, 62.85% Impervious, Inflow Depth = 5.31" for 100 YR event
 Inflow = 3.62 cfs @ 12.08 hrs, Volume= 0.271 af
 Primary = 3.62 cfs @ 12.08 hrs, Volume= 0.271 af, Atten=0%, Lag=0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond MHB5A: MH B5A

Inflow Area = 0.521 ac, 79.34% Impervious, Inflow Depth = 5.83" for 100 YR event
 Inflow = 3.28 cfs @ 12.08 hrs, Volume= 0.253 af
 Primary = 3.28 cfs @ 12.08 hrs, Volume= 0.253 af, Atten=0%, Lag=0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Open Detention Basin Stage Storage Computations

APPENDIX F

STAGE STORAGE CALCULA

Sediment Forebay Volume

Stage	Elevation (ft)	Area (sq.ft)
0	86	25
1	87	118
2	88	301

Basin Stage Storage

Stage	Elevation (ft)	Area (sq.ft)
0	88.42	3965
0.58	89	4443
1.58	90	5263
2.58	91	6192
3.58	92	7141

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Volume (cubic.ft)	0
	72
	281

Volume (cubic.ft)	
	0
	2,438
	7,291
	5077 WQV required
	13,019
	19,685

JULY
2014

Water Quality Summary Chart and Computations

APPENDIX G

**Stormwater Quality Treatment Computation Sheet
Grassed Underdrain Filter - Updated July 15, 2014**

Area Tributary to the WQ Treatment Area			
Subcatchment ID	Pervious Area	Impervious Area	Total Area
B1	0	8,879	8,879
B2	9,909	12,204	22,113
B3	0	4,242	4,242
B3B	0	4,562	4,562
B4	0	2,843	2,843
B4A	266	8,238	8,504
B5	4,428	9,780	14,208
Sub Total (B Series)	14,603	50,748	65,351
Sub Total (B Series)	0.34	1.17	1.50
DET (SF)	10,851	0	10,851
DET (AC)	0.25	0.00	0.25
Treatment Total (SF)	25,454	50,748	76,202
Treatment Total (AC)	0.58	1.17	1.75

DESCRIPTION	UNIT	AREA	SITE AREA
B1	AC	3.24	3.36
B2	AC	0.12	
Entrance Easement Area	AC		
Original Parcel	AC		
Total Project Parcel	AC		

Offsite Area Being Treated	SF	6,572	1,343
Onsite Developed Area NOT Being Treated	SF	22,869	2,279
Total Onsite Impervious Area (SF)	SF	51,684	
Total Onsite Impervious Area (AC)	AC	1.19	
Total Onsite Developed Pervious Area (SF)	SF	41,751	
Total Onsite Developed Pervious Area (AC)	AC	0.96	

Total Onsite Developed Area (SF)	41,751	51,684	93,435	SF
Total Onsite Developed Area (AC)	0.96	1.19	2.14	AC
Percent of Impervious Area Treated		98.19%		
Area Treated			81.56%	
Area Treated			≥ 80% Required	
Area Treated			≥ 95% Required	
Water Quality Volume	848	4,229	5,077	CF
Water Quality Volume Required (CF)			5,343	CF
*Underdrain Soil Filter Area Provided (SF)			3,046	SF
*Underdrain Soil Filter Area Required (SF)			3,518	SF

* Underdrain Soil Filters are required to be 5% of total impervious area + 2 % of total pervious area according to Chapter 7.1, Volume III of the Maine Dep Storm Water BMP manual.

APPENDIX H

Office Drawdown Computations

Underdrained Soil Filter

DRAWDOWN (ft)
 Conversion
 Portion

ORIFICE DIAMETER FOR GRASSED UNDERDRAIN SOIL FILTER-DET 0

Elevation	Depth (ft)	Surface Area (sq.ft)	Area End (sq.ft)	Area End Depth (ft)	Incremental Stage Volume (c.f)	Cumulative Volume (c.f.)	Head (ft)	Orifice (ft)
89.62	1.20	4,948.00	4690.50	0.62	2908.11	5343.53	3.53	0
89.00	0.58	4,433.00	4199.00	0.58	2435.42	2435.42	2.91	0
88.42	0.00	3,965.00	0.00	0.00	0.00	0.00	2.33	0
TOTAL								

Note: Water Quality Volume Achieved at 89.62, 24-36 hour draw down requirements based on water quality depth

CA (2gh)^{1/2}

Orifice Diameter	1	inch
Area	0.0055	sq.ft
Head		feet
g	32.174	ft/s ²
C	0.6	Orifice/Grate

Flow	Drawdown Time (secs)	Drawdown Time (hours)
049	58962.69	16.4
045	54385.26	15.1
040	0.00	0.0
134	TOTAL	31.5

APPENDIX I

Geotechnical Exploration Test Pit Logs

(On file with original submission – not included with this submission)

(On file with original submission – not included with this submission)

Erosion Control Plan

APPENDIX J

Inspection & Maintenance Manual for Stormwater Management
and Related Stormwater Facilities

AMENDED

APPENDIX K

**INSPECTION AND MAINTENANCE MANUAL
FOR STORMWATER MANAGEMENT AND
RELATED STORMWATER FACILITIES**

**CONVENIENCE STORE AND FUEL STATION
PORTLAND, ME**

PREPARED FOR:

**PORTLAND PROPERTY HOLDINGS, LLC
2 MAIN STREET
TOPSHAM, MAINE 04086
(207) 865-4323**

PREPARED BY:

**FAY, SPOFFORD & THORNDIKE
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
(207) 775-1121**

**APRIL 2013
UPDATED JULY 21, 2014**

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APPENDICES

- Appendix A – Sample Inspection Logs
- Appendix B – Permits for Project
- Appendix C – Summary Checklist for Inspection and Maintenance
- Appendix D – Draft Stormwater Maintenance, Housekeeping and Inspection Contract

Relatively complex stormwater management facilities are commonly installed in development projects including, commercial facilities, and many other developments. The complexity and goals of these systems vary with the nature of the receiving water, as well as the type of development. Runoff from developed areas of the project, including rooftops, paved or lawn areas, typically contain materials that can impact the receiving waters. Source control and the installation of wet ponds, infiltration galleries, and water quality units, often combined with pretreatment measures or followed by vegetated buffer strips and other best management practices, can significantly reduce the non-point pollution discharge from the developed area. These measures are particularly important to projects in the watersheds of sensitive water bodies, or projects with potential impacts to groundwater. With the increased cost of land and development, there is an increased tendency to construct portions of the stormwater management systems underground.

The effectiveness of water quality management provisions and other components of the stormwater management system are dependent on their design, upkeep, and maintenance to assure they meet their intended function over an extended period of years. It is critical that the stormwater management facilities are regularly inspected, and that maintenance is performed on an as-needed basis. It must also be recognized that the effectiveness of these facilities, and their maintenance requirements, are related to the stormwater drainage facilities that collect and transport the flow to the ponds, infiltration galleries, and other treatment measures. Thus, maintenance should be directed to the total system, not just the pond or primary stormwater management facility.

The purpose of this document is to define, in detail, the inspection and maintenance requirements deemed necessary to assure that the stormwater management facilities function as intended when they were designed. Subsequent sections identify individual maintenance items, give a brief commentary of the function and need for the item, a description of the work required, and a suggested frequency of accomplishment. While the



A summary of the individual components of stormwater management facilities has been prepared. The format used in the summary is as follows:

A. GUIDELINES OVERVIEW

Preface: A general description of what function/benefit the element is intended to provide. This is a short summary and not intended to provide the design basis which can be found in other sources.

Inspection: This section provides the inspection requirements for the individual component.

Maintenance: The section provides general information on the routine maintenance requirements of this element.

Frequency: This section outlines the best judgment of the designer on the system to the frequency of maintenance.

Comments: This section provides any particular comment on the site-specific features of this element. This is a summary only. The owner/operator should review the design drawings and documents carefully to understand the particular elements of the project. The end of this section should allow for the owner/operator to make notes on the specific program. This may include the selected maintenance procedure, cross-references to applicable design drawings, etc.

A list of the individual inspection/maintenance elements is provided in the table of contents. The guidelines are proposed for initial use with adjustments made as appropriate based upon specific project experience.

II.

PROJECT OVERVIEW

Key permits issued (or applied for) on the project include:

- MeDEP Stormwater Permit (City of Portland Delegated Review Authority)
- City of Portland Site Plan Review
- MeDEP Waste Discharge Permit – Post-Construction Stormwater Discharge to the Long Creek Watershed

The permit applications pending for the project include the design information for the stormwater system.

A copy of the permits for the project should be appended to this manual as Appendix B. The Owner/Operator of the stormwater management system should review these permits for a general description and background of the project, as well as any specific permit conditions or requirements of the project.

The applicant has retained Fay, Spofford & Thordike (FST) for civil engineering for the Convenience Store and Fuel Station development in Portland, Maine. FST has prepared the design for the stormwater management facilities and may be contacted at:

Fay, Spofford & Thordike
778 Main Street, Suite 8
South Portland, Maine 04106
(207) 775-1121

It is recommended the preparer of the plan be contacted with any particular questions on the design intent or similar issues.

The applicable plans/design documents which apply to the project are:

1. Civil Site Plans/Permit Applications Prepared by Fay, Spofford & Thordike
2. The Erosion Control/Sedimentation Control Plan for the project.
3. The Stormwater Management Plan for the project.

A copy of these documents should be retained with the manual.

The site is tributary to the Long Creek Watershed.

The proposed design will include deep sump catch basins, oil absorbent sorbent booms, underground detention including the use of an arched chamber system and StormTreat™ system tank, and collection, conveyance, and discharge systems.

The project is subject to the requirements of the City of Portland Code of Ordinances, Chapter 32. Specifically the post construction stormwater management plan. The City requirements have been reiterated for ease of reference; however, the owner shall be responsible to meet the current City code.

"Any person owning, operating or otherwise having control over a BMP required by a post construction stormwater management plan shall maintain the BMP's in accordance with the approved plan and shall demonstrate compliance with that plan as follows:

(a) Inspections. The owner of operator of a BMP shall hire a qualified post-construction stormwater inspector to at least annually, inspect the BMP's, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

(b) Maintenance and repair. If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action (s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action (s) to the department of public services ("DPS") in the annual report.

(c) Annual report. The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification to DPS in a form provided by DPS, certifying that the person has inspected the BMP (s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective action (s) taken.

(d) Filing fee. Any persons required to file an annual certification under this section shall include with the annual certification a filing fee established by DPS to pay the administrative and technical costs of review of the annual certification.

(e) Right of entry. In order to determine compliance with this article and with the post-construction stormwater management plan, DPS may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the BMP's."

III. STANDARD INSPECTION/MAINTENANCE DESCRIPTIONS

The following narratives describe the inspection/maintenance provisions for the Stormwater Management area. These O&M procedures will complement scheduled sweeping of the pavement areas anticipated to occur at least twice per year. The MeDEP will require the stormwater system be certified to meet the basis of design at five year increments. Proper O&M is necessary to make sure the system can be certified.

A. POND OVERFLOW

Preface: The stormwater detention facilities proposed for the project include an open detention basin. The storage portion of the detention basin will travel to a level-hip spreader and discharge to the wetlands on the easterly side of the property. The open graded detention basin will store the water quality volume processed by the Grassed Underdrained Soil filter. If the detention storage volume were exceeded, water would spill over the emergency overflows weir at the northeast corner of the detention basin.

Inspection: There are inspection ports that should be checked semiannually to make sure that water is not ponded due to blockage.

Maintenance: The upstream measures are intended to reduce and presumably eliminate maintenance cleanings. Major cleaning would likely require excavation of the system although some success has been reported with fire flow flushing.

B. CONTROL STRUCTURES

Preface: The water quality volume will be detained in the open detention basin and bleed through the treatment measure (Soil Filter). A 6 ft dia. Manhole will control to the release from the Underdrained Soil Filter with an orifice cap on the outlet underdrain pipe. Runoff for storm events larger than 1" will overflow a 1 ft long Broad Crested weir. The outlet control structure has been designed to detain the runoff from the 2, 10, and 25-year storm events with a slow release over the Broad Crested Weir. Therefore, flow is anticipated to be released during and after every major storm event. Minor events will filter through the underdrained filter. The control structure will be designed to be inspected by removing the manhole covers and inspection of the orifice, weir, and channels. Debris should be removed whenever observed and reported to key maintenance personnel since any debris would indicate lack of proper system O&M in the collection and conveyance system. Entry may require CONFINED SPACE ENTRY procedures and appropriately trained personnel.

Inspection: The outlet control structures must be inspected to assure it maintains its intended hydraulic characteristics. The inspection would note any debris or sediment which may accumulate in the structure and in the inlet and outlet pipes. It is noted that it does not take much debris or silt to alter the hydraulic characteristics of the discharge. The inlet should be inspected to

assure it is not blocked or restricted or there is sediment to the extent that its flow characteristics may be altered.

Maintenance: Maintenance of the control structure will consist primarily of removing debris which may accumulate and sealing the bulkhead if leakage occurs.

Frequency: The control structure should be inspected quarterly, and after a high intensity rainfall event (in excess of 3 inches in a 24-hour period).

Maintenance/Inspection Responsibility:

Inspection Personnel: The maintenance personnel will be an outside agent hired by Portland Property Holdings, LLC and will perform the scheduled maintenance/inspection.

Dates of inspections, maintenance performed, and any observed problems should be noted in the logs/records maintained by the outside agent.

Outside Contract Services: The outlet structure should be opened/inspected by the outside agent of Portland Property Holdings, LLC on a quarterly basis. The logs and records of inspections and maintenance of the control structures should be maintained during each 5-year re-certification interval.

Replacement Parts/Repairs: No normal replacement parts are required. Inspection personnel should have a bucket to remove debris from the structure. If leakage of the bulkhead occurs, it is recommended that repairs be made by a professional contractor familiar with hydraulic grouts.

STORMWATER INLETS

C.

Preface: The success of any stormwater facility relies on the ability to intercept stormwater runoff at the design locations. Stormwater inlets may include catch basins, open culverts, culverts with bar screens, and field inlets. Inlets exist throughout the system at the points of collection as well as at the outlet of many ponds. Bar racks are common on many inlet locations which intercept an open channel. This section is directed at maintenance of the actual inlet point. A later section addresses more substantive maintenance of the structures and conveyance facilities. The inlets contain oil absorbent sorbent booms to retain oils and avoid discharge to downgradient areas. These will become saturated with oil over time and require replacement.

Inspection: The inspection of inlet points will need to be coordinated with other maintenance items, these include:

- Roadway/parking lot maintenance areas
- Building maintenance areas
- Grounds maintenance

The key elements of the inspection are to assure the inlet entry point is clear of debris and will allow the intended water entry.

Maintenance: The key maintenance is the removal of any blockage which restricts the entry of stormwater to the inlet. The removed material should be

taken out of the area of the inlet and placed where it will not reenter the runoff collection system. Snow should be removed from inlets in parking lots/roadway areas. Grass clippings and leaves should be bagged and removed particularly near the yard inlets near the building.

Frequency: All inlets should be inspected on a quarterly basis, and after/during significant storm events. A windshield survey is suitable for most inlets but off road inlets and pond structures require more rigorous inspection.

Maintenance/Inspection Responsibility:

Maintenance Personnel: The outside agent will perform the normal maintenance/inspections of the inlets and culvert crossings.

Comments: Maintenance of inlets is critical on this project.



POORLY STABILIZED INLET ALLOWS ENTRANCE OF DEBRIS AND REDUCED CAPACITY



STABILIZED INLETS REDUCE DEBRIS ACCUMULATION AND MAINTAIN DESIGN CAPACITY

D. TRIBUTARY DRAINAGE SYSTEM

Preface: Stormwater from most of the project will be directed through a conveyance system that transports the flow to water quality units. This conveyance system will be principally overland flow discharging to piped drain systems. Most of the sediment carried by the drainage system is intended to be trapped in the catch basin, sediment forebay, isolator row or water quality units. Maintenance of this system can play a major role in the long-term maintenance costs and the effectiveness of the treatment systems.

Inspection: The tributary drainage system should be periodically inspected to assure that it is operating as intended, and that its carrying capacity has not been diminished by accumulations of debris and sediment or other hydraulic impediments. On piped systems the inlets must be inspected to ensure the rims are set at the proper elevation to optimize flow entry and are not clogged with leaves or other debris. The inlet basins are normally equipped with sumps which will remove large sediment particles from the flow stream with hooded outlets. The inlet basins may be equipped with oil absorbent sorbent booms which should be inspected for saturation. Once the boom becomes saturated it will appear brown or black in color and will be ineffective at removing oils.

The level of sediment in the sumps should be checked to assure their effectiveness. Pipelines connecting the inlets should be checked to determine if siltation is occurring. This will be most critical on drain lines laid at minimal slopes. This can usually be accomplished by a light and mirror procedure. In some projects most of the stormwater is carried in open swales, channels, or ditches. These conveyance channels may be rip rapped or vegetated, depending on the gradient and expected flow velocities. These facilities must be inspected to insure debris or sedimentation does not reduce their carrying capacity. Excess vegetative growth must also be noted. The surface protection for the channels, either stone or vegetation, must be inspected to insure its integrity. Any areas subject to erosion should be noted.

Maintenance: Maintenance of the storm drainage system must assure that it continues to serve its design function on a long term basis, and that its operation does not transport excessive sedimentation to any downstream detention pond, or the receiving waters. Elevations on the rim of catch basins should be adjusted as needed to assure optimal water entry. Depending on the frost susceptibility of the soil, the rims may become elevated over time causing flow to circumvent the inlet. When the sump in an inlet restricts capacity and is half full with silt or other deleterious materials, the catch basin cleaning would normally be accomplished with vacuum trucks contracted as a maintenance service for the development center. The removed material must be disposed of at an approved site for such materials. The removed and replaced sorbent boom shall be disposed of in accordance with local and state regulations.

If sediment in the pipeline exceeds 20% of the diameter of the pipe, it should be removed. This may be accomplished by hydraulic flushing, or by mechanical means. If hydraulic flushing is used the downstream conditions should be analyzed. In general a sump or sediment trap should be used where it can be

flushed into the underground detention pond, since it will reduce pond volume and hasten the time when it must be cleaned.

Frequency: The piped drainage system should be inspected on an annual basis. Adjustment of inlet rim elevations should be on an as needed basis. Cleaning catch basin sumps and pipelines will depend on the rate of accumulation.

Maintenance/Inspection Responsibility:

Maintenance Personnel: Outside agent appointed by Portland Property Holdings, LLC.

Special Services: The owner will elect to contract with an independent agent for cleaning catch basins, sumps, pipelines, and replacement of sorbent booms. Remedial source control measures may be performed by the owner or an outside service depending upon the nature of the particular situation.

Comments: Maintenance of inlets is critical on this project.



A WELL STABILIZED VEGETATED SWALE SHOWS LITTLE SIGNS OF EROSION VELOCITIES OR FLOWS. THIS SWALE ALSO FUNCTIONS AS A POND SPILLWAY

WATER QUALITY FILTERS (ABOVE GROUND)

Preface: The soil filter is an underdrain system with multi-media aggregates. A typical section is in the site drawings for the project. This section is applicable to the underdrained grass soil filter.

Inspection: The soil filter can be inspected visually. A good time for inspection is within one day of a substantial rain event.

Maintenance:

Inlets
Inlets to each soil filter area should be kept open and in good working condition. This is particularly important around curb breaks and sidewalk culvert. These locations should be marked on the roadway at the completion of construction to allow for winter snow dam removal. All eroded areas should be repaired.

Initial Turf Maintenance (when applicable)

Grassed soil filters should be allowed to develop for one full growing season post-construction prior to their first mowing. This allows for natural reseeding of grass seed mixes and establishment of a healthy stand of grass.

Long-Term Turf Maintenance (when applicable)

It is preferable to only mow grassed soil filter two to three times per year. While grassed soil filters can be mown during routine lawn maintenance, excessive mowing reduces the viability of grasses and grass roots and can overcompact the surface layer of the soil filter media.

Large Debris

Large debris within the ponding area should be removed.

Erosion in the Soil Filter Area

Any eroded areas should be repaired as soon as practicable.

Weeds in the Soil Filter Area

Periodic weeding of the soil filter area may be necessary, particularly in the landscaped soil filters. Hand weeding is required as the use of herbicides is not recommended.

Surface Mulch Layer (when applicable)

Areas devoid of mulch should be re-mulched by hand. Every year, in the spring, a fresh layer of mulch should be added to the soil filter area.

Sedimentation (or Clogging) of Soil Filter Area

If the soil filter area is holding water for a period longer than 48-72 hours, the soil mix has, more than likely, become clogged with sediment and/or the underdrains have clogged. To correct a standing water problem, the following remedial actions are recommended:

1. Evaluate the drainage area to the soil filter area to identify any potential sources of sediment, such as an erosive condition, that may be contributing to the clogging of the device. If a source is identified, it is recommended that source be eliminated to the fullest extent practicable before proceeding with the remaining recommendations provided below.

2. Flush the underdrains. Use cleanouts to flush the underdrains. Sediment in the drains may be preventing the soil mix from draining. Make sure to provide a way to capture any flushed sediment before it enters the stream environment or storm drain system downstream of the device. If, after flushing the underdrains, the device continues to hold water, the soil mix may be contaminated. As such, following the guidelines provided below is recommended.

3. Gage the extent of soil contamination. To do this, it is recommended that one or more test pits be dug with a shovel and that the soil layer be evaluated for contamination. Once the levels of contamination have been determined (for example, the top 4" of soil appears to be contaminated), it is recommended that you proceed with the remaining remedial actions.

4. Harvest the plants (when applicable). Care should be taken in the removal and temporary storage of the plants so that as many as possible can be

harvested for replanting in the soil filter area once the functioning of the device has been restored sufficiently.

5. Remove the mulch layer.

6. Remove the top few inches of contaminated soil plus an additional 2-inch of soil, and replace the removed soil with a clean soil mix in accordance with the soil mix specification applicable to the particular soil filter area.

7. Monitor the functioning of the soil filter area during the next two to three rain events. If the device appears to be draining as intended (e.g., there is no standing water 48-72 following a rain event), proceed with the remaining remedial actions. If the area continues to hold standing water, then the entire soil filter area soil mix and the underdrains may need to be removed and replaced. Reuse of any undamaged underdrains may be possible once they have been cleaned thoroughly.

8. Replant the harvested plants, and replace any plants that were rendered unusable during or following their removal from the soil filter area.

9. Replace the removed mulch layer with fresh mulch.

10. Water the plants in the soil filter for the next two or more weeks unless there is sufficient rainfall. This will help the plants to reestablish themselves.

Frequency: The water quality filters should be inspected semi-annually and maintained as needed.

Applicability: The development has one filter. **Snow storage with-in the filter should be prohibited by Maintenance Personnel.**

SEDIMENT FOREBAY

Preface: The detention basin above the Underdrained Grassed Soil Filter will be constructed with a forebay sump constructed by installing a rip rap pool to separate the inlet from most of the pond. The purpose of this sump is to collect and detain sediment void before it is transported to the treatment units through the inlet pipe.

Inspection: During dry periods it should be possible to inspect the forebay sump and to measure the sediment accumulation.

Maintenance: If a significant accumulation of sediment is recorded in the sump it should be removed. The material removed from the sump should be disposed of in accordance with local practice for disposing of catch basin cleanings.

Frequency: The forebay sump should be inspected four times a year if possible, preferably in the early summer after spring runoff, during late summer, and in the fall. The frequency of sump cleaning will depend on the rate of sediment buildup. Cleaning on a 1 to 2 year basis is likely. It is noted that cleaning of the forebay sump will lengthen the time between filter bed cleanings.

The rate of sediment buildup will depend on the tributary drainage facilities, i.e., faster buildup with open ditch transport systems and buildup from pipe systems

F.

with sumped catch basins. Maintenance practiced for the tributary drainage system will also impact sediment buildups.

Comments: None.



**THIS SEDIMENT SUMP ALSO FUNCTIONS AS AN OUTLET
PLUNGE POOL TO PROVIDE PROTECTION AND REDUCE
VELOCITIES PRIOR TO DISCHARGE TO POND AREAS**

G.

SORBENT BOOMS

Preface: During construction, sorbent booms will be installed in the catch basins which have pavement areas. The intent of these is to absorb oil and runoff from new pavement surfaces. These will be removed and replaced when construction of the project is complete and should be inspected quarterly and replaced annually or as required.

Inspection: The sorbent boom should be raised out of the inlet, inspected, and replaced if necessary. Inspection should occur for the first year and annually thereafter concurrent with the catch basin cleaning.

Recommendation: It is recommended this project have additional sorbent booms or pillows onsite in the event of an unexpected spill or if oil sheen is observed frequently on any inlet.

Maintenance: The inspection and replacement should be conducted as part of a third party O&M contract and require disposal of used sorbent booms as "special wastes".

H.

PARKING LOT CLEANING

To protect the catch basin sediment sumps, underground storage, and StormTreat™ water quality filter, it is recommended the parking lot be 4 times between April and November and that power washing with an appropriate

vacuum/power wash vehicle be done once a year or as required by the Long Creek Watershed Management District.

Maintenance: It is recommended this service be contract with the firm that maintains lawns and landscaping.

I. LITTER
Litter should be removed as a matter of course by workers and a part of the grounds maintenance contract.

J. SUMMARY CHECKLIST
The above described inspection and maintenance items have been summarized on a checklist appended hereto as Appendix C.

IV. PROGRAM ADMINISTRATION
A. GENERAL

A reliable administrative structure must be established to assure implementation of the maintenance programs described in the foregoing section. Key factors that must be considered in establishing a responsive administrative structure include:

1. Administrative body must be responsible for long-term operation and maintenance of the facilities.

2. Administrative body must have the financial resources to accomplish the inspection and maintenance program over the life of the facility.

3. The administrative body must have a responsible administrator to manage the inspection and maintenance programs.

4. The administrative body must have the staff to accomplish the inspection and maintenance programs, or must have authority to contract for the required services.

5. The administrative body must have a management information system sufficient to file, retain, and retrieve all inspection and maintenance records associated with the inspection and maintenance programs.

If any of the above criteria cannot be met by the entity assigned inspection and maintenance responsibilities, it is likely that the system will fail to meet its water quality objectives at some point during its life. While each of the above criteria may be met by a variety of formats, it is critical to clearly establish the assigned administrative body in a responsible and sustainable manner.

B. RECORD KEEPING

Records of all inspections and maintenance work accomplished must be kept and maintained to document facility operations. These records should be filed and retained for a minimum 5-year time span. The filing system should be capable of ready retrieval of data for periodic reviews by appropriate regulatory bodies. Where possible, copies of such records should also be filed with the

designated primary regulatory agency for their review for compliance with permit conditions. Typical inspection and maintenance record forms are attached hereto as Appendix A.

C.

CONTRACT SERVICES

In some instances or at specific times, the Maintenance Personnel may not have the staff to conduct the required inspection and/or maintenance programs as outlined in this document. In such cases the work should be accomplished on a contractual basis with a firm or organization that has the staff and equipment to accomplish the required work.

The service contract for inspection and maintenance should be formal, well written legal document which clearly defines the services to be provided, the contractual conditions that will apply, and detailed payment schedules. Liability insurance should be required in all contracts.

APPENDIX A

Sample Inspection Logs

**CONVENIENCE STORE AND FUEL STATION
PORTLAND, MAINE**

STORMWATER MANAGEMENT
UNDERGROUND DETENTION
ANNUAL INSPECTION & MAINTENANCE LOG

FACILITY:		YEAR:
LOCATION:		CONTRACTOR:
FUNCTION:		INSPECTOR:
DATE OF INSPECTION:		
ITEM IDENTIFICATION	DESCRIPTION OF CONDITIONS	MAINTENANCE ACCOMPLISHED
GENERAL COMMENTS:		

**CONVENIENCE STORE AND FUEL STATION
PORTLAND, MAINE**

STORMWATER MANAGEMENT
UNDERGROUND DETENTION
MONTHLY INSPECTION & MAINTENANCE LOG

FACILITY:		YEAR:				
LOCATION:		CONTRACTOR:				
FUNCTION:						
MONTH	DAY	INSPECTOR	WATER DEPTH	OVERFLOW WEIR		WEIR CONDITION
				CLEAR	DEBRIS	
JANUARY						
FEBRUARY						
MARCH						
APRIL						
MAY						
JUNE						
JULY						
AUGUST						
SEPTEMBER						
OCTOBER						
NOVEMBER						
DECEMBER						
LIST SPECIAL MAINTENANCE UNDERTAKEN:						

**CONVENIENCE STORE AND FUEL STATION
PORTLAND, MAINE**

STORMWATER MANAGEMENT
UNDERGROUND DETENTION
SEMI-ANNUAL INSPECTION & MAINTENANCE LOG

SEMI-ANNUAL INSPECT 1.2		FACILITY:	
DATE:		LOCATION:	
INSPECTOR:		FUNCTION:	
WEIR CONDITION:			
OUTLET CONDITION			

FORE BAY SUMP	EST. DEPTH SED.	REMOVED? Y/N	EST. VOL. CY	WHERE DISPOSED OF	STRUCTURAL CONDITION

CONTROL STRUCTURE:

DESCRIBE CONDITIONS FOUND & MAINTENANCE ACCOMPLISHED:

APPENDIX B

Permits for Project

(To be Added at a Subsequent Time)

APPENDIX C

**Summary Checklist
Inspection and Maintenance**

**Stormwater Management System
Maintenance Program
Summary Checklist**

Item	Commentary	Frequency			Long Term
		Monthly	Quarterly	Semi-Annual	
Control Structure	Inspect outlet control to assure it maintains its hydraulic characteristics. Inspect inlets for blockage.		X		
Stormwater Inlets in Series	Stormwater inlets allow flow entry from a surface swale to a piped system. Entry may or may not be equipped with a bar rack. Inspect entry for debris accumulation. Remove debris to allow unimpeded entry. Lawn clippings and leaves should be removed from yard areas.		X		Cleaning
Tributary Drainage	Inspect to assure that the carrying capacity has not been diminished by debris, sediment or other hydraulic impediments.				X
Sediment Monitoring/ Water Quality Filters	Inspect for standing water longer than 48 hours, sedimentation, outlet control, and healthy grass growth.			X	X
Sediment in Forebay				X	
Sorbent Booms	Sorbent boom should be raised out of the inlet, inspected, and replaced if necessary.		X		X
Parking Lot Cleaning	Parking lot should be swept 4 times between April and November. Power washing with an appropriate vacuum/power wash vehicle should be done once a year or as required by the Long Creek Watershed Management District.		X		X
Litter	Litter should be removed daily.				

APPENDIX D

**Draft Stormwater Maintenance, Housekeeping
and Inspection Contract**

(submitted with original submission – not included with this submission)

Jeff Levine, AICP
 Director, Planning & Urban Development Department

July 24th, 2015

David Latulippe, Manager
 Portland Property Holdings, LLC
 2 Main Street
 Topsham, ME 04086

Project Name: Request for approval to advance site work for the Commercial Development including gas station and convenience store with ATM
Project ID: #2013-086 and #2014-138
CBL: 237-A-012
Address: 2282 Congress Street
Applicant: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear David:

Thank you for your letter dated July 12th, 2014 requesting approval to undertake advance site work prior to the receipt of a building permit (copy attached).

On May 14th, 2013, the Portland Planning Board approved with conditions a proposal to construct a commercial development that includes a 3,850 sq. ft. convenience store with an ATM and fuel station (14 filling dispensers plus a future compressed natural gas pump and electric recharging stations), a small farmstand associated with the convenience store, and 26 parking spaces. An amendment application that altered the layout, landscape and stormwater system was approved on November 12th, 2015 and all of the relevant conditions of that approval (copy attached) have been met.

As provided in Section 14-532, this letter serves as the written permission from the Planning Authority to commence site work on this project prior to the issuance of a building permit. The permitted advance site work is limited to the Extent of Work listed below with associated conditions.

Please note that prior to the commencement of any work on site (including tree cutting) the following shall be completed:

- A satisfactory Performance Guarantee shall be posted;
- The Inspection Fee shall be paid;
- The Reconstruction meeting (to include Phil diPierro and Jeff Tarling) shall be held to confirm the limits of work and that the conditions are being met;
- That any blasting be done in accordance with the City's Blasting ordinance, which requires a permit from Fire Department;
- That the number and timing of trucks per day accessing the site during the period of advance site work be advised to the Planning Authority and DPS at least one week in advance, and that traffic control measures be incorporated based on their advice;
- That all requirements related to the *Amended Stormwater Management Report* (prepared by FST and dated April 2013, updated July 2014), the Long Creek Watershed District standards/requirements, and MDEP Stormwater Discharge approval (and any other relevant permits) shall be met;
- That the contractor is aware of the City's Ordinances regarding construction activities and hours of work, and the associated Department of Public Services waiver request form re hours of work.

copy

Extent of Work:

1. Clearance of the site and Grub, stump and strip a service road, subject to the clearance of trees being only within the existing access area (where there are no existing trees), within the boundaries of the project's proposed impervious surfaces and in compliance with the approved landscape plan. The "limit of clearance work" shall be clearly marked on the site with construction tape or snow fencing to identify trees to be protected during construction (from storage of vehicles or materials), and reviewed by Phil diPietro and Jeff Tarling prior to the start of any site work including the cutting of any trees.

2. Fill the southern portion of the site.

3. Blasting and cuts and fills in accordance with all requirements of the City's Blasting Ordinance (attached).

4. Installation of the following as per the approved plans:

- Erosion and sedimentation control;
- Site Utilities;
- Stormwater Management system.

Please note that you must obtain any permits that may be required from Public Works for any street openings, and that building permits must be obtained from the Inspections Division prior to the commencement of any construction of any buildings, foundations or structures.

The pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service Department representative, City Arborist and owner to review the traffic management measures, erosion and sedimentation controls, and other critical aspects of the work. Please contact Philip DiPietro, Development Review Coordinator at 874-8632 regarding the preconstruction meeting.

If you have any questions, please contact Jean Fraser on 874 8728.

Sincerely,



Jeff Levine, AICP

Director of Planning and Urban Development

Attachments:

1. Request letter from David Latulippe, dated July 12th, 2015;
2. Site plan approval letter (amendment) 2014
3. Blasting ordinance


cc: Steve Bushey and Bo Kennedy, FST (Engineers for applicant)

Electronic cc:

- Jeff Levine, AICP, Director of Planning and Urban Development
- Barbara Barhydt, Development Review Services Manager
- Jean Fraser, Planner
- Phillip DiPietro, Development Review Coordinator, Planning
- Ann Machado, Zoning Administrator, Inspections Division
- Tammy Munson, Inspection Division Director
- Lianne Dobson, Administration, Inspections Division
- Michael Bobinsky, Public Services Director
- Katherine Earley, Engineering Services Manager, Public Services
- Bill Clark, Project Engineer, Public Services
- David Margolis-Fineo, Deputy City Engineer, Public Services
- Doug Roncatali, Stormwater Coordinator, Public Services
- Greg Vining, Associate Engineer, Public Services

- Michelle Sweney, Associate Engineer
- John Low, Associate Engineer, Public Services
- Klonda Zazzara, Field Inspection Coordinator, Public Services
- Mike Farmer, Project Engineer, Public Services
- Jane Ward, Administration, Public Services
- Jeff Tarling, City Arborist, Public Services
- Jeremiah Bartlett, Public Services
- Keith Gautreau, Fire Department
- Danielle West-Chuhla, Corporation Counsel
- Thomas Erico, P.E., T.Y. Lin Associates
- David Scnus, P.E., Woodard and Curran
- Rick Blackburn, Assessor's Department
- Approval Letter File

Cc: Jean Fraser, Barbara Barhydt (City of Portland Planning Department)
James Howard, Wes Thames

Sincerely,

David Latulippe

Should you have any questions or need any additional information, please do not hesitate to contact me.

1. Clear the site
2. Install the erosion control
3. Grub, stump and strip a service road
4. Fill the southern portion of the site
5. Blasting and cuts and fills
6. Install all site utilities
7. Install the stormwater management system

The site preparation work involves the following activities:

Portland Property Holdings, LLC purchased the property located at 2282 Congress Street and would like to commence site clearing and site work while our building permit application is being reviewed and processed.

Dear Jeff:

Request to Site Prep the Commercial Development including gas station and convenience store with ATM 2282 Congress Street, Portland, ME - Proj. ID: 2013-086

Mr. Jeffery Levine
City of Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

July 12, 2015

Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086
207-865-4323



Alex Jaegerman, FAICP
Division Director, Planning Division

November 12th, 2014

Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086
David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freetport, ME 04032
Steve Bushey, P.E.
Fay, Spofford & Thordike
778 Main Street, Suite 8
South Portland, ME 04106

Project Name: ATM Commercial Development including gas station and convenience store with

Project ID: 2014-138 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear David:

On November 12th, 2014, the Portland Planning Authority approved the amended Level III Site Plan for the Convenience Store and Fuel Station development at 2282 Congress Street (previous approval referenced as project #2013-086). The amendments include minor modifications to the layout, stormwater system and landscape.

The amended plan as shown on the approved plans (listed below), is approved with the following conditions, which supersede the conditions on the original approval (May 14th, 2013). The waivers included in the original approval remain valid for the amended site plan unless stated otherwise.

TRAFFIC MOVEMENT PERMIT

(Brought forward from the original approval letter) Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the proposed plan is in conformance with 23 MRS 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, with the following conditions of approval:

- i. That the applicant shall contribute \$5000 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Congress Street/Hutchins Drive/Skyway Drive; and
- ii. That a post-occupancy signal warrant study shall be conducted one year after opening. If a traffic signal is warranted or the queuing lanes prove inadequate, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal or improvements to such queuing lanes; and

iii. That the operation of the right turn into the site from Congress Street shall be monitored for one year following opening. If the crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.

STORMWATER MANAGEMENT PERMIT

i. That the applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan as included in the *Amended Stormwater Management Report* (prepared by FST and dated April 2013, updated July 2014), and as based on the Long Creek Watershed District standards/requirements and state permits and guidelines.

A maintenance agreement for the stormwater drainage system substantially the same form as Attachment 1, with any changes to be approved by Corporation Counsel, shall be signed and recorded, with a copy to the Planning Authority and Department of Public Services prior to the issuance of a building permit.

SITE PLAN REVIEW

i. That this site plan approval is subject to the Conditional Zone Agreement as approved by the City Council on March 4, 2013, and that C J Developers Inc. shall sign and record the aforementioned Conditional Zoning Agreement prior to the start of any work on site (including approved advance site work), and if the CZA is assigned, C J Developers Inc. shall provide notification of the assignment to the City; and

ii. That the signed and recorded access easement from Maine Turnpike Authority for the area of the proposed access from Congress Street shall be submitted to the Planning Authority prior to the start of any work on site (including approved advance site work); and

iii. That a copy of the MDEP Stormwater Discharge approval and evidence of filing a notice of intent to comply with the Maine Construction General Permit shall be submitted to the Planning Authority prior to the issuance of a building permit. If there are significant modifications to the stormwater system as a result of the MDEP review, then an amended site plan would be required for approval by the Planning Authority prior to the issuance of a building permit; and

iv. That a revised Photometric Plan shall be submitted for review and approval prior to the issuance of a building permit; and

v. That the design and location of the CNG Facility as shown on the approved plans is indicative only as it is understood that CNG is an emerging alternative fuel and advancements are being made in various delivery methods. When a CNG Facility is finally designed for this site, it shall be subject to review and approval by the Planning Authority, and to a building permit from the Inspections Division, prior to implementation, and shall include modifications to the slopes such as a retaining wall, rip rap slope or expanded disturbance limits depending on the size and location of the building; and

vi. That all necessary permits and licenses shall be obtained from the Federal, State (including MDEP) or local authorities in respect to the fuel storage, compressed natural gas installation and electric charging stations; and

vii. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements.

The approval is based on the submitted site plan (see list below). If you need to make any modifications to the approved site plan, you must submit an amended site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

The following standard conditions of approval and requirements apply to all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced prior to May 14, 2015, which is confirmed in the extension (to original approval) letter of April 10, 2014. This may be extended to a time period up to three (3) years from the original approval date (ie up to May 14, 2016) subject to agreement in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date of May 14, 2015.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Services representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required

for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review

Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at (207) 874-8728.

Sincerely,



Alexander Jaegerman, FAICP
Planning Division Director

Attachments:

1. Sample Stormwater Maintenance Agreement
2. City Code: Chapter 32
3. Performance Guarantee Packet, if applicable

List of approved plans:

Site:

C1.0 Cover Sheet Rev 6 dated 08.06.2014

C1.1 General Notes & Legend and C1.3 Existing Conditions Rev 5 dated 07.22.2014

C2.0 Amended Site Layout Plan Rev 8 dated 08.05.2014 (except re off-site- see below)

C3.0 Amended Grading and Drainage Plan Rev 7 dated 08.07.2014

C4.0 Amended Utility Plan Rev 6 dated 08.06.2014

C5.0 Landscape Plan Rev 8 dated 11.05.2014

C6.0 Erosion and Sediment Control Plan Rev 7 dated 08.07.2014

C8.1 Utility Details Rev 5 dated 07.22.14

C8.2 Misc Details Rev 6 dated 08.06.2014

C8.3 Details Rev 5 dated 07.22.2014

C8.4 Site Details Rev 6 dated 08.06.2014

C8.6 and C8.7 Erosion Control Details Rev 5 dated 07.22.2014

C8.8 Erosion Control Details Rev 2 dated 07.22.2014

C9.0, C9.1, C9.1A, C9.2 Stormwater dated 08.06.2014

D1 and D2 Floorplan and Elevations

Off Site Plans: C1.0 to C5.0 OFF; C-6.0 to C6.4OFF as submitted 11.3.2014

Traffic Management Plan as submitted 11.3.14 with hand written amendments

CC:

Jeff Levine, AICP, Director of Planning and Urban Development

Alexander Jaegerman, FAICP, Planning Division Director

Barbara Barhydt, Development Review Services Manager

Jean Fraser, Planner

Phillip DiPietro, Development Review Coordinator, Planning

Marge Schumackal, Zoning Administrator, Inspections Division

Tammy Munson, Inspections Division Director

Jonathan Rioux, Inspections Division Deputy Director

Jeanie Bourke, Plan Reviewer/CEO, Inspections Division

Lamie Dobson, Administration, Inspections Division

Brad Saucier, Administration, Inspections Division

Michael Bobinsky, Public Services Director

Katherine Barley, Engineering Services Manager, Public Services

Bill Clark, Project Engineer, Public Services

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John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain David Petrucci, Fire Department
Danielle West-Chuhra, Corporation Counsel
Thomas Erico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curra
Rick Blackburn, Assessor's Department
Approval Letter File

**CITY OF PORTLAND, MAINE
PLANNING BOARD**

Carol Morrissette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

Report filed by 0514-138

Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freeport, ME 04032

Project Name: **Commercial Development including gas station and convenience store with ATM**
Project ID: 2013-086 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear Mr Latulippe:

On May 14th, 2013, the Planning Board considered the Level III Site Plan and Traffic Movement Permit application for the commercial development at 2282 Congress Street to construct a commercial development that includes a 3,850 sq. ft. convenience store with an ATM and fuel station (14 filling dispensers plus a future compressed natural gas pump and electric recharging stations), a small farmstand associated with the convenience store, and 26 parking spaces. The Planning Board reviewed the proposal for conformance with the Conditional Rezoning Agreement as approved by the City Council on March 4th, 2013 and with standards of the Site Plan, Traffic Movement Permit, and Stormwater Permit.

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 24 - 13 for the commercial development at 2282 Congress Street relevant to the Site Plan, Traffic Movement Permit and Stormwater Permit reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) to approve the application with the following waivers and conditions as presented below:

WAIVERS

1. Driveway Design:

The Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) to waive Technical Standard, Section 1.7.1.4, which specifies a maximum of 36 feet wide for a major commercial driveway, to allow a 38 ft wide driveway that accommodates the large vehicles anticipated to require regular access to the site.

2. Parking Aisle:

The Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) to waive Technical Standard, Section 1.14, Figures I-28 to I-32 which require a 24 foot wide drive aisle, to allow wider aisles as shown in the approved site layout plan (Plan 5 as attached to this Report).

TRAFFIC MOVEMENT PERMIT

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, with the following conditions of approval:

- i. That the applicant shall contribute \$5000 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Congress Street/Hutchins Drive/Skyway Drive; and
- ii. That a post-occupancy signal warrant study shall be conducted one year after opening. If a traffic signal is warranted or the queuing lanes prove inadequate, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal or improvements to such queuing lanes; and
- iii. That the operation of the right turn into the site from Congress Street shall be monitored for one year following opening. If the crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.

STORMWATER MANAGEMENT PERMIT

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the plan is in conformance with the standards for a Storm Water Permit application for the commercial development at 2282 Congress Street and grants a permit subject to the following condition:

- i. That the applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan as included Attachment G.1-3 of this Report, and as based on the Long Creek Watershed District standards/requirements and state permits and guidelines.

SITE PLAN REVIEW

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That this site plan approval is subject to the Conditional Zone Agreement as approved by the City Council on March 4, 2013, and that C J Developers Inc. shall sign and record the aforementioned Conditional Zoning Agreement prior to the issuance of a building permit, and if the CZA is assigned, C J Developers Inc. shall provide notification of the assignment to the City; and
- ii. That the signed and recorded access easement from Maine Turnpike Authority for the area of the proposed access from Congress Street shall be submitted to the Planning Authority prior to the issuance of a building permit; and
- iii. That a copy of the MDEP Stormwater Discharge approval shall be submitted to the Planning Authority prior to the issuance of a building permit. If there are significant modifications to the stormwater system as a result of the MDEP review, then an amended site plan would be required for approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant shall submit a revised off-site improvements plan that addresses Tom Errico's memorandum dated 05.09.2013 regarding the left turn accommodations, crosswalk design with ADA landing, and painted crosswalk on Blueberry, for review and approval by the Planning Authority prior to the issuance of a building permit; and

- STANDARD CONDITIONS OF APPROVAL**
- Please note the following standard conditions of approval and requirements for all approved site plans:
- v. That the applicant shall submit a revised Landscaping Plan (with notes), for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit, that meets the recommendations set out in Jeff Tarling's e-mail dated 5.10.2013; and
 - vi. That all necessary permits and licenses shall be obtained from the Federal, State (including MDEP) or local authorities in respect to the fuel storage, compressed natural gas installation and electric charging stations; and
 - vii. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements; and
 - viii. That a plan showing the signage and pavement markings that support the on-site circulation shall be reviewed and approved by the Planning Authority prior to installation, with installation to be completed prior to the issuance of a Certificate of Occupancy.

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Services representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

- Attachments:
1. Traffic Engineering Review comments, e-mail from Tom Errico dated 5.9.2013
 2. City Arborist comments, e-mail from Jeff Tarling dated 5.10. 2013
 3. Planning Board Report #24-13
 4. City Code, Chapter 32
 5. Performance Guarantee Packet

Electronic Distribution:

cc:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Phillip DiPietro, Development Review Coordinator, Planning
Marge Schmuckaj, Zoning Administrator, Inspections Division
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Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhua, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DM@portlandmaine.gov>, Jeff Tarling <JT@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>
Date: 5/9/2013 11:23 AM
Subject: 2282 Congress Street - Final Traffic Comments

Jean – The following represents my final comments and also presents a status update on my April 18, 2013 preliminary comments.

April 18, 2013 Comments Status

- It is suggested that the pedestrian facility between Congress Street and the proposed convenience store building be as direct as possible. This may require the loss of some of the 9 parking spaces located along the front of the property.
Status: The applicant has revised the site plan to improve the crosswalk alignment and given constraints with Maine Turnpike Authority property, I find the proposed condition to be acceptable.
- Parking supply seems excessive for the type and scale of the proposed land use. Supporting documentation on the parking needs shall be provided.
Status: The applicant has revised the site plan and is now proposing to construct 26 parking spaces with an option for future expansion of the parking supply if deemed necessary. I find the proposed condition to be acceptable.
- Auto-turn analyses shall be provided that supports on-site circulation aisle widths and the width of the driveway entrance on Congress Street. The applicant should also provide information on the number of large trucks anticipated to enter and exit the site.
Status: The site plan has been revised based upon discussions with the applicant and I find the proposed plan to be acceptable. I would note that the applicant did add a raised concrete apron at the driveway entrance and I find this condition to be acceptable. A waiver for driveway width is required and given large truck turning requirements, I support a waiver from City standards.
- It is unclear whether there are vehicle circulation restrictions on site (e.g. one-way vs. two-way). Signage and pavement markings shall clearly support proposed circulation restrictions.
Status: It is my understanding that the revised site plan accounts for a one-way circulation around the back side of the convenience store. Signage and pavement markings should be provided.
- Many aisle widths exceed City standards and waivers from our technical standards may be necessary. As noted above, supporting information will be required before I render any decision on waivers.
Status: Given the specific needs of on-site vehicle circulation and accessibility to fueling areas, I find the proposed layout to be acceptable and support waivers from City standards.

Traffic Study/New Comments

- I find the methods used in the traffic study to be acceptable.
- The analysis indicated the Congress Street/Site Drive/Blueberry Road intersection will operate at acceptable levels of service following build-out of the project. I concur with this conclusion.
- A signal warrant analysis was conducted at the Congress Street/Site Drive/Blueberry Road intersection. According to the applicant a traffic signal is not warranted. I concur with this conclusion, but suggest that a post-occupancy signal warrant study be conducted one year after opening. If a traffic signal is warranted, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal.

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director
T.Y. LIN INTERNATIONAL
 12 Northbrook Drive
 Falmouth, ME 04105
 207.347.4354 direct
 207.400.0719 mobile
 207.781.4753 fax
 thomas.errico@tylin.com
 Visit us online at www.tylin.com
 "One Vision, One Company"
 Please consider the environment before printing.

Best regards,

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

- According to a warrant analysis for a right-turn lane entering the site from Congress Street, a right-turn lane is warranted. At this time I concur with the applicant that provision of a right-turn lane entering the site is not preferred given that it will increase the crosswalk length. I would suggest that conditions be monitored one year following opening and if crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.
- The Congress Street/Skyway Drive/Hutchins Drive intersection is projected to have movements that will operate at an unacceptable level of service following the construction of the project. In addition, while not a High Crash Location per MaineDOT criteria, the intersection does display a pattern of rear-end collisions. The City has been collecting funds from developments in the area for the implementation of improvements to mitigate congestion and safety deficiencies. Based upon prior contribution methods, the applicant shall contribute \$5,000.00 towards improvements at the subject intersection.
- The applicant has developed an improvement plan for Congress Street such that left-turn accommodations are provided. I support the general concept of the plan provided in the application. Final design plans shall be submitted to the City for review and approval (it should be noted that adjustments to the design may be required during this review process).
- A pedestrian crosswalk is being proposed on Congress Street between the project site and Blueberry Road. Through the contract rezoning process the crosswalk was to include a refuge median island in addition to a flashing sign warning system. Given vehicle turning needs, a refuge island is not feasible at this location. In lieu of the refuge island the applicant shall construct an ADA accessible landing on the northwest radius of Blueberry Road. In addition, the crosswalk pavement marking shall consist of durable paint. Final design elements shall be reviewed and approved by the City.
- Per City standards the applicant is required to construct a sidewalk along their property frontage (60 feet of frontage). The project does not meet sidewalk waiver requirements. In lieu of constructing the required sidewalk, the applicant shall install a painted crosswalk on the Blueberry Road approach to Congress Street.

From: Jeff Tarling
To: Jean Fraser
CC: David Margolis-Pineo
Date: 5/10/2013 11:06 AM
Subject: 2282 Congress Street Project

Hi Jean -

I reviewed the recent landscape plan submission for the 2282 Congress Street project and offer the following

comments, conditions:

a) Tree Save - the 'tree-save', tree thinning area along Congress Street is improved and meets our recommendations. Additional 'tree-save' areas along the Western property line and towards Skyview Drive will need to be marked prior to site work and as approved by the City Arborist. There may be trees to be thinned or removed due to poor condition or risk. (Thinning trees for views is not recommended - thinning trees for safety and condition is.) Standard tree protection measures shall be used during construction, these include protection of tree root zones, identifying trees to be protected, construction fencing or tagging where needed. No storage of equipment or construction materials in tree protection root zone areas. The area around the Shagbark Hickory is one of the tree protection zones.

b) Trees in parking lot - In the area shown as snow storage, and addition one to two trees could be set back away from the edge of pavement to still allow snow clearing and meet the parking lot tree / shrub standards.

Overall the landscape plan is acceptable as shown with the recent improvement and suggested conditions.

Thanks,

Jeff Tarling
City Arborist

Jean Fraser - Fwd: Congress Street

From: David Latulippe <dlatulippe@aol.com>
To: <JF@portlandmaine.gov>
Date: 7/22/2015 8:30 AM
Subject: Fwd: Congress Street
CC: <wthames@priorityrealestateregroup.com>
Attachments: image001.gif; image002.jpg; Compiled Plan Set 4.pdf; Compiled Plan Set 5.pdf

Jean,
 Attached are the two revised plans for Congress St. The couple changes are minor in nature and result from fine tuning once the ATM drive thru was eliminated. Irving relocated the underground storage tanks to a more remote area, since there will be substantially less traffic around the building. This allowed us to reduce the amount of pavement further. The canopy size was also slightly reduced.
 Should you or any one else on the planning staff have questions, please do not hesitate to contact me.

Thanks
 David

-----Original Message-----
From: Wes Thames <wthames@priorityrealestateregroup.com>
To: David Latulippe <dlatulippe@aol.com>
Sent: Wed, Jul 22, 2015 6:47 am
Subject: Fwd: Congress Street

Two plans below that highlights changes to the plans. One plan view and one drainage.
 Wes

Sent from my iPhone
 Begin forwarded message:

From: "Bo Kennedy" <BKennedy@fstinc.com>
Date: July 21, 2015 at 5:45:02 PM EDT
To: "Wes Thames" <wthames@priorityrealestateregroup.com>, "David Latulippe" <dlatulippe@aol.com>
Cc: "Stephen Bushey" <SBushey@fstinc.com>
Subject: Congress Street

Wes,
 Per our discussion, I have clouded the site layout plan and grading plan with the revised changes. I assume the landscape plan was previously submitted (rev indicates it was

3 final plans (attached) + 1 copy added in to the plan -
2 uploaded to the landscape
? catch basin removed ?

revised per city arborist comments). I believe the only utility plan changes were the offsite utility pole layout configuration. No changes were required to the storm water management filter.

Thank you,

Bo E. Kennedy, P.E. | Senior Engineer

FAY, SPOFFORD & THORNDIKE
Celebrating a Century of Engineering Excellence
778 Main Street, Suite 8 | South Portland, ME 04106
T: 207-775-1121 x4108 | F: 207-879-0896
bkennedy@fstinc.com | www.fstinc.com

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**CITY OF PORTLAND, MAINE
PLANNING BOARD**

net DL 9-5-14 agreement in
closing memo 9-15-14
DL sample
adv. site work
Carol Morrissette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dunder
Bill Hall
Jack Soley

Update + amendments
9-5-14

+ Best Storm
agreed template
9-12-14

May 20th, 2013

David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freeport, ME 04032

Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

Project Name: **Commercial Development including gas station and convenience store with ATM**
Project ID: 2013-086 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

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5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

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1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

STANDARD CONDITIONS OF APPROVAL
Please note the following standard conditions of approval and requirements for all approved site plans:

viii. That a plan showing the signage and pavement markings that support the on-site circulation shall be reviewed and approved by the Planning Authority prior to installation, with installation to be completed prior to the issuance of a Certificate of Occupancy.

vii. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements; and

vi. That all necessary permits and licenses shall be obtained from the Federal, State (including MDEP) or local authorities in respect to the fuel storage, compressed natural gas installation and electric charging stations; and

v. That the applicant shall submit a revised Landscaping Plan (with notes), for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit, that meets the recommendations set out in Jeff Tarling's e-mail dated 5.10.2013; and

Drawn TE
OK
not received
work c. 2.01
prob etc.
not now
Need h/long
** M. Const*
** Gen Permit*
mits way

✓ off site imp's rec'd 8-15-14
under review

MS OK

✓ Floor Plans + Plans rec'd 8-29-14

under review

✓ Christ. man plan - submitted 8-28-14

✓ Traffic

Pluckonhi - submitted 8-12-14
but DL said wait.

Amends

island
20 10 ave
20 20 ave
20 20 ave
16.5
+ theopans.

will parks are
different fixtures
needs for function on bldg.
parking
spillover
from ramping

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,

Carol Morrissette, Chair
Portland Planning Board

Attachments:

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2. City Arborist comments, e-mail from Jeff Tarling dated 5.10.2013
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Electronic Distribution:

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 Thomas Errico, P.E., TY Lin Associates
 David Semus, P.E., Woodard and Curran
 Rick Blackburn, Assessor's Department
 Approval Letter File

Jean Fraser, Planner
City of Portland
874 8728

thank you
Jean

It will not need to be recorded.

I attach the sample/template for this- please customize for your project and send back to me (without the attachments as long as they are referenced in detail in the agreement) so I can have legal take a look at it before you (or someone) signs it. Any changes other than filling in the blanks should be redlined please.

I am following up on our discussions on Monday regarding the need for a Stormwater Agreement which is a standard requirement as we discussed.

David

From: Jean Fraser
To: Latippe, David
CC: Bo Kennedy; Steve Bushey
Date: 9/12/2014 11:09 AM
Subject: Stormwater Management Agreement
Sample Storm Main. Agree. - for non sub-divs 9-11-14.doc

Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086
207-865-4323

April 8, 2014

Ms. Alex Jaegerman
City of Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

Re: Request for Extension of the Level III Site Plan and Traffic Movement Permit
granted on May 14, 2013
Commercial Development including gas station and convenience store with ATM
2282 Congress Street, Portland, ME - Proj. ID: 2013-086

Dear Alex:

In accordance with Zoning Ordinance provision 14-532, (c), 1., b., Portland Property Holdings, LLC hereby request a one year extension of the Level III Site Plan and traffic Movement Permit that was approved by the Planning Board on May 14, 2013. We are finalizing our agreements with our tenant and hope to start construction this summer.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,



David Latulippe
Manager

Alex Jaegerman, FAICP
Division Director, Planning Division

October 27th, 2014

David Lalupippe, Manager
Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

Project Name: Request for approval to advance site work for the Commercial Development including gas station and convenience store with ATM
Project ID: #2013-086 and #2014-138
CBL: 237-A-012
Address: 2282 Congress Street
Applicant: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear David:

Thank you for your letter dated October 20th, 2014 and associated revised plan received October 27th, 2014, requesting approval to undertake advance site work prior to the receipt of a building permit.

On May 14th, 2013, the Portland Planning Board approved with conditions a proposal to construct a commercial development that includes a 3,850 sq. ft. convenience store with an ATM and fuel station (14 filling dispensers plus a future compressed natural gas pump and electric recharging stations), a small farmstand associated with the convenience store, and 26 parking spaces. An amendment application that alters the layout, landscape and stormwater system is currently under review and an approval letter is pending upon the receipt of the final Landscape Plan for review.

As provided in Section 14-532, this letter serves as the written permission from the Planning Authority to commence site work on this project prior to the issuance of a building permit. The permitted advance site work is limited to the Extent of Work listed below and does not include clearing the entire development area of the site, except for the temporary service access, and the area that needs to be filled/stabilized in the south part of the site and shown with a green boundary on the attached plan. Commencement of the work is subject to the conditions listed below and no clearing or grading shall be performed beyond what is explicitly granted by this letter:

Extent of Work

- 1) Filling of the southern portion of the site in accordance with the approved amended site plans (except to amend to incorporate winter stabilization measures as in 2) below) and the extent circled in green on the attached plan;
- 2) Installation of erosion and sedimentation controls to include winter stabilization measures as outlined in the MDEP Erosion Control BMPs, including a heavy straw mulch layer (ie applied at twice the normal rate and secured with plastic netting to avoid it blowing away); erosion control blanket on the slopes that are greater than 3:1; and an erosion control mix berm (instead of silt fence) to provide perimeter control;
- 3) Create a temporary service road to the filled area approximately as shown in the straight yellow section on the attached plan, avoiding the removal of all trees over 12" diameter and incorporating erosion control measures as necessary (the pink outline for the service access on the attached plan is subject to the treasure requirement).

Conditions


a That the approval letter for the amendment application (#2014-138) is issued prior to any advance work starting on the site; and

- b) Receipt of evidence of RTI and the executed Conditional Rezoning Agreement prior to any advance work starting on site;
- c) That a satisfactory performance guarantee is posted prior to the start of any approved advance site work;
- d) That advance clearance work is limited to the Extent of Work Itemized above, and would not include clearing of other areas on the site;
- e) That the "limit of clearance work", temporary access route, and any tree saves in the temporary access route shall be clearly marked on the site with construction tape or snow fencing and reviewed by Phil diPietro and Jeff Tarling prior to the start of any site work including the cutting of any trees;
- f) That existing trees on the site be protected from storage of vehicles or materials;
- g) That an identified engineer supervise the installation of erosion control measures and monitor these until the main construction begins; and that any further stabilization measures as recommended by the identified engineer or Phil diPietro of our office shall be implemented immediately;
- h) That the number and timing of trucks per day accessing the site during the period of advance site work be incorporated based on their advice;
- i) That a pre-construction meeting is held prior to the start of work to confirm the limits of work and that the above conditions are being met.

Please note that you must obtain any permits that may be required from Public Works for any street openings, and that building permits must be obtained from the Inspections Division prior to the commencement of any construction of any buildings, foundations or structures. Also please see attached the City's Ordinances regarding construction activities and hours of work, and the associated Department of Public Services waiver request form re hours of work. Prior to the start of any advance site work, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service Department representative, City Arborist and owner to review the construction schedule, erosion and sedimentation controls, and other critical aspects of the work. Please contact Philip diPietro, Development Review Coordinator at 874-8632 regarding the preconstruction meeting.

If you have any questions, please contact Jean Fraser on 874 8728.

Sincerely,


 Alex Jaegerman
 Planning Division Director

Attachments:

1. Request letter from David Lattippe, dated October 20, 2014;
2. Revised sketch plan of proposed advance site work received October 27, 2014;
3. 2013 Site Plan Approval letter;
4. City Ordinance regarding Construction, and DPS Waiver request form re hours of work.

cc: Steve Bushey, FST (Engineer for applicant)

Electronic cc:
 Jeff LeVine, AICP, Director of Planning and Urban Development
 Alexander Jaegerman, PAICP, Planning Division Director
 Barbara Barbyd, Development Review Services Manager
 Jean Fraser, Planner
 Phillip diPietro, Development Review Coordinator, Planning
 Margo Schumackal, Zoning Administrator, Inspections Division
 Tammie Munson, Inspection Division Director
 Lammie Dobson, Administration, Inspections Division
 Michael Bobinsky, Public Services Director
 Katherine Earley, Engineering Services Manager, Public Services
 Bill Clark, Project Engineer, Public Services
 David Margolis-Pinco, Deputy City Engineer, Public Services
 Doug Koncarati, Stormwater Coordinator, Public Services
 Greg Vining, Associate Engineer, Public Services

Michelle Sweeney, Associate Engineer
 John Low, Associate Engineer, Public Services
 Rhonda Zazzara, Field Inspection Coordinator, Public Services
 Mike Farmer, Project Engineer, Public Services
 Jane Ward, Administration, Public Services
 Jeff Tarling, City Arborist, Public Services
 Jeremiah Bartlett, Public Services
 Captain David Petruccielli, Fire Department
 Danielle West-Chuhita, Corporation Counsel
 Thomas Errico, P.E., T.Y. Lin Associates
 David Senus, P.E., Woodard and Curran
 Rick Blackburn, Assessor's Department
 Approval Letter File

Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086
207-865-4323

October 20, 2014

Ms. Alex Jaegerman
City of Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

Re: Request to Site Prep the Commercial Development including gas station and
convenience store with ATM 2282 Congress Street, Portland, ME – Proj. ID:
2013-086

Dear Alex:

Portland Property Holdings, LLC purchased the property located at 2282 Congress Street
last month. Our intention is to commence full construction early next spring as we have
missed this year's construction season.

We would like to complete the site preparation this fall. The site preparation is shown on
the attached colored sketch and involves the following activities:

1. Clear the site
2. Install the erosion control
3. Grub, stump and strip a service road
4. Fill the southern portion of the site.
5. Permanently loam and seed the filled slope.

Should you have any questions or need any additional information, please do not hesitate
to contact me.

Sincerely,



David Latulippe
Manager

CITY OF PORTLAND, MAINE

PLANNING BOARD

Carol Morrissette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

May 20th, 2013

David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freeport, ME 04032

Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

Project Name: **Commercial Development including gas station and convenience store with ATM**
Project ID: 2013-086 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear Mr Latulippe:

On May 14th, 2013, the Planning Board considered the Level III Site Plan and Traffic Movement Permit application for the commercial development at 2282 Congress Street to construct a commercial development that includes a 3,850 sq. ft. convenience store with an ATM and fuel station (14 filling dispensers plus a future compressed natural gas pump and electric recharging stations), a small farmstand associated with the convenience store, and 26 parking spaces. The Planning Board reviewed the proposal for conformance with the Conditional Rezoning Agreement as approved by the City Council on March 4th, 2013 and with standards of the Site Plan, Traffic Movement Permit, and Stormwater Permit.

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 24 -13 for the commercial development at 2282 Congress Street relevant to the Site Plan, Traffic Movement Permit and Stormwater Permit reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) to approve the application with the following waivers and conditions as presented below:

WAIVERS

1. *Driveway Design:*

The Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) to waive Technical Standard, Section 1.7.1.4, which specifies a maximum of 36 feet wide for a major commercial driveway, to allow a 38 ft wide driveway that accommodates the large vehicles anticipated to require regular access to the site.

2. *Parking Aisle:*

The Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) to waive Technical Standard, Section 1.14, Figures I-28 to I-32 which require a 24 foot wide drive aisle, to allow wider aisles as shown in the approved site layout plan (Plan 5 as attached to this Report).

TRAFFIC MOVEMENT PERMIT

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, with the following conditions of approval:

- i. That the applicant shall contribute \$5000 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Congress Street/Hutchins Drive/Skyway Drive; and
- ii. That a post-occupancy signal warrant study shall be conducted one year after opening. If a traffic signal is warranted or the queuing lanes prove inadequate, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal or improvements to such queuing lanes; and
- iii. That the operation of the right turn into the site from Congress Street shall be monitored for one year following opening. If the crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.

STORMWATER MANAGEMENT PERMIT

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the plan is in conformance with the standards for a Storm Water Permit application for the commercial development at 2282 Congress Street and grants a permit subject to the following condition:

- i. That the applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan as included Attachment G.1-3 of this Report, and as based on the Long Creek Watershed District standards/requirements and state permits and guidelines.

SITE PLAN REVIEW

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That this site plan approval is subject to the Conditional Zone Agreement as approved by the City Council on March 4, 2013, and that C J Developers Inc. shall sign and record the aforementioned Conditional Zoning Agreement prior to the issuance of a building permit, and if the CZA is assigned, C J Developers Inc. shall provide notification of the assignment to the City; and
- ii. That the signed and recorded access easement from Maine Turnpike Authority for the area of the proposed access from Congress Street shall be submitted to the Planning Authority prior to the issuance of a building permit; and
- iii. That a copy of the MDEP Stormwater Discharge approval shall be submitted to the Planning Authority prior to the issuance of a building permit. If there are significant modifications to the stormwater system as a result of the MDEP review, then an amended site plan would be required for approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant shall submit a revised off-site improvements plan that addresses Tom Errico's memorandum dated 05.09.2013 regarding the left turn accommodations, crosswalk design with ADA landing, and painted crosswalk on Blueberry, for review and approval by the Planning Authority prior to the issuance of a building permit; and

- v. That the applicant shall submit a revised Landscaping Plan (with notes), for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit, that meets the recommendations set out in Jeff Tarling's e-mail dated 5.10.2013; and
- vi. That all necessary permits and licenses shall be obtained from the Federal, State (including MDEP) or local authorities in respect to the fuel storage, compressed natural gas installation and electric charging stations; and
- vii. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements; and
- viii. That a plan showing the signage and pavement markings that support the on-site circulation shall be reviewed and approved by the Planning Authority prior to installation, with installation to be completed prior to the issuance of a Certificate of Occupancy.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. Traffic Engineering Review comments, e-mail from Tom Errico dated 5.9.2013
2. City Arborist comments, e-mail from Jeff Tarling dated 5.10. 2013
3. Planning Board Report #24-13
4. City Code, Chapter 32
5. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
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Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>
Date: 5/9/2013 11:23 AM
Subject: 2282 Congress Street - Final Traffic Comments

Jean – The following represents my final comments and also presents a status update on my April 18, 2013 preliminary comments.

April 18, 2013 Comments Status

- It is suggested that the pedestrian facility between Congress Street and the proposed convenience store building be as direct as possible. This may require the loss of some of the 9 parking spaces located along the front of the property.
Status: The applicant has revised the site plan to improve the crosswalk alignment and given constraints with Maine Turnpike Authority property, I find the proposed condition to be acceptable.
- Parking supply seems excessive for the type and scale of the proposed land use. Supporting documentation on the parking needs shall be provided.
Status: The applicant has revised the site plan and is now proposing to construct 26 parking spaces with an option for future expansion of the parking supply if deemed necessary. I find the proposed condition to be acceptable.
- Auto-turn analyses shall be provided that supports on-site circulation aisle widths and the width of the driveway entrance on Congress Street. The applicant should also provide information on the number of large trucks anticipated to enter and exit the site.
Status: The site plan has been revised based upon discussions with the applicant and I find the proposed plan to be acceptable. I would note that the applicant did add a raised concrete apron at the driveway entrance and I find this condition to be acceptable. A waiver for driveway width is required and given large truck turning requirements, I support a waiver from City standards.
- It is unclear whether there are vehicle circulation restrictions on site (e.g. one-way vs. two-way). Signage and pavements markings shall clearly support proposed circulation restrictions.
Status: It is my understanding that the revised site plan accounts for a one-way circulation around the back side of the convenience store. Signage and pavement markings should be provided.
- Many aisle widths exceed City standards and waivers from our technical standards may be necessary. As noted above, supporting information will be required before I render any decision on waivers.
Status: Given the specific needs of on-site vehicle circulation and accessibility to fueling areas, I find the proposed layout to be acceptable and support waivers from City standards.

Traffic Study/New Comments

- **I find the methods used in the traffic study to be acceptable.**
- **The analysis indicated the Congress Street/Site Drive/Blueberry Road intersection will operate at acceptable levels of service following build-out of the project. I concur with this conclusion.**
- **A signal warrant analysis was conducted at the Congress Street/Site Drive/Blueberry Road intersection. According to the applicant a traffic signal is not warranted. I concur with this conclusion, but suggest that a post-occupancy signal warrant study be conducted one year after opening. If a traffic signal is warranted, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal.**

- According to a warrant analysis for a right-turn lane entering the site from Congress Street, a right-turn lane is warranted. At this time I concur with the applicant that provision of a right-turn lane entering the site is not preferred given that it will increase the crosswalk length. I would suggest that conditions be monitored one year following opening and if crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.
- The Congress Street/Skyway Drive/Hutchins Drive intersection is projected to have movements that will operate at an unacceptable level of service following the construction of the project. In addition, while not a High Crash Location per MaineDOT criteria, the intersection does display a pattern of rear-end collisions. The City has been collecting funds from developments in the area for the implementation of improvements to mitigate congestion and safety deficiencies. Based upon prior contribution methods, the applicant shall contribute \$5,000.00 towards improvements at the subject intersection.
- The applicant has developed an improvement plan for Congress Street such that left-turn accommodations are provided. I support the general concept of the plan provided in the application. Final design plans shall be submitted to the City for review and approval (It should be noted that adjustments to the design may be required during this review process).
- A pedestrian crosswalk is being proposed on Congress Street between the project site and Blueberry Road. Through the contract rezone process the crosswalk was to include a refuge median island in addition to a flashing sign warning system. Given vehicle turning needs, a refuge island is not feasible at this location. In lieu of the refuge island the applicant shall construction an ADA accessible landing on the northwest radius of Blueberry Road. In addition, the crosswalk pavement marking shall consist of durable paint. Final design elements shall be reviewed and approved by the City.
- Per City standards the applicant is required to construct a sidewalk along their property frontage (60 feet of frontage). The project does not meet sidewalk waiver requirements. In lieu of constructing the required sidewalk, the applicant shall install a painted crosswalk on the Blueberry Road approach to Congress Street.

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

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL

12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax

thomas_errico@tylin.com

Visit us online at www.tylin.com

"One Vision, One Company"

Please consider the environment before printing.

From: Jeff Tarling
To: Jean Fraser
CC: David Margolis-Pineo
Date: 5/10/2013 11:06 AM
Subject: 2282 Congress Street Project

Hi Jean -

I reviewed the recent landscape plan submission for the 2282 Congress Street project and offer the following comments, conditions:

a) Tree Save - the 'tree-save', tree thinning area along Congress Street is improved and meets our recommendations. Additional 'tree-save' areas along the Western property line and towards Skyview Drive will need to be marked prior to site work and as approved by the City Arborist. There may be trees to be thinned or removed due to poor condition or risk. (Thinning trees for views is not recommended - thinning trees for safety and condition is.) Standard tree protection measures shall be used during construction, these include protection of tree root zones, identifying trees to protected, construction fencing or tagging where needed. No storage of equipment or construction materials in tree protection root zone areas. The area around the Shagbark Hickory is one of the tree protection zones.

b) Trees in parking lot - In the area shown as snow storage, and addition one to two trees could be set back away from the edge of pavement to still allow snow clearing and meet the parking lot tree / shrub standards.

Overall the landscape plan is acceptable as shown with the recent improvement and suggested conditions.

Thanks,

Jeff Tarling
City Arborist

Portland, Maine



Yes. Life's good here.

Alex Jaegerman, FAICP
Division Director, Planning Division

April 10th, 2014

David Latulippe, Manager
Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086

4 Amend appl. # 2014-138
received 7.23.2014.

RE: Request for Extension of the Level III Site Plan Approval granted on May 14, 2013
Project Name: Commercial Development including gas station and convenience store with ATM
Project ID: 2013-086 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear David:

Thank you for your letter dated April 8th, 2014 requesting a one-year extension of the May 14th, 2013 Level III (Site Plan and Traffic Movement Permit) approval for a commercial development including gas station and convenience store with ATM at 2282 Congress Street. I understand that your request is based on the fact that the process of finalizing the agreements with a tenant was delayed and that construction is now scheduled to start this summer.

In my capacity as Planning Division Director for the City of Portland and under the provision of Section 14-532 (c) Expiration of site plan approval, I am granting your request to extend your approval to May 14th, 2015. If you have any questions, please contact Jean Fraser at (207) 874 8728.

Sincerely,

Alexander Jaegerman, FAICP
Planning Division Director

CC.

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Lannie Dobson, Administration, Inspections Division
Brad Saucier, Administration, Inspections Division
Michael Boblinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services

Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Sec. 17-18 Construction activities.

- (a) No person shall engage in construction activities between the hours of 7:00 p.m. and 7:00 a.m., of the following day within five hundred (500) feet of any building used for residential, hospital or nursing home purposes.
- (b) Construction activities shall include, but not be limited to, the following:
 - (1) The use or operation of power or heavy equipment in connection with road, street, or bridge construction, reconstruction or repair;
 - (2) The use or operation of power or heavy equipment in connection with the installation or repair of utility lines, pipes, wires or cables;
 - (3) The use or operation of power or heavy equipment in connection with the construction of buildings, including specifically excavation for foundations or landscaping work of any kind;
 - (4) The renovation, repair, remodeling or demolition of any existing building or structure.
- (c) This section shall not apply in the following situations:
 - (1) Emergency repair work on any utility line, pipe, wire or cable required to restore normal utility service;
 - (2) Situations where the public works authority determines that the construction activity is of a unique character which cannot reasonably be completed or performed during the permitted hours and which is not of a recurring nature, provided that prior to engaging in such activity the contractor or his representatives gives notice of the time and scope of such proposed activity, the notice to be given in a manner approved by the public works authority (Code 1968, ξ 703.3A; Ord. No. 403-71, 8-16-71).

CITY OF PORTLAND, MAINE
DEPARTMENT OF PUBLIC SERVICES
TIME WAIVER REQUEST

DATE:

TO: Director of Public Works
55 Portland Street
Portland, ME 04101

REGARDING: Request for Waiver of Established Work Hours for
Construction Activities - - Section 17-18 of the
Municipal Code

Dear Sir:

My firm of _____
(NAME OF FIRM) (ADDRESS) (TELEPHONE) (FAX) (CONTACT PERSON)
requests a waiver of the City of Portland from its Municipal Code, Section 17-18 (see
back of waiver request form) prohibiting construction activities between the hours of
7:00 p.m. and 7:00 a.m. of the following morning.

We are doing _____ type of construction activity at
_____ in Portland, Maine, and request permission to
(ADDRESS)
begin work at _____ a.m., and end work by _____ p.m. for _____
day (s). Work will begin on _____ and cease on _____.

I understand and agree that if this waiver is approved, work will be of a non-reoccurring
nature as noted in the ordinance and is acceptable only for the above listed company,
location, single-construction activity and time.

SIGNED:

(SIGNATURE OF APPLICANT)

(COMPANY)

(DATE)

APPROVED: _____
(DIRECTOR OF PUBLIC SERVICES)

(DATE)

Jean Fraser - Re: 2282 Congress amendment review

From: David Latulippe <dlatulip@aol.com>
To: <JF@portlandmaine.gov>
Date: 9/18/2014 8:14 AM
Subject: Re: 2282 Congress amendment review
CC: <sbushey@fstinc.com>

Jean,

Thank you for the detailed email below. Here is what I suggest prior to issuing the amended approval and remaining conditions:

Prior to issuance items:

- 1. Revised Landscape Plan (I'll check with Steve B. to find out what is holding this plan up)
- 2. Off Site Improvements - let's try to get the minor details agreed upon
- 3. Traffic Management Plan - let's try to resolve any comments

Conditions:

- 1. CNG Facility - we need to gather more information on the exact size of a building that will be required. CNG is an emerging alternative fuel and advancements are being made in various delivery methods.
- 2. Stormwater Management Agreement - this is also required with our DEP permit. Can we tie this condition to prior to issuance of Certificate of Occupancy.

I should be around most of the day, if you want to discuss any of the above.

Thanks

David

10/10 update.

- Plans re 1, 2, 3 being prepared, no hurry as start delayed until Feb 2015
- DL to req. perm to start work in adv. of BP - getting more info. Qu. of amount of PG to pay - JF emailed AS/BB/PD with question but DL will follow up JF.

-----Original Message-----

From: Jean Fraser <JF@portlandmaine.gov>
To: David Latulippe <dlatulip@aol.com>
Sent: Wed, Sep 17, 2014 5:28 pm
Subject: 2282 Congress amendment review

David

I am following up the voice message I left for you earlier today.

We discussed this project at our regular Dev Rev meeting today and are very close to issuing an approval of the amendments. I called to discuss timing with you- as there is the option of getting the approval letter out very soon with conditions, or waiting to tie up some loose ends so fewer conditions and simpler process-wise overall.

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrisette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

*Superseded
See Site Plan
v. 2014-138*

May 20th, 2013

David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freeport, ME 04032

Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

Project Name: **Commercial Development including gas station and convenience store with ATM**
Project ID: 2013-086 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear Mr Latulippe:

On May 14th, 2013, the Planning Board considered the Level III Site Plan and Traffic Movement Permit application for the commercial development at 2282 Congress Street to construct a commercial development that includes a 3,850 sq. ft. convenience store with an ATM and fuel station (14 filling dispensers plus a future compressed natural gas pump and electric recharging stations), a small farmstand associated with the convenience store, and 26 parking spaces. The Planning Board reviewed the proposal for conformance with the Conditional Rezoning Agreement as approved by the City Council on March 4th, 2013 and with standards of the Site Plan, Traffic Movement Permit, and Stormwater Permit.

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 24 -13 for the commercial development at 2282 Congress Street relevant to the Site Plan, Traffic Movement Permit and Stormwater Permit reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) to approve the application with the following waivers and conditions as presented below:

WAIVERS

1. *Driveway Design:*

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) to waive Technical Standard, Section 1.7.1.4, which specifies a maximum of 36 feet wide for a major commercial driveway, to allow a 38 ft wide driveway that accommodates the large vehicles anticipated to require regular access to the site.

2. *Parking Aisle:*

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) to waive Technical Standard, Section 1.14, Figures I-28 to I-32 which require a 24 foot wide drive aisle, to allow wider aisles as shown in the approved site layout plan (Plan 5 as attached to this Report).

TRAFFIC MOVEMENT PERMIT

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, with the following conditions of approval:

- i. That the applicant shall contribute \$5000 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Congress Street/Hutchins Drive/Skyway Drive; and
- ii. That a post-occupancy signal warrant study shall be conducted one year after opening. If a traffic signal is warranted or the queuing lanes prove inadequate, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal or improvements to such queuing lanes; and
- iii. That the operation of the right turn into the site from Congress Street shall be monitored for one year following opening. If the crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.

STORMWATER MANAGEMENT PERMIT

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the plan is in conformance with the standards for a Storm Water Permit application for the commercial development at 2282 Congress Street and grants a permit subject to the following condition:

- i. That the applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan as included Attachment G.1-3 of this Report, and as based on the Long Creek Watershed District standards/requirements and state permits and guidelines.

SITE PLAN REVIEW

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That this site plan approval is subject to the Conditional Zone Agreement as approved by the City Council on March 4, 2013, and that C J Developers Inc. shall sign and record the aforementioned Conditional Zoning Agreement prior to the issuance of a building permit, and if the CZA is assigned, C J Developers Inc. shall provide notification of the assignment to the City; and
- ii. That the signed and recorded access easement from Maine Turnpike Authority for the area of the proposed access from Congress Street shall be submitted to the Planning Authority prior to the issuance of a building permit; and
- iii. That a copy of the MDEP Stormwater Discharge approval shall be submitted to the Planning Authority prior to the issuance of a building permit. If there are significant modifications to the stormwater system as a result of the MDEP review, then an amended site plan would be required for approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant shall submit a revised off-site improvements plan that addresses Tom Errico's memorandum dated 05.09.2013 regarding the left turn accommodations, crosswalk design with ADA landing, and painted crosswalk on Blueberry, for review and approval by the Planning Authority prior to the issuance of a building permit; and

- v. That the applicant shall submit a revised Landscaping Plan (with notes), for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit, that meets the recommendations set out in Jeff Tarling's e-mail dated 5.10.2013; and
- vi. That all necessary permits and licenses shall be obtained from the Federal, State (including MDEP) or local authorities in respect to the fuel storage, compressed natural gas installation and electric charging stations; and
- vii. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements; and
- viii. That a plan showing the signage and pavement markings that support the on-site circulation shall be reviewed and approved by the Planning Authority prior to installation, with installation to be completed prior to the issuance of a Certificate of Occupancy.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. Traffic Engineering Review comments, e-mail from Tom Errico dated 5.9.2013
2. City Arborist comments, e-mail from Jeff Tarling dated 5.10. 2013
3. Planning Board Report #24-13
4. City Code, Chapter 32
5. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>
Date: 5/9/2013 11:23 AM
Subject: 2282 Congress Street - Final Traffic Comments

Jean – The following represents my final comments and also presents a status update on my April 18, 2013 preliminary comments.

April 18, 2013 Comments Status

- It is suggested that the pedestrian facility between Congress Street and the proposed convenience store building be as direct as possible. This may require the loss of some of the 9 parking spaces located along the front of the property.
Status: The applicant has revised the site plan to improve the crosswalk alignment and given constraints with Maine Turnpike Authority property, I find the proposed condition to be acceptable.
- Parking supply seems excessive for the type and scale of the proposed land use. Supporting documentation on the parking needs shall be provided.
Status: The applicant has revised the site plan and is now proposing to construct 26 parking spaces with an option for future expansion of the parking supply if deemed necessary. I find the proposed condition to be acceptable.
- Auto-turn analyses shall be provided that supports on-site circulation aisle widths and the width of the driveway entrance on Congress Street. The applicant should also provide information on the number of large trucks anticipated to enter and exit the site.
Status: The site plan has been revised based upon discussions with the applicant and I find the proposed plan to be acceptable. I would note that the applicant did add a raised concrete apron at the driveway entrance and I find this condition to be acceptable. A waiver for driveway width is required and given large truck turning requirements, I support a waiver from City standards.
- It is unclear whether there are vehicle circulation restrictions on site (e.g. one-way vs. two-way). Signage and pavements markings shall clearly support proposed circulation restrictions.
Status: It is my understanding that the revised site plan accounts for a one-way circulation around the back side of the convenience store. Signage and pavement markings should be provided.
- Many aisle widths exceed City standards and waivers from our technical standards may be necessary. As noted above, supporting information will be required before I render any decision on waivers.
Status: Given the specific needs of on-site vehicle circulation and accessibility to fueling areas, I find the proposed layout to be acceptable and support waivers from City standards.

Traffic Study/New Comments

- I find the methods used in the traffic study to be acceptable.
- The analysis indicated the Congress Street/Site Drive/Blueberry Road intersection will operate at acceptable levels of service following build-out of the project. I concur with this conclusion.
- A signal warrant analysis was conducted at the Congress Street/Site Drive/Blueberry Road intersection. According to the applicant a traffic signal is not warranted. I concur with this conclusion, but suggest that a post-occupancy signal warrant study be conducted one year after opening. If a traffic signal is warranted, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal.

- According to a warrant analysis for a right-turn lane entering the site from Congress Street, a right-turn lane is warranted. At this time I concur with the applicant that provision of a right-turn lane entering the site is not preferred given that it will increase the crosswalk length. I would suggest that conditions be monitored one year following opening and if crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.
- The Congress Street/Skyway Drive/Hutchins Drive intersection is projected to have movements that will operate at an unacceptable level of service following the construction of the project. In addition, while not a High Crash Location per MaineDOT criteria, the intersection does display a pattern of rear-end collisions. The City has been collecting funds from developments in the area for the implementation of improvements to mitigate congestion and safety deficiencies. Based upon prior contribution methods, the applicant shall contribute \$5,000.00 towards improvements at the subject intersection.
- The applicant has developed an improvement plan for Congress Street such that left-turn accommodations are provided. I support the general concept of the plan provided in the application. Final design plans shall be submitted to the City for review and approval (It should be noted that adjustments to the design may be required during this review process).
- A pedestrian crosswalk is being proposed on Congress Street between the project site and Blueberry Road. Through the contract rezone process the crosswalk was to include a refuge median island in addition to a flashing sign warning system. Given vehicle turning needs, a refuge island is not feasible at this location. In lieu of the refuge island the applicant shall construction an ADA accessible landing on the northwest radius of Blueberry Road. In addition, the crosswalk pavement marking shall consist of durable paint. Final design elements shall be reviewed and approved by the City.
- Per City standards the applicant is required to construct a sidewalk along their property frontage (60 feet of frontage). The project does not meet sidewalk waiver requirements. In lieu of constructing the required sidewalk, the applicant shall install a painted crosswalk on the Blueberry Road approach to Congress Street.

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

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

From: Jeff Tarling
To: Jean Fraser
CC: David Margolis-Pineo
Date: 5/10/2013 11:06 AM
Subject: 2282 Congress Street Project

Hi Jean -

I reviewed the recent landscape plan submission for the 2282 Congress Street project and offer the following comments, conditions:

a) Tree Save - the 'tree-save', tree thinning area along Congress Street is improved and meets our recommendations. Additional 'tree-save' areas along the Western property line and towards Skyview Drive will need to be marked prior to site work and as approved by the City Arborist. There may be trees to be thinned or removed due to poor condition or risk. (Thinning trees for views is not recommended - thinning trees for safety and condition is.) Standard tree protection measures shall be used during construction, these include protection of tree root zones, identifying trees to protected, construction fencing or tagging where needed. No storage of equipment or construction materials in tree protection root zone areas. The area around the Shagbark Hickory is one of the tree protection zones.

b) Trees in parking lot - In the area shown as snow storage, and addition one to two trees could be set back away from the edge of pavement to still allow snow clearing and meet the parking lot tree / shrub standards.

Overall the landscape plan is acceptable as shown with the recent improvement and suggested conditions.

Thanks,

Jeff Tarling
City Arborist



August 8, 2014

Ms. Jean Fraser
City of Portland Planning Department
389 Congress
Portland, ME 04101

**Subject: Congress Street Convenience Store –Portland, Maine
Comment Response # 1
Response to City of Portland Comments of Jean Fraser Dated August 1, 2014**

Dear Ms. Fraser:

We have received and reviewed the email review comments dated August 1, 2014 regarding the Amended Site Plan for the 2282 Congress Street Convenience Store project. We have completed plan revisions related to these comments as well as revisions based on the client's value engineering requests. For ease of reference, we have repeated the comments (*italics*) followed by our response.

Comment 1

The parking spaces on the Congress St. side need to be set back 10' from the MTA property line.

Response

The accompanying plans have been modified to show the shifted parking spaces meeting the setback requirements from the MTA property line.

Comment 2

Add the "future" electric charging station to the plan (at those Congress St. side parking area)

Response

The accompanying plans now include a "future" electric charging station at the Congress Street side parking area.

Comment 3

Just put the building box "future CNG building" back on the plan (does not need to work grade wise)

Response

The "future CNG building" has been re-added to the plans per the comment.

Ms. Jean Fraser
August 8, 2014
Page 2

Comment 4

David needs to review the stormwater management plan closer because it is a change of direction in scope.

Response

See response to our peer review comments from David Senus dated August 5, below.

Comment 5

Architecture-Marge needs to see the revise elevation

Response

The Applicant's architect is completing updated building elevations which we will forward to you under separate cover in a few days.

Comment 6

Floor plan- Marge needs to see the revised elevations

Response

Same as above.

Comment 7

Site Lighting- Are there alternative fixtures available?-less institutional

Response

At this time, the applicant proposes no changes to the lighting fixtures that were originally approved.

Comment 8

Waiting for Tom Errico to confirm the off-site improvement plan

Response

We have included the offsite improvement plans in the plans accompanying this letter to allow Mr. Errico's final review. In addition to addressing City Staff's comments, the plan set has also been revised to include a list of value engineering items at the request of the developer. The following responses are provided to David Senus comments dated August 5, 2014:

Comment 1:

The project will disturb over one acre; as such, filing a notice of intent to comply with the Maine Construction General Permit is required. The Applicant should clarify the status of this filing.

Ms. Jean Fraser
August 8, 2014
Page 3

Response:

The Applicant intends to complete the Notice of Intent to Comply prior to construction. Evidence of this filing will be provided to the City Planning Department for your records.

Comment 2:

The Applicant obtained a Waste Discharge Permit from the MaineDEP and the Long Creek Watershed District in October of 2013, and has noted that an amended approval is being sought concurrent with the City submission. The Applicant provides a copy of the revised permit upon receipt.

Response:

It is the Applicant's intent to supply the City with evidence of MaineDEP's approval of the Waste Discharge Permit upon receipt.

Comment 3:

In accordance with Section 5 of the City of Portland's Technical Manual, a Level III Site Plan project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 50 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:

- a) Basic Standard: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, C, of MaineDEP Chapter 500.*
- b) General Standard: The proposed project will provide adequate stormwater quality control in compliance with the General Standards.*
- c) Flooding Standard: The Applicant has sufficiently demonstrated compliance with Flooding Standard for the 2, 10, & 25-year storm events.*

Response:

- a) No further response is required
- b) No further response is required
- c) No further response is required

Comment 4:

The Applicant should provide a detail for the reinforced turf spillway channel.

Response:

Detail F on Sheet C-8.6 is intended to describe the installation measures for the reinforced turf spillway.

Ms. Jean Fraser
August 8, 2014
Page 4

In addition to addressing City Staff comments, the plan set has also been revised to include a list of value engineering items requested by the applicant.

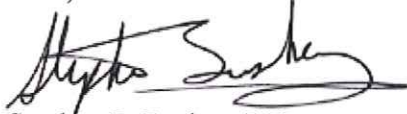
Below is a list of these plan revisions.

- The underground storage fuel tanks have been re-arranged to be stacked side by side to reduce the size of the reinforced concrete pad. See Sheet C-2.0.
- Curbing has been reduced around the perimeter of site. Grading alterations have been made to Sheet C-3.0 to accommodate these curb reductions.
- The location of the farm stand and picnic areas have been altered to reduce the size of the stone dust path. See Sheet C-2.0.
- Curb has been reduced in the parking stall island behind the ATM machine. Grading alterations have been made to Sheet C-3.0 to accommodate curb reductions.
- Curbing has been removed from the eight parking spaces along Congress Street.
- Heavy-duty pavement has been reduced in areas that will not see large truck traffic. These areas included passenger vehicle parking areas and area between the store and gas dispenser island. See Sheet C-2.0 for changes to heavy-duty pavement.
- As an option, a Focal Point™ biofiltration system has been added to the plan set. Please see attached supplemental Stormwater Report regarding what effect changing to a Focal Point™ system would have on the stormwater management system. We are including the Focal Point™ system simply as an optional treatment measure that would replace the underdrained soil filter median section of the proposed stormwater management basin.

If you have any questions regarding these responses, or require additional information, please contact this office.

Sincerely,

FAY, SPOFFORD & THORNDIKE



Stephen R. Bushey, P.E.
Senior Principal Engineer

SRB/cmd

Attachments:

- Supplemental Stormwater Report and Revised Post Development HydroCAD Results
- Focal Point™ Sizing Computations
- Revised Plans – Full Set

c: David Latulippe (electronically submitted)

**SUPPLEMENTAL STORMWATER REPORT AND
REVISED POST DEVELOPMENT HYDROCAD RESULTS**

SUPPLEMENTAL STORMWATER MANAGEMENT REPORT

CONGRESS STREET CONVENIENCE STORE AND FUEL STATION PORTLAND, MAINE

1.0 INTRODUCTION

The applicant is considering a second stormwater treatment option for the Congress Street convenience store project. This supplemental report is intended to analyze the impacts of using a Focal Point™ Bio-filtration system versus the originally proposed Grassed Underdrained Soil Filter. A Focal Point™ system has been proposed in the plan set as a Value Engineering option. The applicant may use a Focal Point™ system to reduce overall water quality filter area and overall site impacts. According to computations, using a Focal Point™ system would reduce the total filter area from 3,000 SF to 36 SF. The Focal Point™ system is designed to treat the entire water quality volume at a rate of 100 in/hr, which allows for a significant reduction in filter area. The stormwater detention basin is still designed to provide the same channel protection storage meeting the MeDEP General Standards Requirements. The open detention basin system will meet the flooding standards and manage the release of the 2, 10, and 25-year storm event to below predevelopment conditions as required by the City of Portland Stormwater Regulations. Both options consisting of a grassed underdrained soil filter or Focal Point™ filter have been designed to meet stormwater quality standards required under the general standards as outlined in the adopted MaineDEP Chapter 500 Stormwater Management Technical Manual.

2.0 WATER QUALITY DEVICE – FOCAL POINT™ BIO-FILTRATION SYSTEM

Focal Point™ Bio-Filtration systems are relatively new treatment systems. Focal Point™ systems utilize 18” inches of filter media that is placed below a specified planting arrangement. Focal Point™ systems are in the process of being able to be implemented without the need of a StormTech™ Isolator row (as comparatively required in a Filterra™ system) according to the MaineDEP. This is due to the ability of a Focal Point™ system to remove potential containments as effectively as the StormTech™ pretreatment system. The Focal Point™ system has the ability to force water through the system at a rate of 100 in/hr. This allows the water quality volume to go through the system efficiently while still providing the same level of treatment.

3.0 WATER QUALITY IMPACTS OF FOCAL POINT™ USE

The project requires 5,077 CF of water quality volume treatment. This is calculated based on 1” of tributary impervious area and 0.4” of tributary pervious area. The following table highlights the differences between the grassed underdrained soil filter and the Focal Point™ System with respect to water quality sizing:

Water Quality System	Pervious Area Tributary to Treatment (SF)	Impervious Area Tributary to Treatment (SF)	Water Quality Volume (CF)	Filter Area Required* (SF)	Water Quality Depth (‘)
Focal Point™	24,454	50,748	5,077	36	1.2’
Grassed Underdrained Soil Filter	24,454	50,748	5,077	3,046	0.5’

*Filter area for Grassed Underdrained Soil Filter computed using 2% of pervious area plus 5% of impervious area. Filter Area for Focal Point™ computed assuming system can flow at a rate of 100 in/hr and thus being able to treat more volume over a smaller area.

Based on the treatment area remaining, the same the Focal Point™ system will still meet required treatment percentages according to MaineDEP Chapter 500 Stormwater Management Technical Manual. See previous report for treatment percent breakdown.

4.0 PEAK FLOW IMPACTS

The Focal Point™ system requires a maximum water ponding depth of 0.5’ in the stormwater detention basin. This requires water release controls inside of the outlet control structure A-1 to be lowered from 89.62’ to 88.92’. The change in outlet control elevations required a re-design of the outlet control structure. In order to control the 2-year peak flow a 3” orifice was computed to control the flow at the water quality elevation of 88.92’. This resulted in the following Detention Pond “0” impacts:

Water Quality System	25-year DET ‘0’ Peak Pond Outflow (CFS)	25-year DET ‘0’ Peak Stage (‘)	25-Year Peak DET ‘0’ Storage (CF)
Focal Point™	1.87	90.97’	12,830
Grassed Underdrain Filter	3.02	90.96’	12,745

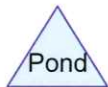
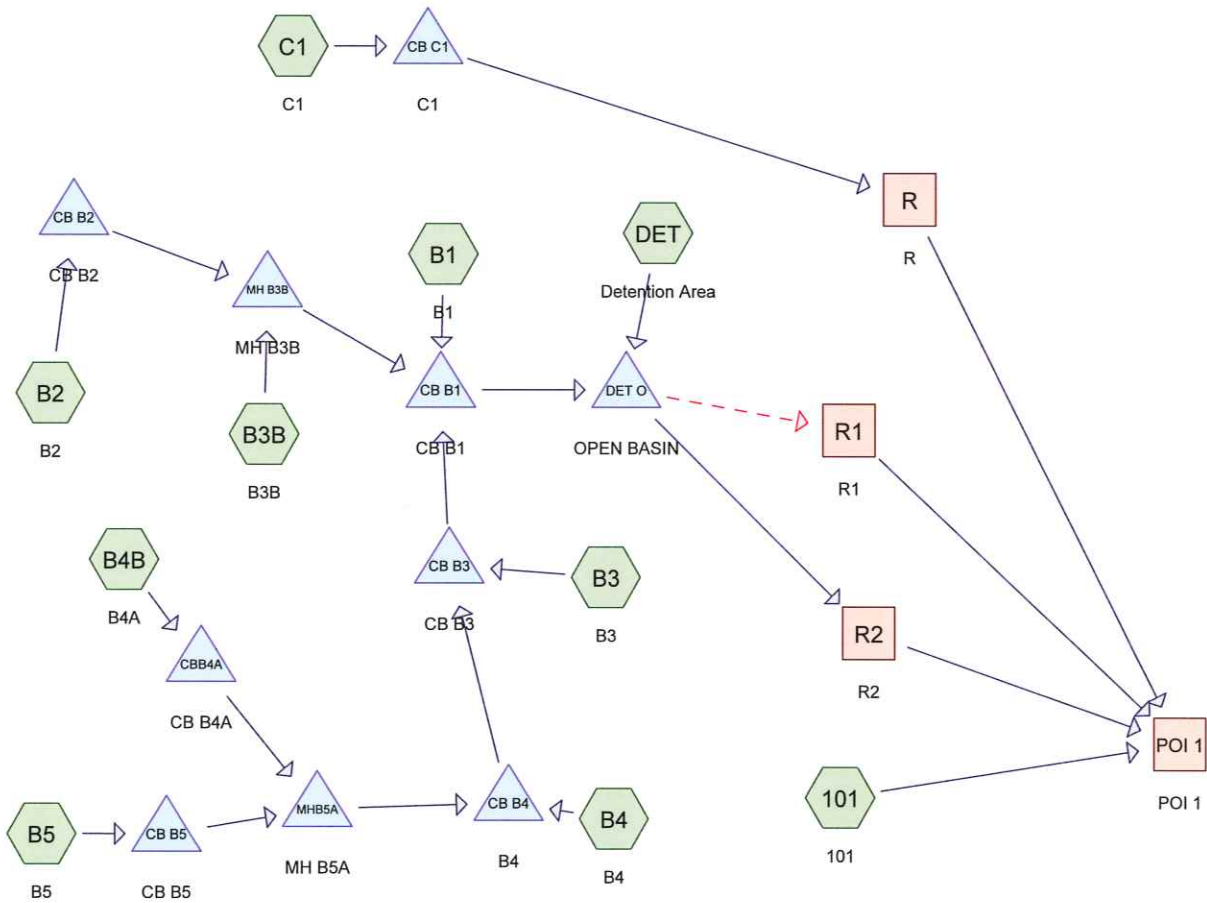
Based on the ability of the Focal Point™ system to release flow at a lower rate from the outlet control structure the following impacts on POI 1 were computed:

TABLE 3 PEAK FLOWS AT POI 1 FOCAL POINT™ AND GRASSED UNDERDRAINED SOIL FILTER COMPARISON						
Water Quality System	2-Year Pre development Flow (CFS)	10-Year Pre development Flow (CFS)	25-Year Pre development Flow (CFS)	2-Year Storm Flow (CFS)	10-Year Storm Flow (CFS)	25-Year Storm Flow (CFS)
Focal Point™ Option	2.86	7.18	9.42	2.35	5.38	7.07
Grassed Underdrain Filter Option	2.86	7.18	9.42	2.18	6.34	8.84

As shown both designed treatment systems will meet the flooding standards and manage the release of the 2, 10 and 25-year storm event to below predevelopment conditions as required by the City of Portland Stormwater Regulations.

The Applicant is requesting the right to make a selection between the grassed underdrained soil filter on the Focal Point™ system once full project pricing is practicable.

REVISED POST DEVELOPMENT HYDROCAD RESULTS



Drainage Diagram for 2014.07.25 POSTDEVELOPMENT FOCAL POINT
 Prepared by {enter your company name here}, Printed 8/4/2014
 HydroCAD® 8.50 s/n 000734 © 2007 HydroCAD Software Solutions LLC

2014.07.25 POSTDEVELOPMENT FOCAL POINT

Prepared by {enter your company name here}

HydroCAD® 8.50 s/n 000734 © 2007 HydroCAD Software Solutions LLC

Printed 8/4/2014

Page 2

Area Listing (selected nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.439	70	Woods, Good, HSG C (101,B2,B5)
1.016	71	Meadow, non-grazed, HSG C (101,B2,B5)
0.307	74	>75% Grass cover, Good, HSG C (B2,B4B,B5,DET)
0.743	77	Woods, Good, HSG D (101)
0.241	78	Meadow, non-grazed, HSG D (101)
0.099	89	Gravel roads, HSG C (101)
0.294	98	Paved parking & roofs (B3B,B4B)
1.160	98	Paved roads w/curbs & sewers (101,B1,B2,B3,B4,B5,C1)
4.299		TOTAL AREA

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Soil Listing (selected nodes)

Area (acres)	Soil Goup	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
1.861	HSG C	101, B2, B4B, B5, DET
0.984	HSG D	101
1.454	Other	101, B1, B2, B3, B3B, B4, B4B, B5, C1
4.299		TOTAL AREA

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Time span=0.00-30.00 hrs, dt=0.01 hrs, 3001 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 101: 101 Runoff Area=106,667 sf 7.69% Impervious Runoff Depth=1.02"
Flow Length=102' Tc=16.1 min CN=76 Runoff=2.03 cfs 0.207 af

Subcatchment B1: B1 Runoff Area=8,879 sf 100.00% Impervious Runoff Depth=2.77"
Tc=6.0 min CN=98 Runoff=0.59 cfs 0.047 af

Subcatchment B2: B2 Runoff Area=22,113 sf 55.19% Impervious Runoff Depth=1.66"
Tc=6.0 min CN=86 Runoff=0.99 cfs 0.070 af

Subcatchment B3: B3 Runoff Area=4,242 sf 100.00% Impervious Runoff Depth=2.77"
Tc=6.0 min CN=98 Runoff=0.28 cfs 0.022 af

Subcatchment B3B: B3B Runoff Area=4,562 sf 100.00% Impervious Runoff Depth=2.77"
Tc=6.0 min CN=98 Runoff=0.30 cfs 0.024 af

Subcatchment B4: B4 Runoff Area=2,843 sf 100.00% Impervious Runoff Depth=2.77"
Tc=6.0 min CN=98 Runoff=0.19 cfs 0.015 af

Subcatchment B4B: B4A Runoff Area=8,504 sf 96.88% Impervious Runoff Depth=2.66"
Tc=6.0 min CN=97 Runoff=0.56 cfs 0.043 af

Subcatchment B5: B5 Runoff Area=14,208 sf 68.83% Impervious Runoff Depth=1.98"
Tc=6.0 min CN=90 Runoff=0.75 cfs 0.054 af

Subcatchment C1: C1 Runoff Area=4,401 sf 100.00% Impervious Runoff Depth=2.77"
Tc=6.0 min CN=98 Runoff=0.29 cfs 0.023 af

Subcatchment DET: Detention Area Runoff Area=10,851 sf 0.00% Impervious Runoff Depth=0.91"
Tc=6.0 min CN=74 Runoff=0.25 cfs 0.019 af

Reach POI 1: POI 1 Inflow=2.35 cfs 0.511 af
Outflow=2.35 cfs 0.511 af

Reach R: R Avg. Depth=0.04' Max Vel=0.19 fps Inflow=0.29 cfs 0.023 af
n=0.200 L=354.0' S=0.0593 '/' Capacity=18.75 cfs Outflow=0.14 cfs 0.023 af

Reach R1: R1 Avg. Depth=0.00' Max Vel=0.00 fps Inflow=0.00 cfs 0.000 af
n=0.200 L=196.0' S=0.0306 '/' Capacity=64.45 cfs Outflow=0.00 cfs 0.000 af

Reach R2: R2 Avg. Depth=0.06' Max Vel=0.21 fps Inflow=0.30 cfs 0.282 af
n=0.200 L=138.0' S=0.0435 '/' Capacity=121.42 cfs Outflow=0.30 cfs 0.281 af

Pond CB B1: CB B1 Inflow=3.67 cfs 0.276 af
Primary=3.67 cfs 0.276 af

Pond CB B2: CB B2 Inflow=0.99 cfs 0.070 af
Primary=0.99 cfs 0.070 af

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Pond CB B3: CB B3

Inflow=1.78 cfs 0.135 af
Primary=1.78 cfs 0.135 af

Pond CB B4: B4

Inflow=1.50 cfs 0.112 af
Primary=1.50 cfs 0.112 af

Pond CB B5: CB B5

Inflow=0.75 cfs 0.054 af
Primary=0.75 cfs 0.054 af

Pond CB C1: C1

Inflow=0.29 cfs 0.023 af
Primary=0.29 cfs 0.023 af

Pond CBB4A: CB B4A

Inflow=0.56 cfs 0.043 af
Primary=0.56 cfs 0.043 af

Pond DET O: OPEN BASIN

Peak Elev=89.80' Storage=6,232 cf Inflow=3.91 cfs 0.295 af
Primary=0.30 cfs 0.282 af Secondary=0.00 cfs 0.000 af Outflow=0.30 cfs 0.282 af

Pond MH B3B: MH B3B

Inflow=1.29 cfs 0.094 af
Primary=1.29 cfs 0.094 af

Pond MHB5A: MH B5A

Inflow=1.31 cfs 0.097 af
Primary=1.31 cfs 0.097 af

Total Runoff Area = 4.299 ac Runoff Volume = 0.526 af Average Runoff Depth = 1.47"
66.17% Pervious = 2.845 ac 33.83% Impervious = 1.454 ac

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Type III 24-hr 2 YR Rainfall=3.00"

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Summary for Subcatchment 101: 101

Runoff = 2.03 cfs @ 12.24 hrs, Volume= 0.207 af, Depth= 1.02"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
8,201	98	Paved roads w/curbs & sewers
4,313	89	Gravel roads, HSG C
13,704	70	Woods, Good, HSG C
37,589	71	Meadow, non-grazed, HSG C
10,508	78	Meadow, non-grazed, HSG D
32,352	77	Woods, Good, HSG D
106,667	76	Weighted Average
98,466		Pervious Area
8,201		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.9	90	0.0370	0.09		Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.00"
0.2	12	0.0400	1.00		Shallow Concentrated Flow, Woodland Kv= 5.0 fps
16.1	102	Total			

Summary for Subcatchment B1: B1

Runoff = 0.59 cfs @ 12.08 hrs, Volume= 0.047 af, Depth= 2.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
8,879	98	Paved roads w/curbs & sewers
8,879		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B2: B2

Runoff = 0.99 cfs @ 12.09 hrs, Volume= 0.070 af, Depth= 1.66"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

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Type III 24-hr 2 YR Rainfall=3.00"

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Area (sf)	CN	Description
12,204	98	Paved roads w/curbs & sewers
3,238	70	Woods, Good, HSG C
5,811	71	Meadow, non-grazed, HSG C
860	74	>75% Grass cover, Good, HSG C
22,113	86	Weighted Average
9,909		Pervious Area
12,204		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B3: B3

Runoff = 0.28 cfs @ 12.08 hrs, Volume= 0.022 af, Depth= 2.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
4,242	98	Paved roads w/curbs & sewers
4,242		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B3B: B3B

Runoff = 0.30 cfs @ 12.08 hrs, Volume= 0.024 af, Depth= 2.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
4,562	98	Paved parking & roofs
4,562		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B4: B4

Runoff = 0.19 cfs @ 12.08 hrs, Volume= 0.015 af, Depth= 2.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

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Type III 24-hr 2 YR Rainfall=3.00"

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Area (sf)	CN	Description
2,843	98	Paved roads w/curbs & sewers
2,843		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B4B: B4A

Runoff = 0.56 cfs @ 12.08 hrs, Volume= 0.043 af, Depth= 2.66"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
8,239	98	Paved parking & roofs
265	74	>75% Grass cover, Good, HSG C
8,504	97	Weighted Average
265		Pervious Area
8,239		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B5: B5

Runoff = 0.75 cfs @ 12.09 hrs, Volume= 0.054 af, Depth= 1.98"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
9,780	98	Paved roads w/curbs & sewers
2,175	70	Woods, Good, HSG C
868	71	Meadow, non-grazed, HSG C
1,385	74	>75% Grass cover, Good, HSG C
14,208	90	Weighted Average
4,428		Pervious Area
9,780		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

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Type III 24-hr 2 YR Rainfall=3.00"

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Summary for Subcatchment C1: C1

Runoff = 0.29 cfs @ 12.08 hrs, Volume= 0.023 af, Depth= 2.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
4,401	98	Paved roads w/curbs & sewers
4,401		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment DET: Detention Area

Runoff = 0.25 cfs @ 12.10 hrs, Volume= 0.019 af, Depth= 0.91"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 YR Rainfall=3.00"

Area (sf)	CN	Description
10,851	74	>75% Grass cover, Good, HSG C
10,851		Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Reach POI 1: POI 1

Inflow Area = 4.299 ac, 33.83% Impervious, Inflow Depth > 1.43" for 2 YR event
Inflow = 2.35 cfs @ 12.25 hrs, Volume= 0.511 af
Outflow = 2.35 cfs @ 12.25 hrs, Volume= 0.511 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Reach R: R

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 2.77" for 2 YR event
Inflow = 0.29 cfs @ 12.08 hrs, Volume= 0.023 af
Outflow = 0.14 cfs @ 12.24 hrs, Volume= 0.023 af, Atten= 53%, Lag= 9.4 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.19 fps, Min. Travel Time= 31.3 min
Avg. Velocity = 0.07 fps, Avg. Travel Time= 90.2 min

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Type III 24-hr 2 YR Rainfall=3.00"

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Peak Storage= 261 cf @ 12.24 hrs, Average Depth at Peak Storage= 0.04'
Bank-Full Depth= 0.50', Capacity at Bank-Full= 18.75 cfs

18.00' x 0.50' deep channel, n= 0.200 Sheet flow: Woods+light brush
Side Slope Z-value= 54.0 ' / ' Top Width= 72.00'
Length= 354.0' Slope= 0.0593 ' / '
Inlet Invert= 95.00', Outlet Invert= 74.00'



Summary for Reach R1: R1

Inflow	=	0.00 cfs @	0.00 hrs,	Volume=	0.000 af
Outflow	=	0.00 cfs @	0.00 hrs,	Volume=	0.000 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.00 fps, Min. Travel Time= 0.0 min
Avg. Velocity = 0.00 fps, Avg. Travel Time= 0.0 min

Peak Storage= 0 cf @ 0.00 hrs, Average Depth at Peak Storage= 0.00'
Bank-Full Depth= 1.00', Capacity at Bank-Full= 64.45 cfs

18.00' x 1.00' deep channel, n= 0.200 Sheet flow: Woods+light brush
Side Slope Z-value= 54.0 ' / ' Top Width= 126.00'
Length= 196.0' Slope= 0.0306 ' / '
Inlet Invert= 80.00', Outlet Invert= 74.00'



Summary for Reach R2: R2

Inflow Area =	1.749 ac, 66.60% Impervious, Inflow Depth > 1.94"	for 2 YR event
Inflow	=	0.30 cfs @ 13.37 hrs, Volume= 0.282 af
Outflow	=	0.30 cfs @ 13.52 hrs, Volume= 0.281 af, Atten= 0%, Lag= 8.7 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.21 fps, Min. Travel Time= 11.2 min
Avg. Velocity = 0.14 fps, Avg. Travel Time= 16.3 min

Peak Storage= 200 cf @ 13.52 hrs, Average Depth at Peak Storage= 0.06'
Bank-Full Depth= 1.00', Capacity at Bank-Full= 121.42 cfs

18.00' x 1.00' deep channel, n= 0.200 Sheet flow: Woods+light brush
Side Slope Z-value= 100.0 ' / ' Top Width= 218.00'
Length= 138.0' Slope= 0.0435 ' / '
Inlet Invert= 80.00', Outlet Invert= 74.00'



Summary for Pond CB B1: CB B1

Inflow Area = 1.500 ac, 77.66% Impervious, Inflow Depth = 2.21" for 2 YR event
Inflow = 3.67 cfs @ 12.09 hrs, Volume= 0.276 af
Primary = 3.67 cfs @ 12.09 hrs, Volume= 0.276 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B2: CB B2

Inflow Area = 0.508 ac, 55.19% Impervious, Inflow Depth = 1.66" for 2 YR event
Inflow = 0.99 cfs @ 12.09 hrs, Volume= 0.070 af
Primary = 0.99 cfs @ 12.09 hrs, Volume= 0.070 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B3: CB B3

Inflow Area = 0.684 ac, 84.25% Impervious, Inflow Depth = 2.36" for 2 YR event
Inflow = 1.78 cfs @ 12.08 hrs, Volume= 0.135 af
Primary = 1.78 cfs @ 12.08 hrs, Volume= 0.135 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B4: B4

Inflow Area = 0.587 ac, 81.64% Impervious, Inflow Depth = 2.30" for 2 YR event
Inflow = 1.50 cfs @ 12.09 hrs, Volume= 0.112 af
Primary = 1.50 cfs @ 12.09 hrs, Volume= 0.112 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B5: CB B5

Inflow Area = 0.326 ac, 68.83% Impervious, Inflow Depth = 1.98" for 2 YR event
Inflow = 0.75 cfs @ 12.09 hrs, Volume= 0.054 af
Primary = 0.75 cfs @ 12.09 hrs, Volume= 0.054 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB C1: C1

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 2.77" for 2 YR event
 Inflow = 0.29 cfs @ 12.08 hrs, Volume= 0.023 af
 Primary = 0.29 cfs @ 12.08 hrs, Volume= 0.023 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CBB4A: CB B4A

Inflow Area = 0.195 ac, 96.88% Impervious, Inflow Depth = 2.66" for 2 YR event
 Inflow = 0.56 cfs @ 12.08 hrs, Volume= 0.043 af
 Primary = 0.56 cfs @ 12.08 hrs, Volume= 0.043 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond DET O: OPEN BASIN

Inflow Area = 1.749 ac, 66.60% Impervious, Inflow Depth = 2.02" for 2 YR event
 Inflow = 3.91 cfs @ 12.09 hrs, Volume= 0.295 af
 Outflow = 0.30 cfs @ 13.37 hrs, Volume= 0.282 af, Atten= 92%, Lag= 77.3 min
 Primary = 0.30 cfs @ 13.37 hrs, Volume= 0.282 af
 Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Peak Elev= 89.80' @ 13.37 hrs Surf.Area= 5,095 sf Storage= 6,232 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
 Center-of-Mass det. time= 251.8 min (1,043.5 - 791.7)

Volume	Invert	Avail.Storage	Storage Description
#1	88.42'	19,677 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
88.42	3,965	0	0
89.00	4,433	2,435	2,435
90.00	5,263	4,848	7,283
91.00	6,192	5,728	13,011
92.00	7,141	6,667	19,677

Device	Routing	Invert	Outlet Devices
#1	Primary	85.32'	24.0" x 60.0' long Culvert CPP, projecting, no headwall, Ke= 0.900 Outlet Invert= 81.50' S= 0.0637 '/' Cc= 0.900 n= 0.012
#2	Secondary	91.10'	13.0' long x 14.0' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.64 2.67 2.70 2.65 2.64 2.65 2.65 2.63
#3	Device 1	90.50'	1.5' long x 0.5' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#4	Device 1	88.92'	3.0" Vert. Orifice/Grate C= 0.600

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Type III 24-hr 2 YR Rainfall=3.00"

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#5 Device 1 85.42' 1.3" Vert. Orifice/Grate C= 0.600

Primary OutFlow Max=0.30 cfs @ 13.37 hrs HW=89.80' TW=80.06' (Dynamic Tailwater)

- ↑ 1=Culvert (Passes 0.30 cfs of 22.27 cfs potential flow)
- ↑ 3=Broad-Crested Rectangular Weir (Controls 0.00 cfs)
- ↑ 4=Orifice/Grate (Orifice Controls 0.20 cfs @ 4.18 fps)
- ↑ 5=Orifice/Grate (Orifice Controls 0.09 cfs @ 10.01 fps)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=88.42' TW=80.00' (Dynamic Tailwater)

- ↑ 2=Broad-Crested Rectangular Weir (Controls 0.00 cfs)

Summary for Pond MH B3B: MH B3B

Inflow Area = 0.612 ac, 62.85% Impervious, Inflow Depth = 1.85" for 2 YR event
 Inflow = 1.29 cfs @ 12.09 hrs, Volume= 0.094 af
 Primary = 1.29 cfs @ 12.09 hrs, Volume= 0.094 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond MHB5A: MH B5A

Inflow Area = 0.521 ac, 79.34% Impervious, Inflow Depth = 2.24" for 2 YR event
 Inflow = 1.31 cfs @ 12.09 hrs, Volume= 0.097 af
 Primary = 1.31 cfs @ 12.09 hrs, Volume= 0.097 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

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Type III 24-hr 10 YR Rainfall=4.70"

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Time span=0.00-30.00 hrs, dt=0.01 hrs, 3001 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 101: 101	Runoff Area=106,667 sf 7.69% Impervious Runoff Depth=2.29" Flow Length=102' Tc=16.1 min CN=76 Runoff=4.82 cfs 0.467 af
Subcatchment B1: B1	Runoff Area=8,879 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.94 cfs 0.076 af
Subcatchment B2: B2	Runoff Area=22,113 sf 55.19% Impervious Runoff Depth=3.19" Tc=6.0 min CN=86 Runoff=1.88 cfs 0.135 af
Subcatchment B3: B3	Runoff Area=4,242 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.45 cfs 0.036 af
Subcatchment B3B: B3B	Runoff Area=4,562 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.48 cfs 0.039 af
Subcatchment B4: B4	Runoff Area=2,843 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.30 cfs 0.024 af
Subcatchment B4B: B4A	Runoff Area=8,504 sf 96.88% Impervious Runoff Depth=4.35" Tc=6.0 min CN=97 Runoff=0.89 cfs 0.071 af
Subcatchment B5: B5	Runoff Area=14,208 sf 68.83% Impervious Runoff Depth=3.59" Tc=6.0 min CN=90 Runoff=1.33 cfs 0.098 af
Subcatchment C1: C1	Runoff Area=4,401 sf 100.00% Impervious Runoff Depth=4.46" Tc=6.0 min CN=98 Runoff=0.46 cfs 0.038 af
Subcatchment DET: Detention Area	Runoff Area=10,851 sf 0.00% Impervious Runoff Depth=2.13" Tc=6.0 min CN=74 Runoff=0.62 cfs 0.044 af
Reach POI 1: POI 1	Inflow=5.38 cfs 0.991 af Outflow=5.38 cfs 0.991 af
Reach R: R	Avg. Depth=0.05' Max Vel=0.23 fps Inflow=0.46 cfs 0.038 af n=0.200 L=354.0' S=0.0593 '/' Capacity=18.75 cfs Outflow=0.24 cfs 0.038 af
Reach R1: R1	Avg. Depth=0.00' Max Vel=0.00 fps Inflow=0.00 cfs 0.000 af n=0.200 L=196.0' S=0.0306 '/' Capacity=64.45 cfs Outflow=0.00 cfs 0.000 af
Reach R2: R2	Avg. Depth=0.10' Max Vel=0.28 fps Inflow=0.86 cfs 0.488 af n=0.200 L=138.0' S=0.0435 '/' Capacity=121.42 cfs Outflow=0.84 cfs 0.486 af
Pond CB B1: CB B1	Inflow=6.26 cfs 0.478 af Primary=6.26 cfs 0.478 af
Pond CB B2: CB B2	Inflow=1.88 cfs 0.135 af Primary=1.88 cfs 0.135 af

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Pond CB B3: CB B3

Inflow=2.97 cfs 0.229 af
Primary=2.97 cfs 0.229 af

Pond CB B4: B4

Inflow=2.52 cfs 0.193 af
Primary=2.52 cfs 0.193 af

Pond CB B5: CB B5

Inflow=1.33 cfs 0.098 af
Primary=1.33 cfs 0.098 af

Pond CB C1: C1

Inflow=0.46 cfs 0.038 af
Primary=0.46 cfs 0.038 af

Pond CBB4A: CB B4A

Inflow=0.89 cfs 0.071 af
Primary=0.89 cfs 0.071 af

Pond DET O: OPEN BASIN

Peak Elev=90.72' Storage=11,338 cf Inflow=6.87 cfs 0.523 af
Primary=0.86 cfs 0.488 af Secondary=0.00 cfs 0.000 af Outflow=0.86 cfs 0.488 af

Pond MH B3B: MH B3B

Inflow=2.36 cfs 0.174 af
Primary=2.36 cfs 0.174 af

Pond MHB5A: MH B5A

Inflow=2.22 cfs 0.168 af
Primary=2.22 cfs 0.168 af

Total Runoff Area = 4.299 ac Runoff Volume = 1.028 af Average Runoff Depth = 2.87"
66.17% Pervious = 2.845 ac 33.83% Impervious = 1.454 ac

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Summary for Subcatchment 101: 101

Runoff = 4.82 cfs @ 12.22 hrs, Volume= 0.467 af, Depth= 2.29"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
8,201	98	Paved roads w/curbs & sewers
4,313	89	Gravel roads, HSG C
13,704	70	Woods, Good, HSG C
37,589	71	Meadow, non-grazed, HSG C
10,508	78	Meadow, non-grazed, HSG D
32,352	77	Woods, Good, HSG D
106,667	76	Weighted Average
98,466		Pervious Area
8,201		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.9	90	0.0370	0.09		Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.00"
0.2	12	0.0400	1.00		Shallow Concentrated Flow, Woodland Kv= 5.0 fps
16.1	102	Total			

Summary for Subcatchment B1: B1

Runoff = 0.94 cfs @ 12.08 hrs, Volume= 0.076 af, Depth= 4.46"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
8,879	98	Paved roads w/curbs & sewers
8,879		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B2: B2

Runoff = 1.88 cfs @ 12.09 hrs, Volume= 0.135 af, Depth= 3.19"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 YR Rainfall=4.70"

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Area (sf)	CN	Description
12,204	98	Paved roads w/curbs & sewers
3,238	70	Woods, Good, HSG C
5,811	71	Meadow, non-grazed, HSG C
860	74	>75% Grass cover, Good, HSG C
22,113	86	Weighted Average
9,909		Pervious Area
12,204		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B3: B3

Runoff = 0.45 cfs @ 12.08 hrs, Volume= 0.036 af, Depth= 4.46"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
4,242	98	Paved roads w/curbs & sewers
4,242		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B3B: B3B

Runoff = 0.48 cfs @ 12.08 hrs, Volume= 0.039 af, Depth= 4.46"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
4,562	98	Paved parking & roofs
4,562		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B4: B4

Runoff = 0.30 cfs @ 12.08 hrs, Volume= 0.024 af, Depth= 4.46"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
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Area (sf)	CN	Description
2,843	98	Paved roads w/curbs & sewers
2,843		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B4B: B4A

Runoff = 0.89 cfs @ 12.08 hrs, Volume= 0.071 af, Depth= 4.35"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
8,239	98	Paved parking & roofs
265	74	>75% Grass cover, Good, HSG C
8,504	97	Weighted Average
265		Pervious Area
8,239		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B5: B5

Runoff = 1.33 cfs @ 12.09 hrs, Volume= 0.098 af, Depth= 3.59"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
9,780	98	Paved roads w/curbs & sewers
2,175	70	Woods, Good, HSG C
868	71	Meadow, non-grazed, HSG C
1,385	74	>75% Grass cover, Good, HSG C
14,208	90	Weighted Average
4,428		Pervious Area
9,780		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

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Summary for Subcatchment C1: C1

Runoff = 0.46 cfs @ 12.08 hrs, Volume= 0.038 af, Depth= 4.46"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
4,401	98	Paved roads w/curbs & sewers
4,401		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment DET: Detention Area

Runoff = 0.62 cfs @ 12.09 hrs, Volume= 0.044 af, Depth= 2.13"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 YR Rainfall=4.70"

Area (sf)	CN	Description
10,851	74	>75% Grass cover, Good, HSG C
10,851		Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Reach POI 1: POI 1

Inflow Area = 4.299 ac, 33.83% Impervious, Inflow Depth > 2.77" for 10 YR event
 Inflow = 5.38 cfs @ 12.22 hrs, Volume= 0.991 af
 Outflow = 5.38 cfs @ 12.22 hrs, Volume= 0.991 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Reach R: R

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 4.46" for 10 YR event
 Inflow = 0.46 cfs @ 12.08 hrs, Volume= 0.038 af
 Outflow = 0.24 cfs @ 12.22 hrs, Volume= 0.038 af, Atten= 48%, Lag= 7.9 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Max. Velocity= 0.23 fps, Min. Travel Time= 25.9 min
 Avg. Velocity = 0.07 fps, Avg. Travel Time= 80.8 min

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Peak Storage= 372 cf @ 12.22 hrs, Average Depth at Peak Storage= 0.05'
Bank-Full Depth= 0.50', Capacity at Bank-Full= 18.75 cfs

18.00' x 0.50' deep channel, n= 0.200 Sheet flow: Woods+light brush
Side Slope Z-value= 54.0 '/' Top Width= 72.00'
Length= 354.0' Slope= 0.0593 '/'
Inlet Invert= 95.00', Outlet Invert= 74.00'



Summary for Reach R1: R1

Inflow	=	0.00 cfs @	0.00 hrs,	Volume=	0.000 af
Outflow	=	0.00 cfs @	0.00 hrs,	Volume=	0.000 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.00 fps, Min. Travel Time= 0.0 min
Avg. Velocity = 0.00 fps, Avg. Travel Time= 0.0 min

Peak Storage= 0 cf @ 0.00 hrs, Average Depth at Peak Storage= 0.00'
Bank-Full Depth= 1.00', Capacity at Bank-Full= 64.45 cfs

18.00' x 1.00' deep channel, n= 0.200 Sheet flow: Woods+light brush
Side Slope Z-value= 54.0 '/' Top Width= 126.00'
Length= 196.0' Slope= 0.0306 '/'
Inlet Invert= 80.00', Outlet Invert= 74.00'



Summary for Reach R2: R2

Inflow Area =	1.749 ac, 66.60% Impervious, Inflow Depth > 3.35"	for 10 YR event
Inflow	=	0.86 cfs @ 12.67 hrs, Volume= 0.488 af
Outflow	=	0.84 cfs @ 12.83 hrs, Volume= 0.486 af, Atten= 2%, Lag= 9.8 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.28 fps, Min. Travel Time= 8.2 min
Avg. Velocity = 0.16 fps, Avg. Travel Time= 14.1 min

Peak Storage= 413 cf @ 12.83 hrs, Average Depth at Peak Storage= 0.10'
Bank-Full Depth= 1.00', Capacity at Bank-Full= 121.42 cfs

18.00' x 1.00' deep channel, n= 0.200 Sheet flow: Woods+light brush
Side Slope Z-value= 100.0 ' ' Top Width= 218.00'
Length= 138.0' Slope= 0.0435 ' '
Inlet Invert= 80.00', Outlet Invert= 74.00'



‡

Summary for Pond CB B1: CB B1

Inflow Area = 1.500 ac, 77.66% Impervious, Inflow Depth = 3.83" for 10 YR event
Inflow = 6.26 cfs @ 12.08 hrs, Volume= 0.478 af
Primary = 6.26 cfs @ 12.08 hrs, Volume= 0.478 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B2: CB B2

Inflow Area = 0.508 ac, 55.19% Impervious, Inflow Depth = 3.19" for 10 YR event
Inflow = 1.88 cfs @ 12.09 hrs, Volume= 0.135 af
Primary = 1.88 cfs @ 12.09 hrs, Volume= 0.135 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B3: CB B3

Inflow Area = 0.684 ac, 84.25% Impervious, Inflow Depth = 4.01" for 10 YR event
Inflow = 2.97 cfs @ 12.08 hrs, Volume= 0.229 af
Primary = 2.97 cfs @ 12.08 hrs, Volume= 0.229 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B4: B4

Inflow Area = 0.587 ac, 81.64% Impervious, Inflow Depth = 3.94" for 10 YR event
Inflow = 2.52 cfs @ 12.08 hrs, Volume= 0.193 af
Primary = 2.52 cfs @ 12.08 hrs, Volume= 0.193 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B5: CB B5

Inflow Area = 0.326 ac, 68.83% Impervious, Inflow Depth = 3.59" for 10 YR event
Inflow = 1.33 cfs @ 12.09 hrs, Volume= 0.098 af
Primary = 1.33 cfs @ 12.09 hrs, Volume= 0.098 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB C1: C1

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 4.46" for 10 YR event
 Inflow = 0.46 cfs @ 12.08 hrs, Volume= 0.038 af
 Primary = 0.46 cfs @ 12.08 hrs, Volume= 0.038 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CBB4A: CB B4A

Inflow Area = 0.195 ac, 96.88% Impervious, Inflow Depth = 4.35" for 10 YR event
 Inflow = 0.89 cfs @ 12.08 hrs, Volume= 0.071 af
 Primary = 0.89 cfs @ 12.08 hrs, Volume= 0.071 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond DET O: OPEN BASIN

Inflow Area = 1.749 ac, 66.60% Impervious, Inflow Depth = 3.58" for 10 YR event
 Inflow = 6.87 cfs @ 12.09 hrs, Volume= 0.523 af
 Outflow = 0.86 cfs @ 12.67 hrs, Volume= 0.488 af, Atten= 88%, Lag= 34.9 min
 Primary = 0.86 cfs @ 12.67 hrs, Volume= 0.488 af
 Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Peak Elev= 90.72' @ 12.67 hrs Surf.Area= 5,936 sf Storage= 11,338 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
 Center-of-Mass det. time= 252.8 min (1,033.8 - 780.9)

Volume	Invert	Avail.Storage	Storage Description
#1	88.42'	19,677 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
88.42	3,965	0	0
89.00	4,433	2,435	2,435
90.00	5,263	4,848	7,283
91.00	6,192	5,728	13,011
92.00	7,141	6,667	19,677

Device	Routing	Invert	Outlet Devices
#1	Primary	85.32'	24.0" x 60.0' long Culvert CPP, projecting, no headwall, Ke= 0.900 Outlet Invert= 81.50' S= 0.0637 '/' Cc= 0.900 n= 0.012
#2	Secondary	91.10'	13.0' long x 14.0' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.64 2.67 2.70 2.65 2.64 2.65 2.65 2.63
#3	Device 1	90.50'	1.5' long x 0.5' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#4	Device 1	88.92'	3.0" Vert. Orifice/Grate C= 0.600

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#5 Device 1 85.42' 1.3" Vert. Orifice/Grate C= 0.600

Primary OutFlow Max=0.86 cfs @ 12.67 hrs HW=90.72' TW=80.10' (Dynamic Tailwater)

↑1=Culvert (Passes 0.86 cfs of 25.06 cfs potential flow)

↑3=Broad-Crested Rectangular Weir (Weir Controls 0.45 cfs @ 1.33 fps)

↑4=Orifice/Grate (Orifice Controls 0.31 cfs @ 6.24 fps)

↑5=Orifice/Grate (Orifice Controls 0.10 cfs @ 11.03 fps)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=88.42' TW=80.00' (Dynamic Tailwater)

↑2=Broad-Crested Rectangular Weir (Controls 0.00 cfs)

Summary for Pond MH B3B: MH B3B

Inflow Area = 0.612 ac, 62.85% Impervious, Inflow Depth = 3.41" for 10 YR event
Inflow = 2.36 cfs @ 12.09 hrs, Volume= 0.174 af
Primary = 2.36 cfs @ 12.09 hrs, Volume= 0.174 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond MHB5A: MH B5A

Inflow Area = 0.521 ac, 79.34% Impervious, Inflow Depth = 3.87" for 10 YR event
Inflow = 2.22 cfs @ 12.08 hrs, Volume= 0.168 af
Primary = 2.22 cfs @ 12.08 hrs, Volume= 0.168 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

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Time span=0.00-30.00 hrs, dt=0.01 hrs, 3001 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 101: 101	Runoff Area=106,667 sf 7.69% Impervious Runoff Depth=2.95" Flow Length=102' Tc=16.1 min CN=76 Runoff=6.25 cfs 0.603 af
Subcatchment B1: B1	Runoff Area=8,879 sf 100.00% Impervious Runoff Depth=5.26" Tc=6.0 min CN=98 Runoff=1.10 cfs 0.089 af
Subcatchment B2: B2	Runoff Area=22,113 sf 55.19% Impervious Runoff Depth=3.94" Tc=6.0 min CN=86 Runoff=2.30 cfs 0.167 af
Subcatchment B3: B3	Runoff Area=4,242 sf 100.00% Impervious Runoff Depth=5.26" Tc=6.0 min CN=98 Runoff=0.52 cfs 0.043 af
Subcatchment B3B: B3B	Runoff Area=4,562 sf 100.00% Impervious Runoff Depth=5.26" Tc=6.0 min CN=98 Runoff=0.56 cfs 0.046 af
Subcatchment B4: B4	Runoff Area=2,843 sf 100.00% Impervious Runoff Depth=5.26" Tc=6.0 min CN=98 Runoff=0.35 cfs 0.029 af
Subcatchment B4B: B4A	Runoff Area=8,504 sf 96.88% Impervious Runoff Depth=5.15" Tc=6.0 min CN=97 Runoff=1.05 cfs 0.084 af
Subcatchment B5: B5	Runoff Area=14,208 sf 68.83% Impervious Runoff Depth=4.36" Tc=6.0 min CN=90 Runoff=1.60 cfs 0.119 af
Subcatchment C1: C1	Runoff Area=4,401 sf 100.00% Impervious Runoff Depth=5.26" Tc=6.0 min CN=98 Runoff=0.54 cfs 0.044 af
Subcatchment DET: Detention Area	Runoff Area=10,851 sf 0.00% Impervious Runoff Depth=2.77" Tc=6.0 min CN=74 Runoff=0.81 cfs 0.057 af
Reach POI 1: POI 1	Inflow=7.07 cfs 1.239 af Outflow=7.07 cfs 1.239 af
Reach R: R	Avg. Depth=0.06' Max Vel=0.24 fps Inflow=0.54 cfs 0.044 af n=0.200 L=354.0' S=0.0593 '/' Capacity=18.75 cfs Outflow=0.29 cfs 0.044 af
Reach R1: R1	Avg. Depth=0.00' Max Vel=0.00 fps Inflow=0.00 cfs 0.000 af n=0.200 L=196.0' S=0.0306 '/' Capacity=64.45 cfs Outflow=0.00 cfs 0.000 af
Reach R2: R2	Avg. Depth=0.15' Max Vel=0.35 fps Inflow=1.87 cfs 0.594 af n=0.200 L=138.0' S=0.0435 '/' Capacity=121.42 cfs Outflow=1.79 cfs 0.592 af
Pond CB B1: CB B1	Inflow=7.48 cfs 0.575 af Primary=7.48 cfs 0.575 af
Pond CB B2: CB B2	Inflow=2.30 cfs 0.167 af Primary=2.30 cfs 0.167 af

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Pond CB B3: CB B3

Inflow=3.52 cfs 0.274 af
Primary=3.52 cfs 0.274 af

Pond CB B4: B4

Inflow=3.00 cfs 0.231 af
Primary=3.00 cfs 0.231 af

Pond CB B5: CB B5

Inflow=1.60 cfs 0.119 af
Primary=1.60 cfs 0.119 af

Pond CB C1: C1

Inflow=0.54 cfs 0.044 af
Primary=0.54 cfs 0.044 af

Pond CBB4A: CB B4A

Inflow=1.05 cfs 0.084 af
Primary=1.05 cfs 0.084 af

Pond DET O: OPEN BASIN

Peak Elev=90.97' Storage=12,830 cf Inflow=8.29 cfs 0.633 af
Primary=1.87 cfs 0.594 af Secondary=0.00 cfs 0.000 af Outflow=1.87 cfs 0.594 af

Pond MH B3B: MH B3B

Inflow=2.86 cfs 0.212 af
Primary=2.86 cfs 0.212 af

Pond MHB5A: MH B5A

Inflow=2.64 cfs 0.202 af
Primary=2.64 cfs 0.202 af

Total Runoff Area = 4.299 ac Runoff Volume = 1.280 af Average Runoff Depth = 3.57"
66.17% Pervious = 2.845 ac 33.83% Impervious = 1.454 ac

2014.07.25 POSTDEVELOPMENT FOCAL POINT

Type III 24-hr 25 YR Rainfall=5.50"

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Summary for Subcatchment 101: 101

Runoff = 6.25 cfs @ 12.22 hrs, Volume= 0.603 af, Depth= 2.95"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
8,201	98	Paved roads w/curbs & sewers
4,313	89	Gravel roads, HSG C
13,704	70	Woods, Good, HSG C
37,589	71	Meadow, non-grazed, HSG C
10,508	78	Meadow, non-grazed, HSG D
32,352	77	Woods, Good, HSG D
106,667	76	Weighted Average
98,466		Pervious Area
8,201		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
15.9	90	0.0370	0.09		Sheet Flow, Woods: Light underbrush n= 0.400 P2= 3.00"
0.2	12	0.0400	1.00		Shallow Concentrated Flow, Woodland Kv= 5.0 fps
16.1	102	Total			

Summary for Subcatchment B1: B1

Runoff = 1.10 cfs @ 12.08 hrs, Volume= 0.089 af, Depth= 5.26"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
8,879	98	Paved roads w/curbs & sewers
8,879		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B2: B2

Runoff = 2.30 cfs @ 12.09 hrs, Volume= 0.167 af, Depth= 3.94"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

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Type III 24-hr 25 YR Rainfall=5.50"

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Area (sf)	CN	Description
12,204	98	Paved roads w/curbs & sewers
3,238	70	Woods, Good, HSG C
5,811	71	Meadow, non-grazed, HSG C
860	74	>75% Grass cover, Good, HSG C
22,113	86	Weighted Average
9,909		Pervious Area
12,204		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B3: B3

Runoff = 0.52 cfs @ 12.08 hrs, Volume= 0.043 af, Depth= 5.26"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
4,242	98	Paved roads w/curbs & sewers
4,242		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B3B: B3B

Runoff = 0.56 cfs @ 12.08 hrs, Volume= 0.046 af, Depth= 5.26"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
4,562	98	Paved parking & roofs
4,562		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B4: B4

Runoff = 0.35 cfs @ 12.08 hrs, Volume= 0.029 af, Depth= 5.26"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

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Type III 24-hr 25 YR Rainfall=5.50"

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Area (sf)	CN	Description
2,843	98	Paved roads w/curbs & sewers
2,843		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B4B: B4A

Runoff = 1.05 cfs @ 12.08 hrs, Volume= 0.084 af, Depth= 5.15"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
8,239	98	Paved parking & roofs
265	74	>75% Grass cover, Good, HSG C
8,504	97	Weighted Average
265		Pervious Area
8,239		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment B5: B5

Runoff = 1.60 cfs @ 12.08 hrs, Volume= 0.119 af, Depth= 4.36"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
9,780	98	Paved roads w/curbs & sewers
2,175	70	Woods, Good, HSG C
868	71	Meadow, non-grazed, HSG C
1,385	74	>75% Grass cover, Good, HSG C
14,208	90	Weighted Average
4,428		Pervious Area
9,780		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

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Type III 24-hr 25 YR Rainfall=5.50"

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Summary for Subcatchment C1: C1

Runoff = 0.54 cfs @ 12.08 hrs, Volume= 0.044 af, Depth= 5.26"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
4,401	98	Paved roads w/curbs & sewers
4,401		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Subcatchment DET: Detention Area

Runoff = 0.81 cfs @ 12.09 hrs, Volume= 0.057 af, Depth= 2.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 YR Rainfall=5.50"

Area (sf)	CN	Description
10,851	74	>75% Grass cover, Good, HSG C
10,851		Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Summary for Reach POI 1: POI 1

Inflow Area = 4.299 ac, 33.83% Impervious, Inflow Depth > 3.46" for 25 YR event
 Inflow = 7.07 cfs @ 12.24 hrs, Volume= 1.239 af
 Outflow = 7.07 cfs @ 12.24 hrs, Volume= 1.239 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Reach R: R

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 5.26" for 25 YR event
 Inflow = 0.54 cfs @ 12.08 hrs, Volume= 0.044 af
 Outflow = 0.29 cfs @ 12.21 hrs, Volume= 0.044 af, Atten= 47%, Lag= 7.6 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Max. Velocity= 0.24 fps, Min. Travel Time= 24.2 min
 Avg. Velocity = 0.08 fps, Avg. Travel Time= 77.1 min

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Type III 24-hr 25 YR Rainfall=5.50"

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Peak Storage= 421 cf @ 12.21 hrs, Average Depth at Peak Storage= 0.06'
Bank-Full Depth= 0.50', Capacity at Bank-Full= 18.75 cfs

18.00' x 0.50' deep channel, n= 0.200 Sheet flow: Woods+light brush
Side Slope Z-value= 54.0 ' / ' Top Width= 72.00'
Length= 354.0' Slope= 0.0593 ' / '
Inlet Invert= 95.00', Outlet Invert= 74.00'



Summary for Reach R1: R1

Inflow	=	0.00 cfs @	0.00 hrs,	Volume=	0.000 af
Outflow	=	0.00 cfs @	0.00 hrs,	Volume=	0.000 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.00 fps, Min. Travel Time= 0.0 min
Avg. Velocity = 0.00 fps, Avg. Travel Time= 0.0 min

Peak Storage= 0 cf @ 0.00 hrs, Average Depth at Peak Storage= 0.00'
Bank-Full Depth= 1.00', Capacity at Bank-Full= 64.45 cfs

18.00' x 1.00' deep channel, n= 0.200 Sheet flow: Woods+light brush
Side Slope Z-value= 54.0 ' / ' Top Width= 126.00'
Length= 196.0' Slope= 0.0306 ' / '
Inlet Invert= 80.00', Outlet Invert= 74.00'



Summary for Reach R2: R2

Inflow Area =	1.749 ac, 66.60% Impervious, Inflow Depth > 4.08"	for 25 YR event
Inflow	=	1.87 cfs @ 12.49 hrs, Volume= 0.594 af
Outflow	=	1.79 cfs @ 12.58 hrs, Volume= 0.592 af, Atten= 4%, Lag= 5.4 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
Max. Velocity= 0.35 fps, Min. Travel Time= 6.6 min
Avg. Velocity = 0.17 fps, Avg. Travel Time= 13.5 min

Peak Storage= 713 cf @ 12.58 hrs, Average Depth at Peak Storage= 0.15'
Bank-Full Depth= 1.00', Capacity at Bank-Full= 121.42 cfs

18.00' x 1.00' deep channel, n= 0.200 Sheet flow: Woods+light brush
Side Slope Z-value= 100.0 ' Top Width= 218.00'
Length= 138.0' Slope= 0.0435 '
Inlet Invert= 80.00', Outlet Invert= 74.00'



Summary for Pond CB B1: CB B1

Inflow Area = 1.500 ac, 77.66% Impervious, Inflow Depth = 4.60" for 25 YR event
Inflow = 7.48 cfs @ 12.08 hrs, Volume= 0.575 af
Primary = 7.48 cfs @ 12.08 hrs, Volume= 0.575 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B2: CB B2

Inflow Area = 0.508 ac, 55.19% Impervious, Inflow Depth = 3.94" for 25 YR event
Inflow = 2.30 cfs @ 12.09 hrs, Volume= 0.167 af
Primary = 2.30 cfs @ 12.09 hrs, Volume= 0.167 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B3: CB B3

Inflow Area = 0.684 ac, 84.25% Impervious, Inflow Depth = 4.80" for 25 YR event
Inflow = 3.52 cfs @ 12.08 hrs, Volume= 0.274 af
Primary = 3.52 cfs @ 12.08 hrs, Volume= 0.274 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B4: B4

Inflow Area = 0.587 ac, 81.64% Impervious, Inflow Depth = 4.72" for 25 YR event
Inflow = 3.00 cfs @ 12.08 hrs, Volume= 0.231 af
Primary = 3.00 cfs @ 12.08 hrs, Volume= 0.231 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB B5: CB B5

Inflow Area = 0.326 ac, 68.83% Impervious, Inflow Depth = 4.36" for 25 YR event
Inflow = 1.60 cfs @ 12.08 hrs, Volume= 0.119 af
Primary = 1.60 cfs @ 12.08 hrs, Volume= 0.119 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CB C1: C1

Inflow Area = 0.101 ac, 100.00% Impervious, Inflow Depth = 5.26" for 25 YR event
 Inflow = 0.54 cfs @ 12.08 hrs, Volume= 0.044 af
 Primary = 0.54 cfs @ 12.08 hrs, Volume= 0.044 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond CBB4A: CB B4A

Inflow Area = 0.195 ac, 96.88% Impervious, Inflow Depth = 5.15" for 25 YR event
 Inflow = 1.05 cfs @ 12.08 hrs, Volume= 0.084 af
 Primary = 1.05 cfs @ 12.08 hrs, Volume= 0.084 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond DET O: OPEN BASIN

Inflow Area = 1.749 ac, 66.60% Impervious, Inflow Depth = 4.34" for 25 YR event
 Inflow = 8.29 cfs @ 12.09 hrs, Volume= 0.633 af
 Outflow = 1.87 cfs @ 12.49 hrs, Volume= 0.594 af, Atten= 77%, Lag= 24.2 min
 Primary = 1.87 cfs @ 12.49 hrs, Volume= 0.594 af
 Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs
 Peak Elev= 90.97' @ 12.49 hrs Surf.Area= 6,165 sf Storage= 12,830 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
 Center-of-Mass det. time= 223.4 min (1,000.7 - 777.3)

Volume	Invert	Avail.Storage	Storage Description
#1	88.42'	19,677 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
88.42	3,965	0	0
89.00	4,433	2,435	2,435
90.00	5,263	4,848	7,283
91.00	6,192	5,728	13,011
92.00	7,141	6,667	19,677

Device	Routing	Invert	Outlet Devices
#1	Primary	85.32'	24.0" x 60.0' long Culvert CPP, projecting, no headwall, Ke= 0.900 Outlet Invert= 81.50' S= 0.0637 ' /' Cc= 0.900 n= 0.012
#2	Secondary	91.10'	13.0' long x 14.0' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.64 2.67 2.70 2.65 2.64 2.65 2.65 2.63
#3	Device 1	90.50'	1.5' long x 0.5' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 Coef. (English) 2.80 2.92 3.08 3.30 3.32
#4	Device 1	88.92'	3.0" Vert. Orifice/Grate C= 0.600

#5 Device 1 85.42' 1.3" Vert. Orifice/Grate C= 0.600

Primary OutFlow Max=1.87 cfs @ 12.49 hrs HW=90.97' TW=80.15' (Dynamic Tailwater)

1=Culvert (Passes 1.87 cfs of 25.75 cfs potential flow)

3=Broad-Crested Rectangular Weir (Weir Controls 1.44 cfs @ 2.04 fps)

4=Orifice/Grate (Orifice Controls 0.33 cfs @ 6.68 fps)

5=Orifice/Grate (Orifice Controls 0.10 cfs @ 11.29 fps)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=88.42' TW=80.00' (Dynamic Tailwater)

2=Broad-Crested Rectangular Weir (Controls 0.00 cfs)

Summary for Pond MH B3B: MH B3B

Inflow Area = 0.612 ac, 62.85% Impervious, Inflow Depth = 4.16" for 25 YR event
Inflow = 2.86 cfs @ 12.09 hrs, Volume= 0.212 af
Primary = 2.86 cfs @ 12.09 hrs, Volume= 0.212 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Summary for Pond MHB5A: MH B5A

Inflow Area = 0.521 ac, 79.34% Impervious, Inflow Depth = 4.65" for 25 YR event
Inflow = 2.64 cfs @ 12.08 hrs, Volume= 0.202 af
Primary = 2.64 cfs @ 12.08 hrs, Volume= 0.202 af, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

FOCAL POINT™ SIZING COMPUTATIONS

FOCALPOINT SIZING AND CALCULATION SHEET



PROJECT: 2282 CONGRESS ST DEVELOPMENT

PREPARED BY: ROB WOODMAN, PE – FABCO INDUSTRIES, INC.

PREPARED FOR: BO KENNEDY, PE – FAY, SPOFFORD AND THORNDIKE

DATE: JULY 24, 2014 revised JULY 25, 2014

Based on the following data provided by the project engineer, Fabco Industries has calculated the proposed sizing of the FocalPoint system and the ability of the system to treat the Water Quality Volume (W_{QV}) prior to overflow/bypass.

- Water Quality Volume (W_{QV})* = 5,077 cf ---- use 5,077 cf for water quality goal ----

* The Water Quality Volume is based on the Maine DEP Chapter 500 requirement to treat 1.0" of runoff from impervious areas and 0.4" from pervious areas.

Using the *ACF FP and RT Calc version 1.8*, with a type III rainfall distribution. The proposed size of the FocalPoint unit shall be 36 sf with a minimum ponding volume of 2,083.25 cf above the unit prior to overflow. The chart below summarizes the associated calculation and performance verification.

ACF FP and RT Calc 1.8

FocalPoint BIOFILTRATION SYSTEMS		
Water Quality Volume and Design Event		Directions
Water Quality Volume (WQv)	5,077 ft ³	Water Quality Volume calculated from previous Sheet
Design Event	5,077 ft ³	Total event volume calculated from previous sheet
System Configuration		
Is FocalPoint used?	Yes	Enter Yes if FocalPoint used. Enter No if runoff flows directly into RTank and proceed to RTank Design worksheet
Step 4 - FocalPoint Configuration		
4.1 - FocalPoint Factor of Safety	3	Enter optional factor-of-safety
4.2 - FocalPoint bed area	36 ft ²	Enter target FocalPoint footprint, 20 SF min. (See Step 4.5)
4.3 - Storage volume above FocalPoint provided	2,083 ft ³	Enter available surface storage volume (See Step 4.5)
4.4 - Desired treatment time	24 hours	Select 24, 48, 72 or 96 hrs from toggle
4.5 - Water Quality Volume treated prior to overflow?	Yes	If Yes = WQv has been treated If No = larger FocalPoint bed (Step 4.2) and/or surface storage volume (Step 4.3) required
4.6 - FocalPoint drain within desired time?	Yes	If Yes = time goal has been met If No = larger FocalPoint bed (Step 4.2) required
4.7 - Flow in excess of storage volume above	To RTank	Select routing location for overflow/bypass vol. from toggle: Off site to disregard flow, RTank to store for retention / detention, harvesting, or infiltration
Step 5 - Evaluation of Design		
5.1 - Volume treated prior to overflow	No Overflow ft ³	Result = Volume ft ³ treated prior to overflow/bypass
5.2 - Total volume treated	5,077 ft ³	Result = Total Volume ft ³ treated

Based on the elevation data provided, the top of the FocalPoint could be set at elevation 88.42 with an invert out/bottom of system at elevation 85.42. Another option would be to raise the bottom of the basin up so that the top of FocalPoint is 6 inches below the first outlet control device. Note: the rate of 100 in/hr over the 36 sf FocalPoint point can be converted to a flowrate of 0.083 cfs.

Jean Fraser - RE: re cng building Re: 2282 Congress- update re amendment plans

From: "Bo Kennedy" <BKennedy@fstinc.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 8/28/2014 8:03 AM
Subject: RE: re cng building Re: 2282 Congress- update re amendment plans
CC: "Stephen Bushey" <SBushey@fstinc.com>, "David Latulippe" <dlatulip@aol....>
Attachments: Traffic Control Plan 1 of 2.pdf; Traffic Control Plan 2 of 2.pdf

Jean,

Please find the traffic control plan per your request.

The future CNG compressor building has been located in a similar location to the approved plans. The steep slope (as contemplated when approved) would be modified at the time a CNG building was designed. Depending on size and exact location the slope may require a retaining wall, rip rap slope or expanded disturbance limits. The applicant would require a permit modification at that time to accommodate the actual building.

The architectural plans will be provided under separate cover as soon as they are available.

Thank you,

Bo Kennedy, P.E. | Engineer

FAY, SPOFFORD & THORNDIKE formerly DeLuca Hoffman Associates

778 Main Street, Suite 8 | South Portland, ME 04106

Main Tel: (207) 775-1121 | Fax: (207) 879-0896

bkennedy@fstinc.com | www.fstinc.com

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, August 27, 2014 4:06 PM
To: Stephen Bushey
Cc: David Latulippe
Subject: re cng building Re: 2282 Congress- update re amendment plans

Steve

In case you are revising the site plan, please note that the CNG compressor building has been located on an extremely steep slope that is not realistic. Its also on top of a sign. Please reconsider the location.

Both the CZA conceptual site plan and the approved site plan showed both the compressor and the CNG pump and these were of political interest.

I am progressing with the review of the off site improvements- they were discussed yesterday by DPS and at

Dev Rev this AM. I think the crosswalk is OK but am waiting for a final written comment on that and the rest.

We still are waiting for the arch plans.

Thanks

Jean

thanks

Jean

Jean Fraser, Planner

City of Portland

874 8728

>>> Jean Fraser 8/22/2014 4:52 PM >>>

Steve

I am writing to update on this review.

1. The plans showing the off-site improvements are currently under review, having been received at the end of last week.

2. The amended set of site plans has not been reviewed by all of the reviewers (I am chasing on these and should have sign offs soon), but I have the following preliminary comments from zoning:

- CNG Pump is not shown (this is CZA item) (also show diesel pump relocation if poss)
- Elevations and floorplan not yet received.

3. Please send the construction management (traffic) plan (CMP) as outlined in my recent e-mail; reviewers have requested this now because it may take some while to review (given heavy commuter use of Congress Street and the EcoMaine truck turnings) and they would like to start the discussions asap. If all else is set by the time a building permit is ready to be issued, and if the CMP is still under review, the permit would not be delayed.

Thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728

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Jean Fraser - 2282 Congress- update re amendment plans

From: Jean Fraser
To: Bushey, Stephen
Date: 8/22/2014 4:52 PM
Subject: 2282 Congress- update re amendment plans
CC: Latulippe, David

Steve

I am writing to update on this review.

1. The plans showing the off-site improvements are currently under review, having been received at the end of last week.

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- CNG Pump is not shown (this is CZA item) (also show diesel pump relocation if poss)
- Elevations and floorplan not yet received.

3. Please send the construction management (traffic) plan (CMP) as outlined in my recent e-mail; reviewers have requested this now because it may take some while to review (given heavy commuter use of Congress Street and the EcoMaine truck turnings) and they would like to start the discussions asap. If all else is set by the time a building permit is ready to be issued, and if the CMP is still under review, the permit would not be delayed.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Jean Fraser - 2282 Congress - Plans submitted Friday- numbering

From: Jean Fraser
To: Steve Bushey
Date: 8/11/2014 11:36 AM
Subject: 2282 Congress - Plans submitted Friday- numbering
Attachments: C-1.1 General and Contractor's Notes.pdf; C-1.1 General Notes and Legend.pdf; C-1.3 Existing Conditions Plan.pdf; C-2.0 Amended Site Layout Plan.pdf; C-2.0 Typical Sections and Details.pdf; C-3.0 Amended Grading and Drainage Plan.pdf; C-3.0 Existing Conditions and Removals Plan.pdf; C-4.0 General Improvements Plan and Profile.pdf; C-4.0 Utility Plan.pdf; C-5.0 Landscape Plan.pdf; C-5.0 Roadway Layout Signage and Striping Plan.pdf; C-6.0 - C-6.4 Cross Sections.pdf; C-6.0 Erosion and Sediment Control Plan.pdf; Electronic Filing of plans.pdf

Steve

I refer to the plans that you submitted on Friday and attach the bulk of them (copied from the supplied disk).

You will see that different plans have the same number on six occasions - this is not only very confusing but also makes it difficult to view in our e-plan system because we can only see the first part of the name of the plan within the computer viewer (mostly just the number the first part of the title).

Could you please renumber these plans so that each plan has a different number and resubmit- and I would note that the paper copies submitted did not have the two versions of each number so we are missing 6 paper plans.

I have attached the numbering protocol that we request of applicants.

In order not to lose "reviewing time" I will forward the cover letter and key plans (eg re off-site street improvements) while waiting for the renumbered plan set.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Jean Fraser - & follow up to Dev Rev today Re: 2282 Congress St 2014-138

From: Jean Fraser
To: Errico, Thomas; Margolis-Pineo, David
Date: 8/6/2014 6:00 PM
Subject: & follow up to Dev Rev today Re: 2282 Congress St 2014-138
CC: Barhydt, Barbara; Hyman, Bruce
Attachments: As approved C-2.0 Site Layout Plan.jpg; APP LTR Congress St. - 2282 (Commercial re CZA).pdf; July 2014 C-2.0 Site Layout Plan 2282 Congress.pdf; July 2014 C-8.3 Site Details 2282 Congress.pdf; July 2014 C-8.4 Site Details 2282 congress.pdf; Approved CZA w plan 2282 Congress Street.pdf

David and Tom

(Re the note to Bo Kennedy of FST) - I am not sure that we usually ask applicants to inform specific reviewers or discuss details- they submit one packet to Planning (this is a formal amendment application), it goes into e-plan, and I coordinate the reviews. I was under the impression that you and Tom liaised with Bruce on a regular basis and that all comments came through you and Tom to the Planner. If there needs to be a note added to the plans about consulting DPS before finalizing certain aspects of the plan, then we can ask for that- but I would prefer to have a written set of comments to send to them re the plans. In this case I am wondering about the crosswalk committee... see below.

As confirmed at Dev Rev, I am asking the applicant to submit a package with additional off-site details. I checked the earlier application and attach the only plan (the site plan C2.0) that went to the May 2013 PB hearing and was approved subject to conditions.

I also attach what is now submitted for the amendment approval but which may not fully meet the condition of approval re off-site improvements (we can put that same condition in the amendment approval letter in any case but its just one more step).

CROSSWALK COMMITTEE ??????

Tom- You specified the details of the crosswalk in the Conditional Zoning Agreement (also attached) but I am not sure if these were already considered by the Crosswalk Committee or whether the current set of details needs to go to that committee now/soon (that could be a condition of approval on the amendment). The original approval letter is attached and you did suggest there might need to be modifications re the crosswalk when it came in for review.

I will circulate the revised/additional amendment and off site improvement plans when they arrive so I don't need any comments in writing now.

thanks
Jean

>>> David Margolis-Pineo 8/6/2014 3:34 PM >>>
Bo,

As you submit more detail on the striping of Congress St, would you please keep Bruce Hyman in the loop since he will be reviewing along with Tom Errico. Thanks

Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086
207-865-4323

*M
Amendment
2282 Congress*

July 21, 2014

Ms. Barbara Barhydt
City of Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

Re: Request to Amend the Level III Site Plan and Traffic Movement Permit granted on May 14, 2013
Commercial Development including gas station and convenience store with ATM
2282 Congress Street, Portland, ME -- Proj. ID: 2013-086

Dear Barbara:

Portland Property Holdings, LLC hereby requests consideration for staff level review of an amendment to the Level III Site Plan and Traffic Movement Permit that was approved by the Planning Board on May 14, 2013. Attached are the revised site plans which incorporate the minor changes to accommodate the elimination of the stand alone, high speed diesel pumps. We believe these changes are modest and can adequately be reviewed at staff level. We understand that this request will be discussed with the Board Chairman at their Tuesday, July 22, 2014 meeting. We expect to submit a complete Amended Site Plan application on July 22, in advance of the typical Wednesday staff meeting.

Our tenant has reevaluated this local market area and has determined that there is a greater demand for diesel from small to mid-size vehicles as opposed to tractor trailers. Therefore, the stand alone, high speed diesel pumps are not required and diesel can be incorporated into the two end dispensers of the reconfigured dispenser island. To accommodate the diesel vehicles, the dispenser layout has been changed from 6 stacked dispensers to 5 "dive" in dispensers.

The building size and location and the parking lot circulation have not changed. The parking spaces at the far end of the site have been relocated to the ATM side of the building. Tractor trailers can still circulate around the property as evidenced by autoturn figures that will be made part of the submission package.

The elimination of the strand alone diesel pumps allowed us to slightly reduce the overall development by moving the eastern pavement line in approximately 55 feet. Accordingly, the site development activities, including the stormwater management system, benefits from a reduction in size and scale. The following is a summary of the resulting minor site plan revisions:

	May 2013 Original Plan	July 2014 Amended Plan	Reduction
Developed Area	2.25 acres	2.14 acres	0.11 acres
Impervious Area	1.57 acres	1.19 acres	0.38 acres
Fuel Dispensers	6 plus 2 diesel	5 w/ diesel included	3 dispensers
Parking Spaces	26 plus 14 at the dispensers	27 plus 10 at the dispensers	3 spaces

The Amended plans continue to provide sufficient measures for compliance with all City Code provisions and Technical Standards.

Should you have any questions or need any additional information, please do not hesitate to contact me.

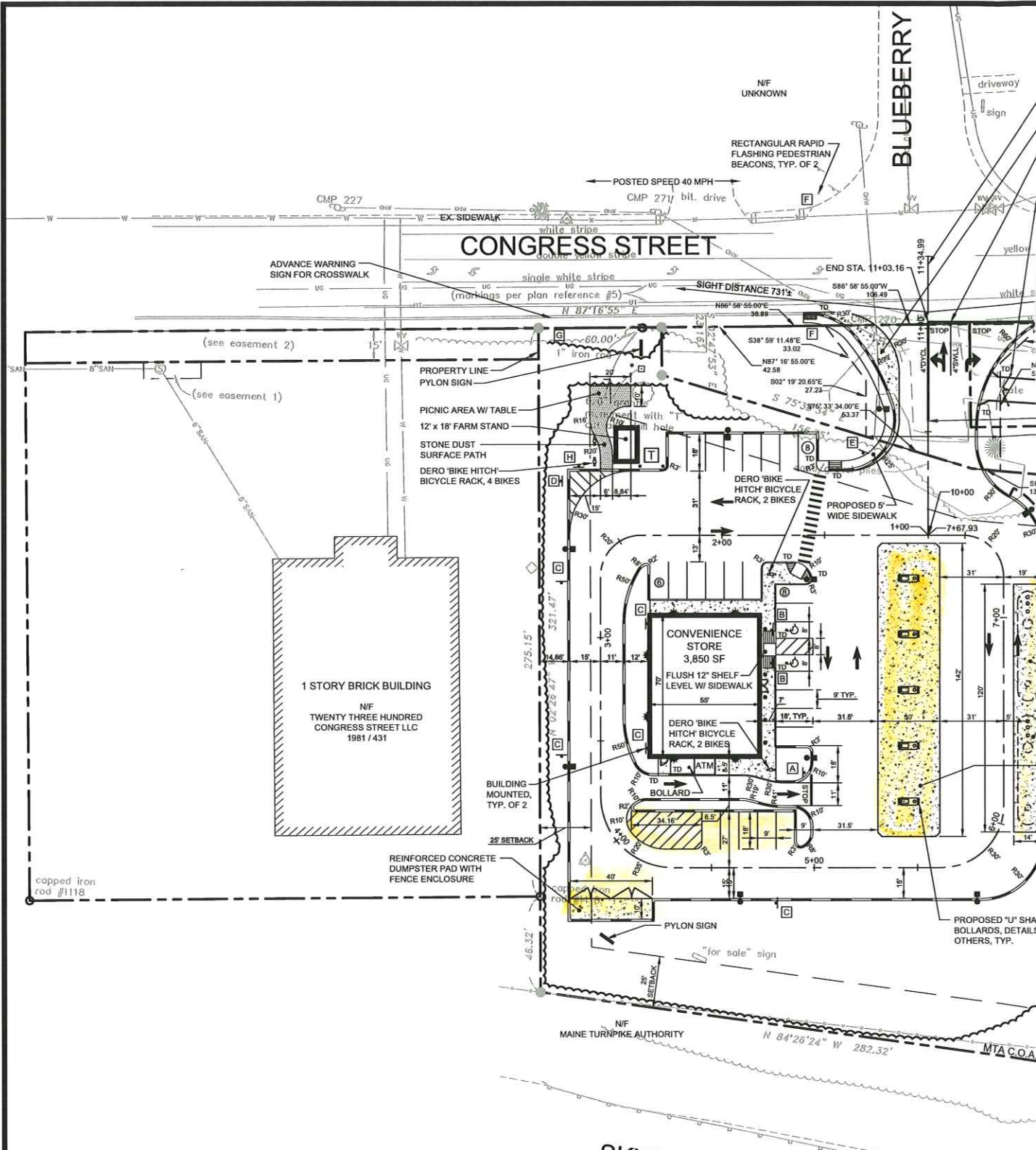
Sincerely,



David Latulippe
Manager

Attachment: Amended Site Plan and Grading and Drainage Plan

cc: Steve Bushey, FST
Wes Thames, Priority Group Real Estate



NOTES:

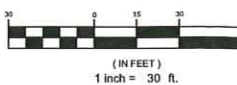
1. RECORD OWNER OF PROPERTY: HUTCHCOURT LLC BY DEEDS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15017, PAGE 281. PROPERTY IS LOCATED IN THE CITY OF PORTLAND ON TAX MAP 237, LOT A012.
2. PROPERTY IS LOCATED WITHIN THE INDUSTRIAL (IM) ZONE. ZONING IS SUBJECT TO REVIEW BY THE MUNICIPALITY.
3. PROPERTY IS LOCATED IN FLOOD ZONE 'X' BASED ON F.I.R.M. PANEL #230051-0012C EFFECTIVE DEC. 8, 1998 AS DEPICTED IN THE CITY OF PORTLAND, MAINE CUMBERLAND COUNTY. ZONE 'X' IS NOT DESIGNATED AS AN AREA OF SPECIAL FLOOD HAZARD.

PLAN REFERENCES:

1. STANDARD BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY TITCOMB ASSOCIATES, INC. DATED MARCH 13, 2013.
2. COMPOSITE PLAN PREPARED FOR CJ DEVELOPERS, INC. BY ALBERT FRICK ASSOCIATES, INC. DATED 04.02.12.

SIGN LEGEND

A	B	C	D	E	F	H
24" x 24" R1-1	12" x 18" R7-BA	12" x 18" R7-1	12" x 18" ATM-1	12" x 18" ATM-2	RECTANGULAR RAPID FLASHING PEDESTRIAN BEACONS, SEE DETAIL	18" x 18"
					G	
					36" x 36" W11-2 12" x 18" R15-3-DH	



PRELIMINARY - NOT FOR CONSTRUCTION

STA 11+31 BASELINE 'B' = CENTERLINE OF CONGRESS STREET
 1" RAISED CONCRETE

N/F MAINE TURNPIKE AUTHORITY

TRAFFIC PAVEMENT MARKINGS INCLUDING ARROWS, STOP BARS, CROSSWALKS SHALL BE PAINTED WHITE

STAMPED PAVEMENT / PRINTED CHEVRONS

RELOCATE ACCESS GATE
 ADVANCE WARNING SIGN FOR CROSSWALK

OFFSITE ROAD IMPROVEMENTS SUBJECT TO FINDINGS OF TRAFFIC IMPACT STUDY

POSTED SPEED REDUCES TO 25 MPH EAST OF MAINE TURNPIKE AUTHORITY OVERPASS.

(turnpike overpass)

SIGHT DISTANCE 500± REQUIRES LIMITED CLEARING ALONG SOUTH SIDE OF R.O.W.

MAINTAIN GATED ACCESS IN MAINE TURNPIKE AUTHORITY PROPERTY (existing markings located in field)

N/F MAINE TURNPIKE AUTHORITY 1981 / 431

START STA. 10+55.24

PROPOSED 65' WIDE ACCESS / UTILITY EASEMENT FROM MAINE TURNPIKE AUTHORITY (0.12 ACRES)

Maine Turnpike Authority 2230/55

N/F MAINE TURNPIKE AUTHORITY 2230 / 55 2230 / 58

5' WIDE SNOW SHELF

STORMWATER MANAGEMENT BASIN

UNDERGROUND FUEL STORAGE AND REINFORCED CONCRETE PAD

PROPOSED DISPENSER ISLAND WITH CONCRETE PAD AND CANOPY (5 TOTAL), DETAILS BY OTHERS

40' EASEMENT TO GRANITE STATE GAS TRANSMISSION, INC. AKA NORTHERN UTILITIES

WETLAND LIMIT AS IDENTIFIED IN PLAN REFERENCE #2

PROPOSED CLEARING LIMIT

N/F HUTCHCOURT LLC 15017 / 281

EXISTING FENCE TO REMAIN

opposite fence encroachment

5x5" granite Maine Turnpike highway monument with drill hole

S 86°47'41" W 196.87'

monitoring well

road signs

PARCEL SIZE		3.24 ACRES
CITY OF PORTLAND, MAINE - PERFORMANCE STANDARDS		
	EXISTING INDUSTRIAL MODERATE IM	
CRITERIA	REQUIRED	
USE - CONVENIENCE STORE W/ FUEL STATIONS	PERMITTED BY CONDITIONAL ZONING	
MINIMUM LOT SIZE	NONE	
FRONT YARD SETBACK	1' FROM THE FRONT PROPERTY LINE FOR EACH 1' OF BUILDING HEIGHT	
REAR YARD SETBACK SIDE YARD SETBACK	1' FROM EACH SIDE OR REAR FOR EACH 1' OF BUILDING HEIGHT UP TO 25'	
MAXIMUM HEIGHT	75'	
MAXIMUM IMPERVIOUS SURFACE RATIO	75%	
PAVEMENT SETBACK FROM LOT BOUNDARIES	10'	
MINIMUM STREET FRONTAGE	60'	
MAXIMUM FLOOR AREA RATIO	-	
MINIMUM LOT WIDTH	-	

SURFACE MATERIAL LEGEND

	HEAVY DUTY BITUMINOUS CONCRETE PAVEMENT
	STANDARD DUTY BITUMINOUS CONCRETE PAVEMENT
	PORTLAND CEMENT CONCRETE
	STONE DUST

CURB LEGEND

	MONOLITHIC CONCRETE CURB - PART OF SIDEWALK
	C.I.P. SLIPFORM CONCRETE CURB - SLOPED MOLD WHERE NOT ADJACENT TO SIDEWALK
	TYPE 1 VERTICAL GRANITE CURB - MDOT 609.11
TD	TIPDOWN



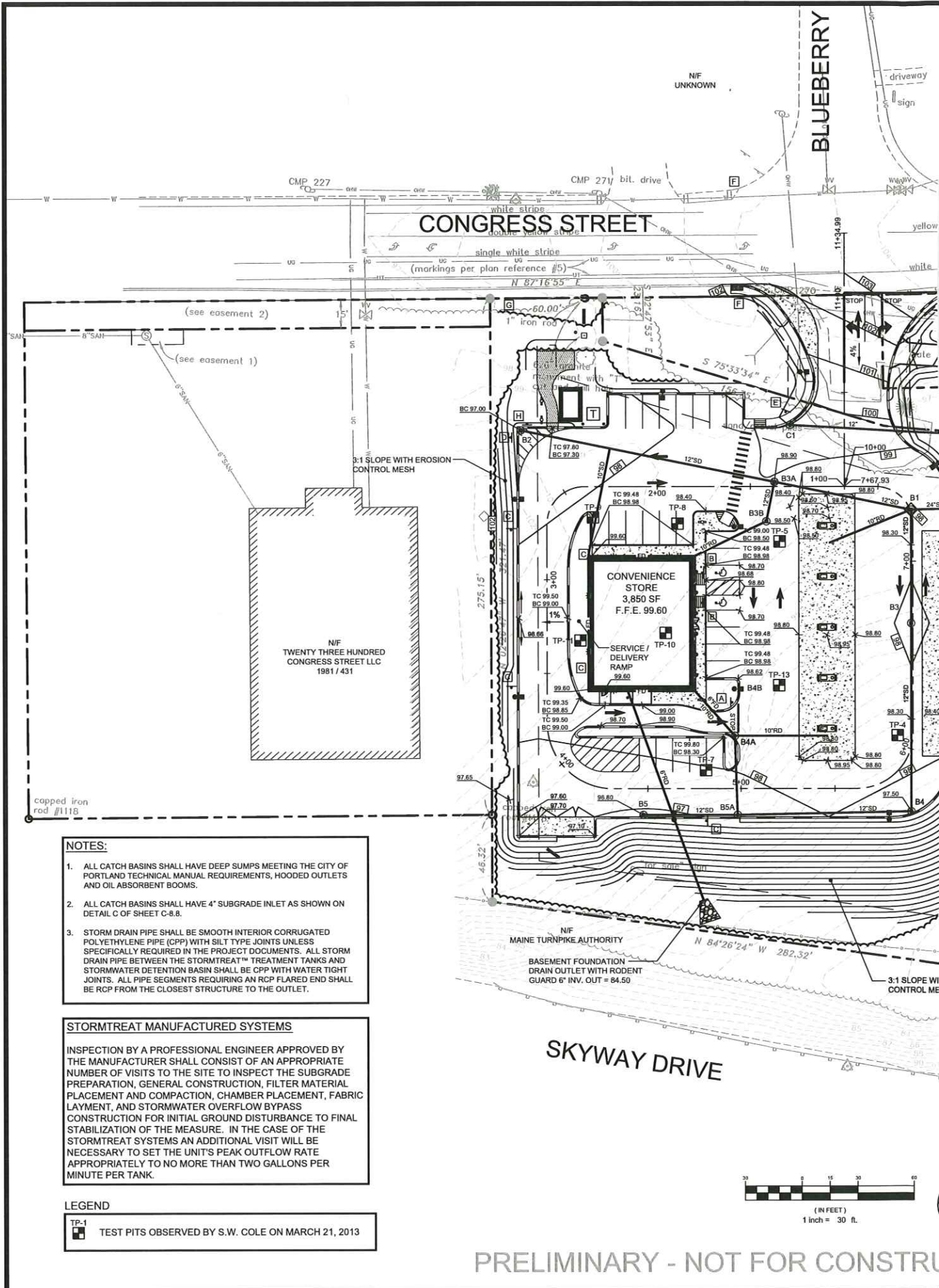
REV	DATE	DESCRIPTION
5	05.21.13	ELIMINATED ONE STORMTREAT AND SUBMITTED CITY APPROVED PLANS TO MEDEP
4	05.03.13	REVISED AND RESUBMITTED TO CITY
3	04.18.13	REVISED PER CITY STAFF COMMENTS
2	04.09.13	SUBMITTED TO MEDEP STORMWATER DISCHARGE PERMIT
1	03.28.13	SUBMITTED TO CITY OF PORTLAND
REV	DATE	DESCRIPTION

STATE OF MAINE
 PROFESSIONAL ENGINEER
 STEPHEN B. BUSHEY
 LICENSE # 7429
 P.E. STEPHEN BUSHEY
 LIC. # 7429

PROJECT
MULTI-USE DEVELOPMENT
 2282 CONGRESS ST., PORTLAND, ME
 SHEET TITLE
SITE LAYOUT PLAN
 CLIENT
 CJ DEVELOPERS, INC.
 35 PRIMROSE LANE, FREEPORT, MAINE 04032
 AND PORTLAND PROPERTY HOLDINGS, LLC
 2 MAIN STREET, SUITE 200, TOPSHAM, MAINE 04086

FST
FAY, SPOFFORD & THORNDIKE
 ENGINEERS - PLANNERS - SCIENTISTS
 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: CMW	DATE: OCTOBER 2013
DESIGNED: SRB	SCALE: 1" = 30'
CHECKED: SRB	JOB NO. 3118
FILE NAME: 3118-SP	
SHEET	C-2.0



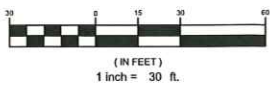
- NOTES:**
1. ALL CATCH BASINS SHALL HAVE DEEP SUMPS MEETING THE CITY OF PORTLAND TECHNICAL MANUAL REQUIREMENTS, HOODED OUTLETS AND OIL ABSORBENT BOOMS.
 2. ALL CATCH BASINS SHALL HAVE 4' SUBGRADE INLET AS SHOWN ON DETAIL C OF SHEET C-8.8.
 3. STORM DRAIN PIPE SHALL BE SMOOTH INTERIOR CORRUGATED POLYETHYLENE PIPE (CPP) WITH SILT TYPE JOINTS UNLESS SPECIFICALLY REQUIRED IN THE PROJECT DOCUMENTS. ALL STORM DRAIN PIPE BETWEEN THE STORMTREAT™ TREATMENT TANKS AND STORMWATER DETENTION BASIN SHALL BE CPP WITH WATER TIGHT JOINTS. ALL PIPE SEGMENTS REQUIRING AN RCP FLARED END SHALL BE RCP FROM THE CLOSEST STRUCTURE TO THE OUTLET.

STORMTREAT MANUFACTURED SYSTEMS

INSPECTION BY A PROFESSIONAL ENGINEER APPROVED BY THE MANUFACTURER SHALL CONSIST OF AN APPROPRIATE NUMBER OF VISITS TO THE SITE TO INSPECT THE SUBGRADE PREPARATION, GENERAL CONSTRUCTION, FILTER MATERIAL PLACEMENT AND COMPACTION, CHAMBER PLACEMENT, FABRIC LAYMENT, AND STORMWATER OVERFLOW BYPASS CONSTRUCTION FOR INITIAL GROUND DISTURBANCE TO FINAL STABILIZATION OF THE MEASURE. IN THE CASE OF THE STORMTREAT SYSTEMS AN ADDITIONAL VISIT WILL BE NECESSARY TO SET THE UNIT'S PEAK OUTFLOW RATE APPROPRIATELY TO NO MORE THAN TWO GALLONS PER MINUTE PER TANK.

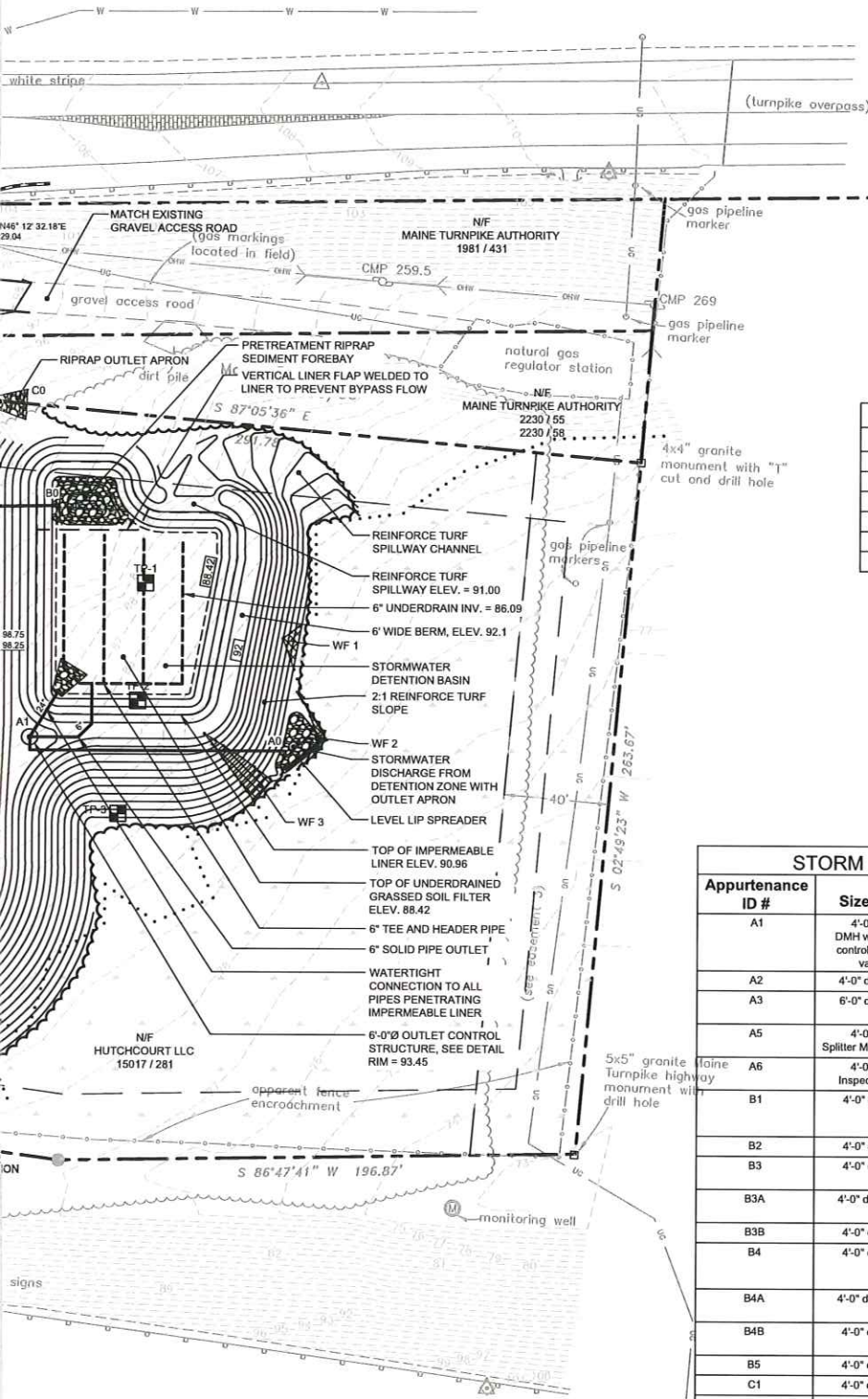
LEGEND

TP-1
 TEST PITS OBSERVED BY S.W. COLE ON MARCH 21, 2013



PRELIMINARY - NOT FOR CONSTRUCTION

N/F
MAINE TURNPIKE AUTHORITY



WETLAND FILL SUMMARY		
AREA ID	AREA (SF)	AREA (AC)
WF 1	95.07	0.0022
WF 2	31.56	0.0007
WF 3	146.82	0.0034
WF 4	729.69	0.0168
WF 5	179.73	0.0041
TOTAL	1182.87	0.0272

STORM DRAIN APPURTENANCE SCHEDULE				
Appurtenance ID #	Size/Type	Rim	Inv. In (Size)(From)	Inv. Out (Size)(To)
A1	4'-0" dia./DMH with outlet control orifice & valves	91.00	87.6 (4")(ST)	87.5 (12")(Discharge #1)
A2	4'-0" dia./DMH	91.00	88.42 (12")(A3)	88.42 (12")(ST)
A3	6'-0" dia./OCS	95.20	88.42 (12" RCP)(DET 0)	88.42 (12")(A2) 87.70 (24")(A5)
A5	4'-0" dia./Splitter MH with Weir	95.90	87.60 (24")(A3)	87.5 (24")(Isolator Row) 87.5 (24")(DET 2)
A6	4'-0" dia./Inspection MH	97.05	-	87.5 (24")(Isolator Row)
B1	4'-0" dia./CB	98.00	90.29 (15")(B3) 94.00 (10")(RD) 92.10 (12")(B3A)	90.19 (24" RCP)(DET 0)
B2	4'-0" dia./CB	97.00	-	93.00 (12")(B3A)
B3	4'-0" dia./CB	97.90	90.68 (12")(B4) 92.00 (12")(B4A)	90.58 (15")(B1)
B3A	4'-0" dia./DMH	98.90	92.46 (12")(B2) 94.1 (12")(B3B)	92.38 (12")(B1)
B3B	4'-0" dia./CB	98.20	-	94.2 (12")(B3A)
B4	4'-0" dia./CB	96.00 (95.00 FUTURE)	-	91.0 (12")(B3)
B4A	4'-0" dia./DMH	97.80	93.92 (12")(B4B) 92.48 (12")(B5)	92.38 (12")(B3)
B4B	4'-0" dia./CB	98.10	94.12 (10")(RD) 94.12 (FD)	94.02 (12")(B4A)
B5	4'-0" dia./CB	96.80	-	92.8 (12")(B4A)
C1	4'-0" dia./CB	99.50	-	95.5 (12")(Discharge #3)
D1	4'-0" dia./OCS	96.10	87.5 (24")(DET 2)	86.3 (12")(Discharge #2)

REV	DATE	DESCRIPTION
5	05.21.13	ELIMINATED ONE STORMTREAT AND SUBMITTED CITY APPROVED PLANS TO MEDEP
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STATE OF MAINE
STEPHEN P. BUSHEY
7429
PROFESSIONAL ENGINEER
P.E. STEPHEN BUSHEY
LIC. # 7429

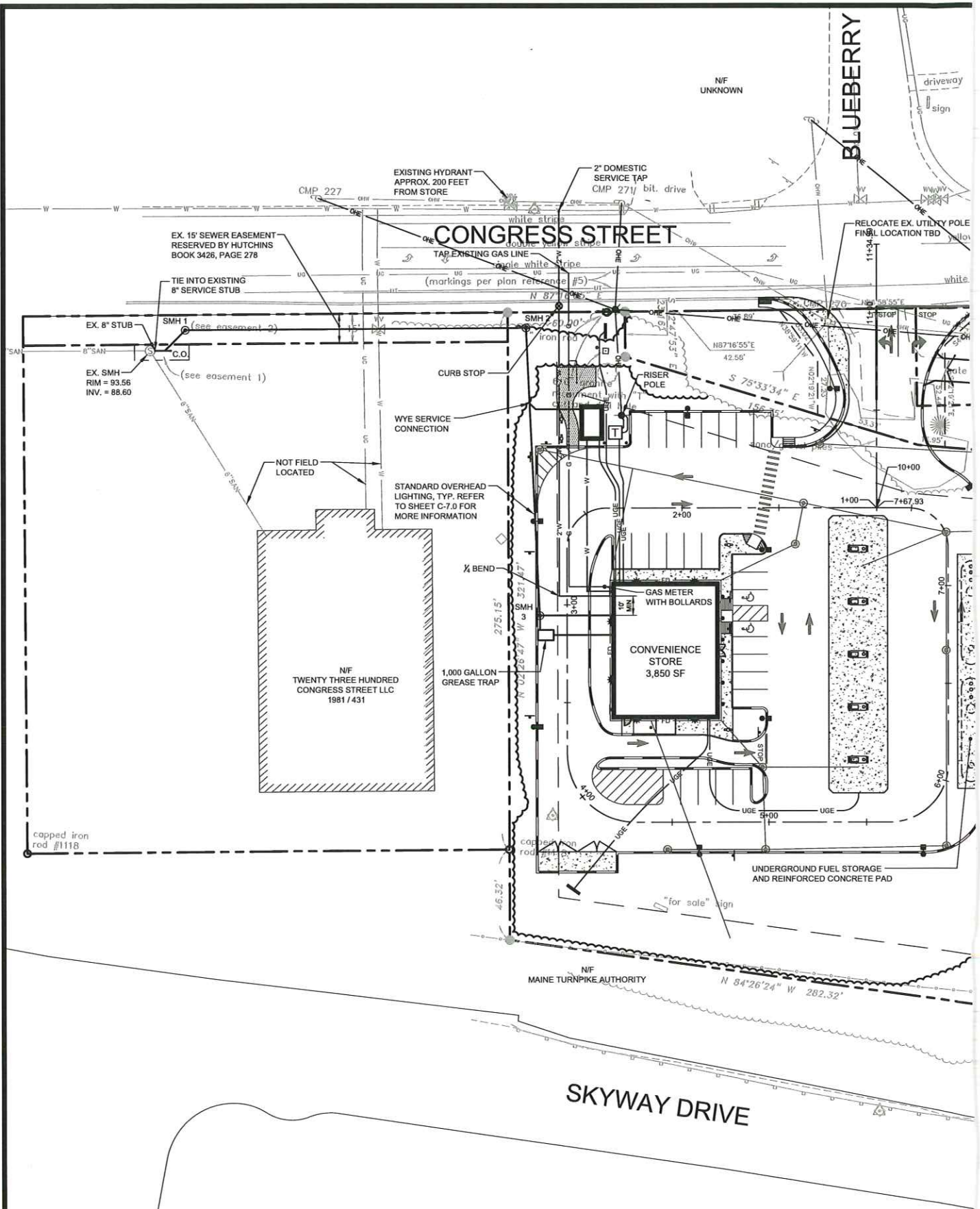
PROJECT
MULTI-USE DEVELOPMENT
2282 CONGRESS ST., PORTLAND, ME

SHEET TITLE
GRADING AND DRAINAGE PLAN

CLIENT
CJ DEVELOPERS, INC.
35 PRIMROSE LANE, FREEPORT, MAINE 04032
AND PORTLAND PROPERTY HOLDINGS, LLC
2 MAIN STREET, SUITE 200, TOPSHAM, MAINE 04086

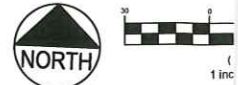
FST
FAY, SPOFFORD & THORNDIKE
ENGINEERS • PLANNERS • SCIENTISTS
778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: CMW DATE: OCTOBER 2013
DESIGNED: SRB SCALE: 1" = 30'
CHECKED: SRB JOB NO. 3118
FILE NAME: 3118-SP
SHEET C-3.0

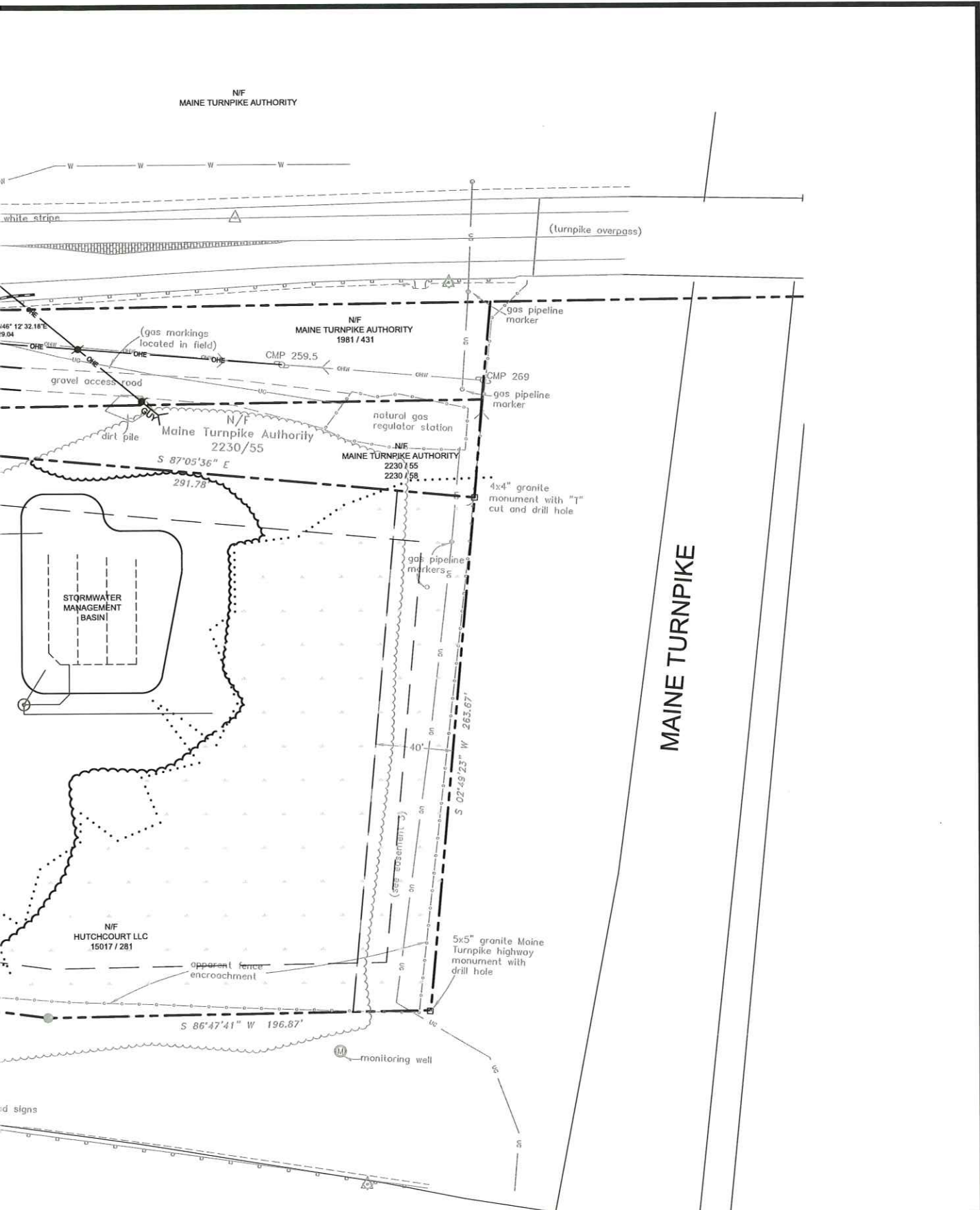


SANITARY SEWER APPURTENANCE SCHEDULE

ID	RIM	INV. IN / SIZE / FROM	INV. OUT / SIZE / TO
SMH 1	MATCH EX.	88.89 / 8" / SMH 2	88.79 / 8" / EX. SMH
SMH 2	98.00	93.31 / 8" / SMH 3	93.21 / 8" / SMH 1
SMH 3	98.40	94.13 / 8" / BLDG 94.13 / 4" / GREASE TRAP	94.03 / 8" / SMH 2
1,000 GAL. GREASE TRAP		94.71 / 4" / BLDG	94.46 / 4" / SMH 4



PRELIMINARY - NOT FOR CONSTRUCTION



MAINE TURNPIKE



TION

REV	DATE	DESCRIPTION
4	05.03.13	REVISED AND RESUBMITTED TO CITY
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STATE OF MAINE
STEPHEN P. BUSHEY
 P.E.
 LIC. # 7429

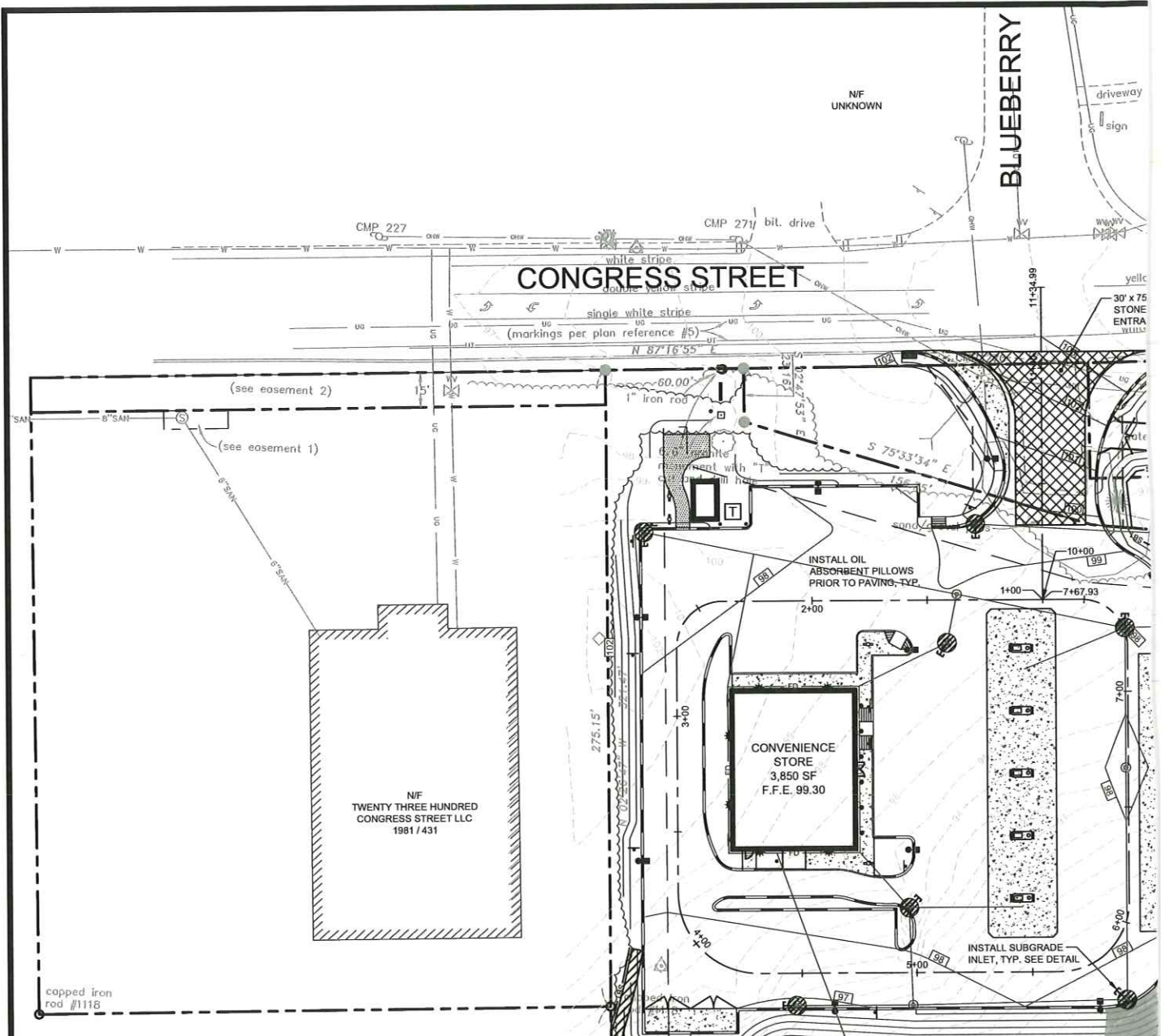
PROJECT
MULTI-USE DEVELOPMENT
 2282 CONGRESS ST., PORTLAND, ME

SHEET TITLE
UTILITY PLAN

CLIENT
 CJ DEVELOPERS, INC.
 35 PRIMROSE LANE, FREEPORT, MAINE 04032
 AND PORTLAND PROPERTY HOLDINGS, LLC
 2 MAIN STREET, SUITE 200, TOPSHAM, MAINE 04086

FST **FAY, SPOFFORD & THORNDIKE**
 ENGINEERS • PLANNERS • SCIENTISTS
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CHECKED: SRB	JOB NO. 3118
FILE NAME: 3118-SP	
SHEET	C-4.0



NOTES:

1. ALL RUNOFF FROM DISTURBED AREAS SHALL BE DIRECTED TO A FILTERING DEVICE DESIGNED TO LIMIT TURBID DISCHARGE. THE FILTERING DEVICE MAY BE BUT IS NOT LIMITED TO SAND FILTERS, EROSION CONTROL MIX, STRAW WATTLES, FLOCCULATION CHEMICALS, DIRT GLUE AND SILT FENCE.
2. STOCKPILES TO BE TEMPORARILY SEEDED AND MULCHED OR COVERED WITH POLY SHEETING AS REQUIRED BY THE PROJECT SPECIFICATIONS.
3. THE CONTRACTOR SHALL TREAT DISTURBED AREAS, BUILDING AREAS, AND CONSTRUCTION HAUL PATHS WITH DUST CONTROL BMPs TO LIMIT ALL FUGITIVE DUST PER THE PROJECT SPECIFICATIONS.
4. THE EROSION AND SEDIMENT CONTROL MEASURES DEPICTED ON THIS PLAN ARE CONSIDERED TO BE THE MINIMUM REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE TO MANAGE, INSPECT AND PROTECT THE SITE USING MEDEP BEST MANAGEMENT PRACTICES FOR EROSION AND SEDIMENT CONTROL AS REQUIRED BY THE PROJECT SPECIFICATIONS AND THE EROSION AND SEDIMENT CONTROL REPORT. THIS MAY REQUIRE ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES NOT DEPICTED ON THIS PLAN WHICH ARE CONSIDERED INCIDENTAL TO THE CONTRACT AND WILL BE IMPLEMENTED AT NO ADDITIONAL COST TO THE OWNER.
5. ALL CATCH BASIN INLETS WITH TRIBUTARY AREA WITH PAVEMENT COVER SHALL HAVE AN OIL ABSORBENT BOOM INSTALLED PRIOR TO THE PLACEMENT OF ANY BINDER PAVEMENT.

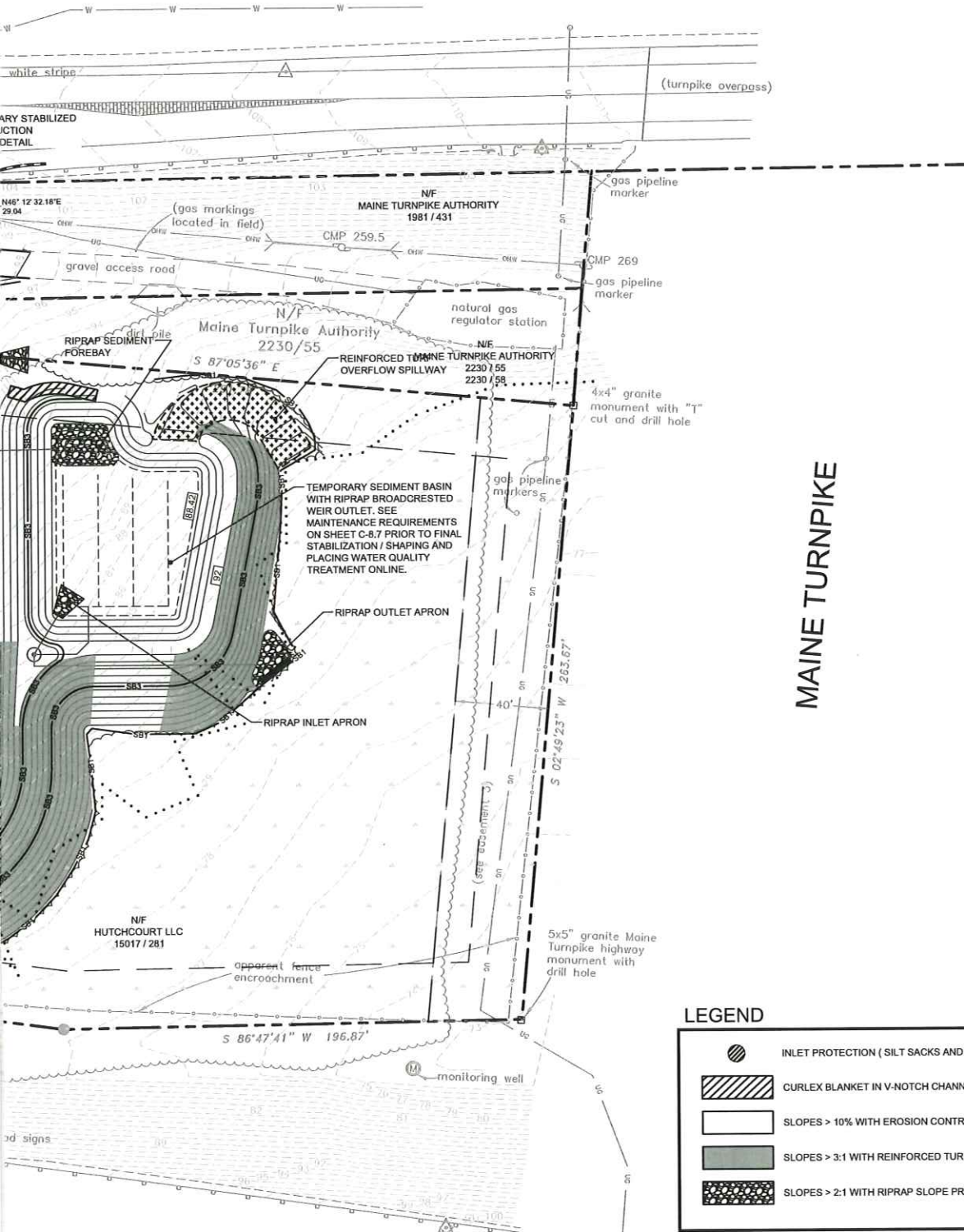
SCHEDULE OF SILT BARRIER REQUIREMENTS

SILT BARRIER*	TYPE PURPOSE	TIME OF INSTALLATION
SB1	CONDITION 1 SILT BARRIER TO TRAP SEDIMENT ALONG THE GRADING EDGE WHERE THE NEW CONTOURS NEARLY PARALLEL THE EXISTING CONTOURS	AT INITIAL SITE PREPARATION; PRIOR TO OTHER WORK
SB2	CONDITION 2 SILT BARRIER TO TRAP SEDIMENT FROM THE WORK AREA; INSTALL IN SHORT SECTIONS PARALLEL TO EXISTING CONTOUR; TYPICALLY OCCURS WHERE PROPOSED AND EXISTING CONTOURS FORM A 'V' SHAPE.	AT INITIAL SITE PREPARATION; PRIOR TO OTHER WORK
SB3	CONDITION 3 SILT BARRIER TO TRAP SEDIMENT ALONG THE BASE OF PROPOSED CONTOURS; TYPICALLY IN CUT AREAS. TO TRAP SEDIMENT ON NEWLY GRADED CUT OR FILL SLOPE. INSTALL PARALLEL TO THE PROPOSED CONTOUR AT VERTICAL SPACING SPECIFIED BY MANUFACTURER	DURING CONSTRUCTION AFTER NEW GRADE IS SHAPED. TIME SHALL BE MINIMIZED BETWEEN WORK IN AREA AND SHAPING NEW GRADE TO ALLOW SILT BARRIER TO BE INSTALLED.

* PRODUCT SUBMITTAL APPROVAL REQUIRED PRIOR TO INSTALLATION. SILT BARRIER MAY CONSIST OF AN APPROVED PRODUCT INTENDED TO RETAIN SEDIMENT IN THE CONTAINMENT AREA INCLUDING BUT NOT LIMITED TO SILT FENCE, FILTREXX SOXX, WOOD MULCH COMPOST BERM, STRAW WATTLES, ETC. ALL MEASURES SHALL BE SIZED, INSTALLED AND MAINTAINED PER THE MANUFACTURERS RECOMMENDATIONS.

PRELIMINARY - NOT FOR CONSTRUCTION

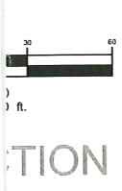
N/F
MAINE TURNPIKE AUTHORITY



MAINE TURNPIKE

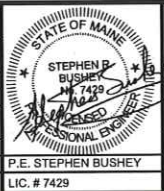
LEGEND

	INLET PROTECTION (SILT SACKS AND SURFACE SEDIMENT BARRIER)
	CURLEX BLANKET IN V-NOTCH CHANNELS
	SLOPES > 10% WITH EROSION CONTROL MESH
	SLOPES > 3:1 WITH REINFORCED TURF
	SLOPES > 2:1 WITH RIPRAP SLOPE PROTECTION



REV	DATE	DESCRIPTION
5	05.21.13	ELIMINATED ONE STORMTREAT AND SUBMITTED CITY APPROVED PLANS TO MEDEP
4	05.03.13	REVISED AND RESUBMITTED TO CITY
3	04.18.13	REVISED PER CITY STAFF COMMENTS
2	04.09.13	SUBMITTED TO MEDEP STORMWATER DISCHARGE PERMIT
1	03.28.13	SUBMITTED TO CITY OF PORTLAND

REVISIONS



PROJECT
MULTI-USE DEVELOPMENT
2282 CONGRESS ST., PORTLAND, ME

SHEET TITLE
EROSION AND SEDIMENT CONTROL PLAN

CLIENT
CJ DEVELOPERS, INC.
35 PRIMROSE LANE, FREEPORT, MAINE 04032
AND PORTLAND PROPERTY HOLDINGS, LLC
2 MAIN STREET, SUITE 200, TOPSHAM, MAINE 04086

P.E. STEPHEN BUSHEY
LIC. # 7429

FST **FAY, SPOFFORD & THORNDIKE**
ENGINEERS • PLANNERS • SCIENTISTS
778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: CMW	DATE: OCTOBER 2013
DESIGNED: SRB	SCALE: 1" = 30'
CHECKED: SRB	JOB NO. 3118
FILE NAME: 3118-SP	
SHEET	C-6.0

in case needed for reference

AS APPROVED BY CITY COUNCIL ON 3.4.2013

final for 2282 Congress.

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF 2282 CONGRERSS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

AGREEMENT made this _____ day of _____, 2013 by CJ DEVELOPERS, INC. of Cumberland County ("CJD") with a place of business in 35 Primrose Lane, Freeport, Maine, and its successors and assigns.

WITNESSETH:

WHEREAS, CJD is or will be the owner of the property located at 2282 Congress Street, Portland, Maine (The "Property") more particularly described and shown on the Portland Assessors Map 237, Block A as Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book , Page ; and,

WHEREAS, CJD did request a rezoning of the property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a major auto service station, convenience store, restaurant (without a drive thru) and bank (with a drive thru) on 3.24 acres; and,

WHEREAS, in 1999 the City rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired.

WHEREAS, the Property is currently in the IM zone and is difficult to develop for an industrial use because of its limited size, MTA easements and wetland areas; and

WHEREAS, the Property is located in an unique and isolated location with the turnpike on one side, busy streets on two sides, and a developed lot on the other side, which together would limit the loss of industrial land and provide a convenient location for commercial uses to serve the adjoining industrial employment area; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A.M.R.S.A Sec.4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and,

AS APPROVED BY CITY COUNCIL ON 3.4.2013

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan.

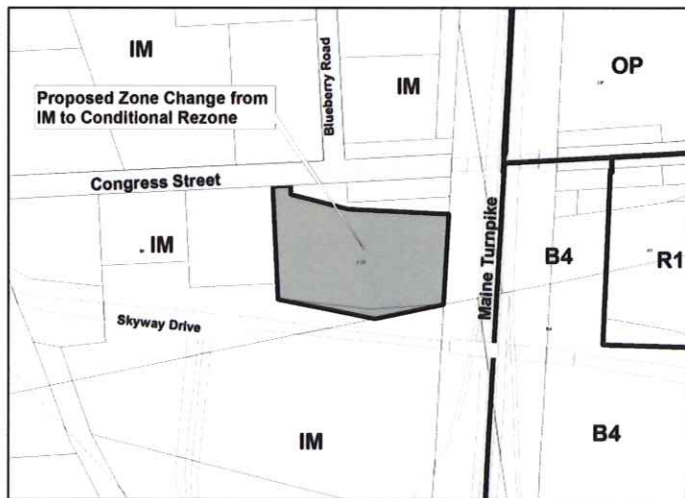
WHEREAS, the City's Comprehensive Plan seeks to "provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community."

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns; and,

WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning of the Property, CJD agrees to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting conditional IM zone amendment shown below;



Proposed Conditional Rezoning from IM for 2282 Congress Street

2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process;

AS APPROVED BY CITY COUNCIL ON 3.4.2013

3. Permitted uses: Those uses allowed in the IM zone. In addition, the Property shall be permitted to be used for the following uses:
 - a. Major auto service station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
 - b. Bank or ATM (with a drive through)
 - c. Convenience Store (without a drive through)
 - d. Restaurant (without a drive through)

4. Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
 - a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.
 - c. CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.

5. Community Contribution: shall install a new crosswalk on Congress Street from the project site to the sidewalk on the north side of Congress Street. The crosswalk shall include the following features:
 - a. A pedestrian island in Congress Street. The island shall be raised and include granite curbing. The location, size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA complaint and include sidewalk ramps and connections to the existing sidewalk;
 - d. Durable pavement markings and supplemental signs; and
 - e. Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services.

This full combination of the above items is above and beyond the usual site plan requirement that would apply to this project for a striped crosswalk as shown in the Conceptual Site Plan in Attachment 2 Plan.

6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and requirements of the underlying I-M zone. The project must still adhere to all applicable dimensional requirements, other requirements and performance standards of the IM zone and obtain separate permits for all signage.

AS APPROVED BY CITY COUNCIL ON 3.4.2013

7. If a building permit has not been pulled within two (2) years of the date of this Agreement, the zone shall revert to I-M; provided that CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CJD, or any successor, fails to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS:

CJ DEVELOPERS, INC.

By: _____

David Latulippe
Its President

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2013

Personally appeared the above named David Latulippe, and acknowledged the foregoing instrument to be his free act and deed of CJ Developers, Inc.

Before me,

Notary Public / Attorney at Law

Attachments:

1. City Council Order No. 154-12/13
2. CONCEPT 3 Plan dated 1.30.2013

Portland Property Holdings, LLC
2 Main Street
Topsam, Maine 04086
207-865-4323

April 8, 2014

Ms. Alex Jaegerman
City of Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

Re: Request for Extension of the Level III Site Plan and Traffic Movement Permit
granted on May 14, 2013
Commercial Development including gas station and convenience store with ATM
2282 Congress Street, Portland, ME – Proj. ID: 2013-086

Dear Alex:

In accordance with Zoning Ordinance provision 14-532, (c), 1., b., Portland Property Holdings, LLC hereby request a one year extension of the Level III Site Plan and traffic Movement Permit that was approved by the Planning Board on May 14, 2013. We are finalizing our agreements with our tenant and hope to start construction this summer.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,



David Latulippe
Manager



Alex Jaegerman, FAICP
Division Director, Planning Division

April 10th, 2014

David Latulippe, Manager
Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086

RE: Request for Extension of the Level III Site Plan Approval granted on May 14, 2013
Project Name: Commercial Development including gas station and convenience store with ATM
Project ID: 2013-086 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear David:

Thank you for your letter dated April 8th, 2014 requesting a one-year extension of the May 14th, 2013 Level III (Site Plan and Traffic Movement Permit) approval for a commercial development including gas station and convenience store with ATM at 2282 Congress Street. I understand that your request is based on the fact that the process of finalizing the agreements with a tenant was delayed and that construction is now scheduled to start this summer.

In my capacity as Planning Division Director for the City of Portland and under the provision of Section 14-532 (c) Expiration of site plan approval, I am granting your request to extend your approval to May 14th, 2015. If you have any questions, please contact Jean Fraser at (207) 874 8728.

Sincerely,

Alexander Jaegerman, FAICP
Planning Division Director

CC.

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Lannie Dobson, Administration, Inspections Division
Brad Saucier, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services

Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086
207-865-4323

April 8, 2014

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City of Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

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Sincerely,



David Latulippe
Manager



Alex Jaegerman, FAICP
Division Director, Planning Division

April 10th, 2014

David Latulippe, Manager
Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086

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Sincerely,

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David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086
207-865-4323

April 8, 2014

Ms. Alex Jaegerman
City of Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

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2282 Congress Street, Portland, ME – Proj. ID: 2013-086

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Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,



David Latulippe
Manager

Jean Fraser - RE: 2282 Congress Street- City approval letter

From: Jean Fraser
To: Moody, Alison R
Date: 5/29/2013 3:12 PM
Subject: RE: 2282 Congress Street- City approval letter
Attachments: chapter032.pdf; 2282 Congress Stormwater Attachments to PB Report re condition.pdf

Alison

I attach all of Chapter 32 and all of the submitted Stormwater information- both docs are bookmarked and then you can find whichever section(s) is most relevant.

Thank you
Jean

>>> "Moody, Alison R" <Alison.R.Moody@maine.gov> 5/29/2013 12:49 PM >>>

Thank you Jean, could you also send along Chapter 32 and Article III which is referenced under the Stormwater Management Permit.

Thanks again,

Alison R. Moody
Industrial Stormwater Inspector
Maine DEP
312 Canco Road
Portland, ME 04103
(207) 615-8936

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, May 29, 2013 11:38 AM
To: Moody, Alison R
Cc: DSenus@woodardcurran.com
Subject: 2282 Congress Street- City approval letter

Alison,

As just discussed, please find the approval letter attached.

Jean Fraser - 2282 Congress Street- City approval letter

From: Jean Fraser
To: Tamara Lee Pinard
Date: 5/29/2013 11:45 AM
Subject: 2282 Congress Street- City approval letter
CC: DSenus@woodardcurran.com; Roncarati, Doug
Attachments: Congress St. - 2282 (Commercial re CZA) APP LTR only.pdf

Tamara,

Please find attached a copy of the Portland Planning Board approval letter for this project.

I understand Alison Moody at MDEP is completing the review of the Stormwater Discharge Permit; the City review covered Chapter 500.

Dave Senus at Woodard and Curran is the contact person if you have any questions regarding the stormwater review that took place as part of the City's site plan review.

Please let me know if you want a copy of the Attachment to the *Stormwater Management Permit* condition.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - 2282 Congress Street- City approval letter

From: Jean Fraser
To: alison.r.moody@maine.gov
Date: 5/29/2013 11:37 AM
Subject: 2282 Congress Street- City approval letter
CC: DSenus@woodardcurran.com
Attachments: Congress St. - 2282 (Commercial re CZA) APP LTR only.pdf

Alison,

As just discussed, please find the approval letter attached.

Please let me know if you want a copy of the Attachment referenced in the *Stormwater Management Permit* condition.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

CITY OF PORTLAND, MAINE

PLANNING BOARD

Carol Morrisette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

May 20th, 2013

David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freeport, ME 04032

Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

Project Name: **Commercial Development including gas station and convenience store with ATM**
Project ID: 2013-086 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear Mr Latulippe:

On May 14th, 2013, the Planning Board considered the Level III Site Plan and Traffic Movement Permit application for the commercial development at 2282 Congress Street to construct a commercial development that includes a 3,850 sq. ft. convenience store with an ATM and fuel station (14 filling dispensers plus a future compressed natural gas pump and electric recharging stations), a small farmstand associated with the convenience store, and 26 parking spaces. The Planning Board reviewed the proposal for conformance with the Conditional Rezoning Agreement as approved by the City Council on March 4th, 2013 and with standards of the Site Plan, Traffic Movement Permit, and Stormwater Permit.

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 24 -13 for the commercial development at 2282 Congress Street relevant to the Site Plan, Traffic Movement Permit and Stormwater Permit reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) to approve the application with the following waivers and conditions as presented below:

WAIVERS

1. *Driveway Design:*

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) to waive Technical Standard, Section 1.7.1.4, which specifies a maximum of 36 feet wide for a major commercial driveway, to allow a 38 ft wide driveway that accommodates the large vehicles anticipated to require regular access to the site.

2. *Parking Aisle:*

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) to waive Technical Standard, Section 1.14, Figures I-28 to I-32 which require a 24 foot wide drive aisle, to allow wider aisles as shown in the approved site layout plan (Plan 5 as attached to this Report).

- v. That the applicant shall submit a revised Landscaping Plan (with notes), for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit, that meets the recommendations set out in Jeff Tarling's e-mail dated 5.10.2013; and
- vi. That all necessary permits and licenses shall be obtained from the Federal, State (including MDEP) or local authorities in respect to the fuel storage, compressed natural gas installation and electric charging stations; and
- vii. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements; and
- viii. That a plan showing the signage and pavement markings that support the on-site circulation shall be reviewed and approved by the Planning Authority prior to installation, with installation to be completed prior to the issuance of a Certificate of Occupancy.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>
Date: 5/9/2013 11:23 AM
Subject: 2282 Congress Street - Final Traffic Comments

Jean – The following represents my final comments and also presents a status update on my April 18, 2013 preliminary comments.

April 18, 2013 Comments Status

- It is suggested that the pedestrian facility between Congress Street and the proposed convenience store building be as direct as possible. This may require the loss of some of the 9 parking spaces located along the front of the property.
Status: The applicant has revised the site plan to improve the crosswalk alignment and given constraints with Maine Turnpike Authority property, I find the proposed condition to be acceptable.
- Parking supply seems excessive for the type and scale of the proposed land use. Supporting documentation on the parking needs shall be provided.
Status: The applicant has revised the site plan and is now proposing to construct 26 parking spaces with an option for future expansion of the parking supply if deemed necessary. I find the proposed condition to be acceptable.
- Auto-turn analyses shall be provided that supports on-site circulation aisle widths and the width of the driveway entrance on Congress Street. The applicant should also provide information on the number of large trucks anticipated to enter and exit the site.
Status: The site plan has been revised based upon discussions with the applicant and I find the proposed plan to be acceptable. I would note that the applicant did add a raised concrete apron at the driveway entrance and I find this condition to be acceptable. A waiver for driveway width is required and given large truck turning requirements, I support a waiver from City standards.
- It is unclear whether there are vehicle circulation restrictions on site (e.g. one-way vs. two-way). Signage and pavements markings shall clearly support proposed circulation restrictions.
Status: It is my understanding that the revised site plan accounts for a one-way circulation around the back side of the convenience store. Signage and pavement markings should be provided.
- Many aisle widths exceed City standards and waivers from our technical standards may be necessary. As noted above, supporting information will be required before I render any decision on waivers.
Status: Given the specific needs of on-site vehicle circulation and accessibility to fueling areas, I find the proposed layout to be acceptable and support waivers from City standards.

Traffic Study/New Comments

- I find the methods used in the traffic study to be acceptable.
- The analysis indicated the Congress Street/Site Drive/Blueberry Road intersection will operate at acceptable levels of service following build-out of the project. I concur with this conclusion.
- A signal warrant analysis was conducted at the Congress Street/Site Drive/Blueberry Road intersection. According to the applicant a traffic signal is not warranted. I concur with this conclusion, but suggest that a post-occupancy signal warrant study be conducted one year after opening. If a traffic signal is warranted, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal.

From: Jeff Tarling
To: Jean Fraser
CC: David Margolis-Pineo
Date: 5/10/2013 11:06 AM
Subject: 2282 Congress Street Project

Hi Jean -

I reviewed the recent landscape plan submission for the 2282 Congress Street project and offer the following comments, conditions:

a) Tree Save - the 'tree-save', tree thinning area along Congress Street is improved and meets our recommendations. Additional 'tree-save' areas along the Western property line and towards Skyview Drive will need to be marked prior to site work and as approved by the City Arborist. There may be trees to be thinned or removed due to poor condition or risk. (Thinning trees for views is not recommended - thinning trees for safety and condition is.) Standard tree protection measures shall be used during construction, these include protection of tree root zones, identifying trees to protected, construction fencing or tagging where needed. No storage of equipment or construction materials in tree protection root zone areas. The area around the Shagbark Hickory is one of the tree protection zones.

b) Trees in parking lot - In the area shown as snow storage, and addition one to two trees could be set back away from the edge of pavement to still allow snow clearing and meet the parking lot tree / shrub standards.

Overall the landscape plan is acceptable as shown with the recent improvement and suggested conditions.

Thanks,

Jeff Tarling
City Arborist

CITY OF PORTLAND, MAINE

PLANNING BOARD

Carol Morrisette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

May 20th, 2013

David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freeport, ME 04032

Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

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Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear Mr Latulippe:

On May 14th, 2013, the Planning Board considered the Level III Site Plan and Traffic Movement Permit application for the commercial development at 2282 Congress Street to construct a commercial development that includes a 3,850 sq. ft. convenience store with an ATM and fuel station (14 filling dispensers plus a future compressed natural gas pump and electric recharging stations), a small farmstand associated with the convenience store, and 26 parking spaces. The Planning Board reviewed the proposal for conformance with the Conditional Rezoning Agreement as approved by the City Council on March 4th, 2013 and with standards of the Site Plan, Traffic Movement Permit, and Stormwater Permit.

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 24 -13 for the commercial development at 2282 Congress Street relevant to the Site Plan, Traffic Movement Permit and Stormwater Permit reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) to approve the application with the following waivers and conditions as presented below:

WAIVERS

1. *Driveway Design:*

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) to waive Technical Standard, Section 1.7.1.4, which specifies a maximum of 36 feet wide for a major commercial driveway, to allow a 38 ft wide driveway that accommodates the large vehicles anticipated to require regular access to the site.

2. *Parking Aisle:*

The Planning Board voted 4-0 (Morrisette, O'Brien and Hall absent) to waive Technical Standard, Section 1.14, Figures I-28 to I-32 which require a 24 foot wide drive aisle, to allow wider aisles as shown in the approved site layout plan (Plan 5 as attached to this Report).

TRAFFIC MOVEMENT PERMIT

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, with the following conditions of approval:

- i. That the applicant shall contribute \$5000 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Congress Street/Hutchins Drive/Skyway Drive; and
- ii. That a post-occupancy signal warrant study shall be conducted one year after opening. If a traffic signal is warranted or the queuing lanes prove inadequate, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal or improvements to such queuing lanes; and
- iii. That the operation of the right turn into the site from Congress Street shall be monitored for one year following opening. If the crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.

STORMWATER MANAGEMENT PERMIT

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) that the plan is in conformance with the standards for a Storm Water Permit application for the commercial development at 2282 Congress Street and grants a permit subject to the following condition:

- i. That the applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan as included Attachment G.1-3 of this Report, and as based on the Long Creek Watershed District standards/requirements and state permits and guidelines.

SITE PLAN REVIEW

The Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That this site plan approval is subject to the Conditional Zone Agreement as approved by the City Council on March 4, 2013, and that C J Developers Inc. shall sign and record the aforementioned Conditional Zoning Agreement prior to the issuance of a building permit, and if the CZA is assigned, C J Developers Inc. shall provide notification of the assignment to the City; and
- ii. That the signed and recorded access easement from Maine Turnpike Authority for the area of the proposed access from Congress Street shall be submitted to the Planning Authority prior to the issuance of a building permit; and
- iii. That a copy of the MDEP Stormwater Discharge approval shall be submitted to the Planning Authority prior to the issuance of a building permit. If there are significant modifications to the stormwater system as a result of the MDEP review, then an amended site plan would be required for approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant shall submit a revised off-site improvements plan that addresses Tom Errico's memorandum dated 05.09.2013 regarding the left turn accommodations, crosswalk design with ADA landing, and painted crosswalk on Blueberry, for review and approval by the Planning Authority prior to the issuance of a building permit; and

- v. That the applicant shall submit a revised Landscaping Plan (with notes), for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit, that meets the recommendations set out in Jeff Tarling's e-mail dated 5.10.2013; and
- vi. That all necessary permits and licenses shall be obtained from the Federal, State (including MDEP) or local authorities in respect to the fuel storage, compressed natural gas installation and electric charging stations; and
- vii. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements; and
- viii. That a plan showing the signage and pavement markings that support the on-site circulation shall be reviewed and approved by the Planning Authority prior to installation, with installation to be completed prior to the issuance of a Certificate of Occupancy.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. Traffic Engineering Review comments, e-mail from Tom Errico dated 5.9.2013
2. City Arborist comments, e-mail from Jeff Tarling dated 5.10. 2013
3. ~~Planning Board Report #24-13~~
4. City Code, Chapter 32
5. Performance Guarantee Packet

not
incl.

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>
Date: 5/9/2013 11:23 AM
Subject: 2282 Congress Street - Final Traffic Comments

Jean – The following represents my final comments and also presents a status update on my April 18, 2013 preliminary comments.

April 18, 2013 Comments Status

- It is suggested that the pedestrian facility between Congress Street and the proposed convenience store building be as direct as possible. This may require the loss of some of the 9 parking spaces located along the front of the property.
Status: The applicant has revised the site plan to improve the crosswalk alignment and given constraints with Maine Turnpike Authority property, I find the proposed condition to be acceptable.
- Parking supply seems excessive for the type and scale of the proposed land use. Supporting documentation on the parking needs shall be provided.
Status: The applicant has revised the site plan and is now proposing to construct 26 parking spaces with an option for future expansion of the parking supply if deemed necessary. I find the proposed condition to be acceptable.
- Auto-turn analyses shall be provided that supports on-site circulation aisle widths and the width of the driveway entrance on Congress Street. The applicant should also provide information on the number of large trucks anticipated to enter and exit the site.
Status: The site plan has been revised based upon discussions with the applicant and I find the proposed plan to be acceptable. I would note that the applicant did add a raised concrete apron at the driveway entrance and I find this condition to be acceptable. A waiver for driveway width is required and given large truck turning requirements, I support a waiver from City standards.
- It is unclear whether there are vehicle circulation restrictions on site (e.g. one-way vs. two-way). Signage and pavement markings shall clearly support proposed circulation restrictions.
Status: It is my understanding that the revised site plan accounts for a one-way circulation around the back side of the convenience store. Signage and pavement markings should be provided.
- Many aisle widths exceed City standards and waivers from our technical standards may be necessary. As noted above, supporting information will be required before I render any decision on waivers.
Status: Given the specific needs of on-site vehicle circulation and accessibility to fueling areas, I find the proposed layout to be acceptable and support waivers from City standards.

Traffic Study/New Comments

- I find the methods used in the traffic study to be acceptable.
- The analysis indicated the Congress Street/Site Drive/Blueberry Road intersection will operate at acceptable levels of service following build-out of the project. I concur with this conclusion.
- A signal warrant analysis was conducted at the Congress Street/Site Drive/Blueberry Road intersection. According to the applicant a traffic signal is not warranted. I concur with this conclusion, but suggest that a post-occupancy signal warrant study be conducted one year after opening. If a traffic signal is warranted, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal.

- According to a warrant analysis for a right-turn lane entering the site from Congress Street, a right-turn lane is warranted. At this time I concur with the applicant that provision of a right-turn lane entering the site is not preferred given that it will increase the crosswalk length. I would suggest that conditions be monitored one year following opening and if crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.
- The Congress Street/Skyway Drive/Hutchins Drive intersection is projected to have movements that will operate at an unacceptable level of service following the construction of the project. In addition, while not a High Crash Location per MaineDOT criteria, the intersection does display a pattern of rear-end collisions. The City has been collecting funds from developments in the area for the implementation of improvements to mitigate congestion and safety deficiencies. Based upon prior contribution methods, the applicant shall contribute \$5,000.00 towards improvements at the subject intersection.
- The applicant has developed an improvement plan for Congress Street such that left-turn accommodations are provided. I support the general concept of the plan provided in the application. Final design plans shall be submitted to the City for review and approval (It should be noted that adjustments to the design may be required during this review process).
- A pedestrian crosswalk is being proposed on Congress Street between the project site and Blueberry Road. Through the contract rezone process the crosswalk was to include a refuge median island in addition to a flashing sign warning system. Given vehicle turning needs, a refuge island is not feasible at this location. In lieu of the refuge island the applicant shall construction an ADA accessible landing on the northwest radius of Blueberry Road. In addition, the crosswalk pavement marking shall consist of durable paint. Final design elements shall be reviewed and approved by the City.
- Per City standards the applicant is required to construct a sidewalk along their property frontage (60 feet of frontage). The project does not meet sidewalk waiver requirements. In lieu of constructing the required sidewalk, the applicant shall install a painted crosswalk on the Blueberry Road approach to Congress Street.

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

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL

12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

From: Jeff Tarling
To: Jean Fraser
CC: David Margolis-Pineo
Date: 5/10/2013 11:06 AM
Subject: 2282 Congress Street Project

Hi Jean -

I reviewed the recent landscape plan submission for the 2282 Congress Street project and offer the following comments, conditions:

a) Tree Save - the 'tree-save', tree thinning area along Congress Street is improved and meets our recommendations. Additional 'tree-save' areas along the Western property line and towards Skyview Drive will need to be marked prior to site work and as approved by the City Arborist. There may be trees to be thinned or removed due to poor condition or risk. (Thinning trees for views is not recommended - thinning trees for safety and condition is.) Standard tree protection measures shall be used during construction, these include protection of tree root zones, identifying trees to protected, construction fencing or tagging where needed. No storage of equipment or construction materials in tree protection root zone areas. The area around the Shagbark Hickory is one of the tree protection zones.

b) Trees in parking lot - In the area shown as snow storage, and addition one to two trees could be set back away from the edge of pavement to still allow snow clearing and meet the parking lot tree / shrub standards.

Overall the landscape plan is acceptable as shown with the recent improvement and suggested conditions.

Thanks,

Jeff Tarling
City Arborist

Jean Fraser - 2282 Congress Street - Final Traffic Comments

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 5/9/2013 11:23 AM
Subject: 2282 Congress Street - Final Traffic Comments
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portland...>

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- TRP*
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- SP
Conds*

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

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL

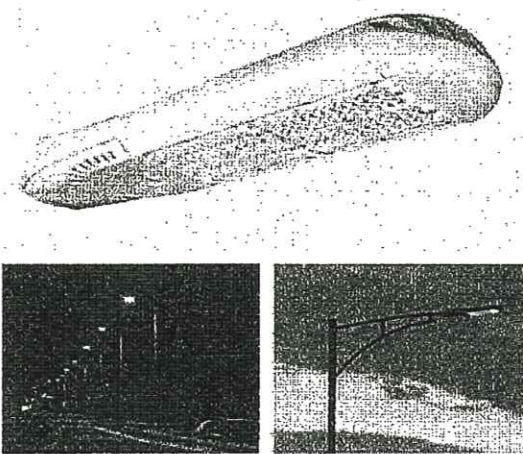
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Submitted by: VISIBLE LIGHT, INC. Manufacturers' Representatives	Job Name:	Catalog Number: LSR4-XX-XX-MVOLT-2B-NR-SH-WH	Type: S
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Prepared By _____ Catalog # _____
 Project _____ Comments _____



PROLIFIC™ | LSR3 & LSR4 Roadway

Features¹	
Wattage	100W, 150W
Lumen Output Range	9,285–13,890
Color Temperature (Cct)	4000K, 5000K
Color Rendering Index (Cri)	70 (4000k) and 65 (5000k)
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Finish	Grey, Black, Bronze Powder Coat
Optical Distributions	Type II, Type III, Type IV Type II Streetside Optimized, Type III Streetside Optimized, Type V
Mounting Options	Fits standard 1-3/4" to 2" Mast Arm; 38-61mm, 4-bolt Internal
Dimensions	37.3"L x 8.0"W x 3.8"H 947.42mm x 203mm x 96.52mm
EPA (Sq. Ft.)	1.0
Weight	25lbs
Driver Voltage	120-277 VAC @ 50-60 Hz
Operating Temperature	-40°C to +50°C (-40°F to +122°F)
Power Factor (PF)	≥0.9
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- Custom arrayed optics to reduce the use of plastics.
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- Underdriving LEDs to improve efficiency and system life.
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Typical Applications Include:

- Roadways
- City Streets
- Campuses
- Residential Streets
- Parking Lots

¹Consult www.lsgc.com for 5000K, IES and LM79 report
²4-bolt mounting required for 3G vibration rating

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Jean Fraser
CC: Barbara Barhydt
Date: 4/24/2013 1:07 PM
Subject: Re: Question over RTI and CZA re 2282 Congress Site Plan

I think that you could have David amend his application (instead of the letter I mention below - although the letter would work as well for the same purpose) to include Portland Property as a co-applicant.

D

>>> Jean Fraser 4/24/2013 11:55 AM >>>

Thank you - I agree its likely that Portland Property is also David, but I recall in the past that the Legal Dept (before your time) had required us to get application forms altered etc to ensure consistency and wanted to be sure as its going straight to a hearing. Jean

>>> Danielle West-Chuhta (Danielle West-Chuhta) 4/24/2013 11:30 AM >>>
Jean:

The CZA allows for assignments. The option agreement just allows the applicant (CJ Developers, Inc) the option to purchase the property - probably once the approvals have been obtained. The option does not seem to have been exercised yet, so Hutchcount LLC is still the owner (as stated in the Site Plan application). Under the assignment of the option agreement it seems that the option to purchase the property has been assigned from CJ Developers to Portland Property Holdings, LLC (which is a valid Maine company). I would bet that Portland Property Holders, LLC was created by CJ Developers, Inc. so that they could use that company to build the project on the site (Avesta does this a lot with their developments). You can just confirm this with the applicant so that you have this in writing and/or have them provide you with a letter from Portland Property Holders, LLC signing on to CJ Developers, Inc's application.

In addition, I would note that if you are concerned about assignments of the CZA you could include a condition in the approval that specifies if the CZA is assigned CJ Developers, Inc. shall provide notification of the assignment to the City.

Thanks,

Danielle

>>> Jean Fraser 4/23/2013 5:53 PM >>>
Danielle

We have just received a revised site plan submission for the PB Hearing on May 14th.

You will recall that we agreed that a condition of the site plan approval would be that the CZA is executed (its not yet executed as far as I know).

In the revised submittal there is an option assignment FROM CJ Properties TO Portland Property Holdings LLC dated 4.11.2013 (after the submission date of the site plan application on which it states the applicant is CJ Properties). So I am not sure that David Latulippe (CJ Properties) has RTI and therefore the application is currently needing an amendment.

Of more concern may be that the CZA is between the City and CJ Developers, who now have no RTI in the site. I am not sure

CJDevelopers can assign the unexecuted CZA to Portland Property Holdings and I am not sure if CJ Developers can execute the CZA since they no longer have RTI.

I attach all relevant docs:

Option assignment CJD to PPH

P & S Agreement submitted with both the rezoning and site plan applications

The Site Plan Application form

Approved CZA (not yet executed)

Could you please advise regarding RTI for the site plan and how the CZA can legally be bound to the site plan if the CZA is not between the city and the site plan applicant. (I guess we can still make it a condition but can David execute the CZA when he has no rights to the land???). I don't think he can assign the CZA if its not yet executed.....

If the CZA is now invalid (as CJDevelopers have no RTI) is it legally OK for us to entertain the site plan application at all??? (since it is predicated on the CZA).

thank you

Jean

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: April 18, 2013
RE: 2282 Congress St. Multi-Use Development, Level III Final Site Plan Application

Woodard & Curran has reviewed the Level III Final Site Plan Application for the Multi-Use Development located at 2282 Congress Street in Portland, Maine. The Applicant proposes to construct a convenience store/fuel station and ATM drive-thru. The project will create a total of 2.25 acres of new developed area, of which 1.57 acres will be new impervious area (building and other impervious surfaces), within the 3.36 acre project boundary.

The project will result in greater than one acre of disturbance and more than 20,000 SF of new impervious area in an Urban Impaired Stream (UIS) watershed, therefore the project is required to meet the State of Maine Department of Environmental Protection Chapter 500 Basic and General Standards. In addition, Section 5 of the City of Portland Technical Manual requires that Level III development projects submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. Because the project will create less than 3 acres of new impervious area and is not located within the Urban Impaired Stream watersheds listed under Section 5.II.A of the City's Technical Standards, the project is not subject to meeting the Urban Impaired Stream Standard under State or local requirements.

Review of this project has been conducted under the City's Delegated Review Authority for MaineDEP Chapter 500 standards in addition to conformance with Section 5 of the City's Technical Manual, and other applicable City ordinances and standards related to water quality and construction standards.

Documents Provided By Applicant

- Level III Site Plan Application and attachments dated April 1, 2013, prepared by DeLuca-Hoffman Associates, Inc., on behalf of CJ Developers, Inc.
- Engineering Plans, Sheets C-1.0-C-1.3, C-2.0-C-7.0, C-7.1, C-8.0-C-8.7, C-9.0-C-9.2, C-14.0, & C-14.1, dated March 28, 2013, prepared by DeLuca-Hoffman Associates, Inc., on behalf of CJ Developers, Inc.

Comments

- 1) MaineDEP Chapter 500 Basic, General and Flooding Standards:
 - a) Basic Standards: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500. In addition, the Applicant has included inspection and reporting requirements in reference to Chapter 32 of the City of Portland Code of Ordinances.
 - b) General Standards: The proposed StormTreat Systems will provide adequate stormwater quality control in compliance with the General Standards.
 - c) Flooding Standard: The Applicant has sufficiently demonstrated compliance with the Flooding Standard for the 2, 10 & 25-year storm events.
- 2) Because the project site falls within the Long Creek Watershed, the Applicant has noted that they are required to obtain a Waste Discharge Permit issued by the MaineDEP. We understand that the Applicant is working with MaineDEP and the Long Creek Watershed Management District (LCWMD) regarding the details of review and oversight for issuing this permit. We request that the Applicant



provide an update to this process, and ultimately a copy of the permit for the project record. Because the Applicant will be an individual permit holder within the Long Creek watershed, they will be subject to Stream Restoration and Monitoring Fees collected and managed by the LCWMD.

- 3) The Applicant has presented an acceptable means of managing the flow and quality of stormwater runoff generated from the new impervious surfaces; however, we encourage the Applicant to review the drive lane widths and parking spaces against the functions and needs of the facility, and reduce impervious surface wherever determined to be practical.
- 4) The plans should include proposed pipe invert elevations, pipe materials & sizes, and manhole/catch basin structure rim elevations.
- 5) Please provide clarification, potentially additional plan view notes/details, for the pipe configuration and weir system located within structure A3 and the header/discharge pipes associated with the StormTreat system.
- 6) The Applicant should verify that the following requirements for the proposed Underground Storage Tank (UST) are being coordinated with the appropriate agencies:
 - Registration of the new UST system with the MaineDEP, per Section 4 of Chapter 691 Rules for Underground Oil Storage Facilities.
- 7) The Applicant has noted that gas and electric utilities are currently being coordinated and therefore are not specified on the plans. Any updates to the site plan to accommodate these utilities should be submitted to the City for review and approval. Furthermore, the Applicant is currently awaiting confirmation of capacity to serve from all utilities; confirmation should be forwarded to the City upon receipt.
- 8) The following details should be provided:
 - a) RipRap Slope Protection
 - b) Level Lip Spreader
 - c) Bituminous Driveway Apron
- 9) The Plans should identify snow storage locations.

EASEMENT DEED

With Quitclaim Covenant

The **Maine Turnpike Authority**, a body corporate and politic having an office at 2360 Congress Street, Portland, in the County of Cumberland, and State of Maine, for consideration paid, grants to **CJ Developers, Inc.**, with QUITCLAIM COVENANT, the right to construct and maintain an access by vehicles and on foot to and from its commercial development and Congress Street, and for all utilities, across land of the Grantor adjoining property of the Grantee, further described as follows:

{Description, possibly including reference to plan}

Said grant to be conditioned on the following:

1. That the easement is subject to temporary disruption, relocation, realignment and/or re-grading if necessary for transportation purposes, including but not limited to work connected with the reconstruction, repair or widening of Congress Street or the Congress Street Bridge over the Maine Turnpike, with restoration of the entrance to its former condition to be at grantee's expense.
2. That Grantee shall take all necessary provisions to accommodate the continued use of the easement area by Unitil Corporation for operation, maintenance and repair of its pipeline facility in accordance with Unitil's existing license agreement with Grantor, including but not limited to access by Unitil to the remainder of Grantor's property through the existing gated access point or a similar access point.
3. That the access granted herein shall be the only access point to serve Grantee's property at 2282 Congress Street and that if Grantee obtains any other permanent access point to serve said property then the easement granted herein ~~shall terminate and all rights in the easement area shall revert to the Grantor~~ and all access rights granted may be terminated at the discretion of the Grantor. PROVIDED, HOWEVER, before exercising the rights retained herein, the Grantor will give Grantee notice and an opportunity to be heard on the existence of any other permanent access point serving the property.

In Witness Whereof, the Maine Turnpike Authority has caused this instrument to be signed this ____ day of May, 2013.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Jonathan Arey, Secretary, as Witness
Maine Turnpike Authority

Peter Mills, Executive Director
Maine Turnpike Authority

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

May _____, 2013

Personally appeared the above named Peter Mills, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public

4-30-13

Dlatulippe
Stonkey
TEmico
↓ Fraser.

1. Congress? moratorium sheet.
DPS issue
2. Skyway/Hutchins - contributions TMP
- TE ref masterplan
capacity failing +
under TMP ... ↑
3. Striping/lanes - OK in principle
crosswalk - no refuge; ADA landing
other side.
- durable paint
- ④ Access - city not support right turn.
signal - monitor after to ^{see if} needed.
tie in the right
give a year (12 mos).
- ⑤ Off site - move dumpster so doesn't preempt
- ⑥ # parking spaces - ITE info - DL referred
to Topsham (Rush's Mkt off #24) similar

Rush's uses all 30 spaces at lunchtime
TE - what if not construct some out keep
space for future need

Crosswalk link corn. shore to Congress.
easement not fee (appraised \$5)
DPS want right angles so
bring over to crosswalk.

TE question - templates are
for largest - try WB 50
as WB 67 - round corner
where dumpster was.
? If WB 50 allows less surface
then make 1 way to save imperv.

DL - looking at altering site plan
10-20' ft. but need tractor-trailer
parking.

TE - buses. Meth 6:30 & 8:30.

Jean Fraser - Fwd: Congress Street project

From: Jean Fraser
To: Bushey, Steve; Latulippe, David
Date: 5/2/2013 11:21 AM
Subject: Fwd: Congress Street project
CC: wthames@prioritygroupllc.com

David and Steve

As promised when we met, I encouraged Jeff to review and comment on the latest submission as I had the impression there were some unresolved landscape/tree preservation issues.

Please see below his comments and I would encourage you to address these in your submission tomorrow.

thank you
Jean

PS Dave Senus of Woodard & Curran have confirmed that the 4.23.13.submitted plans address all of their 4.18.13 comments. Zoning and Fire also OK. So that leaves "just" the landscape and traffic issues (plus lighting as we discussed).

>>> Jeff Tarling 5/2/2013 11:05 AM >>>
Hi Jean -

In review of the revised landscape plan for the 2282 Congress Street project:

The recent landscape plan increases the tree planting and campus feel as requested, however would like to offer the following recommendations / conditions:

a) Congress Street edge - In the location of the proposed 'picnic area' would like to see a greater amount of tree save / thinning then clearing. The existing birch trees and native vegetation can be thinned to allow for the garden, the value of the screening and tree save is a higher value in regards to the overall landscape function. I can meet with the applicant project team if helpful.

b) Tree Saves - I would like to see a greater attempt to save the mature existing trees along the project edges. These White Pine in particular offer important structure to the current landscape feel. Reducing the pavement edge along the west & Skyway Drive edge by either narrowing the driveways / parking lot or shifting the built development away from the edges. The tree save areas should be shown or mentioned on the plan and protected in the field following our standard 'tree-save' recommendations. This would include the area along Congress Street and the important Shagbark Hickory.

c) Additional trees along the parking lot - In the area near the stormwater feature the recent plan did not show the additional trees requested. Having trees & / or shrubs

is important so this area does not appear void of vegetation. We should be able to resolve this with an additional grouping of three to five trees. I can meet to review this condition as well if needed.

Overall the revised landscape plan is improved, following up on the possible planting on the Maine Turnpike / City street right of way (outside the UNITEL right of way) is hopeful.

Thanks,

Jeff Tarling
City Arborist

AS APPROVED BY CITY COUNCIL ON 3.4.2013

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF 2282 CONGRERSS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

AGREEMENT made this _____ day of _____, 2013 by CJ DEVELOPERS, INC. of Cumberland County ("CJD") with a place of business in 35 Primrose Lane, Freeport, Maine, and its successors and assigns.

WITNESSETH:

WHEREAS, CJD is or will be the owner of the property located at 2282 Congress Street, Portland, Maine (The "Property") more particularly described and shown on the Portland Assessors Map 237, Block A as Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book , Page ; and,

WHEREAS, CJD did request a rezoning of the property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a major auto service station, convenience store, restaurant (without a drive thru) and bank (with a drive thru) on 3.24 acres; and,

WHEREAS, in 1999 the City rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired.

WHEREAS, the Property is currently in the IM zone and is difficult to develop for an industrial use because of its limited size, MTA easements and wetland areas; and

WHEREAS, the Property is located in an unique and isolated location with the turnpike on one side, busy streets on two sides, and a developed lot on the other side, which together would limit the loss of industrial land and provide a convenient location for commercial uses to serve the adjoining industrial employment area; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A.M.R.S.A Sec.4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and,

AS APPROVED BY CITY COUNCIL ON 3.4.2013

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan.

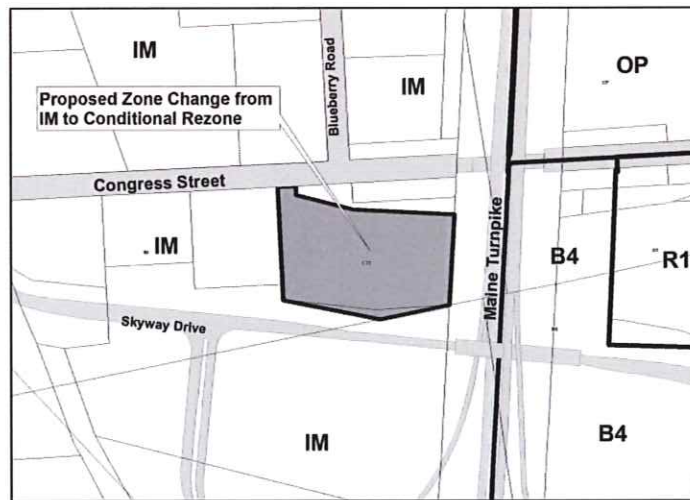
WHEREAS, the City's Comprehensive Plan seeks to "provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community."

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns; and,

WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning of the Property, CJD agrees to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting conditional IM zone amendment shown below;



Proposed Conditional Rezoning from IM for 2282 Congress Street

2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process;

AS APPROVED BY CITY COUNCIL ON 3.4.2013

3. Permitted uses: Those uses allowed in the IM zone. In addition, the Property shall be permitted to be used for the following uses:
 - a. Major auto service station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
 - b. Bank or ATM (with a drive through)
 - c. Convenience Store (without a drive through)
 - d. Restaurant (without a drive through)

4. Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
 - a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.
 - c. CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.

5. Community Contribution: shall install a new crosswalk on Congress Street from the project site to the sidewalk on the north side of Congress Street. The crosswalk shall include the following features:
 - a. A pedestrian island in Congress Street. The island shall be raised and include granite curbing. The location, size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA complaint and include sidewalk ramps and connections to the existing sidewalk;
 - d. Durable pavement markings and supplemental signs; and
 - e. Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services.

This full combination of the above items is above and beyond the usual site plan requirement that would apply to this project for a striped crosswalk as shown in the Conceptual Site Plan in Attachment 2 Plan.

6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and requirements of the underlying I-M zone. The project must still adhere to all applicable dimensional requirements, other requirements and performance standards of the IM zone and obtain separate permits for all signage.

AS APPROVED BY CITY COUNCIL ON 3.4.2013

7. If a building permit has not been pulled within two (2) years of the date of this Agreement, the zone shall revert to I-M; provided that CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CJD, or any successor, fails to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS:

CJ DEVELOPERS, INC.

By: _____

David Latulippe
Its President

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2013

Personally appeared the above named David Latulippe, and acknowledged the foregoing instrument to be his free act and deed of CJ Developers, Inc.

Before me,

Notary Public / Attorney at Law

Attachments:

1. City Council Order No. 154-12/13
2. CONCEPT 3 Plan dated 1.30.2013



LOCATION MAP
N.T.S.

CITY OF PORTLAND, MAINE - PERFORMANCE STANDARDS	
EXISTING REGULATIONS	REQUIRED
USE - CONVENIENCE STORE W/ FUEL STATIONS	NOT PERMITTED*
MINIMUM LOT SIZE	NONE
FRONT YARD SETBACK	1' FROM THE FRONT PROPERTY LINE FOR EACH 1' OF BUILDING HEIGHT
REAR YARD SETBACK	1' FROM EACH SIDE OR REAR FOR EACH 1' OF BUILDING HEIGHT UP TO 25'
MAXIMUM HEIGHT	75'
RATIO	75%
PAVEMENT SETBACK FROM LOT	10'
MINIMUM STREET FRONTAGE	60'
MINIMUM FLOOR AREA RATIO	-
MINIMUM LOT WIDTH	-

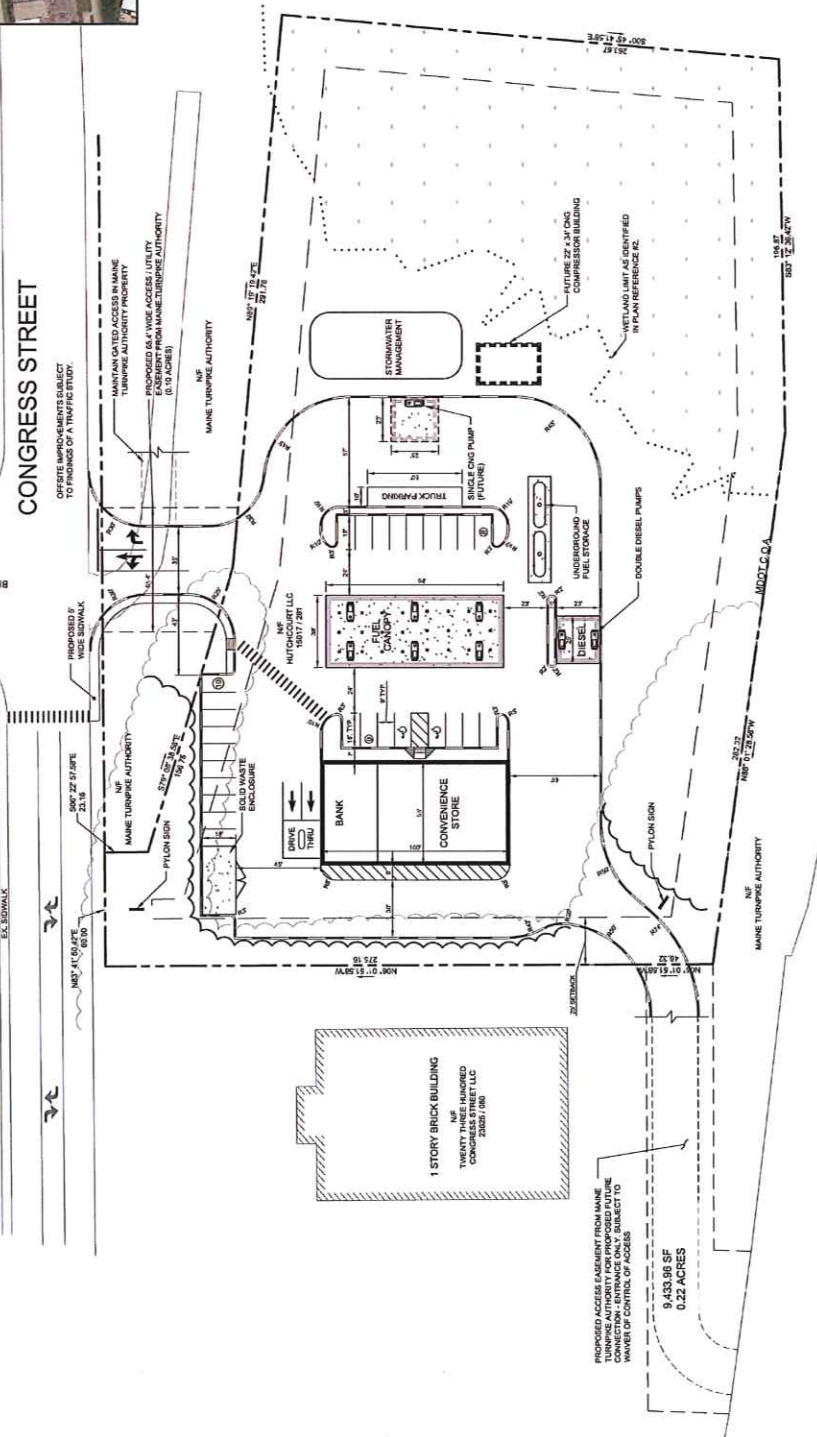
*REQUESTING CONDITIONAL REZONE TO ALLOW USE

CONGRESS STREET

OFFSET MARKERS SUBJECT TO FINDINGS OF A TRAFFIC STUDY

BLUERRY ROAD

SKYWAY DRIVE



- NOTES:**
- THIS PLAN IS TO BE USED FOR CONCEPTUAL PLANNING ONLY AND SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION WITHOUT WRITTEN CONSENT OF DELUCA-HOFFMAN ASSOCIATES, INC. OR CBEST ASSOCIATES, INC.
 - HYDRO-COURT LLC BY DEEDS RECORDED IN THE CLAMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 19177, PAGE 281. PROPERTY IS LOCATED IN THE CITY OF PORTLAND, MAINE, ZONING DISTRICT (IN ZONE) ZONING IS SUBJECT TO REVIEW BY THE MUNICIPALITY.
 - PROPERTY IS LOCATED IN FLOOD ZONE 'C' BASED ON FEMA PANELS E8080-JAN-02 EFFECTIVE JANUARY 1984 AS DEPICTED IN THE CITY OF PORTLAND, MAINE, ZONING DISTRICT (IN ZONE) ZONING IS SUBJECT TO REVIEW BY THE MUNICIPALITY.
 - COMPOSITE PLAN PREPARED FOR C.J. DEVELOPERS, INC. BY ALBERT FRICK ASSOCIATES, INC. DATED 04.16.12.
- PLAN REFERENCES:**
- STANDARD BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY CBEST ASSOCIATES, INC. DATED 04.16.12.
 - COMPOSITE PLAN PREPARED FOR C.J. DEVELOPERS, INC. BY ALBERT FRICK ASSOCIATES, INC. DATED 04.16.12.



PRELIMINARY - NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	REVISIONS
1	04.16.12	RELEASED FOR CLIENT REVIEW	
2	05.08.12	RELEASED FOR CLIENT REVIEW	
3	05.08.12	REVISION MAP AMENDMENT AND CANTON	
4	05.08.12	REVISION MAP AMENDMENT AND CANTON	
5	05.22.13	REVISED FOR CLIENT REVIEW	
6	05.26.13	REVISED FOR CLIENT REVIEW	

PROJECT: MULTI-USE DEVELOPMENT
2282 CONGRESS STREET
PORTLAND, MAINE

SHEET TITLE: CONCEPT 3

CLIENT: C.J. DEVELOPERS, INC.
30 PRIMROSE LANE
FREEPORT, MAINE 04032

DESIGNED: [Blank] DATE: [Blank]
DRAWN: [Blank] DATE: [Blank]
FILE NAME: 2113CONCEPT3
SHEET: 1

Discussion 4/30/13 David Latulippe

① RTI.

MTA approved? John Roberts email

② Skyway Drive link

③ Impervious surface/ vehicle circulation

④ Farm stand OK.

⑤ Dumpster pre empts

⑥ Lighting - stats incorrectly quoted +
not ref CZA.

⑦ treesawes - cutting congress st. big stand.

⑧ Traffic generally

Jean Fraser - 2282 Congress St - Convenience Store w/ Farm Stand

From: David Latulippe <dlatulip@aol.com>
To: <JF@portlandmaine.gov>
Date: 4/24/2013 7:00 AM
Subject: 2282 Congress St - Convenience Store w/ Farm Stand
CC: <sbushey@delucahoffman.com>, <bkennedy@delucahoffman.com>, <jhoward@prio...

Jean,

Per our discussion the other day, we have decided to add a small farm stand as part of the convenience store for our development at 2282 Congress St. We included a farm stand in our convenience store/gas station development we did last year in Topsham and it has received a very positive response from the community.

The farm stand will be used on a seasonal intermittent basis similar to a "farmers market" and managed by the convenience store. They invite local farmers to use the stand, rent free, to sell their locally grown produce, flowers and other related products such as Christmas trees and wreaths.

We have placed the farm stand in the small landscaped area in the western corner of the site beside Congress St. There are several convenient parking adjacent to the stand.

We have researched the Land Use ordinance and would consider the farm stand an accessory use to the permitted convenience store and major auto service station uses. Further, the definitions of "retail" and "retail establishment" state: *retail, combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposes and shall constitute a major or minor auto service station.*

Should you have any questions or need any additional information, please do not hesitate to contact me.

David Latulippe

Chris - ok but exceeds

Taken

Look for in e-plan.

Revised set of drawings

Docs - cover letter

CMP, PWD + sewer

Fire Dept info.

TMP - Impact Study.

Note - CJ Developers assign all rights to Portland Property but CZA is to CA Properties

Comments accepted.

Comments not possible why

Bike spaces (now 8)

~~Asphalt~~

Dumpster relocation

Added circ info etc

→ Snow storage

1 auto narrowed 3ft.

Parking - just incl

replate use

Asphalt widths - needed

for tractor trailers

? fire

Lighting - push fire

IESNA but ignore

CZA/campers.

walkway - no - MTA easement

not where treating

Details changed:

Dumpster

Farmstand (seasonal)

Pkg spaces

need formal comments.

Jean Fraser - Fwd: 2282 Congress- Prelim comments

From: Jean Fraser
To: DSenus@woodardcurran.com; Errico, Thomas; Margolis-Pineo, David; Schm...
Date: 4/12/2013 12:03 PM
Subject: Fwd: 2282 Congress- Prelim comments
CC: Barhydt, Barbara
Attachments: Section 12 - Site Lighting_8.4.11.pdf

fyi- hopefully your written comments will be somewhat consistent with this; I did my best to interpret the prelim comments at Dev Rev this week.

I have discussed the points below with the applicant (David Latulippe) and he is happy to meet with us at any point on any of this- so on Wednesday Dev Rev (4.17.13) I am hoping we will have some response from them and we can decide how to move forward.

>>> Jean Fraser 4/10/2013 3:13 PM >>>
 Steve,

Today we undertook a preliminary review of this project with a view to identifying "threshold" issues that might result in revisions to the site plan- so that there would be time for you to respond on these and time for any revisions to be reviewed for the PB report.

The most fundamental issue is Right, title and Interest: We have an 10.25.2013 e-mail from the MTA Right of Way Manager that was submitted in support of the zoning amendment. It stated:

David LaTulippe and CJ Developers have submitted an application to the Maine Turnpike Authority to obtain an easement across MTA land to access Congress Street in conjunction with a proposed gas station and convenience store. A preliminary review by MTA staff concluded that the proposal was complete enough to present to the Board of the Maine Turnpike Authority as soon as a mutually acceptable offer of compensation is reached.

I don't believe any further documentation has been submitted, and we need updated and more definite evidence of the applicant's right, title and interest over the MTA land before this can go for PB Hearing.

We have the following questions and concerns that result from considering the proposals in detail in the context of the site plan review standards. The review of the zoning amendment did not include a detailed site plan review of the project. The site plan needs to be "substantially in accordance with" the Concept Plan attached to the CZA but "may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process".

At this preliminary stage we would draw your attention to several issues and recommend revisions to address these; please note there may be additional comments once all the reviewers have finalized their comments next week.

1. The area of pavement: The area seems excessive, especially in light of the reduced program (bank has been omitted); we would like to see a justification for the following:

- The number of parking spaces: there appear to be about twice the zoning requirement- this triggers the need for a parking analysis (Ordinance requirement Section 14-526 (a) (4) a. 3.) which should be submitted asap (also please confirm the proposed number of spaces- the plan states 33 while the application data sheet says 32);
- Bicycle Parking: if you are not proposing to provide the required number of bicycle spaces you need to request a waiver with evidence of why the development is expected to generate reduced demand (see 14-526 (a) (4) b)- bicycle parking would be for both employees and customers;
- The aisle widths: some substantially exceed the City's technical standards and we would like to see turning templates and other information that explains the need for such wide aisles. Please clarify if one-way or two-way traffic movement especially on west side.

2. Location of dumpster: The dumpster should be located in a less prominent location and away from Congress Street and from public circulation and activity (eg not next to picnic area as proposed); please clarify the anticipated truck access for its removal/emptying.

3. Fire Department issues: You have outlined in a letter dated April 1 to Captain Chris Pirone how the project addresses Fire Department issues and I suggest you contact him asap to further clarify the proposals so he can determine whether the site plan is satisfactory.

4. Snow Storage: The ordinance requires that snow storage areas be shown on the plan and the locations are important in the context of the stormwater treatment/detention system proposed.

5. Landscape and Lighting: The scale of paved areas, the limited planting, and the proposed "Prolific" light fixture are not consistent with the Conditional Zoning Agreement requirement that "*CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project*". Also the application narrative refers to proposed (landscape) buffering along Congress Street and Skyway Drive, but this is not expressed on the Landscape Plan. Please also note that the lighting proposals need to meet the standards set out in the Technical Standards (copy attached- see specific standards in 12.5 and 12.6) and at present do not meet those standards (waivers are unlikely to be recommended). The photometric plan calculations need to show the average, maximum and uniformity ratio for the specified areas.

There is a question over the indicated link to Skyway Drive in view of the MTA concerns (letter of 3.14.13), and this is still under review.

Please contact me if you have any questions or consider a meeting would be helpful regarding any of these points (I am out of the office tomorrow but in on Friday; the City offices are closed on Monday).

thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - Fwd: 2282 Congress- Prelim comments

From: Jean Fraser
To: Pirone, Chris
Date: 4/12/2013 11:58 AM
Subject: Fwd: 2282 Congress- Prelim comments
Attachments: 2282 Congress Fire Dept info and letter to C Pirone 4.1.13.pdf

Chris

You will see below that I have recommended they contact you and ensure that you agree with their assessment (as included in the application- see attached which has a 3 page letter)- sooner rather than later as this goes straight to a Hearing on May 14, 2013.

So you may hear from Steve Bushey or Bo Kennedy of DeLuca Hoffman (or possibly David Latulippe, applicant, as they want to start on site very soon).

thanks
Jean

>>> Jean Fraser 4/10/2013 3:13 PM >>>
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thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
7. Hydrant locations
8. Water main[s] size and location
9. Access to all structures [min. 2 sides]
10. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

Some structures may require Fire flows using annex H of NFPA 1



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS
 778 MAIN STREET
 SUITE 8
 SOUTH PORTLAND, MAINE 04106
 TEL. 207.775.1121
 FAX 207.879.0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION

April 1, 2013

Captain Chris Pirone
 City of Portland Fire Department
 380 Congress Street
 Portland, ME 04101

**Subject: Convenience Store with Fuel Station
 2282 Congress Street
 Fire Department Site Review Checklist**

Dear Captain Pirone:

In accordance with instructions in the City's Level III Site Plan Review packet, please find enclosed the drawings necessary for your review of the proposed amended project. We have listed each item in your checklist below, followed by our response.

1. *Name, address, telephone number of applicant.*

CJ Developers, Inc.
 35 Primrose Lane
 Freeport, ME 04032
 (207) 865-4323

2. *Name, address, telephone number of architect.*

Project Architect: Alpha Architects
 17 Chestnut Street, Suite 201
 Portland, ME 04101
 Attn: Mark Sengelman
 207-761-9500

3. *Proposed uses of any structures (NFPA and IBC classification).*

Building	IBC Code	NFPA Code
C-Store	Mercantile	Mercantile

4. *Square footage of all structures (total and per story).*

3,850 SF

5. *Elevation of all structures.*

The building finish floor elevation will be elevation 99.3'. The building height will be 27'-6".

6. *Proposed fire protection of all structures.*

The proposed store will have a domestic water supply only and will not be sprinkled. Multiple fire extinguishers will be provided in the building and a code compliant foam suppression system will be provided within the fuel canopies over the dispensers.

Captain Pirone
April 1, 2013
Page 2

7. *Hydrant locations.*
A fire hydrant is currently located on the opposite side of Congress Street from the project site's 60' street frontage.
8. *Water main(s) size and location.*
The Portland Water District maintains a 12" water supply line in Congress Street.
9. *Access to all structures (min. 2 sides).*
The structure will be accessible from all four sides.
10. *A code summary shall be included referencing NFPA 1 and all fire department technical standards.*

NFPA 1 – Chapter 18 Fire Department Access and Water Supply

18.2 Fire Department Access:

The project site is located on an arterial road and is bordered by public streets on three sides. The following street widths are currently available:

<u>Street</u>	<u>Width</u>
Congress Street	> 40 ft.
Skyway Drive	> 36 ft.

Per NFPA 1 – Chapter 18.2.3.2.2.1, all first story floors shall be located not more than 450 ft. from a Fire Department access road.

City of Portland Technical Manual – Section 3 Public Safety

3.4.1 Every dead-end roadway more than one hundred fifty (150') feet in length shall provide a turnaround at the closed end. Turnarounds shall be designed to facilitate future street connectivity and shall always be designed to the right (refer to Figure I-5).

Supporting Evidence: Not Applicable

3.4.2 Where possible, developments shall provide access for Fire Department vehicles to at least two sides of all structures. Access may be from streets, access roads, emergency access lanes, or parking areas.

Supporting Evidence: The Site Plan includes an access drive that circles the building and will provide four sided access to the building.

3.4.3 Building setbacks, where required by zoning, shall be adequate to allow for emergency vehicle access and related emergency response activities and shall be evaluated based on the following factors:

Captain Pirone
April 1, 2013
Page 3

- *Building Height.*
- *Building Occupancy.*
- *Construction Type.*
- *Impediments to the Structures.*
- *Safety Features Provided.*

Supporting Evidence: The proposed building and fuel station canopy will be fully accessible to emergency equipment.

3.4.4. Fire Dept. access roads shall extend to within 50' of an exterior door providing access to the interior of the structure.

Supporting Evidence: The access drive will allow an emergency vehicle to pull within 10' of the structure.

3.4.5. Site access shall provide a minimum of nine (9) feet clearance height to accommodate ambulance access.

Supporting Evidence: There are no vertical obstructions into the site and the fuel canopies will be at least fourteen feet above grade.

3.4.6. Elevators shall be sized to accommodate an 80 x 24 inch stretcher.

Supporting Evidence: Not Applicable.

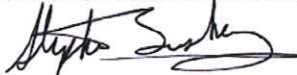
3.4.7. All structures are required to display the assigned street number. Numbers shall be clearly visible from the public right of way.

Supporting Evidence: The applicant will work with the City's Public Services Division to assign street addresses and numbering to meet City Standards.

If you need any further information, please contact our office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Stephen R. Bushey, P.E., C.P.E.S.C.
Senior Engineer

SRB/smk

Enclosures:

c: Jean Fraser, City of Portland Planning Department
David Latullipe, CJ Developers, Inc.
Wes Thames, Priority Group

Jean Fraser - RE: 2282 Congress- Prelim comments

From: "Steve Bushey" <SBushey@DelucaHoffman.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 4/10/2013 3:34 PM
Subject: RE: 2282 Congress- Prelim comments

Thanks Jean,

I'll review with David and get a response back to you next week

Stephen Bushey, PE
Deluca-Hoffman Associates, Inc
778 Main Street
South Portland, Maine 04106
Tel. 207-775-1121
Fax 207-879-0896
sbushey@delucahoffman.com

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, April 10, 2013 3:13 PM
To: Bo Kennedy; Steve Bushey
Cc: David Latulippe; Barbara Barhydt
Subject: 2282 Congress- Prelim comments

Steve,

Today we undertook a preliminary review of this project with a view to identifying "threshold" issues that might result in revisions to the site plan- so that there would be time for you to respond on these and time for any revisions to be reviewed for the PB report.

The most fundamental issue is Right, title and Interest: We have an 10.25.2013 e-mail from the MTA Right of Way Manager that was submitted in support of the zoning amendment. It stated:

David LaTulippe and CJ Developers have submitted an application to the Maine Turnpike Authority to obtain an easement across MTA land to access Congress Street in conjunction with a proposed gas station and convenience store. A preliminary review by MTA staff concluded that the proposal was complete enough to present to the Board of the Maine Turnpike Authority as soon as a mutually acceptable offer of compensation is reached.

I don't believe any further documentation has been submitted, and we need updated and more definite evidence of the applicant's right, title and interest over the MTA land before this can go for PB Hearing.

We have the following questions and concerns that result from considering the proposals in detail in the context of the site plan review standards. The review of the zoning amendment did not include a detailed site plan review of the project. The site plan needs to be "substantially in accordance with" the Concept Plan attached to the CZA but "may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process".

At this preliminary stage we would draw your attention to several issues and recommend revisions to address

these; please note there may be additional comments once all the reviewers have finalized their comments next week.

1. The area of pavement: The area seems excessive, especially in light of the reduced program (bank has been omitted); we would like to see a justification for the following:

- The number of parking spaces: there appear to be about twice the zoning requirement- this triggers the need for a parking analysis (Ordinance requirement Section 14-526 (a) (4) a. 3.) which should be submitted asap (also please confirm the proposed number of spaces- the plan states 33 while the application data sheet says 32);
- Bicycle Parking: if you are not proposing to provide the required number of bicycle spaces you need to request a waiver with evidence of why the development is expected to generate reduced demand (see 14-526 (a) (4) b)- bicycle parking would be for both employees and customers;
- The aisle widths: some substantially exceed the City's technical standards and we would like to see turning templates and other information that explains the need for such wide aisles. Please clarify if one-way or two-way traffic movement especially on west side.

2. Location of dumpster: The dumpster should be located in a less prominent location and away from Congress Street and from public circulation and activity (eg not next to picnic area as proposed); please clarify the anticipated truck access for its removal/emptying.

3. Fire Department issues: You have outlined in a letter dated April 1 to Captain Chris Pirone how the project addresses Fire Department issues and I suggest you contact him asap to further clarify the proposals so he can determine whether the site plan is satisfactory.

4. Snow Storage: The ordinance requires that snow storage areas be shown on the plan and the locations are important in the context of the stormwater treatment/detention system proposed.

5. Landscape and Lighting: The scale of paved areas, the limited planting, and the proposed "Prolific" light fixture are not consistent with the Conditional Zoning Agreement requirement that "*CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project*". Also the application narrative refers to proposed (landscape) buffering along Congress Street and Skyway Drive, but this is not expressed on the Landscape Plan. Please also note that the lighting proposals need to meet the standards set out in the Technical Standards (copy attached- see specific standards in 12.5 and 12.6) and at present do not meet those standards (waivers are unlikely to be recommended). The photometric plan calculations need to show the average, maximum and uniformity ratio for the specified areas.

There is a question over the indicated link to Skyway Drive in view of the MTA concerns (letter of 3.14.13), and this is still under review.

Please contact me if you have any questions or consider a meeting would be helpful regarding any of these points (I am out of the office tomorrow but in on Friday; the City offices are closed on Monday).

thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

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This message and any attachments are intended for the individual or entity named above and may contain privileged or confidential information. If you are not the intended recipient, please do not forward, copy, print, use or disclose this communication to others; please notify the sender by replying to this message and then delete it from your system.

Jean Fraser - 2282 congress- draft review comments for you to see before sending

From: Jean Fraser
To: Barhydt, Barbara
Date: 4/10/2013 1:41 PM
Subject: 2282 congress- draft review comments for you to see before sending
Attachments: Section 12 - Site Lighting_8.4.11.pdf

Barbara

Below is my draft prelim review comments based on this morning's Dev Rev discussion- are you OK for this to be sent?

DRAFT PRELIMINARY E-MAIL TO STEVE BUSHEY and team and applicant:

Steve,

Today we undertook a preliminary review of this project with a view to identifying "threshold" issues that might result in revisions to the site plan- so that there would be time for you to respond on these and time for any revisions to be reviewed for the PB report.

The most fundamental issue is Right, title and Interest: We have an 10.25.2013 e-mail from the MTA Right of Way Manager that was submitted in support of the zoning amendment. It stated:

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There is a question over the indicated link to Skyway Drive in view of the MTA concerns (letter of 3.14.13), and this is still under review.

Please contact me if you have any questions or consider a meeting would be helpful regarding any of these points.

thank you

Jean

end of draft



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

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TEL. 207.775.1121
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- SITE PLANNING AND DESIGN
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- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- LANDSCAPE PLANNING

To: Abutting Property Owners
From: DeLuca-Hoffman Associates, Inc.
Date: April 5, 2013
Subject: Convenience Store/Fuel Station at 2282 Congress Street, Portland, Maine

Enclosed please find a copy of the Notice of Intent to file a Maine Waste Discharge of Pre-Construction Stormwater Discharges to the Long Creek Watershed Application for the permitting of a new Convenience Store/Fuel Station located at 2282 Congress Street in Portland, Maine. Our firm is also publishing this notice in the Portland Press Herald on Monday, April 8, 2013.

Our office realizes that certified mail of this type can sometimes cause an unwarranted alarm. However, certified notices are required by the Maine Department of Environmental Protection for original permits and amendments.

If you have any questions, please contact Steve Bushey, DeLuca-Hoffman Associates, Inc. at 207-775-1121.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

Stephen R. Bushey, P.E.
Senior Engineer

SRB/smk

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R:\3118-Convenience Store, Portland, ME\Admin\Permitting\Abutters\3118 2013.04.05 NOI Letter.doc

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that:

CJ Developers, Inc., 35 Primrose Lane, Freeport, ME 04032, (207) 865-4323

is intending to file a Maine Waste Discharge of Pre-Construction Stormwater Discharges to the Long Creek Watershed application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. § 413, Chapter 52, section 9 - A on or about **Tuesday, April 9, 2013**.

The application is for a **new commercial development on a 3.24 acre property, which includes a 3,850 SF Convenience Store, Fuel Station with 14 filling dispenser positions, and an ATM drive-thru located on the south side of Congress Street (2282 Congress Street) and west of the Maine Turnpike Authority in Portland, Maine**

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Environmental Protection's office in *Portland* during normal working hours. A copy of the application may also be seen at the municipal offices in **Portland, Maine**.

Written public comments may be sent to the regional office in Portland where the application is filed for public inspection

Don Kale Bureau of Land and Water Quality
MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103

From: "David Senus" <dsenus@woodardcurran.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
CC: "Barbara Barhydt" <BAB@portlandmaine.gov>, "Ashley Auger" <aauger@woodar...>
Date: 4/5/2013 3:10 PM
Subject: RE: Follow up to yesterdays meeting re 2282 Congress

Okay, so confusion abounded for a couple hours, but I've had a chance to discuss this with Bo and clarify roles/responsibilities/applicant needs.

Because the project falls in the Long Creek Watershed, the Applicant is required to get a Waste Discharge Permit issued by the MaineDEP. This permit review process takes into consideration the Chapter 500 guidance, but also looks at impacts to the resource from discharges from the site. The Applicant, LCWMD & MaineDEP are working through the details of who will review this - LCWMD or MaineDEP.

Separate from that, the applicant will still need a Stormwater Permit for the site. Their preference would be to have this issued under the delegated review authority of the City of Portland Site Plan review process. So in summary, W&C WILL review the project for full Chapter 500 compliance (Basic & General standards). We will also review under the City's additional standards for this project: Flooding, Urban Impaired Stream, Chapter 32, and other Technical Standards & Ordinances.

The UIS standard In-Lieu-Fee will be paid to LCWMD, or it may already be rolled into the annual fee payments required to the Long Creek Watershed; we'll reach out to Tamara to clarify (she mentioned she would look into this at the meeting).

Hopefully this wraps up the process.

Thanks
Dave

David Senus, PE (Maine), Project Manager
Woodard & Curran, Inc.
41 Hutchins Drive
Portland, ME 04102
Phone: (800) 426-4262 x3241
Fax: (207) 774-6635

Woodard & Curran
www.woodardcurran.com
Commitment & Integrity Drive Results

-----Original Message-----

From: David Senus
Sent: Friday, April 05, 2013 11:44 AM
To: Jean Fraser
Cc: Barbara Barhydt; Ashley Auger; David Margolis-Pineo; Doug Roncarati
Subject: RE: Follow up to yesterdays meeting re 2282 Congress

Thanks. From my perspective that makes sense.

Because the project is not big enough to trip the "Flooding Standard" threshold through MaineDEP, we'll still review that element for City compliance. We'll also review for conformance with technical standards and City Ordinances (including Chapter 32), but we'll leave the Basic & General standards in the hands of DEP to avoid redundant or competing comments.

-Dave

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, April 05, 2013 11:36 AM
To: David Senus
Cc: Barbara Barhydt
Subject: RE: Follow up to yesterdays meeting re 2282 Congress

David

I need to bring Barbara into this conversation- I think that is what she has advised me on this but I am copying this to her for confirmation.

thanks
Jean

>>> "David Senus" <dsenus@woodardcurran.com> 4/5/2013 11:34 AM >>>
Jean, thank you for this follow-up. So for W&C's review role, I understand that you want us to review for compliance with City standards and not focus on Chapter 500 elements. That's how your email read, but I wanted to confirm directly with you.

Thanks!
Dave

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, April 05, 2013 11:29 AM
To: Steve Bushey
Cc: David Latulippe; Chris Baldwin; Tamara Lee Pinard; Bo Kennedy; Barbara Barhydt; Doug Roncarati; David Margolis-Pineo; David Senus
Subject: Follow up to yesterdays meeting re 2282 Congress

Steve,

I have discussed with my colleagues the question of the Planning Division Inspector being able to undertake the role of third party inspector (particularly re stormwater) on this project during construction.

Phil DiPierro is the Planning Division Inspector for all site plan and subdivision projects in the City and does not have the capacity to undertake weekly inspections and make weekly reports on this project (or any project).

If this intensity of inspection and reporting is required, the applicant will need to hire their own third party inspector, which I understand

has been the case for other projects within the Long Creek Watershed.

I also confirm that if the MDEP will be issuing the stormwater permit for this project, that the City's review will be limited to the site plan ordinance requirements only.

I apologize that I was unable to clarify on these points at the meeting.

thank you
Jean

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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--

Jean Fraser - Fwd: RE: 2282 Congress Street

From: Frank Brancely
To: Kennedy, Bo
Date: 4/8/2013 2:11 PM
Subject: Fwd: RE: 2282 Congress Street
CC: David Margolis-Pineo; Jean Fraser
Attachments: RE: 2282 Congress Street

Good Afternoon Mr. Kennedy,

Please add one gallon per day per parking space to your wastewater calculations, for the proposed thirty-two parking spaces.

Thank you,

Frank Brancely,
Senior Engineering Technician,
Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991
(207) 874-8832 (phone),
(207) 874-8852 (fax),
<fjb@portlandmaine.gov>

2282 Congress Street

Additional Parties to be noticed for all stages of site plan application

PC Ref	Name	Title/Position	Address	e-mail	Telephone
	Catherine Alexander	Attorney for UNUM	UNUM 2211 Congress Street Mail stop C474 Portland, ME 04112	calexander@unum.com	
(D15 for Rezoning)	Winfield Stratton		ECOMAINE 64 Blueberry Road Portland, ME 04102		
(D14 for Rezoning)	Paul Leblond	Sales Support Specialist	Synergent Technology Services	pleblond@synergentcorp.com	773-5671 Ext 285 800.442.6796 in ME
(D13 for rezoning)	Michael C Rogers	Stroudwater resident	66 River's Edge Drive Portland, ME 04106	Michael.rogers66@gmail.com	318-9984
(D12 for rezoning)	Victor Chau	Westbrook Councilor Ward 2	2 York Street Westbrook, ME 04092	Vchau@westbrook.ME.US	518-8887
(D11 for rezoning)	Paul R. Marshall	CPA firm	Marshall & Libby, LLC 2367 Congress Street Portland ME 04102-1932	marlib@marshall-libby.com	775-1111
(D10 for rezoning)	Don Neidetcher	Property owner	The Best Company LLC 396 County Road Westbrook, ME 04092	dmetco@yahoo.com	
(D9 for rezoning)	Bruce Bailey	Nearby landowner (2338 Congress St)	Congo Associates 9 Thomas Drive Westbrook, ME 04092		774-2843
(D8 for rezoning)	Peg Cianchette	Owens nearby property	Cianchette Family Trust		
(D7 for rezoning)	Deron Barton	Portland resident; Friends of Canco Wds	17 Wellstone Portland, ME 04103	dbarton@bmcfirst.com	
(D6 for rezoning)	Karl Ekstedt	Owner, Oceanside Rubbish Inc	Oceanside Rubbish, Inc. PO Box 39 Wells, ME 04090		646-3230
(D5 for rezoning)	Paul Ureneck	Senior VP Project Management, CBRE Boulos	Boulos Property Management One Canal Plaza, Suite 500 Portland, ME 04101		871-1290
(D4 for rezoning)	Patrick J Venne		157 Wolcott Street Portland, ME 04102		
(D3 for rezoning)	Jennifer Minthorn, MA, LADC, CCS	Assis. VP of Dev. & Comm. Relations, CSAC(Merrimack River Med.Services)	2300 Congress Street Portland, ME 04101		221-2292
(D2 for rezoning)	Dennis P. King, FACHE	President and CEO, Spring Harbor Hospital	Spring Harbor Hospital 123 Andover Road Westbrook, ME 04092		761-2200
(D1 for rezoning)	Dan Broderick	For Trane (a company)	Trane 30 Thomas Drive Westbrook, ME	DJBRODERICK@TRANE.COM	
Letter after rezoning approved	Peter Merfield Chief Operations Officer John D. Roberts Right of Way Manager	MTA (those who directly contacted the Planning Div.; DPS may suggest additional contacts	Maine Turnpike Authority 2360 Congress Street Portland, ME 04102		

Jean Fraser - Fwd: Follow up to yesterdays meeting re 2282 Congress

From: Jean Fraser
To: Barhydt, Barbara; DiPierro, Philip
Date: 4/5/2013 11:29 AM
Subject: Fwd: Follow up to yesterdays meeting re 2282 Congress

fyi- I sent this to all those attending the meeting

>>> Jean Fraser 4/5/2013 11:29 AM >>>
Steve,

I have discussed with my colleagues the question of the Planning Division Inspector being able to undertake the role of third party inspector (particularly re stormwater) on this project during construction.

Phil DiPierro is the Planning Division Inspector for all site plan and subdivision projects in the City and does not have the capacity to undertake weekly inspections and make weekly reports on this project (or any project).

If this intensity of inspection and reporting is required, the applicant will need to hire their own third party inspector, which I understand has been the case for other projects within the Long Creek Watershed.

I also confirm that if the MDEP will be issuing the stormwater permit for this project, that the City's review will be limited to the site plan ordinance requirements only.

I apologize that I was unable to clarify on these points at the meeting.

thank you
Jean

Jean Fraser - 2282 Congress- issues raised at meeting

From: Jean Fraser
To: Barhydt, Barbara
Date: 4/4/2013 4:37 PM
Subject: 2282 Congress- issues raised at meeting
CC: DiPierro, Philip

Barbara

The meeting with Tamara and others went well- basically unravelling the overlapping fees and requirements. Please be advised that David wants to start on site on June 1 and expects it to be completed in 90-100 days.

A couple issues came up which I need to confirm with you (and Phil) and then get back to Steve:

1. It appears that in any case (because its in the LCW Management District) it will require an MDEP Stormwater permit and review even tho' we have delegated authority (Tamara confirmed re this). There was discussion as to whether general or individual permit because with one of them the District pays for maintenance and for the other (individual) the owner pays for that. Dave Sensus was asking whether it made sense for him to review as well as the MDEP as it duplicates the review and costs additional fees for the applicant. Off the record I told Steve Bushey that the city may need to have its own reviewer advising the Planning Board and Steve commented that he (and David Latulippe) will understand if thats the case.

2. During the construction period the applicants have included a "turbidity" maximum to provide a basis for assessing whether erosion control measures are effective. They were assuming that the City (third party inspector) would check this. Tamara was asking for confirmation that the city had such an inspector to do this and other stormwater-related weekly inspections and provide reports to her (Doug and I confirmed it was Phil) . DeLuca Hoffman have a turbidity measuring tool that Phil can use. Apparently its helpful as a quantitative way of checking on erosion control, but if its in the construction requirements Tamara was explaining that it needs to be rigorously done/documented etc. David Latulippe confirmed he was OK with it (his construction manager was at the meeting and concurred) so it just depends on whether Phil is able to/wants to carry out this role during the construction period.

thanks
Jean

2282 Congress St - site plan
April 4, 2013

Wes Thames
Construction Manager.

Steve Busher

Rasa Vicker + Steve Bonstoy spoke yesterday.
Alison Moody at DEP to determine

City has delegated re stormwater but needs
MOEP Permit (Storm. Discharge) because of Long
Creek watershed

DL - finger of wetland impact

BK - on edge of LCW.
via culvert under S/W dr - north branch
of Long Creek

DL - mentioned CNG future fueling
already has infrastructure. ^{until} compressed good.
also growing re passenger cars

TP - Casales also building one of own vans +
one Bangor one METRO.

BK - fitting at low end
1.85a. imperv. incl. driveway ^{to Congress}
225 total disturbed

Stormtech ~~4500~~ next to detention - receive
via weir from ; contained by restricting
office. - treats w/ ^{storm treats} b_L + then detained
to meet flooding - 3 discharges

BK - met Gen, Fleet Stds
? Long Creek portion.

TP - have to meet main & man stds as met
by other LC owners
- this is hot spot because of traffic so
needs 4 vacuum sweeping
couple firms can do.

DS - ? who reports

TP - individual permit DEP - so report
to DEP annually; ^{would need to meet} Chap 500 ^{because of}
^{new impervious.}

DR - S Portland & Portland may differ
Ref. Chap. 32
Main Agreement.

TP - ~~fees~~ Gen Permit - ^{leaves LCM} to be resp & fees.
Ind. Permit - ^{works out} less cost &
DL wants to look
out for own site

WT - wants eng. firm to clarify
maintenance info sample.

SB - will put in DEP applic immed (use Chris)
& may not have permit by May 14th
JF conf. Bd to determine if can cond based on
informal info of DEP new.

Qu - Portland Unit fee applies? not discharging into Portland.

other question - Urban Impaired Stream fee - City can waive so it goes to LC or reduce.

In S Portland, fees go to LC Watershed.

DR - fee is over + above site makes sense for it to go to LCW.

TP - fairly certain UIS std goes away

DS - City of Portland has 4 other sides + LCW.

7600 US fee one time

4700 LC fee 6000 applies annual. - 7 yrs. at least.

186 annual fee Ind. permit

TP - fluoride is an issue location / limits snow storage

Portland reqs third party inspector ? turbidity limit?

Phil

copy his reports to TP
wd cover all this
TP would like weekly +

BK explained why this here - effectiveness of erosion control. 280 cones from EPA

Spoke BB, PD
*

BK - inspection of erosion impact water
appearance of water not enough
turbidity gages (turbidity meter) — PO
quan measure — ~~PO~~ BK expects
3rd party inspector to ck.

TP - ~~can~~ if its in needs to be enforceable so
if self/policing may not include.

BK + others - not keen erosion control fence
encourage other approaches.

DL - construction 90-100 days
limits exposure.

DR.

TP - storm treats - what planting?
haven't had a lot of success.
discussion successful veg - day lilies

SB - porous surfaces ?

TP - not good for snow storage
not good for gas station
but otherwise like for parking

DR - think ahead re containing spills
design hood/pillow but need to
be maintained.

WT - confirmed state moving away
from grooves -

BK - 12 softmush + 12 brownmush. ^{on plans.} (rec from Stormtreat)
daylilies didn't est well at
another site

DR - happier being packed in - overplant

WT - hope will get it planted in good time to
allow

TP - re-conf. Alison Moody DEP.

DS - rev. as well as DEP. ^{or} (Chris Baldwin)
duplicate review.

*
Ch w/
BB.
& confirm.

→ if so will liaise with DEP reviewer.

Site Plan 2289 Congress

Notes for Dewey

looking for April hearing

Public Info. mtg. scheduled April 10
already noticed.

Alpha Architects (mark)

includes fire info + wastewater app

N mtg - list of notices - ? incl my list

3.24 acre site

2.25^{acre} developed area

• 12 access easements MTA.

direct to Hearing April 23
May 14

Tom - Scoping mtg. needs to rev. + deem complete.

7 days
notice

could happen
week after next.

No way April 23rd.

why not a workshop
April 23

if speak D.L.

Jean Fraser - 2282 Congress Street- review timetable

From: Jean Fraser
To: Latulippe, David
Date: 4/3/2013 1:01 PM
Subject: 2282 Congress Street- review timetable
CC: Barhydt, Barbara; Bushey, Steve; Gorrill, Tom; Kennedy, Bo
Attachments: Add'l people to notice re 2282 Congress St.docx

David

We received the site plan and TMP applications yesterday and discussed the related timetable questions at the Dev Rev meeting this morning.

We note the request in Steve's cover letter for an April PB hearing and that the neighborhood meeting has been scheduled for April 10th. There are some logistical issues associated with both the PB and Neighborhood meetings which need to be addressed:

1. **Planning Board:** You requested that this go direct to a hearing but if there is no workshop then all aspects of the proposal need to have been reviewed by staff and in particular all of the steps necessary for processing the TMP need to be completed. The TMP review requires the following;

- Staff review to determine whether complete;
- Scheduling of a Scoping meeting with at least 7 days notice and advertisement;
- At the Scoping meeting there are usually aspects where further information is requested, so a time factor for submitting that information needs to be allowed for;
- Final review of TMP with any additional information.

It is not possible to hold the Scoping Meeting much before the date of the next PB meeting on April 23rd. We suggest that the April 23rd PB could be a Workshop as there are many issues that the Board have not seen and which are required by the CZA, in addition to technical issues such as stormwater, Long Creek Watershed, and crosswalk location and design. The alternative is to go straight to a PB Hearing on May 14th (assuming the TMP process is completed in time). Please call me or Barbara Barhydt (874 8699) if you would like to discuss the options further.

2. **Neighborhood meeting:** I have looked at the list of people to whom the 3.29.13 invitation was sent (10 days notice is required). Given that the site plan will be noticed to neighbors within 1000 ft we would like the neighborhood meeting noticed more widely than 500 feet - for example, it should include ECOMAINE at 64 Blueberry Road. In addition, the MTA address is incorrect (it should be 2360 Congress Street, Portland 04102) and specific individuals should be invited since they have contacted the City regarding this proposal (eg Peter Merfield, Chief Operations Officer, and John Roberts, ROW Manager). Also we would want all those who commented on the zoning amendment to be sent an invitation (see attached list).

3. **Noticing for TMP:** I await advice from Tom Errico, but the noticing for the TMP Scoping meeting also needs to be reasonably wide. Given the concerns raised by the MTA regarding Skyway Drive, they would need to be included and given reasonable notice. Skyway Drive needs to be discussed because of the CZA requirements.

We appreciate that you want to move forward quickly, but given the level of public interest and traffic implications we need to ensure adequate time is allowed for consultations and reviews. Please let us know whether you would like this to go to a PB Workshop on April 23rd (our recommendation) or alternatively direct to a PB hearing on May 14th.

thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

4-2-13

Barbara

re DPS Meeting today

1. 741 Warren - attached letter has been circulated to reviewers today for discussion DPS + Dev Rev - awkward as there are 3-4 concepts on the table.

2. 2282 Congress - Site Plan application arrived this morning. HAS BEEN UPLOADED INTO E-PLAN. Paper set with Lannie. Might be useful to look at/discuss with DPS to see if April 23 Hearing seems realistic. Meeting with Long Creek Watershed Management is 11am on 4/4/13 - Doug R + D Series attending - DM-P did not respond. TMP stuff coming in with Steve Brushey at 3pm

3. Giobbi's Plat - It looks OK re addressing survey info + does not need all of what Bill Clark has requested re fence markers.

4. Adams Ramps - Phil briefed you on this. I don't think the note ref to Bruce is to allow DPS to change req's that have been specified + reviewed + approved - I have thought it was to ensure minor details OK re utilities etc.

thanks Jean

Under Zone Change as SP Not in yet - one PDF of Plans, one PDF is text - I will load individual PDFs of each plan when SP file added to e-plan

* Note main dist. - added to dist. 2 weeks to warn.

Ch/w/TOM what needed how long to setup scoping etc.

MTA



PORTLAND MAINE

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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

DRAFT

April Xth, 2013

Craig Burgess, PE
Sebago Technics
75 John Roberts Road, Suite 1A
South Portland ME 04106

**RE: 741 Warren Avenue – Expansion of Parking Lot
Downeast Veterinary Emergency Clinic
Level II Site Plan Review
Application ID Number: 2013-056**

Dear Mr. Burgess:

Thank you for your cover letter and application for a Level II site plan review of the proposed expansion of the parking lot associated with the existing buildings. The proposals are being reviewed at an administrative level under the provisions of the Site Plan ordinance, particularly 14-526 and 14-527.

This letter follows on from the meeting with you, your colleagues and the applicant on March 20th, 2013 which was arranged to help us understand the need for this scale of parking (more than twice the zoning requirement) and to discuss our concerns regarding the extent of impervious surface and impact on the surrounding vegetation/buffers.

We received a sketch plan from Owens McCullough on March 21st, 2013 showing a possible layout with fewer parking spaces and less impervious surface, circulated as a basis for discussion. Attached to that e-mail was a parking analysis which staff have also reviewed. In a subsequent e-mail (March 26th, 2013) we were advised that: *“Burleigh and his partners are still concerned the plan I sent you wouldn’t meet their overall needs. Do you think we could build and pave what I sent you last week with the additional areas (as on our original plan) built as reinforced turf (grass) for the periodic times that they may need to use the additional parking.”* We have interpreted the area of potential reinforced turf to roughly equate to 20 parking spaces.

The following comments relate to the original submission; the sketch plan; the 3.21.2012 parking analysis; and the suggestion for the revised original proposal as suggested by Owens. In summary staff favor the overall reduction in total parking spaces (as in the sketch) and consider that the existing parking area could be better organized to provide additional parking. Any new parking area needs to be better integrated into the site with reduced impervious surfaces, less severe grading, and new/reinstatement planting. Staff appreciate the unique requirements of the clinic and therefore support the increase in parking to two times the zoning requirement, but documentation of the need and scale for overflow parking beyond 93 spaces has not been received.

Zoning:

- Please confirm the number of employees for both the Veterinary Clinic/Sheridans and the CASA building to the rear;
- Based on both buildings being considered offices, 46 parking spaces would be required to meet zoning requirements. We count 74 existing parking spaces. The parking analysis circulated on 3.21.2013 would support a proposal of up to 19 additional spaces (giving a total of 93 spaces) based on the unique characteristics of the veterinary clinic use, subject to the site plan requirements being met.
- The I-M zone requires a minimum of 10ft pavement setback from property lines, and the original proposals showed a 6 ft setback and would need to be revised.

Traffic Engineering:

- The Traffic Engineer attended the 3.20.2013 meeting and indicated that he would need to see additional information that supported the need for the original proposed number of parking spaces (108-114). The Site plan Ordinance 9Section Section , in accordance with the site plan requirement for proposals where final parking exceeds zoning requirements by more than 10%, He has reviewed the parking analysis received on 3.21.2013 and concurs that the site uses generate between 83 and 93 parking spaces during a typical day, noting that the parking supply will not accommodate conditions for the CASA special events.
- The Traffic Engineer considers that the parking lot should not be sized for these special events and that other management measures be employed for those peak parking demand situations. The number of “overflow” spaces for special events appears to be about 15 (108 less 93); information to document the need for these spaces would allow staff to consider this issue further.
- At the meeting we suggested that better use could be made of the existing pavement area to provide more parking, by introducing compact spaces and re-configuring the parking aisles. Relocating the bulk of the expansion towards Hammond Lumber (maybe by expanding in two directions) may offer benefits. The Traffic Engineer would support waivers from the City's Technical standards for exceeding the percent of allowable compact parking spaces, and for parking aisle widths (both exceeding and falling short of the City standard) at the existing parking lot given that it is an existing condition.
- The sketch plan (submitted 3.21.13) illustrates construction of a new sidewalk on Warren Avenue without curbing. This is consistent with the recently approved abutting project and therefore seems acceptable subject to a final review based on a site visit to review field conditions and the possible need for local adjustments and to connect with the existing sidewalks. A detectable warning panel is not required at driveways and therefore should be deleted from the plan.
- Please provide bicycle parking as per the site plan ordinance (for employees and visitors).

Storm water management:

- Please address the comments of the Peer Engineering Reviewer, attached.
- Could you consider exporting the removed earth rather than disturbing and filling a further 3000 sq ft; we understand there are nearby sites accepting fill at a competitive price.
- While reinforced turf grass for part (?20 parking spaces) does reduce the scale of the impervious surface created by the original proposals, such an approach may not succeed in this location. The proposals would need to provide assurances that the design includes the factors associated with potential success, such as: being in a stand alone, low use lot; good growing medium; trees and shade; specific plowing and other maintenance.

Landscape:

- Please address the comments of the City Arborist, attached (see also the Site Plan Ordinance requirements for *Landscaping and Landscape Preservation: Parking Lot Landscaping*);
- Please submit a landscape Plan to show the extent of new and reinstatement planting and the size/species of proposed planting.

Public Services Department (re ROW):

- Please submit a boundary survey showing existing conditions as required by the site plan ordinance (the submitted Subdivision Plat is not a boundary survey and does not show existing conditions in detail).
- The applicant should be aware that the City of Portland will have a Stormwater Utility within the next year or so. Fees generated by that utility are based on impervious area. Applicant is encouraged to minimize the amount of impervious area required.

Please contact me if there are any questions; I can be reached on 874 8728 or jf@portlandmaine.gov.

Sincerely,

Jean Fraser,
Planner

Attachments:

1. Peer Engineer Review comments
2. City Arborist comments

Cc Barbara Barhydt, Development Review Services Manager
Marge Schmuckal, Zoning Administrator
David Senus, Woodard & Curran (City consultant reviewer)
David Margolis-Pineo, Department of Public Services
Tom Errico, T Y Lin (City consultant reviewer)
Jeff Tarling, City Arborist

cc. Applicant: Burleigh Loveitt
Downeast Veterinary emergency Clinic
739 Warren Avenue
Portland ME 04103

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: March 18, 2013
RE: 741 Warren Avenue Parking Lot Expansion, Level II Site Plan Application

Woodard & Curran has reviewed the Final Level II Site Plan Application for the proposed parking lot expansion at 741 Warren Avenue in Portland, Maine. The project consists of constructing forty new parking spaces, associated ditching, light poles, a force main relocation and an underdrained soil filter for stormwater quality treatment. The project will result in 13,207 SF of new impervious area, and 17,078 SF of landscaped area.

Documents Provided By Applicant

- Final Level II Site Plan Application with cover letter and attachments dated February 21, 2013, prepared by Sebago Technics, on behalf of the Downeast Veterinary Emergency Clinic.
- Engineering Plans, Sheets 1-6, dated February 21, 2013, prepared by Sebago Technics, on behalf of the Downeast Veterinary Emergency Clinic.

Comments

- 1) In accordance with Section 5 of the City of Portland Technical Manual, a Level II development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We have reviewed these standards relative to the proposed project and offer the following comments:
 - a) Basic Standards: Plans, notes and details have been provided to address erosion and sediment control requirements and good housekeeping practices in general accordance with Appendix A, B, & C of the MaineDEP Chapter 500 standards. In addition to the notes and details included on the plan, the Applicant should provide a note identifying the specific means of preventing runoff from the new "fill area" from contributing sediment to the proposed underdrained soil filter or sediment forebay.
 - b) General Standards: The Applicant is proposing an underdrained soil filter sized to treat 100% of the new impervious area and 80.7% of the new developed area for stormwater quality control in accordance with the General Standard. The design and information presented in the application provides an adequate means of complying with this standard.
 - c) Flooding Standard: The Applicant has stated that the Flooding Standard does not apply to this project; however, they have provided supplemental information showing that the project can meet the Flooding Standard. Level II Site Plan Applications are required to comply with the Flooding Standard; the information presented in the application is sufficient to show that the project is in compliance with this standard.
- 2) The Stormwater Management Plan should include a post-development stormwater inspection and maintenance plan developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.
- 3) The plans should include a Riprap Outlet Protection detail for the proposed soil filter / underdrain outfall.

From: Jeff Tarling
To: Jean Fraser
CC: David Margolis-Pineo
Date: 3/29/2013 3:39 PM
Subject: Veterinary Emergency Clinic
Attachments: GB1.JPG; Grassblock2.JPG; GB3.JPG

Hi Jean -

Recommendations in review of the landscape portion of the Emergency Veterinary Clinic on Warren Avenue:

a) Street-trees - due to the uniqueness of the site location and the proposed impact the planting of 'one' street tree along Warren Avenue would be recommended. The tree would need to tolerate wet conditions so

we are recommending one of the following: Tupelo, Red Maple, or Larch. The tree would be planted set-back from the road as to not obscure the way finding to the site and the nearby sign for Hammond Lumber of the businesses nearby.

b) Parking Lot trees - Additional shade trees are recommended for the new parking lot area. Trees would be planted along the South / Southwest edges. I would be willing to work with the applicant to determine the location, species and number of trees. Snow storage and circulation would be factored into the design.

c) Disturbed area re-vegetation / tree replacement - It would be recommended to contour the disturbed areas

in a natural land form shape vs sharp or straight lines, as possible. Reseeding the disturbed areas with field / conservation mix would be preferred vs turf grass. Replanting trees / shrubs to mimic the existing tree cover is also recommended. The trees could be a mix of native hardwoods and conifers 3-4' / 4-5' with similar spacing as the existing trees. The planting would not need to be extensive but could help reestablish native plants before invasive plants take hold.

d) Turf block paving - Concept wise the idea of creating impervious paving for the parking lot is desirable,

having 'turf blocks' or other paving, other than real porous pavement, continue to function effectively in northern climes is a real challenge. Plowing and use of these paved & seeded areas off season when the turf is dormant really degrades the turf growth in the long run. I listed some possible options below and examples of grass block trail nearby.

www.reeis.usda.gov/web/crisprojectpages/0220121-green-parking-lots

<http://www.boddingtonsonline.com/products/grass-ground-reinforcement/grass-reinforcement-protection/bodpave-85-porous-grass-pavers.php>

SEE PHOTOS BELOW



1B. Existing and Proposed Site Uses

Type of development:

<u>USE</u>	<u>SIZE</u>
Convenience Store	3,850 SF
Fueling Stations	12 Gas and 2 Diesel
ATM	Drive-Through

1C. Site and Vicinity Boundaries

- Boundary or title survey signed and sealed by a professional land surveyor
- Vicinity map provided

1D. Proposed Uses in the Vicinity of Proposed Development

Other approved development(s): _____

1E. Trip Generation

TE couldn't find calcs for 912 - were added in by TG later so he will send.

Summary tables for each land use code:

ITE (LUC)	Weekday	AM Peak	PM Peak	Saturday Peak
LUC 853		201	249	159
LUC 912		10	28	30
		211	277	189

Trip rates obtained from other sources:

Number of locations where driveway counts taken: _____

Dates & time periods when driveway counts taken: _____

Locations where driveway counts were taken: _____

1F. Trip Distribution

- Stick diagram for each major intersection on either side of the development driveway(s)?
- ITE trip generation handbook
- Actual survey done? Location? _____
- Other. Explain. _____

Comments: _____ *OK*

1G. Trip Assignment

- Stick diagram for each major intersection on either side of the development driveway(s)?
- Percent primary trips 40%
- Percent passer-by trips 60%
- Percent diverted trips _____

Basis for using above-listed percentages:

- Existing traffic patterns of adjacent street
- Zip code survey
- Gravity model
- Other. Explain. _____

Comments: _____

Section 2 - Traffic Crashes

- _____ Year(s) of MDOT crash records for study area
- _____ Number of high crash locations
- _____ Collision diagrams provided

Mitigation provided for each high crash location: _____

Other traffic problems: _____

Comments: ^{TE} asked re Hutchins - would like further analysis

Section 3 - Development Entrances and Exits

3A. Entrance and Exit Locations

- _____ Distance to nearest intersecting road or town line (to the nearest hundredth of a mile)
- 1 Number, width and surface of each proposed entrance/exit

3B. Plan View of Each Intersection Created

Names of intersecting road Congress Street

Posted speed limits 35MPH/40MPH

Entrance/Exit Sight Distance:	Left	Right
<u>Driveway</u>	<u>750 feet</u>	<u>490 Feet</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Usage and location of all driveways and roads located adjacent to the development site:

3C. Entrance/Exit Design

- Lighting
- Driveway spacing and corner clearance (Access Management)
- Adequate sight distance for vehicles exiting development
- Entrance grade (see fact sheet)
- Entrance/exit widths less than 42 feet (12.8 meters)
- Left turn lane
- Right turn lane
- Signal warranted
- Lane encroachment
- Separation islands (see fact sheet)
- Drainage study using 50 year storm for culverts and to connect to MDOT system
- Capacity Analysis
- Queuing Analysis
- Study to be submitted to MDOT Division Engineer

Tom G. explained fed. Std. etc. for WS of easement

Comments: TE asked for signal warrant analysis
ack. crosswalk requirements

Section 4 - Title, Right or Interest

- Title, right or interest in project site
- Title, right or interest in entrance/exits
- Title, right or interest in drainage easement affecting MDOT

Section 5 - Public or Private Rights-of-Way

- Location and width or proposed streets, easements and other public or private rights-of-way
- No signs, structures or pavement connected to the entrance

Section 6 - Schedule

Project schedule: DL - under const. in June

Further study items required (\$500.00 additional fee): _____

Section 7 - Full Traffic Study

_____ \$1,500.00 additional fee required

Build-out year (Phase 1): _____
Build-out year (Full Occupancy): _____

FS 1. Time Period(s) for Traffic Engineering Analysis

- _____ AM weekday peak hour of adjacent street.
- _____ Noontime weekday peak hour of adjacent street
- _____ PM weekday peak hour of adjacent street.
- _____ Noontime Saturday peak hour of adjacent street.
- _____ Other. Explain. _____

FS 2. Background Annual Traffic Growth Rate

- Type of counts taken:
- _____ Peak hour
 - _____ AADT
 - _____ Base counts less than 2 years old?

FS 3. Study Area to Include the Following Intersections

*SIM TRAFFIC
Site, Bheekerry, Hattchun's*

Additional intersection(s) required if one hour volumes from development are:
25 vehicles in left turn only lane
35 vehicles in through, right turn lane or combined through and right turn
35 vehicles (multiplying the left turn volume by 1.5) in a combined left turn and through lane, or a combined left turn, through and right turn lane

FS 4. Intersection Capacity Analysis

- _____ Isolated
- _____ Interconnected. Intersection(s) _____

Software package (isolated): _____
Software package (interconnected): _____

FS 5. Analyze or Evaluate the Following

	<u>Location</u>
_____ Left turn lane warranted	_____
_____ Right turn lane warranted	_____
_____ Traffic signal warranted	_____
_____ Sight distance evaluation	_____
_____ Truck climbing lane warranted	_____
_____ Truck/RV turning radii evaluation	_____
_____ Investigation of HCL	_____

done

FS 6. Other Development Traffic To Be Included in Study

FS 7. List Location(s) and Date(s) of Completion of Other Projects and Their Traffic Engineer

OK

Other Items:

Maine Turnpike Authority

2360 Congress Street
Portland, Maine 04102

Daniel E. Wathen, Augusta, Chairman

Diane M. Doyle, Saco, Vice Chairman

Robert D. Stone, Lewiston.

Gerard P. Conley, Sr., Portland

John E. Dority, Augusta

James F. Cloutier, Portland

Bruce A. Van Note, Deputy Commissioner DOT, ex officio

Peter Mills, Executive Director

Peter S. Merfeld, P.E., Chief Operations Officer

Douglas Davidson, Treasurer & Director of Finance

Jonathan Arey, Secretary & General Counsel



March 14, 2012

Barbard Barhydt
Development Review Manager
City of Portland
389 Congress Street, Room 308
Portland, Maine 04101

Re: CJ Properties Congress Street Development

Dear Ms. Early,

I am writing on behalf of the Maine Turnpike Authority regarding a proposed development at 2282 Congress Street which was approved for conditional rezoning by Order 154 - 12/13 of the City Council on March 4th. The MTA does not oppose the overall concept of this project and is in fact currently in discussions with the developer about transferring an easement over MTA land to use as an entrance from Congress Street. We are concerned, however, that the developer appears to be pursuing a second entrance to the property from Skyway Drive. We believe an entrance to the property from Skyway would be highly disruptive to traffic using the MTA's Jetport interchange and Skyway Drive itself, an important link in the City's transportation infrastructure that is already facing challenges.

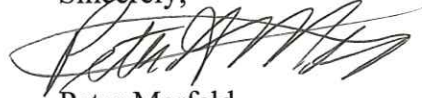
The MTA originally constructed Skyway Drive as part of its Jetport Interchange project and it has become a useful segment of road not only for turnpike travelers, but for local traffic as well, due to the fact that it connects two major city routes. The MTA has believed strongly from the beginning that adequate functioning of this transportation link requires that Skyway Drive be a controlled access route. This is why when we transferred Skyway Drive to the City in 2004, the deed expressly required it be "maintained as a controlled-access public right of way" and that no curb cuts or other access to the road would be permitted without the permission of the MTA (the relevant deed provisions are attached to this letter).

MTA staff has explained to the developer that these deed restrictions require the MTA's approval for any entrance from Skyway Drive, and we further explained that we would not grant that approval. We were therefore surprised and disappointed to see that the Skyway Drive entrance remained on the developer's plans of the project as submitted for the conditional rezoning, and was specified as part of the traffic study to be submitted to the City.

Maine Turnpike Authority

I do not know how much of this has been shared with the City to this point, or if an entrance on Skyway Drive will be part of the developer's site plan. However, we thought it best to clearly submit for the record that the MTA opposes, and will not approve, any proposal for an entrance on Skyway. We believe we would continue to oppose that proposal regardless of what any traffic analysis done by the developer's consultant might show. Traffic analyses are not infallible and it is our opinion that this transportation link is too important to risk its functionality for the sake of a secondary entrance to a retail development.

Sincerely,



Peter Merfeld
Chief Operations Officer

(207) 482-8116

Cc: Kathi Earley, Engineering Manager
David Latulippe, CJ Properties

thence *S84°26'24"E 282.25 feet* along land of the Grantor and land now or formerly of George M. Hutchins to a monument with bronze tablet to be set at a corner, said monument also being 80:00 feet northerly of, as measured along a line at right angles to the Connector Road Baseline, Sta. 24+00.00;

thence *N86°47'41"E 196.87 feet* along land of the Grantor and land now or formerly of George M. Hutchins to the POINT OF BEGINNING

Bearings in the above description are based on the Maine State Plane Coordinate System, West Zone, N.A.D. 83. Parcel I contains 5.14 acres, more or less.

Meaning and intending to convey a portion of the premises conveyed to the within Grantor by the following conveyances:

- (1) Notice of Layout and Taking by the Maine Turnpike Authority from George M. Hutchins, dated 31 March 1997 and recorded in the Cumberland County Registry of Deeds (the "Registry") in Book 13008, Page 18.
- (2) S.B. Holdings, Inc. to Maine Turnpike Authority, dated October 8, 1997 and recorded in the Registry in Book 13371, Page 189.
- (3) Portland Water District to Maine Turnpike Authority, dated August 20, 1998 and recorded in the Registry in Book 14359, Page 317, as affected by (a) a Corrective Quitclaim Deed with Covenant, dated January 15, 1999, and recorded in the Registry in Book 14481, Page 191; (b) a Release Deed from George Hutchins to the Maine Turnpike Authority, dated January 22, 1999, recorded in the Registry in Book 14509, Page 14 and (c) a Quitclaim Deed from the Maine Turnpike Authority to C&A Properties, dated August 6, 1999, recorded in the Registry in Book 15057, Page 10.
- (4) C&A Properties to Maine Turnpike Authority, dated August 16, 1999, and recorded in the Registry in Book 15057, Page 16.

SUBJECT, however, to the Easement Deed from the Maine Turnpike Authority to the Portland Water District, dated August 28, 1998 and recorded in the Cumberland County Registry of Deeds in Book 14359, Page 320.

ALSO SUBJECT, however, to a certain Right of First Refusal granted from the Maine Turnpike Authority to the Portland Water District, dated August 28, 1998 and recorded in the Cumberland County Registry of Deeds at Book 14359, page 325.

ALSO SUBJECT, however, to an Indenture from the Maine Turnpike Authority to Granite State Gas Transmission, Inc., dated May 21, 1997, recorded in the Registry in Book 14071, Page 284.

ALSO SUBJECT to the condition that no curb cuts or other access from Parcel 1 to the adjacent right-of-way shall be permitted or made without the consent of the Maine Turnpike Authority or its successor.

ALSO SUBJECT, however, to all matters of public record.

EXCEPTING AND RESERVING to Grantor an easement and right-of-way above, over, across and under Parcel 1 described herein for (i) the flow of water and other substances and (ii) purposes of constructing, installing, maintaining, modifying, and removing any and all drainage equipment and other equipment and installations deemed necessary or desirable by Grantor for the flow of water and other substances through, over and across Parcel 1 for the benefit of the property now or hereafter owned by Grantor adjacent to or in the vicinity of Parcel 1.

ALSO, EXCEPTING AND RESERVING to Grantor an easement and right-of-way above, over, across and under Parcel I described herein for the installation, construction, maintenance, repair and any future upgrading of any and all sewers, drains and public and/or private utilities, including, without limitation, communication wires, lines or cables, electrical energy and telephone lines and poles, and sewer laterals all as deemed necessary or desirable by Grantor or its successor and assigns for the benefit of the property now or hereafter owned by Grantor or its successor and assigns adjacent to or in the vicinity of Parcel 1.

FURTHER, Parcel 1 described herein shall at all times be maintained as a controlled-access, public right-of-way. Except for vehicular access from Congress Street at the westerly end of Parcel 1 in the City of Portland, no additional vehicular or pedestrian access to the property described herein shall be permitted without the express written consent of the Grantor.

Grantee, by its acceptance of this deed, covenants that it shall at all times maintain the premises described herein in the same manner, with the same public access, as provided to all other public right-of-ways owned or otherwise maintained by the City of Portland. The conveyance of this Parcel 1 from Grantor to Grantee is made on strict reliance on Grantee's, and its successors' and assigns', obligation to maintain Parcel 1 as a public right-of-way and that Grantor shall have all rights and remedies available to Grantor under law or in equity (including, without limitation, specific performance) in the event Grantee or any of its successors or assigns breaches or otherwise violates this condition and Grantee's covenants. Grantee shall not convey or otherwise transfer any interest in the property described above without the prior written consent of the Grantor, which consent shall not be unreasonably withheld.

Parcel 2

COMMENCING at the intersection of the baselines of the Maine Turnpike Median (Station 2302+87.75) and Congress Street (Station 99+99.97); in the City of Portland, County of Cumberland, State of Maine, thence southerly along the Maine Turnpike Median Baseline, **S02°49'23"W 442.79 feet** to Station 2298+44.96 on said baseline; thence turning and continuing easterly and at right angles to the aforesaid median baseline station a distance of 254.53 feet to a monument with bronze tablet to be set at a corner located on a line dividing

Jean Fraser - Reply to MTA letter re entrance from Skyway Dr to 2282 Congress

From: Jean Fraser
To: Bartlett, Jeremiah; Bobinsky, Michael; Earley, Katherine; Errico, Tho...
Date: 3/27/2013 2:57 PM
Subject: Reply to MTA letter re entrance from Skyway Dr to 2282 Congress
CC: Barhydt, Barbara; West-Chuhta, Danielle
Attachments: 3.26.2013 Final LTR with Atts to MTA re Skyway Dr entrance re 2282 Congress St.pdf

Hello all

Please find attached the letter that Barbara Barhydt has sent to MTA after incorporating all of the suggested edits.

Thank you all for your comments/input.

Danielle - The applicant (David Latulippe, C J Properties Inc)) has commented several times that he could go to the Maine legislature and possibly get permission for this connection so I am still unclear whether the MTA position, as outlined by Peter Merfield in the 3.14.13 letter, is technically final.

Jean

Jean Fraser - MTA entrance connection to Skyway Drive

From: Jean Fraser
To: Latulippe, David
Date: 3/27/2013 3:05 PM
Subject: MTA entrance connection to Skyway Drive
CC: Bushey, Steve; Gorrill, Tom
Attachments: MTA letter to City 3.14.2013 re 2282 Congress.pdf; 3.26.2013 Final LTR with Atts to MTA re Skyway Dr entrance re 2282 Congress St.pdf

David

I believe you have received a copy of a letter from Peter Merfield of MTA confirming that they would not grant approval to any connection to Skyway Drive (copy attached) from the 2282 Congress Street site.

Barbara Barhydt has replied to that letter and I attach a copy for your information.

At some point the Planning Board will probably want to know some of the background, but I understand from Steve Bushey that the TMP and associated analyses will not assume any connection and so there is no particular issue at this stage.

I am out of the office tomorrow but back on Friday if there are any questions regarding this or the site plan application.

Thank you
Jean

Jean Fraser - CJ Properties Congress Street development and Skyway Drive

From: Jean Fraser
To: jroberts@maineturnpike.com
Date: 3/27/2013 3:35 PM
Subject: CJ Properties Congress Street development and Skyway Drive
Attachments: MTA letter to City 3.14.2013 re 2282 Congress.pdf; 3.26.2013 Final LTR with Atts to MTA re Skyway Dr entrance re 2282 Congress St.pdf

John

You may be aware of Peter Merfield's letter which arrived here on March 20, 2013 and clarified the MTA position regarding a potential connection between the development site at 2282 Congress Street and Skyway Drive (attached).

I also attach for information (since you contacted me regarding this issue back in October, 2012) the reply from the City's Planning Division- Development Review Services Manager- which has been mailed to Peter Merfield.

Please do not hesitate to contact me if there are any questions regarding this or the TMP or site plan review process (which has not yet begun); I am out of the office tomorrow but will be in on Friday.

Thank you

Jean

Jean Fraser, Planner
City of Portland
874 8728

John Roberts in MTA ROW Manager
482-8350 direct line

he had contacted me in Oct 2012 to confirm
MTA OK with giving CJ Properties the land
along Congress.

He confirmed ^{that} informally David L. had been
told "so" re Skyway Drive connection but they
had not yet seen a plan or traffic info - at
that point I understood MTA decision would await that info

though approved
unlikely.



PORTLAND MAINE

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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.

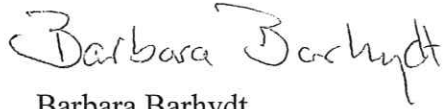
The idea of allowing turnpike users to access the site was considered a positive idea by the Planning Board and some City Councilors, as the gas station is proposed to include compressed natural gas and an electric recharging station which would benefit users of the turnpike. The conditional rezoning 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.

copy for file

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.

Jean Fraser - MTA letter regarding access from 2282 Congress onto Skyway Drive

From: Jean Fraser
To: Barhydt, Barbara; Earley, Katherine; Errico, Thomas; West-Chuhta, Dan...
Date: 3/20/2013 3:08 PM
Subject: MTA letter regarding access from 2282 Congress onto Skyway Drive
CC: Jaegerman, Alex; Levine, Jeff; Margolis-Pineo, David
Attachments: MTA letter to City 3.14.2013 re 2282 Congress.pdf; CZA as approved by CC 3.4.13 2282 Congress.pdf; Concept Plan 3 1.30.13 Att 2 to CZA.pdf

Hello all

Please see the attached letter just received from the MTA which confirms that they oppose and would not approve an entrance onto Skyway Drive from the 2282 Congress Street site (recently approved for a conditional rezoning to allow commercial uses, with a site plan application to arrive in the next few weeks for gas station, convenience store and bank).

Barbara and I are preparing a response letter, so please send us any input that you feel the reply should include.

Please note, by way of context, that:

- The opportunity for this connection was always part of the discussion, but David Latulippe indicated that it would be a long process to get approval and would involve the MTA and the State legislature - I am not sure if the MTA have the absolutely final word on this (?Danielle- could the City and/or David Latullipe appeal the MTA "refusal" to a State office?)
- I understand that Councilor Suslovic supported this possible connection and requested that it be mentioned on the Concept Plan, but I was not part of those discussions
- Staff were aware that MTA were not particularly supportive, but staff considered this connection a good idea as it takes pressure off the Congress Street site access and could serve the turnpike users; it was never indicated to be a city requirement
- In the Conditional Zone Agreement (CZA-final version attached) the possible access is referenced once in this way (end of a):

4. *Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:*
 - a. *CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,*
 - b. *CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.*
 - c. *CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.*

- Also the Concept Plan that goes with the CZA (also attached) includes the following note, which acknowledges it requires a change to the "controlled access" status of Skyway Drive:

PROPOSED ACCESS EASEMENT FROM MAINE
TURNPIKE AUTHORITY FOR PROPOSED FUTURE
CONNECTION - ENTRANCE ONLY. SUBJECT TO
WAIVER OF CONTROL OF ACCESS

thank you
Jean

Jean Fraser - Re: MTA letter regarding access from 2282 Congress onto Skyway Drive

From: Katherine Earley
To: Alex Jaegerman; Barbara Barhydt; Danielle West-Chuhta; Errico Thomas...
Date: 3/21/2013 10:34 AM
Subject: Re: MTA letter regarding access from 2282 Congress onto Skyway Drive
CC: David Margolis-Pineo; Jeff Levine; Michael Bobinsky

Indeed receiving this written statement of opposition should not be a surprise at all; MTA made their position clear several months ago and it remains unchanged today. The way #4a is written does strike me as indicating the City's 'support' of an eventual connection to Skyway Drive; this does seem to place us in an awkward position with our MTA peers. Let's be sure what our collective position on the access truly is so we all communicate with MTA equally. DPS meets with MTA on a monthly basis; next is April 5th.

Who among the Dept. staff are most aware of any pending Legislative Bill on this matter? They are actually the jurisdiction of control on this access matter. MTA will also express their non-support thru that process.
 Kathi

>>> Alex Jaegerman 3/20/2013 6:33 PM >>>

I think Dave LaTulip expressed more optimism or openness by MTA to grant access than was there.

We should just reassure the MTA that the City is not a proponent of access to Skyway Drive, and understands that this issue is under the jurisdiction and control of MTA. Our site plan approval with conditions was intended to be flexible enough to address a second access if permitted by MTA. We were led by the applicant to believe that MTA was open to considering access. We do not disagree with MTA's position, and the approvals remain valid with the single access from Congress. And thank them for their communication which makes their position on this matter clear.

Alex.

>>> On 3/20/2013 at 3:08 PM, in message <5149D0FE.824B.0030.1@portlandmaine.gov>, Jean Fraser wrote:

Hello all

Please see the attached letter just received from the MTA which confirms that they oppose and would not approve an entrance onto Skyway Drive from the 2282 Congress Street site (recently approved for a conditional rezoning to allow commercial uses, with a site plan application to arrive in the next few weeks for gas station, convenience store and bank).

Barbara and I are preparing a response letter, so please send us any input that you feel the reply should include.

Please note, by way of context, that:

- The opportunity for this connection was always part of the discussion, but David Latulippe indicated that it would be a long process to get approval and would involve the MTA and the State legislature - I am not sure if the MTA have the absolutely final word on this (?Danielle- could the City and/or David Latulippe appeal the MTA "refusal" to a State office?)
- I understand that Councilor Suslovic supported this possible connection and requested that it be mentioned on the Concept Plan, but I was not part of those discussions

Jean Fraser - Re: MTA letter regarding access from 2282 Congress onto Skyway Drive

From: Alex Jaegerman
To: Barbara Barhydt; Danielle West-Chuhta; Errico Thomas; Jean Fraser; ...
Date: 3/20/2013 6:33 PM
Subject: Re: MTA letter regarding access from 2282 Congress onto Skyway Drive
CC: David Margolis-Pineo; Jeff Levine

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- In the Conditional Zone Agreement (CZA-final version attached) the possible access is referenced once in this way (end of a):

Jean Fraser - MTA letter regarding access from 2282 Congress onto Skyway Drive

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To: Barhydt, Barbara; Earley, Katherine; Errico, Thomas; West-Chuhta, Dan...
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TURNPIKE AUTHORITY FOR PROPOSED FUTURE
CONNECTION - ENTRANCE ONLY. SUBJECT TO
WAIVER OF CONTROL OF ACCESS

thank you
Jean

Jean Fraser - RE: Traffic permit application

From: Jean Fraser
To: Gorrill, Thomas
Date: 3/20/2013 4:57 PM
Subject: RE: Traffic permit application
CC: Barhydt, Barbara
Attachments: 2282 Congress cond rezoning- Order 155 public comment rec'd 2.26.2012.pdf

Tom

There is one project at the bottom of Hutchins Drive (opposite side from Woodard & Curran) which was recently permitted and would add traffic- Shukria Wiar (SHUKRIAW@portlandmaine.gov 874 8083) has details and I will ask her to send them to you.

Also I wanted to check that you have updated traffic generation for ECOMAINE as the recycling operation has recently added to their level of truck traffic generation - the author of the attached letter (Winfield Stratton) spoke at the PB Hearing and stated that there were 200 trucks per day doing the left turn into Blueberry from Congress. We have asked for their current traffic generation numbers in relation to a current (very minor) site plan for part of the ECOMAINE site that is under review but have not yet received it (the contact for that site plan is Kevin Trytek of ECOMAINE at 773 1738 , and Nell Donaldson is the planner handling that project.

I also know that the vet on the corner wanted to expand their building (approx add'l 2000 sq ft and 13 parking spaces) but their approval has expired (delayed by the recession I think).

I am out of the office tomorrow so I have copied this to Barbara Barhydt in case there is a need for follow up in my absence.

Thank you
Jean

>>> Thomas Gorrill <TGorrill@gorrillpalmer.com> 3/20/2013 2:24 PM >>>
Ok, thanks

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]
Sent: Wednesday, March 20, 2013 2:00 PM
To: Thomas Gorrill
Subject: RE: Traffic permit application

Tom

I need to check where things have got to on a couple of the Hutchins Drive developments and ECOMAINE and get back to you later this afternoon.

Thanks

Shukria sent him info re Hutchins
 New spoke to him re ECOMAINE

Jean.

>>> Thomas Gorrill <TGorrill@gorrillpalmer.com> 3/19/2013 5:43 PM >>>

Jean:

Im completing the traffic study for David Latulippe's project and am wondering if there are other approved developments or developments ahead in the approval process not yet constructed in the area which I should include in our study.

Hope you fair well in the snowstorm

tom

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]

Sent: Thursday, March 14, 2013 10:42 AM

To: Thomas Gorrill

Subject: Re: Traffic permit application

Tom

The fee for a Traffic Movement Permit (City delegated authority) is \$1000.

Jean

>>> Thomas Gorrill <TGorrill@gorrillpalmer.com> 3/14/2013 10:02 AM >>>

Hi Jean:

I am preparing the traffic permit application for David Latullip for his convenience store near Blueberry lane and wanted to confirm what the application fee for the traffic movement permit is

Thanks

tom

Thomas L . Gorrill, PE, PTOE

President

Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237, 15 Shaker Road

Gray, ME 04039

tel: 207-657-6910 x 223

cel: 207-415-5901

www.gorrillpalmer.com

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Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Jean Fraser - Re: Zoning Map Update

From: Jean Fraser
To: Wordell, Charles
Date: 3/14/2013 3:26 PM
Subject: Re: Zoning Map Update
CC: Clark, William

Charles

Could you please arrange for the Zoning Map / GIS Layer to be updated to include the recently approved **Conditional IM Zone (2282 Congress Street)** with a date of **3.4.2013**.

The lot is already shown as C22 on the zoning map (237-A-008) with the same boundaries- so it just needs an updated "C" number on the plan and added to the list (its for a different owner, use and proposal and C22 has expired).

Please do not hesitate to call if any questions.

thank you

Jean

(Jean Fraser, Planner Ext 8728)



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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

March 6th, 2013

David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freeport, ME 04032

RE: Application for Conditional Rezoning (originally I-M to B-4 Map amendment)
2282 Congress Street, Portland
APP. NO: # 2012-609
CBL: 237-A-012

Dear Mr Latulippe: *David*

On February 12th, 2013 the Portland Planning Board voted 6-0 (O'Brien absent) to recommend the conditional rezoning and associated Conditional Zone Agreement to the City Council for its approval, subject to revising and adding a 'whereas' clause.

On March 4th, 2013 the City Council considered Order 154-12/13, Amendment to City Code §14-49 (Zoning Text and Map Amendment) Re: Conditional Rezoning for Property in the Vicinity of 2282 Congress Street. The City Council unanimously voted to pass the amendment.

The Conditional Zone Agreement, along with a reference to the Book and Page of the deed to the property, must be signed and recorded at the Cumberland County Registry of Deeds soon after the property is acquired and prior to the submission of any related site plan application. Please work directly with the Corporation Counsel to finalize the agreement and associated documentation, and send the Planning Division a copy of the agreement once it is recorded.

A certified copy of the agreement, in Order No 154-12/13 as passed, is available from the City Clerk's Office. Attachment 2 (as approved and attached to this letter) should be appended to it, and the blanks filled in, prior to final signature and recording.

If there are any questions, please contact Jean Fraser, Planner, at 874-8728 or at jf@portlandmaine.gov.

Sincerely,

Alexander Jaegerman
Planning Division Director

Attachment: Attachment 2 (Concept Plan 3) to Order 154-12/13

cc. Electronic circulation:

- ✓ Jeff Levine, AICP, Director of Planning and Urban Development
- ✓ Alexander Jaegerman, FAICP, Planning Division Director
- ✓ Barbara Barhydt, Development Review Services Manager
- ✓ Danielle West-Chuhtha, Corporation Counsel
- ✓ Jean Fraser, Planner
- ✓ Marge Schmuckal, Zoning Administrator, Inspections Division
- ✓ David Margolis-Pineo, Deputy City Engineer, Public Services

- ✓ Jeff Tarling, City Arborist
- ✓ Doug Roncarati, Stormwater Coordinator, Public Services
- ✓ Captain Chris Pirone, Fire Department
- ✓ Thomas Errico, P.E., TY Lin Associates
- ✓ David Senus, P.E., Woodard and Curran
- ✓ Rick Blackburn, Assessor's Department
- ✓ Approval Letter File

Corporation Council agreed recording of CZA can be a cond. of site plan

Others not sent Pending resolution of timetable.

Jean Fraser - 2282 CZA timetable for recording

From: Jean Fraser
To: Barhydt, Barbara; Jaegerman, Alex; West-Chuhta, Danielle
Date: 3/8/2013 3:04 PM
Subject: 2282 CZA timetable for recording
CC: Levine, Jeff
Attachments: APP LTR & Att 2 Cond Rezone 2282 Congress.pdf; CZA as approved by CC 3.4.13 2282 Congress.pdf

Danielle, Alex and Barbara

The attached letter went to David Latulippe to confirm the Planning Board and Council decisions on the conditional rezoning and associated CZA.

The actual CZA (attached separately) does not specify a timescale for recording the CZA so the letter specifies "*soon after the property is acquired and prior to the submission of any related site plan application*". This was inserted by staff as it seemed logical that the rezoning needed to be in place before we could consider a site plan for uses that were prohibited in the underlying zone.

David has pointed out that the banks will not allow him to purchase the property until the site plan approval is actually received. He has a P&S agreement. So he can't acquire the land nor execute the CZA until after he receives site plan approval.

Would you all be agreeable (once the site plan application goes to the PB Hearing, expected to be end of April and the application will be received soon- no PB workshop) for the site plan approval to have a condition of approval that requires the CZA to be signed and recorded prior to the issuance of a building permit for the site plan?

Or maybe there is some other way around this?

thank you
Jean

Unanimously approved

from 2/25/13 agenda City Council
March 4th one will be
slightly different.

2282 Congress
Conditional Rezoning

Terms of the agreement include a 1.0% base increase in the first year of a two-year agreement, and a 1.5% increase in the second year. The pay plan was also restructured in each year to assist with recruitment and retention of Portland Police Officers.

The contract term is January 1, 2012 through December 31, 2013.

The total direct cost of the general wage increase and pay plan restructuring is \$132,789 in the first year of the new contract (1.9% increase) and \$130,280 in the second year (1.8% increase).

This item must be read on two separate days. This is its first reading.

AMENDMENTS:

**Order 154-12/13
(Tab 13)**

Amendment to City Code Sec. 14-49 (Zoning Text and Map Amendment) Re: Conditional Rezoning for Property in the Vicinity of 2282 Congress Street – Sponsored by the Planning Board, Carol Morrissette, Planning Board Chair.

David Latulippe of CJ Properties, Inc. is requesting conditional rezoning for the property located at 2282 Congress Street, which is in the IM Zone, to allow a gas station, convenience store with restaurant, and bank with two (2) drive-thru lanes. The site is currently zoned I-M which does not allow retail/bank uses or gas stations and, therefore, the proposed development would not be permitted under the existing zoning. CJ Properties, Inc. originally applied for a map amendment from I-M to B-4, but the Planning Board voted unanimously to recommend the conditional zoning agreement to the City Council for its approval.

This item must be read on two separate days. This is its first reading.

**Order 155-12/13
(Tab 14)**

Amendment to Portland City Code Chapter 24 Sewers Article IV. Sewer Use Charges Re: Submeters and Sewer User Charges – Sponsored by Mark H. Rees, City Manager.

The City Council amended the Inter Municipal Agreement with the Portland Water District (PWD) that addresses sewer billing procedures through a Memorandum of Understanding (MOU). The MOU was developed in collaboration with the Portland Water District (PWD) officials and staff from the Department of Public Services, Finance and Corporation Council. The MOU was approved by the City Council this past January. The MOU shifts responsibilities for administering the submeter program from the PWD to the City of Portland Department of Public Services. The MOU outlines that all residential and commercial submeters are to be permitted and issued by the department under a new permit application.

Order 154-12/13
Tab 13 2-25-13

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND

IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF
2282 CONGRESS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

2282 Congress Street, Portland, Maine

AGREEMENT made this ____ day of _____, 2013 by **CJ DEVELOPERS, INC.**, a Maine Corporation (“CJD”) with a place of business in 35 Primrose Lane, Freeport, Maine, and its successors and assigns.

WITNESSETH

WHEREAS, CJD is the owner of the property located at 2282 Congress Street, Portland, Maine (the “Property”) more particularly described and shown on the Portland Assessors Map at Chart 237, Block A, Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book , Page , (the “Property”) and intends to use the Property for operation of a major auto service station, convenience store, restaurant (without a drive-thru) and bank (with a drive-thru) on 3.24 acres; and

WHEREAS, CJD has filed a Zone Change Application with the City of Portland (hereinafter “CITY”) to rezone the Property to a conditional I-M zone subject to certain modifications and conditions set forth in this Agreement in order to accommodate an auto service station, convenience store, restaurant (without a drive-thru) and a bank (with a drive-thru); and

WHEREAS, in 1999 the City of Portland rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired; and

WHEREAS, the Property is currently in the I-M zoning district; and

WHEREAS, the Property has been difficult to develop for an industrial use because of its limited size, MTA easements and wetland areas; and

WHEREAS, the Property is located in an unique and isolated location with the turnpike on one side, busy streets on two sides, and a developed lot on the other side, which together would limit the loss of industrial land and provide a convenient location for commercial uses to serve the adjoining industrial employment area; and

WHEREAS, the CITY'S Comprehensive Plan seeks to "provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community"; and

WHEREAS, the Portland Planning Board, pursuant to 30-A M.R.S.A. § 4352(8), and after notice and hearing and due deliberation, recommended rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the CITY, by and through its City Council, has determined that the rezoning is consistent with the CITY's comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

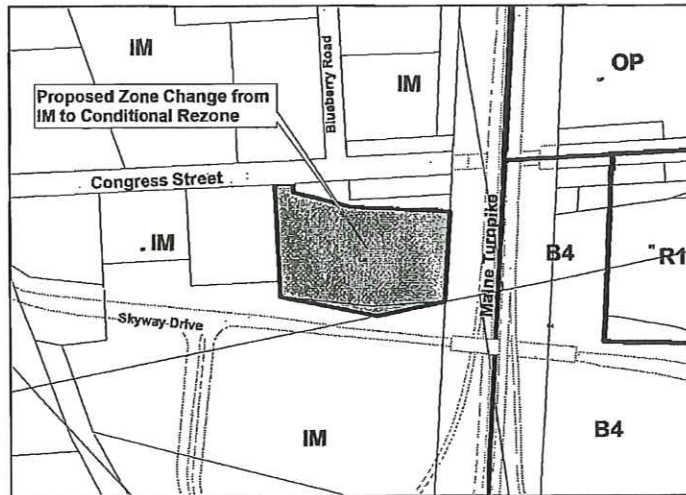
WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan; and

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment thereto, with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns;

WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning of the Property, CJD agrees to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting conditional IM zone amendment shown below;



Proposed Conditional Rezoning from IM for 2282 Congress Street

2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process;
3. Permitted uses: Those uses allowed in the IM zone. In addition, the Property shall be permitted to be used for the following uses:
 - a. Major auto service station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
 - b. Bank or ATM (with a drive through)
 - c. Convenience Store (without a drive through)
 - d. Restaurant (without a drive through)
4. Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
 - a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.

TMP

TMP
 - (Eco Maine wants a light)
 Traffic signal
 Warrant analysis -
 (only CD) FHA - If a
 Warranted - applicant
 responsible for all
 cost of design +
 construction

- c. CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.
5. **Community Contribution:** shall install a new crosswalk on Congress Street from the project site to the sidewalk on the north side of Congress Street. The crosswalk shall include the following features:
- a. A pedestrian island in Congress Street. The island shall be raised and include granite curbing. The location, size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA complaint and include sidewalk ramps and connections to the existing sidewalk;
 - d. Durable pavement markings and supplemental signs; and
 - e. Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services.

This full combination of the above items is above and beyond the usual site plan requirement that would apply to this project for a striped crosswalk as shown in the Conceptual Site Plan in Attachment 2 Plan.

Adhere to all dimensional & performance standards of IM

- 6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and requirements of the underlying I-M zone. The project must still adhere to all applicable dimensional requirements, other requirements and performance standards of the IM zone and obtain separate permits for all signage.
- 7. If a building permit has not been pulled within two (2) years of the date of this Agreement, the zone shall revert to I-M; provided that CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and

independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CJD, or any successor, fails to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS:

CJ DEVELOPERS, INC.

By _____
David Latulippe
Its President

State of Maine
Cumberland, ss

Date: _____, 2013

Personally appeared the above-named David Latulippe, President of CJ Developers, Inc., and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of CJ Developers, Inc..

Notary Public/Attorney at Law

AS RECOMMENDED BY PLANNING BOARD AT HEARING ON 2.12.1013

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF 2282 CONGRERSS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

AGREEMENT made this _____ day of _____, 2013 by CJ DEVELOPERS, INC. of Cumberland County ("CJD") with a place of business in 35 Primrose Lane, Freeport, Maine, and its successors and assigns.

WITNESSETH:

WHEREAS, CJD is or will be the owner of the property located at 2282 Congress Street, Portland, Maine (The "Property") more particularly described and shown on the Portland Assessors Map 237, Block A as Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book , Page ; and,

WHEREAS, CJD did request a rezoning of the property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a major auto service station, convenience store, restaurant (without a drive thru) and bank (with a drive thru) on 3.24 acres; and,

WHEREAS, in 1999 the City rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired.

WHEREAS, the Property is currently in the IM zone and is difficult to develop for an industrial use because of its limited size, MTA easements and wetland areas; and

WHEREAS, the Property is located in an unique and isolated location with the turnpike on one side, busy streets on two sides, and a developed lot on the other side, which together would limit the loss of industrial land and provide a convenient location for commercial uses to serve the adjoining industrial employment area; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A.M.R.S.A Sec.4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and,

AS RECOMMENDED BY PLANNING BOARD AT HEARING ON 2.12.1013

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan.

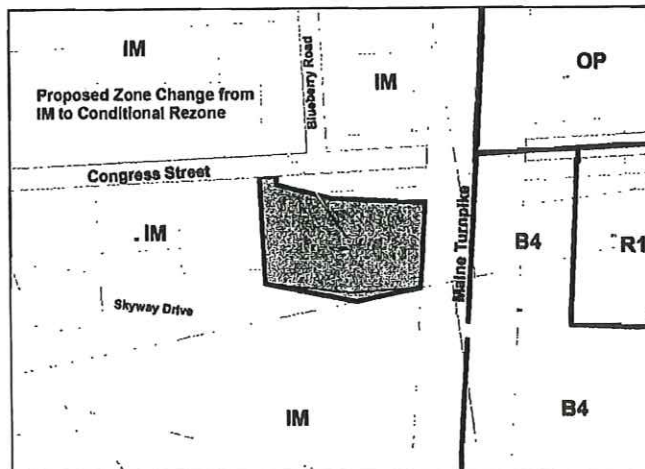
WHEREAS, the City's Comprehensive Plan seeks to "provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community."

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns; and,

WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning of the Property, CJD agrees to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting conditional IM zone amendment shown below;



Proposed Conditional Rezoning from IM for 2282 Congress Street

2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process;

AS RECOMMENDED BY PLANNING BOARD AT HEARING ON 2.12.1013

3. **Permitted uses:** Those uses allowed in the IM zone. In addition, the Property shall be permitted to be used for the following uses:
 - a. Major auto service station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
 - b. Bank or ATM (with a drive through)
 - c. Convenience Store (without a drive through)
 - d. Restaurant (without a drive through)

4. **Planning Board Site Plan Approval:** The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
 - a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.
 - c. CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.

5. **Community Contribution:** shall install a new crosswalk on Congress Street from the project site to the sidewalk on the north side of Congress Street. The crosswalk shall include the following features:
 - a. A pedestrian island in Congress Street. The island shall be raised and include granite curbing. The location, size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA complaint and include sidewalk ramps and connections to the existing sidewalk;
 - d. Durable pavement markings and supplemental signs; and
 - e. Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services.

This full combination of the above items is above and beyond the usual site plan requirement that would apply to this project for a striped crosswalk as shown in the Conceptual Site Plan in Attachment 2 Plan.

6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and requirements of the underlying I-M zone. The project must still adhere to all applicable dimensional requirements, other requirements and performance standards of the IM zone and obtain separate permits for all signage.

AS RECOMMENDED BY PLANNING BOARD AT HEARING ON 2.12.1013

7. If a building permit has not been pulled within two (2) years of the date of this Agreement, the zone shall revert to I-M; provided that CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CJD, or any successor, fails to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS:

CJ DEVELOPERS, INC.

By: _____
David Latulippe
Its President

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2013

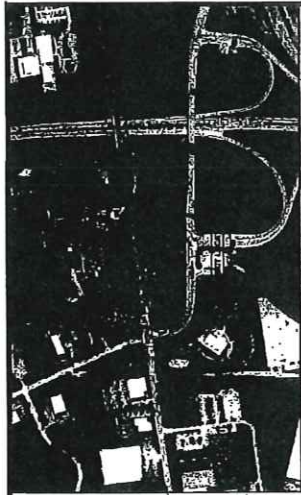
Personally appeared the above named David Latulippe, and acknowledged the foregoing instrument to be his free act and deed of CJ Developers, Inc.

Before me,

Notary Public / Attorney at Law

[Attachments:

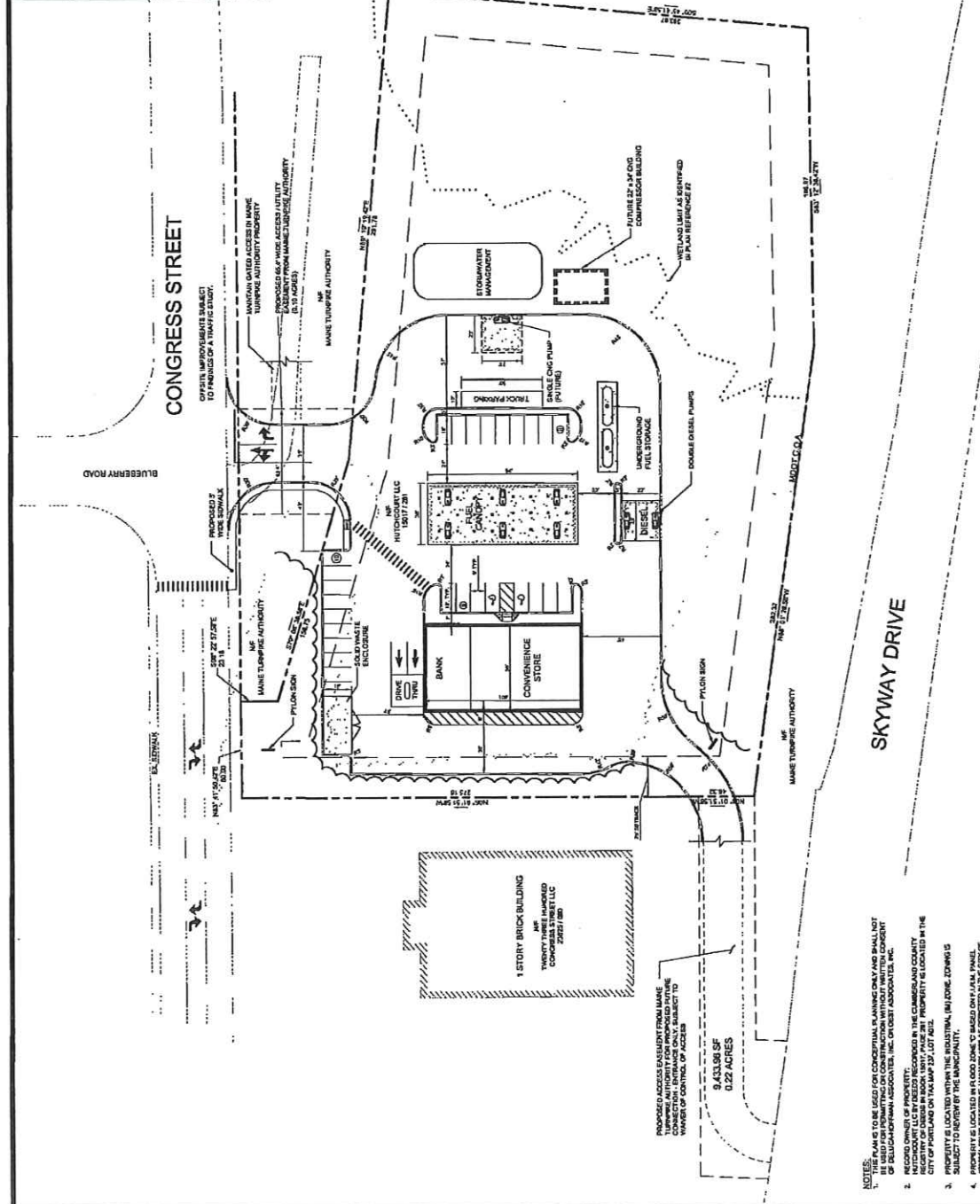
1. City Council Order (not available until City Council Hearing scheduled)
2. CONCEPT 3 Plan dated 1.30.2013]



LOCATION MAP
N.T.S.

CITY OF PORTLAND, MAINE - PERFORMANCE STANDARDS	EXISTING REGULATIONS	REQUIRED
USE - CONVENIENCE STORE W/ FUEL	NOT PERMITTED	REQUIRED
MINIMUM LOT SIZE	NONE	NONE
FRONT YARD SETBACK	1' FROM THE FRONT SETBACK FROM EACH OF BUILDING HEIGHT	1' FROM THE FRONT SETBACK FROM EACH OF BUILDING HEIGHT
REAR YARD SETBACK	1' FROM EACH SIDE OR REAR FOR EACH OF BUILDING HEIGHT UP TO 25'	1' FROM EACH SIDE OR REAR FOR EACH OF BUILDING HEIGHT UP TO 25'
MAXIMUM HEIGHT	75'	75'
MAXIMUM IMPERVIOUS SURFACE	75%	75%
MINIMUM SETBACK FROM LOT BOUNDARIES	10'	10'
MINIMUM STREET FRONTAGE	60'	60'
MAXIMUM FLOOR AREA RATIO	-	-
MINIMUM LOT WIDTH	-	-

*REQUESTING CONDITIONAL REGZONE TO ALLOW USE



NO.	DATE	DESCRIPTION	REVISIONS
1	01/23/13	ISSUED FOR CLIENT REVIEW	
2	02/13/13	REVISED AND RE-APPROVED TO CITY	
3	02/13/13	REVISED AND RE-APPROVED TO CITY	
4	02/13/13	REVISED AND RE-APPROVED TO CITY	
5	02/13/13	REVISED AND RE-APPROVED TO CITY	
6	02/13/13	REVISED AND RE-APPROVED TO CITY	
7	02/13/13	REVISED AND RE-APPROVED TO CITY	
8	02/13/13	REVISED AND RE-APPROVED TO CITY	

PROJECT	MULTI-USE DEVELOPMENT
2282 CONGRESS STREET	PORTLAND, MAINE
SHEET NO.	CONCEPT 3
CLIENT	CJ DEVELOPERS, INC.
35 PRIMROSE LANE	FREEMPORT, MAINE 04032

DATE	DESCRIPTION
01/23/13	ISSUED FOR CLIENT REVIEW
02/13/13	REVISED AND RE-APPROVED TO CITY
02/13/13	REVISED AND RE-APPROVED TO CITY
02/13/13	REVISED AND RE-APPROVED TO CITY
02/13/13	REVISED AND RE-APPROVED TO CITY
02/13/13	REVISED AND RE-APPROVED TO CITY
02/13/13	REVISED AND RE-APPROVED TO CITY
02/13/13	REVISED AND RE-APPROVED TO CITY



PRELIMINARY - NOT FOR CONSTRUCTION

- NOTES:
- THIS PLAN IS FOR CONSTRUCTION. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND, MAINE, AND THE STATE OF MAINE.
 - THE PROPERTY IS LOCATED WITHIN THE BRISTOL, (M) ZONE. ZONING IS REGULATED BY THE CITY OF PORTLAND, MAINE.
 - THE PROPERTY IS LOCATED WITHIN THE BRISTOL, (M) ZONE. ZONING IS REGULATED BY THE CITY OF PORTLAND, MAINE.
 - THE PROPERTY IS LOCATED WITHIN THE BRISTOL, (M) ZONE. ZONING IS REGULATED BY THE CITY OF PORTLAND, MAINE.

237 A 008

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
FROM: Barbara Barhydt, Acting Planning Division Director
DATE: February 13th, 2013
Re: Conditional Rezoning - 2282 Congress Street

1) Council meeting at which action is requested:

1st reading: February 25, 2013
Final action: March 4, 2013

2) Can action be taken at a later date: YES NO
If not, why not: _____

3) This item is sponsored by: Carol Morrissette, Planning Board Chair

cc: Mark Rees, City Manager
Mayor Brennan
Danielle West-Chuhta, Corporation Counsel
Terry Tucker, Administrative Assistant

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

Davd Latulippe of CJ Properties, Inc is requesting conditional rezoning for the property located at 2282 Congress Street, which is in the IM zone, to allow a gas station, convenience store with restaurant, and bank with two (2) drive thru lanes. The site is currently zoned I-M which does not allow retail/bank uses or gas stations and therefore the proposed development would not be permitted under the existing zoning. In 1999 this site was approved as a contract zone to allow a hotel development.

CJ Properties, Inc. originally applied for a map amendment from I-M to B-4, but In January 2013 the Planning Board voted to recommend that this go forward as a conditional rezoning rather than as a map amendment. On February 12th, 2013 the Planning Board voted unanimously to recommend the Conditional Rezoning and associated conditional zoning agreement to the City Council for its approval.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The applicant seeks approval for a conditional zoning agreement which would allow a 5,500 sq ft building for a bank and convenience store, the bank to have two (2) drive-thru lanes and the store to include a restaurant/ catering component and an 8-pump gas station with a possible compressed natural gas (CNG) fuel pump and electric car recharging station.

III. INTENDED RESULT (How does it resolve the issue/problem?)

The conditional rezoning would facilitate a multi-use commercial development on this small site that meets a local need, as identified by local businesses, for gas station and lunch/convenience store services for the local employees and their clients. These services are currently some distance from this area, which includes businesses with a total employment in the region of 11,500. It potentially would serve users of the turnpike.

IV. FINANCIAL IMPACT

There are no known financial impacts to the City.

V. STAFF ANALYSIS & RECOMMENDATION

At the Planning Board Hearing on January 8, 2013 the Board considered the original map amendment request from I-M to B-4 and concluded that the proposed mix of uses would fill a local need (and possibly serve the turnpike users) and reduce car trips in the vicinity without a serious loss of I-M land, but that the originally requested map amendment from I-M to B-4 would not be consistent with the Comprehensive Plan because:

- a map amendment would not necessarily result in this particular mix of uses (shown in Concept Plan) being developed and could result in more intensive uses; and
- a B-4 map amendment could set a precedent for the area and lead to the loss of other I-M sites along Congress Street to B-4 (retail) Map Amendments in the future.

Therefore the Board tabled the map amendment request in order to consider a proposed conditional zoning agreement for a recommendation to the City Council.

The applicant worked with City staff to prepare a conditional zoning agreement which confirms the permitted uses (convenience store, gas station, restaurant, bank), allows only the bank to have a drive-thru component (not allowed for the restaurant use), and confirms that the Planning Board would review the associated site plan. The introduction of these commercial uses into the I-M zone would serve both the local neighborhood and turnpike users and reduce vehicle trips as consistent with the Comprehensive Plan. The agreement also includes community benefits such as a safe pedestrian crossing and a campus-like development.

A public hearing on the conditional zoning agreement was held on February 12, 2013 and the Planning Board voted 6-0 (O'Brien absent) in favor of the following recommendation:

On the basis of the application, plans, reports and other information submitted by the applicant, the policies and requirements of the I-M zone, the Comprehensive Plan, public comment, staff comments and recommendations contained in Planning Report #08-13, and the testimony presented at the Planning Board Hearing, the Planning Board finds:

- A. That the proposed Conditional Rezoning to permit retail, bank, restaurant, and gas station uses including alternative fuel facilities, at 2282 Congress Street, as described in Report # 08-13, is consistent with the Comprehensive Plan of the City of Portland;
- B. That the proposed Conditional Rezoning is consistent with existing and permitted uses in the surrounding area;
- C. That the proposed Conditional Zone Agreement proposed for 2282 Congress Street is in compliance with the standards set out in 14-60 and 14-62; and
- D. That the Planning Board therefore recommends the Conditional Rezoning and associated Conditional Zone Agreement for 2282 Congress Street, including the revised and additional "Whereas" clauses as described in Report #08-13 section XII, to the City Council for its approval.

Attachments:

- a. **Conditional Zoning Agreement (CZA) as recommended by the Planning Board 2.12.13**
- b. **Att 2 to the CZA (Concept Plan 3)**
- c. **Order (to follow)**
- d. **City Council Report # 10-13 (to follow)**

Home Departments City Council E-Services Calendar Jobs

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
EVENING SESSION
MARCH 4, 2013

The Portland City Council will hold a regular City Council Meeting at 7:00 p.m. in the City Council Chambers, City Hall. The Honorable Michael F. Brennan, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) February 25, 2013

ANNOUNCEMENTS:

RECOGNITIONS:

Mayor Brennan Will Recognize King Middle School

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

Order 156-12/133 Order Granting Municipal Officers' Approval of DataEntry 21, LLC (Tab 2) d/b/a Outlier's Eatery, 231 York Street. Application for Class I Liquor License with Outdoor Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.

Application filed 2/14/13. New City and State licenses. Formerly Popeye's Ice House.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

March 4

UNFINISHED BUSINESS:**Order 151-12/13 Order Accepting and Approving 2012 Annual Report and 2013 Annual (Tab 3) Plan of the Land Bank Commission – Sponsored by the Land Bank Commission, Councilor Cheryl A. Leeman and Tom Jewell, Co-Chairs.**

The Land Bank Commission is required to prepare an Annual Report to the City Council summarizing work activities for that year. The Commission receives funding from the City to assist with achieving its goals and to acquire property for open space for the acquisition of property recommended to the City Council for Land Bank status. The Commission has other methods to acquire open space property which include personal property donations, direct purchases, land trades, and developer agreements.

The Land Bank Commission approved the 2012 Land Bank Commission Report at their January 2013 meeting and approved the recommended budget as well. The annual report provides for a recommended budget to carry out the core mission and functions of the Land Bank. In general the 2013 budget reflects costs associated with future property appraisals, title searches, environmental assessments and recommended land purchases for open space and land conservation purposes. The Commission recommended the report and budget be sent to the City Council for final acceptance and approval.

This item must be read on two separate days. It was given a first reading on February 25th. Five affirmative votes are required for passage after public comment.

Order 152-12/13 Order Approving Collective Bargaining Agreement with AFSCME (Tab 4) Labor and Trades for July 1, 2012 through June 30, 2013 – Sponsored by Mark H. Rees, City Manager.

City staff has reached a tentative one-year contract agreement with AFSCME Labor & Trades which is within guidance received from the Council. AFSCME Labor and Trades represents 168 trades, maintenance, and custodial workers.

Terms of the one-year agreement include a 1.5% across the board base wage increase. The general wage increase is consistent with other negotiated contracts for FY 2013.

The contract term is July 1, 2012 through June 30, 2013. The total direct cost of the general wage increase is approximately \$113,799.00.

This item must be read on two separate days. It was given a first reading on February 25th. Five affirmative votes are required for passage after public comment.

Order 153-12/13 Order Approving Collective Bargaining Agreement with Police (Tab 5) Benevolent Association – Sponsored by Mark H. Rees, City Manager.

City staff has reached a tentative agreement with the Police Benevolent Association (PBA) which is within guidance. The PBA represents 125 police officers and detectives in the Portland Police Department.

Terms of the agreement include a 1.0% base increase in the first year of a two-year agreement, and a 1.5% increase in the second year. The pay plan was also restructured in each year to assist with recruitment and retention of Portland Police Officers.

The contract term is January 1, 2012 through December 31, 2013.

The total direct cost of the general wage increase and pay plan restructuring is \$132,789 in the first year of the new contract (1.9% increase) and \$130,280 in the second year (1.8% increase).

This item must be read on two separate days. It was given a first reading on February 25th. Five affirmative votes are required for passage after public comment.

affirmative votes are required for passage after public comment.

Order 154-12/13 Amendment to City Code Sec. 14-49 (Zoning Text and Map (Tab 6) Amendment) Re: Conditional Rezoning for Property in the Vicinity of 2282 Congress Street – Sponsored by the Planning Board, Carol Morrisette, Planning Board Chair.

David Latulippe of CJ Properties, Inc. is requesting conditional rezoning for the property located at 2282 Congress Street, which is in the IM Zone, to allow a gas station, convenience store with restaurant, and bank with two (2) drive-thru lanes.

The site is currently zoned I-M which does not allow retail/bank uses or gas stations and, therefore, the proposed development would not be permitted under the existing zoning.

CJ Properties, Inc. originally applied for a map amendment from I-M to B-4, but the Planning Board voted unanimously to recommend the conditional zoning agreement to the City Council for its approval.

This item must be read on two separate days. It was given a first reading on February 25th. Five affirmative votes are required for passage after public comment.

Order 155-12/13 Amendment to Portland City Code Chapter 24 Sewers Article IV. (Tab 7) Sewer Use Charges Re: Sewer User Charges – Sponsored by Mark H. Rees, City Manager.

The City Council amended the Inter Municipal Agreement with the Portland Water District (PWD) that addresses sewer billing procedures through a Memorandum of Understanding (MOU). The MOU was developed in collaboration with the Portland Water District (PWD) officials and staff from the Department of Public Services, Finance and Corporation Council. The MOU was approved by the City Council this past January. The MOU shifts responsibilities for administering the submeter program from the PWD to the City of Portland Department of Public Services. The MOU outlines that all residential and commercial submeters are to be permitted and issued by the department under a new permit application.

The permit requires key information as to the use of the submeter and location, inspection and certification of the installation by a licensed plumber before it comes back to the department for authorization. The sewer use ordinance needs to be amended to allow for the establishment of this new program and fees.

Additionally, it has been several years since the City has updated its sewer availability charge. This charge is assessed on customers that have septic systems and are within two hundred (200)' of the City's sewer collection infrastructure. Staff is proposing that the ordinance be amended to change the availability charge from \$1.71 per one hundred (100) cubic feet of volume to the minimum charge (or \$8.71, currently,) per one hundred (100) cubic feet of volume per month.

This item must be read on two separate days. It was given a first reading on February 25th. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 157-12/13 Order Approving Traffic Schedule Amendment Re: Commercial and (Tab 8) Maples Streets - Sponsored by the Transportation, Sustainability and Energy Committee, Councilor David A. Marshall, Chair.

Recently, the Planning Board approved a site plan located at #321 Commercial St., which requires the net loss of two unmetered on-street parking spaces on Commercial and Maple Streets. Such a loss requires an amendment to the City's traffic schedule. The City Council must approve such amendments per Section 28-24(g). The necessary Traffic Schedule amendments were endorsed by the Transportation, Sustainability & Energy Committee on Feb. 20, 2013. The amendments are as follows:

Maple Street: There are currently seven (7) spaces along the property frontage used for on-street parking. Due to installing a new curb cut on Maple Street to service the development, the number of spaces is reduced to four (4) spaces. It should be noted that there is an existing curb cut on Maple Street servicing the lot, but not currently in use.

Commercial Street (north side): There are currently twelve (12) spaces along the property frontage used for on-street parking. Due to eliminating an existing curb cut on Commercial Street and servicing the development via Foundry Lane, the number of spaces is increased to sixteen (16) spaces.

Commercial Street (south side) – Since there is currently no crosswalk on Commercial Street in the vicinity of the development, the Planning Board required the developer to install one. The design of the crosswalk results in the elimination of three (3) on-street parking spaces, which allows for better pedestrian visibility and safety.

Five affirmative votes are required for passage after public comment.

Order 158-12/13 Order Approving Traffic Schedule Amendment Re: Union Street (Tab 9) – Sponsored by the Transportation, Sustainability, and Energy Committee, David A. Marshall, Chair.

At its November 5, 2012 meeting, the Planning Board approved a site plan for Cow Plaza Hotel LLC, which requires that two metered parking spaces on Union Street be eliminated to allow for the new curb cut and exit from the Hyatt Place Hotel.

The new curb cut is necessary in order to provide for a safe exit from the hotel, and the necessary site distance to the north on Union Street.

This item was endorsed by the Transportation, Sustainability & Energy Committee at their meeting on February 20, 2013.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 159-12/13 Amendment to Portland City Code Chapter 21 Farmers' Markets (Tab 10) Chapter 19 Peddlers and Solicitors Chapter 15 Licenses and Permits – Sponsored by the Public Safety, Health and Human Services Committee, Councilor Edward J. Suslovic, Chair.

On February 12, 2013, the Public Safety, Health and Human Services Committee voted unanimously to recommend approval of the attached ordinance changes and draft license agreement to the full City Council.

After several meetings last year with Farmers Market members, as well as the City Clerk's office, changes were drafted to simplify the licensing process now in place for farmer's markets. These changes would mean a single license would be issued to the Farmer's Market Association (FMA). This license agreement would incorporate the current regulations pertaining to operation and products to be sold.

The Committee held two public hearings on this issue this year. After the first public hearing, staff held a meeting with two farmers who expressed concerns regarding the operation and formation of the FMA.

Staff also met with FMA representatives and asked them to address these concerns at the next public hearing. On February 12th the FMA was represented by its current president, secretary, and membership coordinator, who confirmed that the Association has been properly formed, its by-laws have been adopted by majority vote, the Association has obtained legal non-profit status

through the Maine Secretary of State, and the FMA membership has voted in favor of these proposed changes to the City's licensing process.

Staff recommends that because individual licenses have already been issued to some individual farmers for the upcoming season, this change not be made effective until 2014.

This item must be read on two separate days. This is its first reading.

LICENSE RENEWALS:

REQUEST FOR EXECUTIVE SESSION:

rec'd 2-26-13
sent to Council
members via email
2/15/13



Public Comment

Re CC Order 155-12/13
Hearing 3.4.2013

To: Carol Morrisette
Committee Chair, Portland Planning Board

From: Winfield Stratton
Project / Procurement Manager
ecomaine

Re: Proposed zoning map amendment
CJ Developers, Inc. proposal

Att. D. 15 to
City Council Report #10-13
2282 Congress St.
Conditional Rezoning

Ms. Morrisette,

I was in attendance at the February 12, 2013 Planning Board public hearing and commented on the C.J. Development Inc. request for a zoning amendment. Thank you for the opportunity to speak at the public hearing and for recognizing my concerns at the end of the meeting. On behalf of ecomaine I requested that the board consider a traffic light at the end of Blueberry Road to control traffic merging onto Congress Street. I understand that a traffic movement study will be conducted to evaluate current and anticipated increased traffic flow resulting from the addition of the proposed development.

Ecomaine is concerned and committed to the safety of employees, vendors, trash haulers, and other visitors to ecomaine. Currently, egress onto Congress Street from Blueberry Road is difficult especially during periods of heavy traffic. Sight distance is limited in each direction where Blueberry Road intersects Congress Street. Large commercial trash trucks frequently restrict visibility and driver ability to safely assess oncoming traffic.

Increased traffic volume on an already congested area, the high percentage of large commercial vehicles, as well as traffic merging onto Congress Street directly opposite Blueberry Road will each contribute to increased risk for vehicles exiting and merging onto Congress Street. These risks will be common to vehicles on Blueberry Road as well as vehicles entering and exiting the proposed development.

Ecomaine strongly supports the installation of a traffic light to control traffic flow in all directions, and requests that upon completion of the Traffic Movement Permitting a traffic light is mandated. Ecomaine wishes to be pro-active with Safety in order to eliminate all hazard risks for our employees, visitors, and the general public.

Please contact ecomaine for actual facility related traffic volume data.

Submitted By:

Winfield Stratton

ecomaine

Barbara Barhydt - RE: reminders

From: Tom Errico <thomas.errico@tylin.com>
To: Barbara Barhydt <BAB@portlandmaine.gov>
Date: Friday, March 01, 2013 10:16 AM
Subject: RE: reminders
CC: Jean Fraser <JF@portlandmaine.gov>

Barbara – see below for signal statement and tanks for the reminder on parking for 119 Exchange Street.

The proposed project will generate traffic volumes that will require the preparation of a traffic impact study that satisfies Traffic Movement Permit requirements. One of these requirements is the evaluation of traffic control at the Congress Street/Blueberry Drive/Site Driveway intersection. This evaluation will include a traffic signal warrant analysis per criteria contained in the publication, Manual on Uniform Traffic Control Devices (MUTCD), Federal Highway Administration. This warrant analysis will include a review of traffic volumes entering and exiting both the site driveway and Blueberry Drive. If the analysis concludes that a traffic signal is warranted, the applicant would be responsible for all costs associated with the design and construction of the traffic signal.

Thanks

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director

 12 Northbrook Drive
 Falmouth, ME 04105
 207.347.4354 direct
 207.400.0719 mobile
 207.781.4753 fax
thomas.errico@tylin.com
 Visit us online at www.tylin.com

"One Vision, One Company"
 Please consider the environment before printing.

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Friday, March 01, 2013 9:10 AM
To: Errico Thomas <Thomas.Errico@tylin.com>
Subject: reminders

Hi Tom:

Just a reminder that you were going to give me a statement on a traffic signal for David LaTullipe's outer Congress Street project. The PB Chair and I will be at the Council meeting Monday night.

Also, the DPS recommendation for parking at 119 Exchange Street.

Thanks.

Jean Fraser - Re: Council Agenda Request

From: Jean Fraser
To: Tucker, Theresa
Date: 2/13/2013 1:40 PM
Subject: Re: Council Agenda Request
Attachments: As recom-mended by Planning Board 2.12.2013.docx; Concept Plan 3 no pylon sign 1.30.13.pdf

Terry,

Please find attached the CZA as approved by the Planning Board last night.

I also attach the Concept Plan that forms Att 2 to the CZA if needed.

thanks

Jean

>>> Theresa Tucker 2/11/2013 2:27 PM >>>

Yes, that's fine.

Thanks

Theresa Tucker
Executive Legal Assistant
Office of Corporation Counsel
389 Congress Street
Portland, ME 04101
(207)874-8434
txb@portlandmaine.gov.

>>> Jean Fraser 2/11/2013 2:20 PM >>>

Terry

The Planning Board is reviewing the wording of the Conditional rezone agreement tomorrow night (PB Hearing 7 pm) and there are a couple clauses that might go in - or not...

Could I send you the final WORD version on Wed morning?

thanks

Jean

PS I will ask our front office to change our template to change your name. Sorry.

>>> Theresa Tucker 2/11/2013 1:56 PM >>>

Can I get a copy of the Conditional rezone agreement in word format so I can do the order. Thanks.

Also can someone change my name on the agenda request form. My last name is now Tucker. Thanks.

Theresa Tucker
Executive Legal Assistant
Office of Corporation Counsel
389 Congress Street
Portland, ME 04101
(207)874-8434
txb@portlandmaine.gov

>>> Jean Fraser 2/7/2013 4:26 PM >>>

Sonia,

Please find attached a Council Agenda Request form plus attachment for the Feb 25th Council meeting- it relates to a Conditional Rezoning for 2282 Congress Street. David Latulippe (CJ Properties) is the applicant and Clr Suslovik has been involved in the discussions.

Please note it will be updated on Wed Feb 13th to include the final PB recommendation.

thank you
Jean

Jean Fraser - updated Agenda Req Form Cond Rezoning 2282 Congress St.

From: Jean Fraser
To: Bean, Sonia
Date: 2/13/2013 2:17 PM
Subject: updated Agenda Req Form Cond Rezoning 2282 Congress St.
CC: Brennan, Michael; Levine, Jeff; Rees, Mark; Tucker, Theresa; West-Ch...
Attachments: 2.13.13 to SB Council Agenda Req form re 2282 Congress CZA inlc PB rec.docx; CZA 2282 Congress as rec. by Planning Board 2.12.2013.pdf; Concept Plan 3 1.30.13 Att 2 to CZA.pdf

Sonia

Please substitute the attached three documents for the ones I sent you last week, as they have been updated to reflect the Planning Board's decision at the Hearing last night.

Thank you
Jean

Jean Fraser - City Council Request form

From: Jean Fraser
To: Latulippe, David
Date: 2/13/2013 5:18 PM
Subject: City Council Request form
Attachments: 2.13.13 to SB Council Agenda Req form re 2282 Congress CZA inlc PB rec.docx; CZA 2282 Congress as rec. by Planning Board 2.12.2013.pdf; Concept Plan 3 1.30.13 Att 2 to CZA.pdf

David

For information- this is what went forward today to the City Manager, Corporation Counsel and others re this project; I will prepare a City Council report (streamlined version of the PB Report) next week that will go out to the Councilors on 2.22.13.

Hope it goes as smoothly as last night with the City Council!

Jean

Jean Fraser - updated Agenda Req Form Cond Rezoning 2282 Congress St.

From: Jean Fraser
To: Bean, Sonia
Date: 2/13/2013 2:17 PM
Subject: updated Agenda Req Form Cond Rezoning 2282 Congress St.
CC: Brennan, Michael; Levine, Jeff; Rees, Mark; Tucker, Theresa; West-Ch...
Attachments: 2.13.13 to SB Council Agenda Req form re 2282 Congress CZA inlc PB rec.docx; CZA 2282 Congress as rec. by Planning Board 2.12.2013.pdf; Concept Plan 3 1.30.13 Att 2 to CZA.pdf

Sonia

Please substitute the attached three documents for the ones I sent you last week, as they have been updated to reflect the Planning Board's decision at the Hearing last night.

Thank you
Jean

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
FROM: Barbara Barhydt, Acting Planning Division Director
DATE: February 13th, 2013
Re: Conditional Rezoning - 2282 Congress Street

1) Council meeting at which action is requested:

1st reading: February 25, 2013
Final action: March 4, 2013

2) Can action be taken at a later date: X YES NO
If not, why not: _____

3) This item is sponsored by: Carol Morrissette, Planning Board Chair

cc: Mark Rees, City Manager
Mayor Brennan
Danielle West-Chuhta, Corporation Counsel
Terry Tucker, Administrative Assistant

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

Davd Latulippe of CJ Properties, Inc is requesting conditional rezoning for the property located at 2282 Congress Street, which is in the IM zone, to allow a gas station, convenience store with restaurant, and bank with two (2) drive thru lanes. The site is currently zoned I-M which does not allow retail/bank uses or gas stations and therefore the proposed development would not be permitted under the existing zoning. In 1999 this site was approved as a contract zone to allow a hotel development.

CJ Properties, Inc. originally applied for a map amendment from I-M to B-4, but In January 2013 the Planning Board voted to recommend that this go forward as a conditional rezoning rather than as a map amendment. On February 12th, 2013 the Planning Board voted unanimously to recommend the Conditional Rezoning and associated conditional zoning agreement to the City Council for its approval.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The applicant seeks approval for a conditional zoning agreement which would allow a 5,500 sq ft building for a bank and convenience store, the bank to have two (2) drive-thru lanes and the store to include a restaurant/ catering component and an 8-pump gas station with a possible compressed natural gas (CNG) fuel pump and electric car recharging station.

III. INTENDED RESULT (How does it resolve the issue/problem?)

The conditional rezoning would facilitate a multi-use commercial development on this small site that meets a local need, as identified by local businesses, for gas station and lunch/convenience store services for the local employees and their clients. These services are currently some distance from this area, which includes businesses with a total employment in the region of 11,500. It potentially would serve users of the turnpike.

IV. FINANCIAL IMPACT

There are no known financial impacts to the City.

V. STAFF ANALYSIS & RECOMMENDATION

At the Planning Board Hearing on January 8, 2013 the Board considered the original map amendment request from I-M to B-4 and concluded that the proposed mix of uses would fill a local need (and possibly serve the turnpike users) and reduce car trips in the vicinity without a serious loss of I-M land, but that the originally requested map amendment from I-M to B-4 would not be consistent with the Comprehensive Plan because:

- a map amendment would not necessarily result in this particular mix of uses (shown in Concept Plan) being developed and could result in more intensive uses; and
- a B-4 map amendment could set a precedent for the area and lead to the loss of other I-M sites along Congress Street to B-4 (retail) Map Amendments in the future.

Therefore the Board tabled the map amendment request in order to consider a proposed conditional zoning agreement for a recommendation to the City Council.

The applicant worked with City staff to prepare a conditional zoning agreement which confirms the permitted uses (convenience store, gas station, restaurant, bank), allows only the bank to have a drive-thru component (not allowed for the restaurant use), and confirms that the Planning Board would review the associated site plan. The introduction of these commercial uses into the I-M zone would serve both the local neighborhood and turnpike users and reduce vehicle trips as consistent with the Comprehensive Plan. The agreement also includes community benefits such as a safe pedestrian crossing and a campus-like development.

A public hearing on the conditional zoning agreement was held on February 12, 2013 and the Planning Board voted 6-0 (O'Brien absent) in favor of the following recommendation:

On the basis of the application, plans, reports and other information submitted by the applicant, the policies and requirements of the I-M zone, the Comprehensive Plan, public comment, staff comments and recommendations contained in Planning Report #08-13, and the testimony presented at the Planning Board Hearing, the Planning Board finds:

- A. That the proposed Conditional Rezoning to permit retail, bank, restaurant, and gas station uses including alternative fuel facilities, at 2282 Congress Street, as described in Report # 08-13, is consistent with the Comprehensive Plan of the City of Portland;
- B. That the proposed Conditional Rezoning is consistent with existing and permitted uses in the surrounding area;
- C. That the proposed Conditional Zone Agreement proposed for 2282 Congress Street is in compliance with the standards set out in 14-60 and 14-62; and
- D. That the Planning Board therefore recommends the Conditional Rezoning and associated Conditional Zone Agreement for 2282 Congress Street, including the revised and additional "Whereas" clauses as described in Report #08-13 section XII, to the City Council for its approval.

Attachments:

- a. **Conditional Zoning Agreement (CZA) as recommended by the Planning Board 2.12.13**
- b. **Att 2 to the CZA (Concept Plan 3)**
- c. **Order (to follow)**
- d. **City Council Report # 10-13 (to follow)**

AS RECOMMENDED BY PLANNING BOARD AT HEARING ON 2.12.1013

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF 2282 CONGRERSS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

AGREEMENT made this _____ day of _____, 2013 by CJ DEVELOPERS, INC. of Cumberland County ("CJD") with a place of business in 35 Primrose Lane, Freeport, Maine, and its successors and assigns.

WITNESSETH:

WHEREAS, CJD is or will be the owner of the property located at 2282 Congress Street, Portland, Maine (The "Property") more particularly described and shown on the Portland Assessors Map 237, Block A as Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book , Page ; and,

WHEREAS, CJD did request a rezoning of the property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a major auto service station, convenience store, restaurant (without a drive thru) and bank (with a drive thru) on 3.24 acres; and,

WHEREAS, in 1999 the City rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired.

WHEREAS, the Property is currently in the IM zone and is difficult to develop for an industrial use because of its limited size, MTA easements and wetland areas; and

WHEREAS, the Property is located in an unique and isolated location with the turnpike on one side, busy streets on two sides, and a developed lot on the other side, which together would limit the loss of industrial land and provide a convenient location for commercial uses to serve the adjoining industrial employment area; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A.M.R.S.A Sec.4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and,

AS RECOMMENDED BY PLANNING BOARD AT HEARING ON 2.12.1013

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan.

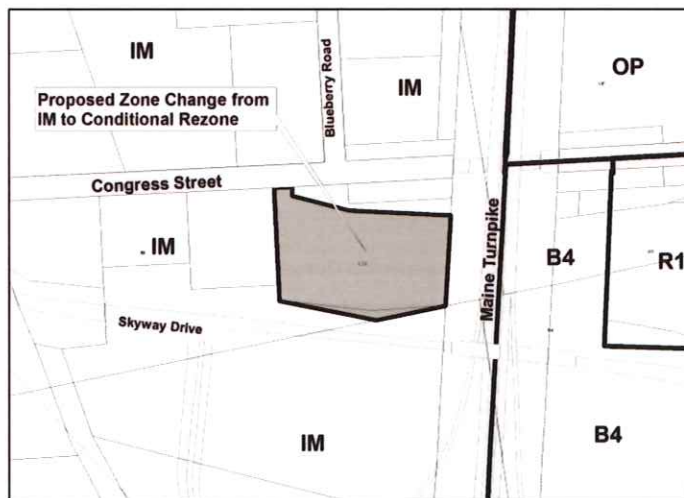
WHEREAS, the City's Comprehensive Plan seeks to "provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community."

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns; and,

WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning of the Property, CJD agrees to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting conditional IM zone amendment shown below;



Proposed Conditional Rezoning from IM for 2282 Congress Street

2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process;

AS RECOMMENDED BY PLANNING BOARD AT HEARING ON 2.12.1013

3. Permitted uses: Those uses allowed in the IM zone. In addition, the Property shall be permitted to be used for the following uses:
 - a. Major auto service station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
 - b. Bank or ATM (with a drive through)
 - c. Convenience Store (without a drive through)
 - d. Restaurant (without a drive through)

4. Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
 - a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.
 - c. CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.

5. Community Contribution: shall install a new crosswalk on Congress Street from the project site to the sidewalk on the north side of Congress Street. The crosswalk shall include the following features:
 - a. A pedestrian island in Congress Street. The island shall be raised and include granite curbing. The location, size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA complaint and include sidewalk ramps and connections to the existing sidewalk;
 - d. Durable pavement markings and supplemental signs; and
 - e. Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services.

This full combination of the above items is above and beyond the usual site plan requirement that would apply to this project for a striped crosswalk as shown in the Conceptual Site Plan in Attachment 2 Plan.

6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and requirements of the underlying I-M zone. The project must still adhere to all applicable dimensional requirements, other requirements and performance standards of the IM zone and obtain separate permits for all signage.

AS RECOMMENDED BY PLANNING BOARD AT HEARING ON 2.12.1013

7. If a building permit has not been pulled within two (2) years of the date of this Agreement, the zone shall revert to I-M; provided that CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CJD, or any successor, fails to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS:

CJ DEVELOPERS, INC.

By: _____
David Latulippe
Its President

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2013

Personally appeared the above named David Latulippe, and acknowledged the foregoing instrument to be his free act and deed of CJ Developers, Inc.

Before me,

Notary Public / Attorney at Law

[Attachments:

1. City Council Order (not available until City Council Hearing scheduled)
2. CONCEPT 3 Plan dated 1.30.2013]

*as sent Sonia + all
cc's 2-7-13*

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
FROM: Barbara Barhydt, Acting Planning Division Director
DATE: February 7, 2013
Re: Conditional Rezoning - 2282 Congress Street

- 1) Council meeting at which action is requested:
1st reading: February 25, 2013
Final action: March 4, 2013
 - 2) Can action be taken at a later date: X YES _____ NO
If not, why not: _____
 - 3) This item is sponsored by: Carol Morrissette, Planning Board Chair
- cc:** Mark Rees, City Manager
Mayor Brennan
Danielle West-Chuhta, Corporation Counsel
Terry Bourgoin, Administrative Assistant

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

Davd Latulippe of CJ Properties, Inc is requesting conditional rezoning for the property located at 2282 Congress Street, which is in the IM zone, to allow a gas station, convenience store with restaurant, and bank with two (2) drive thru lanes. The site is currently zoned I-M which does not allow retail/bank uses or gas stations and therefore the proposed development would not be permitted under the existing zoning. CJ Properties, Inc. originally applied for a map amendment from I-M to B-4, but the Planning Board voted to recommend that this go forward as a conditional rezoning rather than as a map amendment. In 1999 this site was approved as a contract zone to allow a hotel development.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The applicant seeks approval for a conditional zoning agreement which would allow a 5,500 sq ft building for a bank and convenience store, the bank to have two (2) drive-thru lanes and the store to include a restaurant/ catering component and an 8-pump gas station with a possible compressed natural gas (CNG) fuel pump and electric car recharging station.

III. INTENDED RESULT (How does it resolve the issue/problem?)

The conditional rezoning would facilitate a multi-use commercial development on this small site that meets a local need, as identified by local businesses, for gas station and lunch/convenience store services for the local employees and their clients. These services are currently some distance from this area, which includes businesses with a total employment in the region of 11,500. It potentially would serve users of the turnpike.

IV. FINANCIAL IMPACT

There are no known financial impacts to the City.

V. STAFF ANALYSIS & RECOMMENDATION

At the Planning Board Hearing on January 8, 2013 the Board considered the original map amendment request from I-M to B-4 and concluded that the proposed mix of uses would fill a local need (and possibly serve the turnpike users) and reduce car trips in the vicinity without a serious loss of I-M land, but that the originally requested map amendment from I-M to B-4 would not be consistent with the Comprehensive Plan because:

- a map amendment would not necessarily result in this particular mix of uses (shown in Concept Plan) being developed and could result in more intensive uses; and
- a B-4 map amendment could set a precedent for the area and lead to the loss of other I-M sites along Congress Street to B-4 (retail) Map Amendments in the future.

Therefore the Board tabled the map amendment request in order to consider a proposed conditional zoning agreement for a recommendation to the City Council.

The applicant worked with City staff to prepare a conditional zoning agreement which confirms the permitted uses (convenience store, gas station, restaurant, bank), allows only the bank to have a drive-thru component (not allowed for the restaurant use), and confirms that the Planning Board would review the associated site plan. The introduction of these commercial uses into the I-M zone would serve both the local neighborhood and turnpike users and reduce vehicle trips as consistent with the Comprehensive Plan. The agreement also includes community benefits such as a safe pedestrian crossing and a campus-like development.

A public hearing on the conditional zoning agreement was held on February 12, 2013 and the Planning Board recommendation will be confirmed.

Attachments:

- a. Conditional Zoning Agreement**
- b. Order (to follow)**
- c. City Council Report # 10-13 (to follow)**

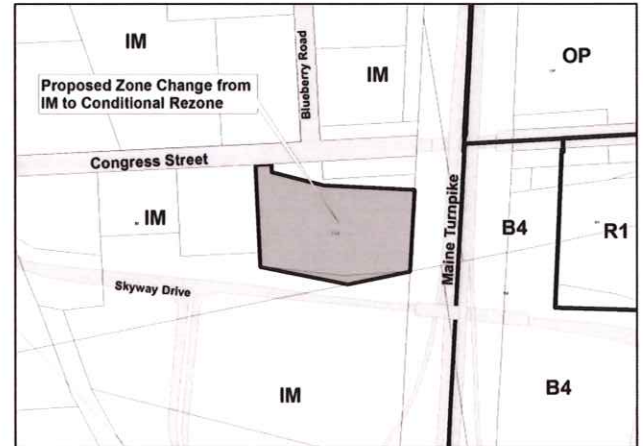
**AN IMPORTANT NOTICE FROM THE CITY OF PORTLAND PLANNING DIVISION
TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF 2282 CONGRESS STREET**

WHAT: The City Council will hold a public hearing to consider a proposal by C.J. Developers, Inc. for a zoning amendment from IM to Conditional Rezoning of a 3.24 acre property at 2282 Congress Street. This is proposed in order to allow retail, restaurant and gas station uses to be included in the future development of the property. The site was rezoned in 1999 for a hotel, which has since expired.

The proposed conditions of the conditional zone agreement include, but are not limited to: allowing a convenience store/restaurant without a drive thru, a bank with 2 drive-through lanes, and an auto service station with 6 fueling stations and diesel, natural gas and electricity fuel dispensing facilities; conditions requiring traffic and landscape improvements and a pedestrian crossing with flashing lights.

Public comments will be taken at this meeting.

WHEN: Monday, March 4th, 2013
7:00 p.m.
Council Chambers, 2nd Floor, City Hall



Proposed Conditional Rezoning from IM for 2282 Congress Street

FOR MORE INFORMATION: The conditional zone agreement in its entirety is available for viewing in the City Clerk's Office, 2nd Floor, City Hall, at the Planning Division Reception, 4th Floor, City Hall. If you wish to submit written comments, address them to Jean Fraser, Planner, Planning Division, City Hall, 4th Floor, 389 Congress Street, Portland, Maine 04101; by phone at 874-8728 or e-mail at jf@portlandmaine.gov. To access the cover reports and all agenda material for the City Council Hearing on-line, please visit the following web address (<http://www.portlandmaine.gov/councilpacket.htm>) on or after the Friday preceding the meeting date.

*Jen sent
to paper
2/15/13 for man*

From: Sonia Bean
To: Staff
CC: she@hillchristianconsulting.com
Date: 1/18/2013 1:53 PM
Subject: City Council Meeting Dates for February

Regular City Council Meeting on February 4 at 7:00 p.m.

Since the week of February 18th is school vacation week and a lot of people are away, Mayor Brennan has rescheduled the Wednesday, February 20th, Council meeting to Monday, February 25th, at 7:00 p.m.

Items for that agenda will be due on Tuesday February 12th. The agenda meeting will be held on Friday, February 15th, at 11:00 a.m.

Sonia Bean
Senior Administrative Assistant
Executive Department
City of Portland
(207) 874-8689

+ add re MTA - see email 4-2-2013
A.

2282 Congress Street

Additional Parties to be noticed for all stages of site plan application

PC Ref for Rezoning Rev.	Name	Title/Position	Address	e-mail	Telephone
	Catherine Alexander ✓	Attorney for UNUM	UNUM 2211 Congress Street C474 Portland, ME 04112	calexander@unum.com	
(D15 for Rezoning)	Winfield Stratton ✓		ECOMAINE Blueberry Road		
(D14 for Rezoning)	Paul Leblond ✓	Sales Support Specialist	Synergent Technology Services	pleblond@synergentcorp.com	773-5671 Ext 285 800.341.0180 800.442.6796 in Maine
(D13 for rezoning)	Michael C Rogers	Stroudwater resident	66 River's Edge Drive Portland, ME 04106	Michael.rogers66@gmail.com	318-9984
(D12 for rezoning)	Victor Chau	Ward 2 City Councilor of Westbrook	2 York Street Westbrook, ME 04092	Vchau@westbrook.ME.US	518-8887
(D11 for rezoning)	Paul R. Marshall	CPA firm	Marshall & Libby, LLC 2367 Congress Street Portland ME 04102-1932	marlib@marshall-libby.com Lynn Greene lgreene@marshall-libby.com	775-1111
(D10 for rezoning)	Don Neidetcher	Property owner	The Best Company LLC 396 County Road Westbrook, ME 04092	dmetco@yahoo.com	
(D9 for rezoning)	Bruce Bailey	Nearby landowner (2338 Congress St)	Congo Associates 9 Thomas Drive Westbrook, ME 04092		774-2843
(D8 for rezoning)	Peg Cianchette ✓	Owns nearby property	Cianchette Family Trust		
(D7 for rezoning)	Deron Barton	Portland resident; Friends of Canco Wds	17 Wellstone Portland, ME 04103	dbarton@bmcfirst.com	
(D6 for rezoning)	Karl Ekstedt	Owner, Oceanside Rubbish Inc	Oceanside Rubbish, Inc. PO Box 39 Wells, ME 04090		646-3230
(D5 for rezoning)	Paul Ureneck	Senior VP Project Management, CBRE Boulos	Boulos Property Management One Canal Plaza, Suite 500 Portland, ME 04101		871-1290
(D4 for rezoning)	Patrick J Venne		157 Wolcott Street Portland, ME 04102		
(D3 for rezoning)	Jennifer Minthorn, MA, LADC, CCS	Assis. VP of Dev. & Comm. Relations, CSAC (Merrimack River Medical Services)	2300 Congress Street Portland, ME 04101		221-2292
(D2 for rezoning)	Dennis P. King, FACHE	President and CEO, Spring Harbor Hospital	Spring Harbor Hospital 123 Andover Road Westbrook, ME 04092		761-2200
(D1 for rezoning)	Dan Broderick	For Trane (a company)	Trane 30 Thomas Drive Westbrook, ME	DJBRODERICK@TRANE.COM	

Jean Fraser - Add MTA Fwd: Noticing re Site Plan for 2282 Congress Street

From: Jean Fraser
To: Dobson, Lannie; Yeaton, Jennifer
Date: 4/2/2013 4:02 PM
Subject: Add MTA Fwd: Noticing re Site Plan for 2282 Congress Street
Attachments: Add'l people to notice re 2282 Congress St.docx

Hi

In addition to those on this attached list, we need to be sure MTA are noticed properly- I would like to see what is shown on the list that is generated by GIS and discuss with Kathi Earley who else needs to be added.

In any case, please add these 2 to the noticing list:

Peter Merfield, Chief Operations Officer
Maine Turnpike Authority
2360 Congress Street
Portland, ME 04102

and

John D. Roberts, Right of Way Manager
Maine Turnpike Authority
2360 Congress Street
Portland, ME 04102

Thanks
Jean

>>> Jean Fraser 4/2/2013 2:29 PM >>>
Jen and Lannie

All notices on this project also need to go to the people listed on the attached list- some may already be on the noticing list so please compare and avoid duplicates.

Please keep some form of evidence that notices have been sent to the addresses listed.

I have left a paper copy with the application as well.

Thank you
Jean

2282 Congress Street

Additional Parties to be noticed for all stages of site plan application

PC Ref for Rezoning Rev.	Name	Title/Position	Address	e-mail	Telephone
	Catherine Alexander	Attorney for UNUM	UNUM 2211 Congress Street C474 Portland, ME 04112	calexander@unum.com	
(D15 for Rezoning)	Winfield Stratton		ECOMAINE Blueberry Road		
(D14 for Rezoning)	Paul Leblond	Sales Support Specialist	Synergent Technology Services	pleblond@synergentcorp.com	773-5671 Ext 285 800.341.0180 800.442.6796 in Maine
(D13 for rezoning)	Michael C Rogers	Stroudwater resident	66 River's Edge Drive Portland, ME 04106	Michael.rogers66@gmail.com	318-9984
(D12 for rezoning)	Victor Chau	Ward 2 City Councilor of Westbrook	2 York Street Westbrook, ME 04092	Vchau@westbrook.ME.US	518-8887
(D11 for rezoning)	Paul R. Marshall	CPA firm	Marshall & Libby, LLC 2367 Congress Street Portland ME 04102-1932	marlib@marshall-libby.com Lynn Greene lgreene@marshall-libby.com	775-1111
(D10 for rezoning)	Don Neidetcher	Property owner	The Best Company LLC 396 County Road Westbrook, ME 04092	dmetco@yahoo.com	
(D9 for rezoning)	Bruce Bailey	Nearby landowner (2338 Congress St)	Congo Associates 9 Thomas Drive Westbrook, ME 04092		774-2843
(D8 for rezoning)	Peg Cianchette	Owns nearby property	Cianchette Family Trust		
(D7 for rezoning)	Deron Barton	Portland resident; Friends of Canco Wds	17 Wellstone Portland, ME 04103	dbarton@bmcfirst.com	
(D6 for rezoning)	Karl Ekstedt	Owner, Oceanside Rubbish Inc	Oceanside Rubbish, Inc. PO Box 39 Wells, ME 04090		646-3230
(D5 for rezoning)	Paul Ureneck	Senior VP Project Management, CBRE Boulos	Boulos Property Management One Canal Plaza, Suite 500 Portland, ME 04101		871-1290
(D4 for rezoning)	Patrick J Venne		157 Wolcott Street Portland, ME 04102		
(D3 for rezoning)	Jennifer Minthorn, MA, LADC, CCS	Assis. VP of Dev. & Comm. Relations, CSAC (Merrimack River Medical Services)	2300 Congress Street Portland, ME 04101		221-2292
(D2 for rezoning)	Dennis P. King, FACHE	President and CEO, Spring Harbor Hospital	Spring Harbor Hospital 123 Andover Road Westbrook, ME 04092		761-2200
(D1 for rezoning)	Dan Broderick	For Trane (a company)	Trane 30 Thomas Drive Westbrook, ME	DJBRODERICK@TRANE.COM	

given to + Lannie on 4.2.13 when SP App read.

2-12-13

Hearing 2282 Congress St. Covid Resoncing

1. JF presentation

2. David LaHulippe

- CNG part. works well
- MTA disc. can't be access at Skylark off Hutchins ^{take pressure} intersection
↳ needs act of legislature.
- Uses - auto service station
rest.
bank
retail. (convenience store)
- Campus Like Character - addresses Comp Plan policy re this; surr. trees not in property so won't be alot of concrete.

Open up to

Winfield Stratton - ^{200 trucks/day coming/going} concerned re traffic; would like study? poss signal.
Ecomaine

Eller Suslovick - District 3 Cdr. - supports other towns plr highly of applicant confidence in appl. to achieve quality outcome.

Mohain

haulers provide bulk of clients to support

Appr. reached out to Ecomaine excited about alt energy facility
Alternative fueling incl CNG (only one at MERRO)
Perfect location for this

Planners Presentation:

1. Background: In September, 2012 David Latulippe of CJ Properties, Inc. applied for an I-M to B-4 map amendment of the 3.24 acre property at 2282 Congress Street. At the Public Hearing on January 8, 2013 the Board recommended that this go forward as a conditional rezoning rather than as a map amendment, because
 - A. a map amendment would not necessarily result in this particular mix of uses (shown in Concept Plan) being developed; and
 - B. a B-4 map amendment could set a precedent for the area and lead to the loss of other I-M sites along Congress Street to B-4 (retail) Map Amendments in the future.

The report as considered on January 8, 2013 is attached as a reference document as it contains the information about the 1999 Contract Zone on this site for a 4-story hotel, and many of the public comments.

2. Proposed mixed commercial uses: The applicant has now requested conditional rezoning of the underlying I-M zoning, based on the submitted Conditional Zoning Agreement (CZA) (Attachment A), to allow development of the commercial uses along the lines of the attached **Concept Plan** (Att Plan E.2). The proposed uses are a convenience store with associated restaurant use, 6-8 fueling stations, and bank with 2 drive-through lanes. None of the proposed uses are allowed in the I-M zone.
3. Public comments: The Planning Office has received 14 written comments in support of the **Concept Plan** uses, particularly the gas station and a convenience store that sells lunch items. 9 of these comments are from local property owners and businesses who note the lack these services nearby; 1 is from a Westbrook Councilor; 3 are from residents, and the most recent is from a neighboring business that supports the inclusion of the electric car charging station. This proposal does not require a Neighborhood Meeting, but the applicant held a voluntary meeting on October 23, 2012 which was attended by 6 representatives of nearby businesses.
4. Status of concept Plan: The **Concept Plan** as submitted is the applicant's intended development and shows the layout of the convenience store, bank, and gas station. Some minor revisions have been made since the January hearing which are listed at the top of page 6. This proposal appears to be feasible on this site based on a preliminary review of details and traffic implications. If rezoning is approved, the proposals would be subject to a Traffic Movement Permit and site plan review where a detailed evaluation of traffic, access options, landscape to achieve the campus character, signage and other aspects may lead to revisions and off-site improvements. Its location within the Long Creek Watershed has recently been noted by reviewers and the scale of impervious surface may require additional measures.
5. Zoning analysis: Retail uses, banks, restaurants and gasoline service stations are not included in the list of permitted uses within the I-M zone (see Table 1 in the report), although some of these uses appear similar to permitted uses and/or have been allowed as incidental or ancillary. Drive-thrus are allowed in the I-M zone where they are associated with a permitted use. The main purpose of the conditional rezoning is to allow the proposed uses on this site as permitted uses.
6. Comprehensive Plan: ^{Comp.} The Plan includes policies that encourage the introduction of more accessible local services and the reduction of car trips, along with the preservation of zoning that helps attract economic development. The conditional rezoning would allow services to be introduced near to an area of substantial employment while limiting the commercial uses to this small site where industrial development is constrained by wetland and MTA easements.
7. Conditional Zoning Agreement: The Agreement incorporates the conditions discussed in principle at the last Hearing except for a limit on the hours of operation. These have been fleshed out in relation to the three central issues (paras 3,4 and 5) and staff suggest the "Whereas" clauses should be augmented:

- Permitted Uses:
- Planning Board Site Approval:
- Community Contribution:
- "WHEREAS" Clauses: Staff recommend that the 4th Whereas clause be revised and a new whereas clause be added as on page 10 at top to clarify the unique nature of the site

(Truck O'Brien absent)

as to PB
2-12-13 w/out
new 'whereas' clauses

CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF 2282 CONGRERSS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

AGREEMENT made this _____ day of _____, 2013 by CJ DEVELOPERS, INC. of Cumberland County ("CJD") with a place of business in 35 Primrose Lane, Freeport, Maine, and its successors and assigns.

WITNESSETH:

WHEREAS, CJD is or will be the owner of the property located at 2282 Congress Street, Portland, Maine (The "Property") more particularly described and shown on the Portland Assessors Map 237, Block A as Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book , Page ; and,

WHEREAS, CJD did request a rezoning of the property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a major auto service station, convenience store, restaurant (without a drive thru) and bank (with a drive thru) on 3.24 acres; and,

WHEREAS, in 1999 the City rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired.

WHEREAS, the Property is currently in the IM zone; and,

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A.M.R.S.A Sec.4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and,

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

*CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013*

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan.

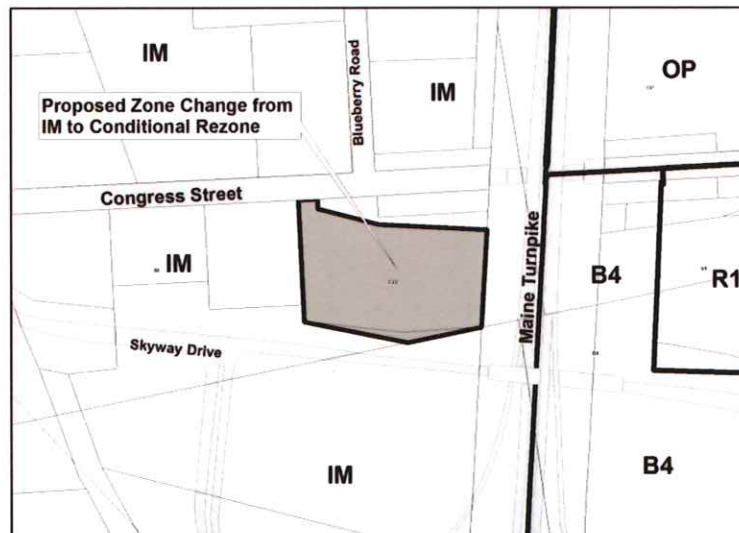
WHEREAS, the City's Comprehensive Plan seeks to "provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community."

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns; and,

WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning of the Property, CJD agrees to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting conditional IM zone amendment shown below;



Proposed Conditional Rezoning from IM for 2282 Congress Street

2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process;

*CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013*

3. Permitted uses: Those uses allowed in the IM zone. In addition, the Property shall be permitted to be used for the following uses:
 - a. Major auto service station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
 - b. Bank or ATM (with a drive through)
 - c. Convenience Store (without a drive through)
 - d. Restaurant (without a drive through)

4. Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
 - a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.
 - c. CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.

5. Community Contribution: shall install a new crosswalk on Congress Street from the project site to the sidewalk on the north side of Congress Street. The crosswalk shall include the following features:
 - a. A pedestrian island in Congress Street. The island shall be raised and include granite curbing. The location, size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA complaint and include sidewalk ramps and connections to the existing sidewalk;
 - d. Durable pavement markings and supplemental signs; and
 - e. Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services.

This full combination of the above items is above and beyond the usual site plan requirement that would apply to this project for a striped crosswalk as shown in the Conceptual Site Plan in Attachment 2 Plan.

*CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013*

6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and requirements of the underlying I-M zone. The project must still adhere to all applicable dimensional requirements, other requirements and performance standards of the IM zone and obtain separate permits for all signage.
7. If a building permit has not been pulled within two (2) years of the date of this Agreement, the zone shall revert to I-M; provided that CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CJD, or any successor, fails to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS:

CJ DEVELOPERS, INC.

By: _____

David Latulippe

Its President

*CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013*

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2013

Personally appeared the above named David Latulippe, and acknowledged the foregoing instrument to be his free act and deed of CJ Developers, Inc.

Before me,

Notary Public / Attorney at Law

Attachments:

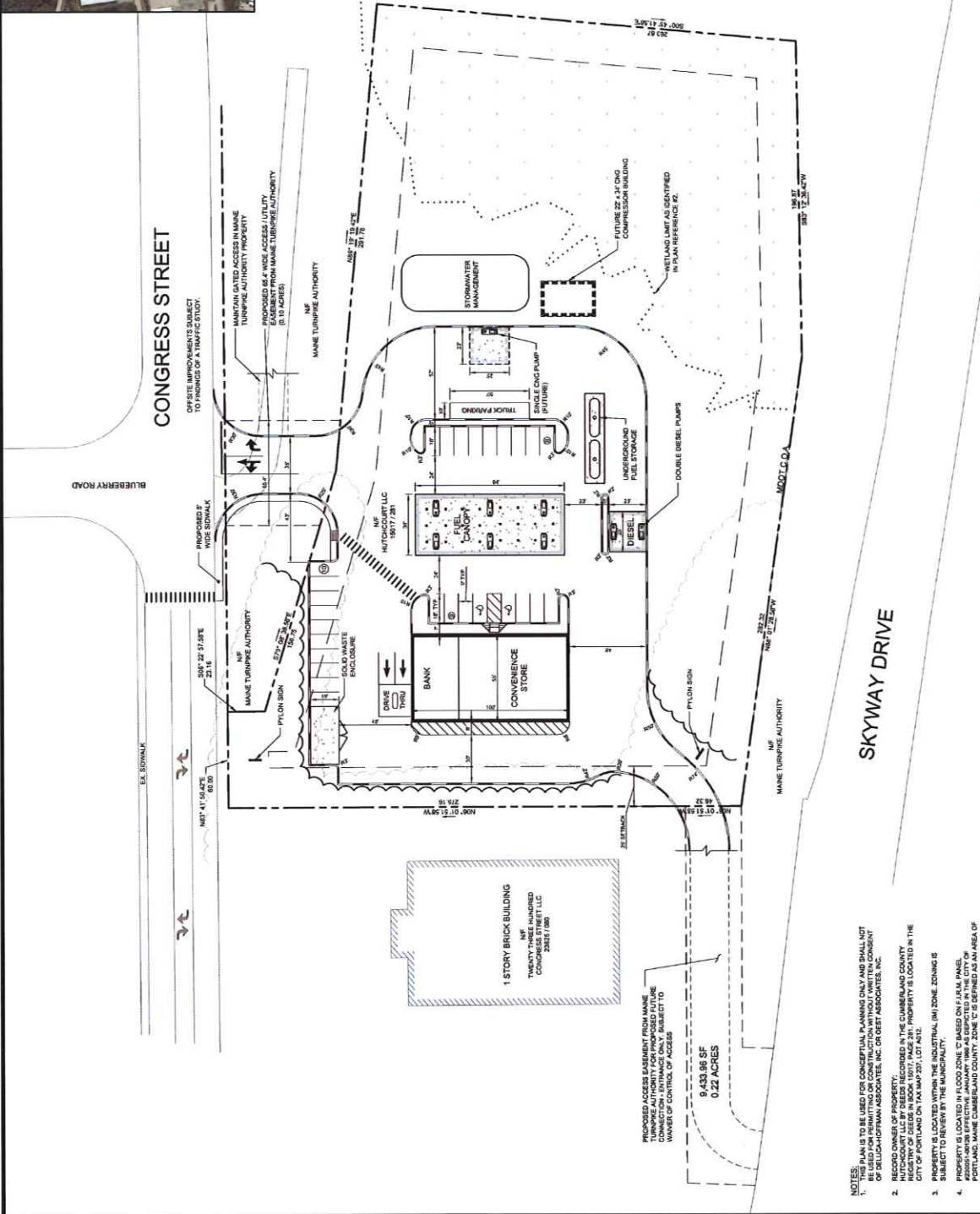
1. City Council Order (not available until City Council Hearing scheduled)
2. CONCEPT 3 Plan dated 1.30.2013



LOCATION MAP
N.T.S.

CITY OF PORTLAND, MAINE - PERFORMANCE STANDARDS EXISTING REGULATIONS	CRITERIA REQUIRED	NOT PERMITTED*
USE - CONVENIENCE STORE W/ FUEL STATIONS	MINIMUM LOT SIZE	NONE
FRONT YARD SETBACK	MINIMUM SETBACK FROM LOT	1' FROM FILE FRONT PROPERTY LINE FOR EACH 1' OF BUILDING HEIGHT
REAR YARD SETBACK	MINIMUM SETBACK FROM LOT	1' FROM EACH SIDE OR REAR FOR EACH OF BUILDING HEIGHT UP TO 25'
SIDE YARD SETBACK	MINIMUM SETBACK FROM LOT	75%
MAXIMUM HEIGHT	MAXIMUM IMPERVIOUS SURFACE RATIO	10'
MAXIMUM IMPERVIOUS SURFACE RATIO	MINIMUM STREET FRONTAGE	60'
PAVEMENT SETBACK FROM LOT	MINIMUM FLOOR AREA RATIO	-
MINIMUM STREET FRONTAGE	MINIMUM LOT WIDTH	-

*REQUESTING CONDITIONAL REZONE TO ALLOW USE



PROJECT: MULTI-USE DEVELOPMENT 2282 CONGRESS STREET PORTLAND, MAINE	
SHEET TITLE: CONCEPT 3	
CLIENT: C.J. DEVELOPERS, INC. 38 PRINCE LANE FREEPORT, MAINE 04032	DATE: 07/20/17
DESIGNER: DELUCA-HOFFMAN ASSOCIATES, INC. 2001 W. WASHINGTON ST. PORTLAND, MAINE 04106 WWW.DELUCAHOFMAN.COM	DATE: MAY 2012
SCALE: AS SHOWN	DATE: 07/20/17
FILE NAME: 3112-CONCEPT3	SHEET: 1

NO.	DATE	DESCRIPTION
1	07/20/17	REVISED FOR CLIENT REVIEW
2	07/20/17	REVISED FOR CLIENT REVIEW
3	07/20/17	REVISED FOR CLIENT REVIEW
4	07/20/17	REVISED FOR CLIENT REVIEW
5	07/20/17	REVISED FOR CLIENT REVIEW
6	07/20/17	REVISED FOR CLIENT REVIEW
7	07/20/17	REVISED FOR CLIENT REVIEW
8	07/20/17	REVISED FOR CLIENT REVIEW
9	07/20/17	REVISED FOR CLIENT REVIEW
10	07/20/17	REVISED FOR CLIENT REVIEW
11	07/20/17	REVISED FOR CLIENT REVIEW
12	07/20/17	REVISED FOR CLIENT REVIEW
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70	07/20/17	REVISED FOR CLIENT REVIEW
71	07/20/17	REVISED FOR CLIENT REVIEW
72	07/20/17	REVISED FOR CLIENT REVIEW
73	07/20/17	REVISED FOR CLIENT REVIEW
74	07/20/17	REVISED FOR CLIENT REVIEW
75	07/20/17	REVISED FOR CLIENT REVIEW
76	07/20/17	REVISED FOR CLIENT REVIEW
77	07/20/17	REVISED FOR CLIENT REVIEW
78	07/20/17	REVISED FOR CLIENT REVIEW
79	07/20/17	REVISED FOR CLIENT REVIEW
80	07/20/17	REVISED FOR CLIENT REVIEW
81	07/20/17	REVISED FOR CLIENT REVIEW
82	07/20/17	REVISED FOR CLIENT REVIEW
83	07/20/17	REVISED FOR CLIENT REVIEW
84	07/20/17	REVISED FOR CLIENT REVIEW
85	07/20/17	REVISED FOR CLIENT REVIEW
86	07/20/17	REVISED FOR CLIENT REVIEW
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88	07/20/17	REVISED FOR CLIENT REVIEW
89	07/20/17	REVISED FOR CLIENT REVIEW
90	07/20/17	REVISED FOR CLIENT REVIEW
91	07/20/17	REVISED FOR CLIENT REVIEW
92	07/20/17	REVISED FOR CLIENT REVIEW
93	07/20/17	REVISED FOR CLIENT REVIEW
94	07/20/17	REVISED FOR CLIENT REVIEW
95	07/20/17	REVISED FOR CLIENT REVIEW
96	07/20/17	REVISED FOR CLIENT REVIEW
97	07/20/17	REVISED FOR CLIENT REVIEW
98	07/20/17	REVISED FOR CLIENT REVIEW
99	07/20/17	REVISED FOR CLIENT REVIEW
100	07/20/17	REVISED FOR CLIENT REVIEW

1 inch = 20 ft

PRELIMINARY - NOT FOR CONSTRUCTION

NOTES:
 1. THIS PLAN IS TO BE USED FOR CONCEPTUAL PLANNING ONLY AND SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION WITHOUT WRITTEN CONSENT OF DELUCA-HOFFMAN ASSOCIATES, INC. OR C.J. DEVELOPERS, INC.
 2. RECORD OWNER OF PROPERTY IS LOCATED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 1507, PAGE 281. PROPERTY IS LOCATED IN THE CITY OF PORTLAND ON TAX MAP 221, LOT 1410.
 3. PROPERTY IS LOCATED WITHIN THE INDUSTRIAL (IM) ZONE, ZONING B AS PER THE CITY OF PORTLAND ZONING ORDINANCE, CHAPTER 21A, SECTION 21A.02.01.
 4. PROPERTY IS LOCATED IN A 200' ZONE 'C' BASED ON 4.5 A.M. MAPS, 2005-2008 EFFECTIVE JANUARY 1986 AS DISPLAYED IN THE CITY OF PORTLAND ZONING ORDINANCE, CHAPTER 21A, SECTION 21A.02.01.
 5. STANDARD BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY C.J. DEVELOPERS, INC. ON FILE WITH THE CITY OF PORTLAND PLANNING DEPARTMENT.
 6. THIS PLAN IS A PRELIMINARY PLAN AND SHALL REQUIRE WRITTEN PERMISSION FROM C.J. DEVELOPERS, INC. ASSOCIATES, INC. DATED 04/02/17.

Jean Fraser - 2282 Congress Street

From: Jeff Tarling
To: Jean Fraser
Date: 2/1/2013 8:45 AM
Subject: 2282 Congress Street
CC: Barbara Barhydt ; David Margolis-Pineo; Doug Roncarati; Marge Schmuckal

Hi Jean -

In review of the proposed zone change for the 2282 Congress Street project, I feel strongly that a sign in the wetland should not be recommended. These signs add blight to the landscape and particularly a wetland.

The Maine Turnpike Authority has established the following sign policy to notify motorist before exits of available businesses, see:

<http://www.maineturnpike.com/Business-With-MTA/Logo-Signs-Program.aspx>

Jeff Tarling

Jean Fraser - Re: CZA for 2282 Congress

From: Marge Schmuckal
To: Jean Fraser
Date: 1/28/2013 10:19 AM
Subject: Re: CZA for 2282 Congress

Banks whether they are drive-thru or not are not allowed in the I-M Zone. They are not a listed permitted use.

>>> Jean Fraser 1/28/2013 9:40 AM >>>
Marge

Please find attached the final draft, which has been revised to address your comments; it was substantially reworked by Danielle. Re noise, the I-M zone has performance standards re sound.

Could you please confirm that a bank with drive-thru is permitted in the I-M zone (its clear that a restaurant/convenience store and gas stations are not permitted); I need to clarify for the Planning Board.

This draft is going to be posted today as required noticing for 2.12.2013 Planning Board hearing; please let me know urgently if you see anything really wrong or missing.

Many thanks
Jean

Jean Fraser - Information re 2282 Congress Street

From: Jean Fraser
To: Latulippe, David
Date: 2/1/2013 3:43 PM
Subject: Information re 2282 Congress Street

David

My colleagues have sent me some information re the signage vis a vis MTA and re the Long Creek Watershed requirements that apply to the site. You probably know all about these but in case not here are the references:

Signs visible to turnpike:

Some staff feel strongly that a sign in the wetland should not be recommended, as these signs add blight to the landscape and particularly a wetland. The Maine Turnpike Authority has established the following sign policy to notify motorists before exits of available businesses, see:

<http://www.maineturnpike.com/Business-With-MTA/Logo-Signs-Program.aspx>

Long Creek Watershed implications: (from Doug roncarati in DPS) Most of this parcel is within the Long Creek Watershed, an Urban Impaired Stream watershed. The Long Creek Watershed Management District is helping to oversee stormwater and water quality management within this watershed. That property is one of the few privately-owned parcels in Portland within the watershed (most are municipal, quasi-municipal or state-owned). If the project creates 1+ AC of impervious area, they will be required to seek a LCWMD general permit as a participating landowner or an individual stormwater permit through Maine DEP that will include installation of Ch500-compliant stormwater controls. Tamara Lee Pinard (892-4700) is the contact person at the LCWMD.

While writing, the following is the likely timetable for City Council consideration assuming the PB make a recommendation:

Agenda Request: 2.12.13 (internal paperwork)
First Reading: 2.25.13 (you don't need to attend)
Second reading (hearing): 3.4.13 (you do need to attend)

thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - Re: 2282 Congress Street

From: Doug Roncarati
To: Jean Fraser; Jeff Tarling
Date: 2/1/2013 2:44 PM
Subject: Re: 2282 Congress Street
CC: Barbara Barhydt; David Margolis-Pineo; Marge Schmuckal

Hi Jean,

Good to hear. That property is one of the few privately-owned parcels in Portland within the watershed (most are municipal, quasi-municipal or state-owned). If the project creates 1+ AC of impervious area, they will be required to seek a LCWMD general permit as a participating landowner or an individual stormwater permit through Maine DEP that will include installation of Ch500-compliant stormwater controls. Tamara Lee Pinard (892-4700) is the contact person at the LCWMD.

Doug
>>> Jean Fraser 2/1/2013 2:20 PM >>>
Doug

Thanks- I will draw the Planning Board's attention to this fact (Hearing Report going out Feb 8th).

Jean

>>> Doug Roncarati 2/1/2013 2:18 PM >>>
It is worth noting that most of this parcel is within the Long Creek Watershed, an Urban Impaired Stream watershed. The Long Creek Watershed Management District is helping to oversee stormwater and water quality management within this watershed.

>>> Jean Fraser 2/1/2013 9:19 AM >>>
Jeff

Thanks for the info; is it OK if I pass that on to the applicant?

The applicant has removed the pylon sign from the Concept Plan attached to the conditional rezoning agreement, and the agreement includes wording that clarifies that separate sign permits are needed. See final CZA attached.

If the rezoning is approved by the City Council (March) then there will be a site plan application that will be reviewed by Dev Rev and the Planning Board and will be noticed to the MTA- so I anticipate a detailed discussion re this at that time.

Jean

>>> Jeff Tarling 2/1/2013 8:44 AM >>>
Hi Jean -

In review of the proposed zone change for the 2282 Congress Street project, I feel strongly that a sign in the wetland should not be recommended. These signs add blight to the landscape and particularly a wetland.

The Maine Turnpike Authority has established the following sign policy to notify motorist before exits of available businesses, see:

<http://www.maineturnpike.com/Business-With-MTA/Logo-Signs-Program.aspx>

Jeff Tarling

Jean Fraser - 2282 Congress Street

From: Jeff Tarling
To: Jean Fraser
Date: 2/1/2013 8:45 AM
Subject: 2282 Congress Street
CC: Barbara Barhydt ; David Margolis-Pineo; Doug Roncarati; Marge Schmuckal

Hi Jean -

In review of the proposed zone change for the 2282 Congress Street project, I feel strongly that a sign in the wetland should not be recommended. These signs add blight to the landscape and particularly a wetland.

The Maine Turnpike Authority has established the following sign policy to notify motorist before exits of available businesses, see:

<http://www.maineturnpike.com/Business-With-MTA/Logo-Signs-Program.aspx>

Jeff Tarling

Jean Fraser - 2282 Congress St- Conditional Rezoning

From: Jean Fraser
To: calexander@unum.com
Date: 1/31/2013 9:31 AM
Subject: 2282 Congress St- Conditional Rezoning
Attachments: Clean CZA as noticed with para 2,5,6&7 revs 1.30.2013 - Copy.docx; Concept Plan 3 no pylon sign 1.30.13.pdf

Catherine

Please find attached a slightly updated version of the Conditional Zoning Agreement- the revisions were considered necessary to make the intentions clearer and to ensure the pylon sign was properly reviewed - but I don't think add anything new.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Note for file

1-28-13 as updated 1-30-13

- ① The attached notice was in PPH 1-28-13+ will also be in next Monday. went to neighbors within 1000 ft.
- ② The CZA w/ Att 2 was posted with City Clerk & also a copy at Planning Reception.
- ③ 1-29-13 immediate abutters (incl unam, incl. C. Alexander unum attorney) were sent the CZA w/ Att. 2 by mail. Sean also emailed C. Alexander, who had telephoned recently asking to be kept informed.
- ④ DL + JF agreed some minor revisions to clarify intent and omit pylou sign from plan (add text clarifying signs need separate permits). The revised CZA + Att 2. was posted in addition to the 1-28-13 version & emailed to C Alexander. Plus updated copy at Planning Reception.

1.28.2013 CLEAN for noticing (PB Hearing 2.12.2013)

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF 2282 CONGRERSS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

AGREEMENT made this _____ day of _____, 2013 by CJ DEVELOPERS, INC. of Cumberland County ("CJD") with a place of business in 35 Primrose Lane, Freeport, Maine, and its successors and assigns.

WITNESSETH:

WHEREAS, CJD is or will be the owner of the property located at 2282 Congress Street, Portland, Maine (The "Property") more particularly described and shown on the Portland Assessors Map 237, Block A as Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book , Page ; and,

WHEREAS, CJD did request a rezoning of the property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a major auto service station, convenience store, restaurant (without a drive thru) and bank (with a drive thru) on 3.24 acres; and,

WHEREAS, in 1999 the City rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired.

WHEREAS, the Property is currently in the IM zone; and,

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A.M.R.S.A Sec.4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and,

1.28.2013 CLEAN for noticing (PB Hearing 2.12.2013)

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan.

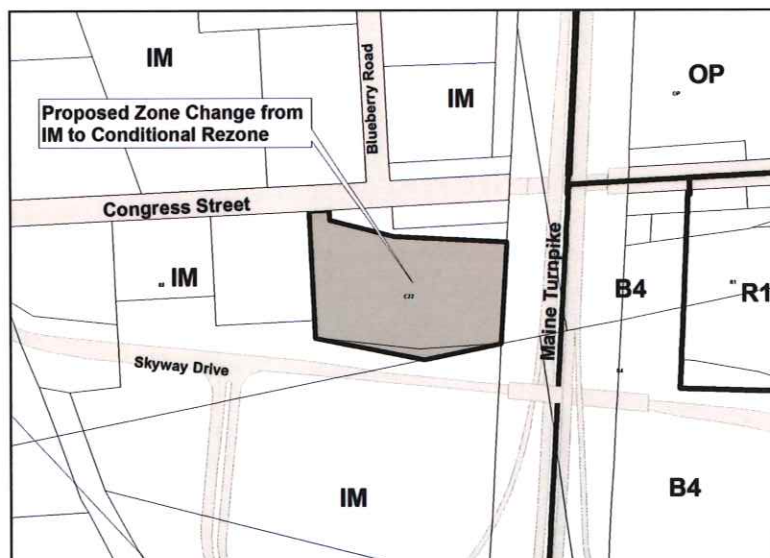
WHEREAS, the City's Comprehensive Plan seeks to *"provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community."*

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns; and,

WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning of the Property, CJD agrees to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting conditional IM zone amendment shown below;



Proposed Conditional Rezoning from IM for 2282 Congress Street

1.28.2013 CLEAN for noticing (PB Hearing 2.12.2013)

2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered with the Portland Planning Authority approval in connection with the site plan review process;
3. Permitted uses: Those uses allowed in the IM zone. In addition, the Property shall be permitted to be used for the following uses:
 - a. Major auto service station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
 - b. Bank or ATM (with a drive through)
 - c. Convenience Store (without a drive through)
 - d. Restaurant (without a drive through)
4. Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
 - a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.
 - c. CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.
5. Community Contribution: shall install a new crosswalk on Congress Street from the project site to the sidewalk on the north side of Congress Street. The crosswalk shall include the following features:
 - a. A pedestrian island in Congress Street. The island shall be raised and include granite curbing. The size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA complaint and include sidewalk ramps and connections to the existing sidewalk;
 - d. Durable pavement markings and supplemental signs; and
 - e. Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services.

Location

full combination of the above items

This is above and beyond the usual site plan requirement that would apply to this project for a striped crosswalk as shown in the Conceptual Site Plan in Attachment 2 Plan.

1.28.2013 CLEAN for noticing (PB Hearing 2.12.2013)

6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and requirements of the underlying I-M zone. The project must still adhere to all applicable dimensional requirements, other requirements and performance standards of the IM zone.
7. If a building permit has not been pulled within two (2) years of the date of this Agreement, the zone shall revert to I-M; provided that CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CJD, or any successor, fails to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS:

CJ DEVELOPERS, INC.

By: _____

David Latulippe

Its President

1.28.2013 CLEAN for noticing (PB Hearing 2.12.2013)

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2013

Personally appeared the above named David Latulippe, and acknowledged the foregoing instrument to be his free act and deed of CJ Developers, Inc.

Before me,

Notary Public / Attorney at Law

Attachments:

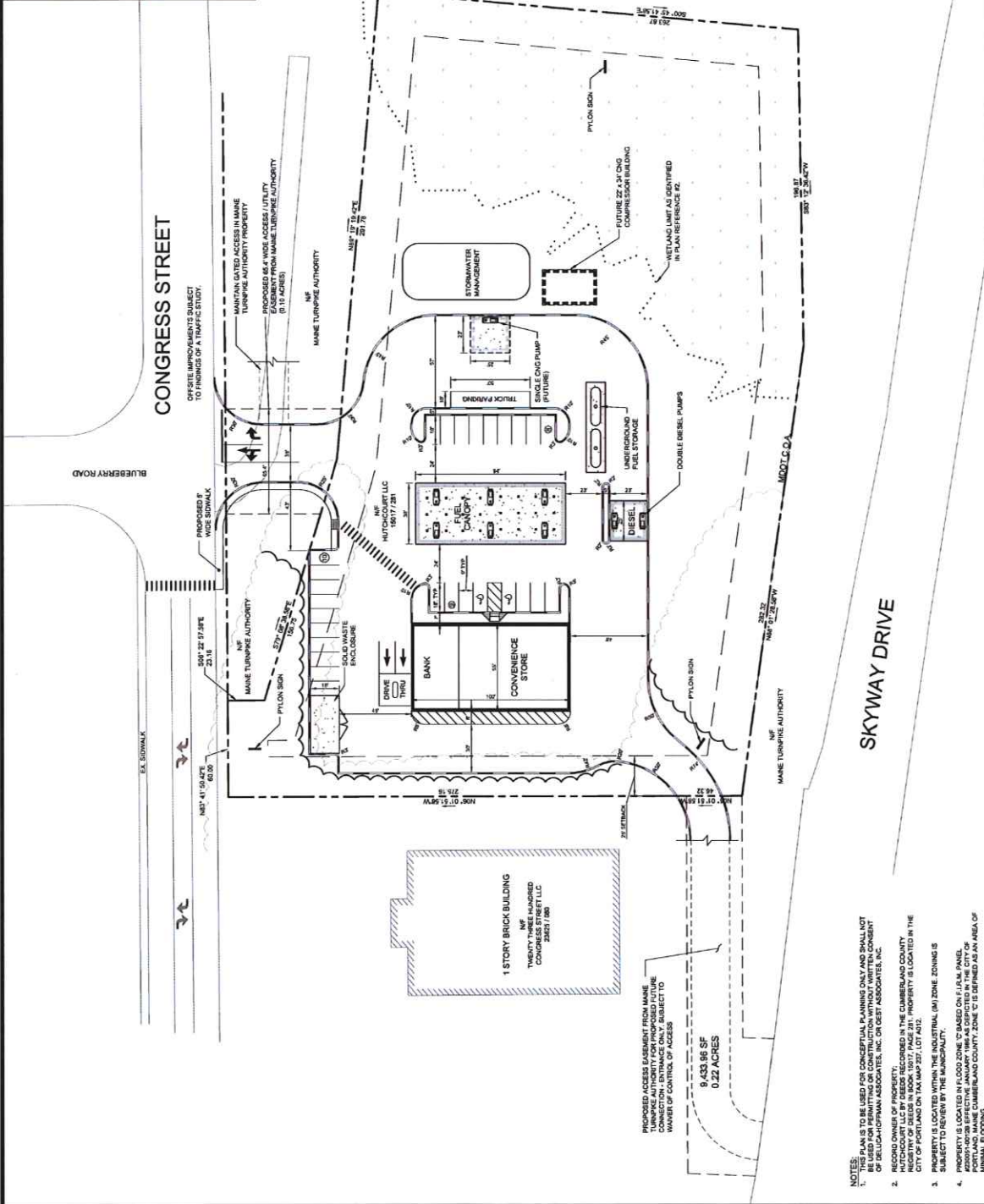
1. City Council Order (not available until City Council Hearing scheduled)
2. CONCEPT 3 Plan dated 1.25.2013



LOCATION MAP
N.T.S.

CITY OF PORTLAND, MAINE - PERFORMANCE STANDARDS	EXISTING REGULATORY INSTRUMENT IN FORCE	REQUIRED
USE - CONVENIENCE STORE W/ FUEL STATIONS		NOT PERMITTED*
MINIMUM LOT SIZE		NONE
FRONT YARD SETBACK		1' FROM THE FRONT PROPERTY LINE FOR EACH 1' OF BUILDING HEIGHT
REAR YARD SETBACK		1' FROM EACH SIDE OR SIDE YARD SETBACK
MAXIMUM HEIGHT		25'
MAXIMUM IMPERVIOUS SURFACE RATIO		75%
PAVING SETBACK FROM LOT EDGES		10'
MINIMUM STREET FRONTAGE		60'
MINIMUM FLOOR AREA RATIO		-
MINIMUM LOT WIDTH		-

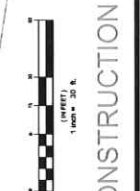
REQUESTING CONDITIONAL REZONE TO ALLOW USE



SKYWAY DRIVE

- NOTES:**
- THIS PLAN IS TO BE USED FOR CONCEPTUAL PLANNING ONLY AND SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION WITHOUT WRITTEN CONSENT FROM THE CITY OF PORTLAND AND THE MAINE TURNPIPES AUTHORITY.
 - SECOND OWNER OF PROPERTY: HUTCOCOURT LLC BY DEEDS RECORDED IN THE CUMBERLAND COUNTY RECORDS, BOOK 100, PAGE 101. PROPERTY IS LOCATED IN THE CITY OF PORTLAND ON TAX MAP 227, LOT 241.
 - PROPERTY IS LOCATED WITHIN THE INDUSTRIAL (M) ZONE. ZONING IS SUBJECT TO REVIEW BY THE MUNICIPALITY.
 - PROPERTY IS LOCATED IN FLOOD ZONE "C" BASED ON F.I.A.M. PANEL 40001-0018 (EFFECTIVE JANUARY 1986 AS DEPICTED IN THE CITY OF PORTLAND FLOOD ZONE MAP). FLOOD ZONE "C" IS DEPICTED AS AN AREA OF ANNUAL FLOODING.
- PLAN REFERENCES:**
- STANDARD BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY CEST DEPARTMENT DATED 05/14/18. USE OF THIS PLAN BEYOND CONCEPT PLANNING SHALL REQUIRE WRITTEN PERMISSION FROM CEST ASSOCIATES, INC.
 - CONCEPT PLAN PREPARED FOR CJD DEVELOPERS, INC. BY ALBERT FRICK ASSOCIATES, INC. DATED 06/11/18.

		DALUCA-HOFFMAN ASSOCIATES, INC. 2282 CONGRESS STREET PORTLAND, MAINE																
SHEET TITLE CONCEPT 3	SHEET NO. 3	PROJECT MULTI-USE DEVELOPMENT	SHEET NO. 1															
CLIENT CJD DEVELOPERS, INC. 35 PRIMOISE LANE FREETPORT, MAINE 04032	PREPARED BY P.E. STEPHEN BERRY	DATE 06/11/18	SCALE AS SHOWN															
REVISIONS <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>07/25/13</td> <td>REVISED FOR CLIENT REVIEW</td> </tr> <tr> <td>2</td> <td>01/21/13</td> <td>REVISED FOR CLIENT REVIEW</td> </tr> <tr> <td>3</td> <td>02/28/13</td> <td>ZONING AMENDMENT APPLICATION</td> </tr> <tr> <td>4</td> <td>06/08/18</td> <td>RELEASED FOR CLIENT REVIEW</td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION	1	07/25/13	REVISED FOR CLIENT REVIEW	2	01/21/13	REVISED FOR CLIENT REVIEW	3	02/28/13	ZONING AMENDMENT APPLICATION	4	06/08/18	RELEASED FOR CLIENT REVIEW	DRAWN BY WWW.DHLLC.COM	CHECKED BY 3118-CONCEPT3	DATE MAY 2012
REV	DATE	DESCRIPTION																
1	07/25/13	REVISED FOR CLIENT REVIEW																
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3	02/28/13	ZONING AMENDMENT APPLICATION																
4	06/08/18	RELEASED FOR CLIENT REVIEW																



NORTH

PRELIMINARY - NOT FOR CONSTRUCTION

Jean Fraser - 2282 Congress - Cond. Rezoning - next steps

From: Jean Fraser
To: Latulippe, David
Date: 1/9/2013 4:27 PM
Subject: 2282 Congress - Cond. Rezoning - next steps

David,

Just to follow up from last night:

1. Timetable for finalizing the Conditional Rezoning Agreement:: Below is the ordinance noticing requirement for the final conditional rezoning agreement so the agreement needs to be finalized by **Mon Jan 28th**. We have limited legal staff support right now so I suggest you get a draft to us as soon as possible.

Sec. 14-61. Notice and hearing.

The Planning Board shall conduct a public hearing prior to any property being rezoned under this division. Notice of this hearing shall be posted in the city clerk's office at least fourteen (14) days prior to the public hearing and shall be published in a newspaper of general circulation within the city at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

2. City Council: Aiming for a first reading on **Wed Feb 20th** and a second reading (hearing) on **Mon March 4th**.

3. Suggest re the Content of the Agreement:

- Start with the Hearing Report bulleted list page 9
- Take on board the PB member comments
- Add in reference to limited, non-drive-thru restaurant/catering use and any other wording you would like eg re the compressed gas fuel option
- Probably not include any limitations on hours
- Re community contribution, what we were thinking (not "final" as Tom Errico is giving it some further thought) is for this agreement to include a financial contribution that would be enough to cover a raised island in the crosswalk from the site to the sidewalk on the opposite side, along with pedestrian activated flashers (like on Marginal Way near Walgreens) that alerts drivers that the crossing is in use. For further discussion.

Please call if any questions re above.

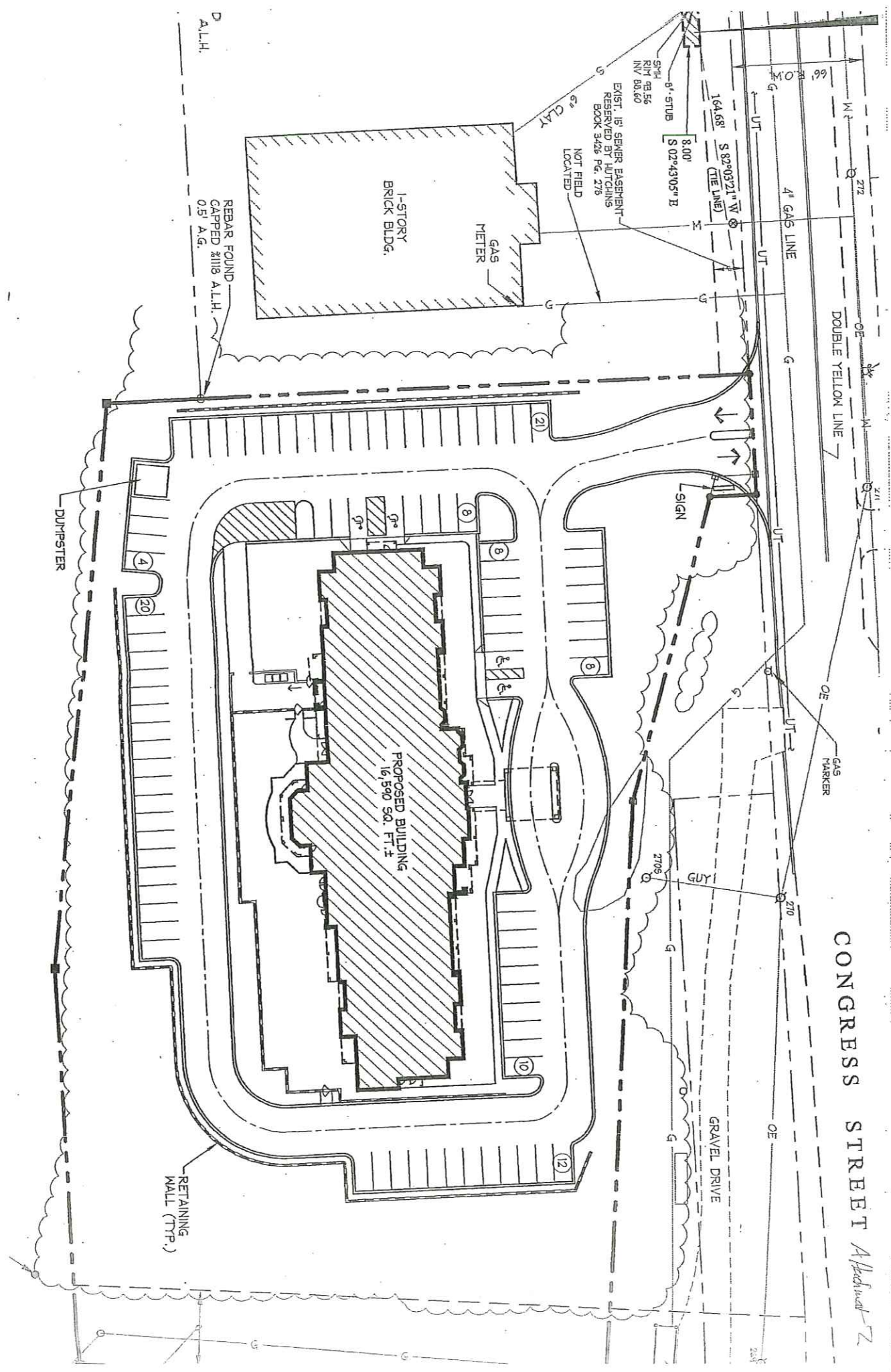
I have the boards that you left in 209 and will keep them for the Hearing.

Thank you

Jean

Jean Fraser, Planner
City of Portland
874 8728

Re 1999 contract zone



D ALH.
REBAR FOUND
CAPPED #118 ALH.
0.5' A.G.

1-STORY
BRICK BLDG.

PROPOSED BUILDING
16,590 SQ. FT. ±

CONGRESS STREET

GRAVEL DRIVE

DUMPSTER

RETAINING
WALL (TTP.)

GAS
METER

SIGN

GUY

GAS
MARKER

DOUBLE YELLOW LINE

4" GAS LINE

EXIST. 16" SEWER EASEMENT
RESERVED BY HUTCHINS
BOOK 3429 PG. 278

9" STUBS
S 82°03'21" W
164.68'
(TIE LINE)
S 02°43'05" E
8.00'

6" CLAY

D
ALH.

circ at
1-8-13
PB Hearing

Hearing

Public Comment

Attachment 4.9

Page 1 of 1

Jean Fraser - Zoning Amendment 2282 Outer Congress Street

From: "Deron Barton" <dbarton@bmcfirst.com>
To: <JF@portlandmaine.gov>
Date: 1/4/2013 2:18 PM
Subject: Zoning Amendment 2282 Outer Congress Street

Dear Planning Staff,

I am a resident of Portland and part of the Friends of Canco Woods. First, I would like to thank the City of Portland for helping us preserve this area of Canco Woods. Second, I would like to express my support of rezoning the property at 2282 Congress Street. I am often on that section of Congress Street and amazed at the lack of convenient services for this business neighborhood. Allowing a gas station with a convenience store and bank would be a great addition to this area.

I urge the Planning Board and City Council to support the zone change.

Sincerely,

Deron Barton
17 Wellstone
Portland, Maine 04103

added
after report

Public Comment
Hearing Attachment 4.4

January 2, 2013

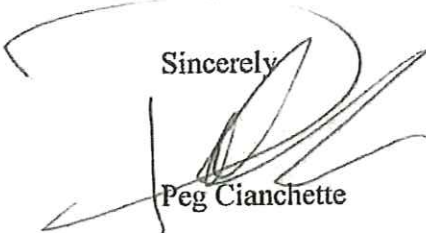
City of Portland

Re: 2282 Congress Street, Portland

To Whom It May Concern

I am a property owner down the road from 2282 Congress Street and want to show my support for the above referenced project which would require a zone change from IM to B4 for the proposed convenience store and gas station. I feel this is a service that is lacking in the area and feel my tenant would greatly benefit from this type of retail establishment.

Sincerely



Peg Cianchette

Cianchette Family Trust

rec'd
P.D. 1-7-13
per report cur.

Public Comment
Hearing Attachment 4.i



Congo Associates, LLC
2338 Congress Street, Portland, ME
Mailing Address:
9 Thomas Drive
Westbrook, Maine 04092
Tel. (207) 774-2843 Fax (207) 774-1193

January 4, 2013

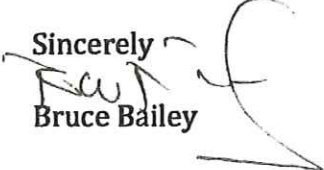
City of Portland Maine
Planning and Urban Development

Re: 2282 Congress Street, Portland

To Whom It May Concern:

As a landowner in the vicinity of the above referenced project we support allowing a
-zone change from IM to B4 for the proposed convenience store and fuel station.
This use would certainly benefit the surrounding community due to the lack of such
a commercial venue in the area.

Sincerely


Bruce Bailey

rec'd
after report
circ.

Jean Fraser - Fwd: David Latulippe - Congress St Project

From: David Latulippe <ddlatulip@aol.com>
To: <JF@portlandmaine.gov>
Date: 1/5/2013 11:55 AM
Subject: Fwd: David Latulippe - Congress St Project

Jean,

Here is another email from a nearby property owner.

David Latulippe

-----Original Message-----

From: Don Neidetcher <dmetco@yahoo.com>

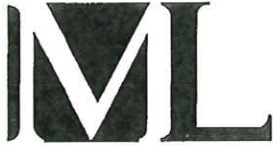
To: David Latulippe <ddlatulip@aol.com>

Sent: Sat, Jan 5, 2013 10:05 am

Subject: Re: David Latulippe - Congress St Project

Our property is located west of the planned project on outer Congress Street. Our tenant has a number of employees requiring services offered by this project. Those services offered at this time are either far west of our location or into the busy Maine Mall area. There are limited services for convenience items in the immediate area. This project would be a benefit for those commuting on the Maine Turnpike. This project would be a benefit to the businesses located in the outer Congress area.

Donald Neidetcher
The Best Company LLC
396 County Road
Westbrook, Me. 04092



MARSHALL & LIBBY, LLC

CERTIFIED PUBLIC ACCOUNTANTS

PAUL R. MARSHALL, CPA, PFS
RANDOLPH F. LIBBY, CPA
THOMAS G. TATON, CPA

January 7, 2013

Ms. Jean Fraser
Portland Planning Board
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101

Dear Ms. Fraser:

We are a CPA firm that has been located on outer Congress Street for almost 25 years. We currently employ 15 people and have tenants in our building that employ another 8.

We have met with Mr. David Latulippe and reviewed his plans. They make sense to us and will be a welcome enhancement to the area.

Sincerely,

MARSHALL & LIBBY, LLC

A handwritten signature in black ink that reads 'Paul Marshall'. The signature is written in a cursive style with a large, sweeping 'P' and 'M'.

Paul R. Marshall, CPA

PRM/mlg

Public
Comment
Hearing

Attachment 4.1

Ms. Jean Fraser
Portland Planning Board
City of Portland
389 Congress St. Portland, ME 04101

RE : Planning Board Report 01-13 Project ID 2012-609 Address 2282 Congress St, Zoning Map Amendment

Hello Ms. Fraser, Planning Board Members and Staff.

My name is Victor Chau, I am a resident of Westbrook, Chair of a Green Committee and the City Councilor who represents the people and businesses in the Westbrook area. Please allow me to express my extreme enthusiasm and support for approving the Zone Change request.

I have personally met David Latulippe of CJ Properties and am convinced that he is doing the right thing. The entire project would most certainly be fulfilling the needs of the nearby residents and major businesses in the area. Before this project was even thought of, many small and large corporations along that corridor were inquiring about something similar to what CJ Properties has proposed.

In addition to the added convenience of having a Station and Store nearby, I am more enthused with the prospect of having a greener planet. Having a Gas station nearby eliminates the need of needless driving around, waiting at stop lights and wasting gas to get gas. David Latulippe is also open to the idea of adding alternative fuels to the station, if and when the time arises. Imagine having a compressed natural gas station right off the turnpike to fill up your Zero emission Natural Gas powered SUV! I am glad Mr. Latullipe is open to such futuristic Green ideas.

In addition to David's Green Mindedness, what equally impressed me was his commitment to charity. He is committed to helping the community and he realizes, as I do, that it does take a village to raise a child and any help he can provide would be tremendous. There are far too many examples to individually list of his generosity and willingness to use his local businesses to help the local community. A community minded business is a great thing to have!

I am proud to be supporting this project and the requested zone change, on behalf myself, my constituents and the businesses in the area.

Please feel free to contact me if there are any questions, I'd be happy to answer them.

Sincerely,

Victor Chau

Victor Chau

Ward 2 City Councilor of Westbrook

2 York St, Westbrook, ME 04092

207-518-8887 / Vchau@Westbrook.ME.US

rcd 1-8-13

Public Comment
Hearing Attachment 4.m

66 River's Edge Drive
Portland, ME 04106
michael.rogers66@gmail.com
318-9984

Via Email

January 8, 2013

Ms. Jean Fraser
Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

RE: 2282 Congress Street, Portland, ME, Proposed Development

Dear Ms. Fraser:

As a longtime resident of Stroudwater, I support CJ Developers, Inc. proposal to develop 2282 Congress Street, Portland, in to a fuel station and convenience store & bank.

Given its unique, yet, isolated location abutting the Maine Turnpike and Skyway Drive, this development proposal is the highest and best use for the 3.2 acre parcel and will benefit commuters, nearby workers and Stroudwater residents alike.

David Latulippe, President, CJ Developers, Inc., was the lead person in the development of the three Portland Walgreens and the Christmas Tree Shop in Scarborough, among other projects he has successfully developed in Greater Portland. Knowing David well, if approved for the project, he will deliver an attractive high quality development project.

Very truly yours,

Michael C. Rogers

c: D. Latulippe

Hearing Jan 8 2013

① HF presentation

② David Latulippe CT DWS

- Background - discussion I Levin - ^{risk of} retail creep.

- Ed Suslovik now OK

- Ref to business support "sold itself"

- Gas stations - nearest 5 mins (time factor)
Conv. store/lunch. too much time

- Site incl. natural buffering - maintains campus feel.

- Consistent I-M zone / Concept Plan.

- Compressed gas fuel for vehicles (lg) that may be using it

ck.
Marge to
def in
alt fuel

Clar ?'s - D Suk - uses ? DL - \rightarrow re-def
of rest as if Amatto's has tables in this
rest - what about catering
DL OK no drive thru (restaurant
Neigh not want
mcdonalds)

pumped like a
regular gas -
needs a *
* separate
bleed
needed

C.M - Clear that remains I-M + add the
Concept Plan uses.

SD - any wells around

DL - have to survey this/DEP permit
needed anyway.

Public comments next page

Public comments

Are Hellel - Support - as Portland is asset to outer C.S. comm. - req. app

Gerry Ade - owns 2300 Congress - 100% in favor

Tim McGrady - Clinical manager ^{at} - 100% in support dozen employees 200+ clients - very much in support.

Peter Maloney - Realtor Remax sales in Portland/Gorham - huge asset - only 2 gas stations.

Scott Heron - works near jetport station - often full & headache & sup

Ryan Jackson - owns several buildings nearby 24 PCX 50 or 50 ^{18 wheelers get access}

BB ans needs
TWP → ck city
plans + want to intersection

Employees - - no concern - congested from tennis racket - overpass is in poor condition wd like that addressed winter difficult to get into this area lots of turns Blueberry so wants any one in traffic to not make worse

Paul Marshall CPA Hutchins/Congress - "for this" likes DL attitude

Joe Malone - rep. sellers of property & can ans.
any questions.

- Close of public comment -

DL - commented on support

Board discussion

Bill Hall - prev. didn't see need but hears nice
argument would consider Cond Zone

Sean Dundon - Cond Zone ^{gives protection to city} - Concept Plan welcome as
gap area; lots of bus/employees ~~will~~ generate need.

Tim Dean - Skyway drive access
DL design project so can make use of
Skyway but needs leg. - so
will pursue

Agrees prefer Cond Rezoning ^{Conditions} make sense.
Rezoning to B4 look at whole sketch

Demonstrated a need ^{changed rot.}
As had zone incl. lots of offices so gen needs.
(Presumpt of L&S a lot of warehousing)

David Silk - OK w/ cond rezoning (no
imp. that Conditions require campus feel
concerned that in R'side theres some problem.
^{maybe also Presumpt of L&S}
that bus. need these services

- DS - supports but feels its largely convenience.
- Ste w/it here as "are cornered" and
Can make it blend in
- cond shd prevent rest. drive thru.
- Site Plan oversight - lowlevel lighting
- Keep shade. & attractive
- OK rec. to do. Contract Zone

- Stuart O'Brien - likes the project ; doesn't like Cond Rezoning
- market lead why is this site unique.
- map change also supports comp Plan
- feels Cond Rezoning shd be only used in
specific places.

Carol Morrissette -

Planners Presentation:

1. C.J. Developers, Inc. applied for a zoning map amendment for a 3.24 acre site at 2282 Congress Street and this was considered at a Workshop on Nov 5th. The applicant has a Purchase and Sale Agreement for the site.
2. The site: is currently zoned I-M Moderate Industrial Zone and the map amendment was to rezone this site to B-4 Commercial Corridor Zone. The application is requested in order to develop the property with a convenience store, 6 fueling stations, a diesel dispenser and a 2,000 sq. ft. bank with 2 drive-through lanes as the I-M zone does not allow retail nor gas stations.
3. Status of concept Plan: The **Concept Plan** as submitted is the applicant's intended development and shows the layout of the convenience store, bank, and gas station. This proposal appears to be feasible on this site based on a preliminary review of details and traffic implications. If some form of rezoning is approved, the proposals would be subject to a Traffic Movement Permit and site plan review where a detailed evaluation of traffic, access options and other aspects may lead to revisions and off-site improvements- as would most other proposals for this site.
4. Previously a Contract Zone; This site is currently shown as Contract Zone 22 on the City's zoning map. It was the subject of a similar application in 1999 for a map amendment from I-M to B-4 to allow a 4 story hotel. At that time the Board determined the B-4 zone would not be appropriate and considered that a Contract Zone would be more consistent with the Comprehensive Plan. The City Council approved a "Contract Zone" and associated contract agreement for the hotel on this site, but these have since expired. The agreement is included for background information in the PB memo as **Attachment 3**. *(Note: copy of site plan available)*
5. Public comments: The Planning Office has received 13 written comments in support of the **Concept Plan** uses, particularly the gas station and a convenience store that sells lunch items. Nine of these comments are from local property owners and businesses who note the lack these services nearby; one is from a Westbrook Councilor; three from residents. One additional local business owner spoke in support at the Workshop. This proposal does not require a Neighborhood Meeting, but the applicant held a voluntary one on October 23, 2012 which was attended by 6 representatives of nearby businesses and the notes are in Att C.3.
6. Zoning analysis: The proposed convenience store and gas station are not allowed in the I-M zone because retail uses, restaurants and gasoline service stations are not included in the list of permitted uses (see Figure 2 on page 5). These uses are allowed in the B-4 zone, and drive thrus and general, business and professional offices are allowed in both the I-M and B-4 zones.
7. Comprehensive Plan: The Plan includes policies that encourage the introduction of more accessible local services and also preservation of zoning that helps attract economic development.
8. PB Workshop Nov 5th: The Board asked the applicant to substantiate the need for the proposed uses in the **Concept Plan** and the applicants submissions in Atts H, I and J provide additional information along with the public comments. Four of the Board members at the Workshop raised reservations over the use of a map amendment to secure the **Concept Plan** uses in this case and questioned whether conditional rezoning might be a better approach.
9. Staff recommendation: Based on the Workshop discussion, the additional submissions and public comments, and further discussions with the applicant and local Councilor, the staff recommend the conditional rezoning approach as outlined on page 9. If the Board is supportive of the **Concept Plan** uses, staff recommend that the mechanism of the Conditional Rezoning (similar to Contract Zone already identified for this site, with a legal agreement) would ensure that the development is consistent with the underlying zone and the Comprehensive Plan because it would refer to the **Concept Plan** and set out conditions (listed on page 9) that:
 - a. Limit these retail service uses to this small site only and avoid a map amendment precedent that could result in the loss of other I-M sites; and
 - b. Limit the development of this site to the uses outlined in the Concept Plan and avoid the introduction of uses that do not serve the local businesses or which might generate additional traffic (ie fast food restaurant of other uses listed in Figure 2 on page 5; and
 - c. Ensure the development is also accessible by walking, given the good sidewalk network on the other side of Congress Street.
10. On page 10, two alternative motions are included for the Board to consider; the first is included if the Board supports the Map Amendment from I-M to B-4 as originally requested; and the second is if the Board supports the Conditional Rezoning approach where the **Concept Plan** would be the subject of an agreement, to be drafted based on the suggested conditions for consideration at the Feb 12th public hearing.

Done in
 Packet - memo
 circulated tonight

and any direction the Board would like to offer -

Barbara Barhydt - draft bullets for 2282 Congress CZA

From: Jean Fraser
To: Barhydt, Barbara
Date: Thursday, January 03, 2013 6:03 PM
Subject: draft bullets for 2282 Congress CZA
Attachments: Final to CC CZA clean 12.19.2011.pdf; 1999 CZA 2282 Congress.pdf

Barbara

Below is a suggested bullet point list of headings for a CZA re 2282 Congress, as based on Auburn CZA (copy attached) and on the 1999 Congress St contract for a hotel (copy attached):

- Permitted uses: As in I-M plus as on Concept Plan
- Hours of operation: (No serious limits)
- Developed substantially in accordance with concept plan: maybe allow revised access and require landscaping
- Require planning board review of site plan and that certain requirements are addressed re drive thru (eg stacking capacity; landscaping; protection of ped crossings etc)
- Require a traffic study with aim of integration with Skyway Drive as well as Congress Street
- Community Contribution: contribution to ^{transportation} bus stop and/or pedestrian amenities in Congress Street in vicinity (note: ped crossing of Congress, future contribution to Hutchins Drive intersection improvements and off site improvements at access onto Congress would also be required anyway at site plan stage so maybe all these need to be articulated as baseline but not community contribution)
These contribution needs to be determined -
- Time limit of 2 years:

Blueberry.

Jean

Jean Fraser - Zoning Amendment 2282 Outer Congress Street

From: "Deron Barton" <dbarton@bmcfirst.com>
To: <JF@portlandmaine.gov>
Date: 1/4/2013 2:18 PM
Subject: Zoning Amendment 2282 Outer Congress Street

Dear Planning Staff,

I am a resident of Portland and part of the Friends of Canco Woods. First, I would like to thank the City of Portland for helping us preserve this area of Canco Woods. Second, I would like to express my support of rezoning the property at 2282 Congress Street. I am often on that section of Congress Street and amazed at the lack of convenient services for this business neighborhood. Allowing a gas station with a convenience store and bank would be a great addition to this area.

I urge the Planning Board and City Council to support the zone change.

Sincerely,

Deron Barton
17 Wellstone
Portland, Maine 04103

rec'd
after Report
cnc.

Public Comment
Hearing Attachment 4.4

January 2, 2013

City of Portland

Re: 2282 Congress Street, Portland

To Whom It May Concern

I am a property owner down the road from 2282 Congress Street and want to show my support for the above referenced project which would require a zone change from IM to B4 for the proposed convenience store and gas station. I feel this is a service that is lacking in the area and feel my tenant would greatly benefit from this type of retail establishment.

Sincerely



Peg Cianchette

Cianchette Family Trust

rec'd
P.D. 1-7-13
9/16/13 post circ.

Public Comment
Hearing Attachment 4.i



Congo Associates, LLC
2338 Congress Street, Portland, ME
Mailing Address:
9 Thomas Drive
Westbrook, Maine 04092
Tel. (207) 774-2843 Fax (207) 774-1193

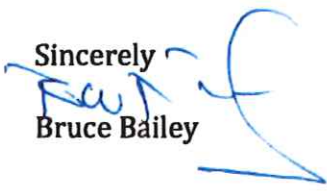
January 4, 2013

City of Portland Maine
Planning and Urban Development

Re: 2282 Congress Street, Portland

To Whom It May Concern:

As a landowner in the vicinity of the above referenced project we support allowing a
-zone change from IM to B4 for the proposed convenience store and fuel station.
This use would certainly benefit the surrounding community due to the lack of such
a commercial venue in the area.

Sincerely

Bruce Bailey

rec'd
after report
circ.

Jean Fraser - Fwd: David Latulippe - Congress St Project

From: David Latulippe <dlatulip@aol.com>
To: <JF@portlandmaine.gov>
Date: 1/5/2013 11:55 AM
Subject: Fwd: David Latulippe - Congress St Project

Jean,

Here is another email from a nearby property owner.

David Latulippe

-----Original Message-----

From: Don Neidetcher <dmetco@yahoo.com>

To: David Latulippe <dlatulip@aol.com>

Sent: Sat, Jan 5, 2013 10:05 am

Subject: Re: David Latulippe - Congress St Project

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Donald Neidetcher
The Best Company LLC
396 County Road
Westbrook, Me. 04092



MARSHALL & LIBBY, LLC

CERTIFIED PUBLIC ACCOUNTANTS

PAUL R. MARSHALL, CPA, PFS
RANDOLPH F. LIBBY, CPA
THOMAS G. TATON, CPA

January 7, 2013

Ms. Jean Fraser
Portland Planning Board
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101

Dear Ms. Fraser:

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We have met with Mr. David Latulippe and reviewed his plans. They make sense to us and will be a welcome enhancement to the area.

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MARSHALL & LIBBY, LLC

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Paul R. Marshall, CPA

PRM/mlg

Public
Comment
Hearing
Attachment 4.1

Ms. Jean Fraser
Portland Planning Board
City of Portland
389 Congress St. Portland, ME 04101

RE : Planning Board Report 01-13 Project ID 2012-609 Address 2282 Congress St, Zoning Map Amendment

Hello Ms. Fraser, Planning Board Members and Staff.

My name is Victor Chau, I am a resident of Westbrook, Chair of a Green Committee and the City Councilor who represents the people and businesses in the Westbrook area. Please allow me to express my extreme enthusiasm and support for approving the Zone Change request.

I have personally met David Latulippe of CJ Properties and am convinced that he is doing the right thing. The entire project would most certainly be fulfilling the needs of the nearby residents and major businesses in the area. Before this project was even thought of, many small and large corporations along that corridor were inquiring about something similar to what CJ Properties has proposed.

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I am proud to be supporting this project and the requested zone change, on behalf myself, my constituents and the businesses in the area.

Please feel free to contact me if there are any questions, I'd be happy to answer them.

Sincerely,

Victor Chau

Victor Chau

Ward 2 City Councilor of Westbrook

2 York St, Westbrook, ME 04092

207-518-8887 / Vchau@Westbrook.ME.US

rec'd 1-8-13.

Public Comment
Hearing Attachment 4.m

66 River's Edge Drive
Portland, ME 04106
michael.rogers66@gmail.com
318-9984

Via Email

January 8, 2013

Ms. Jean Fraser
Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

RE: 2282 Congress Street, Portland, ME, Proposed Development

Dear Ms. Fraser:

As a longtime resident of Stroudwater, I support CJ Developers, Inc. proposal to develop 2282 Congress Street, Portland, in to a fuel station and convenience store & bank.

Given its unique, yet, isolated location abutting the Maine Turnpike and Skyway Drive, this development proposal is the highest and best use for the 3.2 acre parcel and will benefit commuters, nearby workers and Stroudwater residents alike.

David Latulippe, President, CJ Developers, Inc., was the lead person in the development of the three Portland Walgreens and the Christmas Tree Shop in Scarborough, among other projects he has successfully developed in Greater Portland. Knowing David well, if approved for the project, he will deliver an attractive high quality development project.

Very truly yours,

Michael C. Rogers

c: D. Latulippe

Jean Fraser - Fwd: David Latulippe - Congress St Project

From: David Latulippe <ddlatulip@aol.com>
To: <JF@portlandmaine.gov>
Date: 1/5/2013 11:55 AM
Subject: Fwd: David Latulippe - Congress St Project

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David Latulippe
-----Original Message-----
From: Don Neidetcher <dmetco@yahoo.com>
To: David Latulippe <ddlatulip@aol.com>
Sent: Sat, Jan 5, 2013 10:05 am
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Donald Neidetcher
The Best Company LLC
396 County Road
Westbrook, Me. 04092

On Fri, 1/4/13, David Latulippe <ddlatulip@aol.com> wrote:

From: David Latulippe <ddlatulip@aol.com>
Subject: David Latulippe - Congress St Project
To: dmetco@yahoo.com
Date: Friday, January 4, 2013, 3:59 PM

Don,

Here is my email address and a brief description of our project.

Happy skiing,

Thanks

David

Jean Fraser - Re: Fwd: Letters

From: Jean Fraser
To: David
Date: 1/4/2013 3:23 PM
Subject: Re: Fwd: Letters
CC: Bushey, Steve
Attachments: PB Report with Attach (2282 Cong. St.).pdf; Late public comment Zoning Amendment 2282 Outer Congress Street.rtf

David

The ones attached to your e-mail did not reach me so I will circulate them at the meeting. I am not sure you saw all the ones that trickled in to me as they came from several different directions at the last minute, but all are supportive. One other late one is also attached.

I will try to send today (latest Monday AM) a copy of the agenda and website link to all the folks who sent public comments.

The Report and all attachments is on the City's website at:
http://www.portlandmaine.gov/planning.htm#Current_Backup_Material
and I attach the cover report with report attachments only (which include the public comments as received in time).

Please call me on Monday if any concerns.

Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> David <ddlatulip@aol.com> 1/4/2013 3:05 PM >>>
Not sure if you received these letters

Have a great weeken

David Latulippe

Begin forwarded message:

From: Jennifer Small <Jennifer@malonecb.com>
Date: January 4, 2013 2:11:30 PM EST
To: "ddlatulip@aol.com" <ddlatulip@aol.com>
Cc: Joe Malone <Joe@malonecb.com>
Subject: Letters

David

Attached are two letters and we are defiantly expecting one more but not until Monday.

Jennifer Small

Malone Commercial Brokers

5 Moulton Street

Portland, ME 04101

207-772-2422 office

207-772-6871 direct

207-233-6872 cell

207-358-7918 fax

www.malonecb.com

Oceanside Rubbish, Inc.

P O Box 39
Wells, Maine 04090
(207) 646-3230

January 3, 2013

Portland Planning Board
Portland City Hall
389 Congress Street
Portland, Maine 04101

Attn: Ms. Jean Fraser

Dear Ms. Fraser,

I write on behalf of CJ Developers and to support their project on 2228 Congress Street for a multi-use fuel and convenience store. Having close to thirty vehicles on the road everyday and the close proximity to Eco-Maine, my staff would welcome a competitive easy in and out facility such as this. As a small business owner who understands competitiveness this location would be ideal for my needs! I certainly support this project and would be available should you need any further information or if I can be of assistance to you. Thank you.

Sincerely,



Karl Ekstedt
Owner
Oceanside Rubbish, Inc.



COMMUNITY SUBSTANCE ABUSE CENTERS Merrimack River Medical Services

828 Center Street
Chicopee, MA 01013
(413) 746-0051
(413) 746-0368 fax

125 North Elm Street
Westfield, MA 01085
(413) 568-6600
(413) 562-8360 fax

297 Pleasant Street
Northampton, MA 01060
(413) 584-2404
(413) 585-8631 fax

177 Shelburne Road
Greenfield, MA 01301
(413) 774-3321
(413) 774-3345 fax

10 Kilburn Street
New Bedford, MA 02740
(508) 979-1122
(508) 979-1126 fax

20 Tower Office Park
Woburn, MA 01801
(781) 933-0700
(781) 938-9568 fax

175 Crescent Avenue
Chelsea, MA 02150
(617) 889-8779
(617) 889-9568 fax

55 Fishry Street
Hartford, CT 06120
(860) 247-8300
(860) 548-7325 fax

323 Derry Road
Hudson, NH 03051
(603) 595-3399
(603) 579-2734 fax

200 Route 108
Somersworth, NH 03878
(603) 953-0077
(603) 953-0078 fax

172 Newbury Street
Peabody, MA 01960
(978) 535-9190
(978) 535-9093 fax

177 Shattuck Way
Newington, NH 03801
(603) 436-0448
(603) 436-0668 fax

2300 Congress Street
Portland, ME 04101
(207) 221-2292
(207) 221-2297 fax

18 Mollison Way
Lewiston, ME 04240
(207) 312-6860
(207) 312-6863 fax

January 2, 2013

Portland Planning Board
c/o Jean Fraser
City of Portland
389 Congress St.
Portland, ME 04101

Dear Ms. Fraser:

I am writing on behalf of Merrimack River Medical Services to express our support for the proposed project at 2282 Congress Street in Portland. The services being proposed by CJ Developers, Inc. would help to meet the service needs of our employees and patients.

Currently, the travel time to get to these services being proposed is a real barrier for the employees and patients at our medical clinic. Our employees, for example, have only 30 minutes for their lunch break and to drive to get a sandwich takes up most of their lunch time. It would be extremely convenient for our employees to be able to go next door to pick up a sandwich at the proposed deli in the convenient store. Our staff and patients would be able to take advantage of the other services that the site has to offer rather than travel significant distance to obtain those services.

The proposed project would certainly be a welcome addition to this business neighborhood.

Thank you for your time, and please contact me if you have any questions. I can be reached at 207-590-3263 or via email at jennifer.minthorn@csachelp.com.

Sincerely,

Jennifer Minthorn, MA, LADC, CCS
Assistant Vice President of Development and Community Relations



MARSHALL & LIBBY, LLC

CERTIFIED PUBLIC ACCOUNTANTS

PAUL R. MARSHALL, CPA, PFS
RANDOLPH F. LIBBY, CPA
THOMAS G. TATON, CPA

January 7, 2013

Ms. Jean Fraser
Portland Planning Board
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101

Dear Ms. Fraser:

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We have met with Mr. David Latulippe and reviewed his plans. They make sense to us and will be a welcome enhancement to the area.

Sincerely,

MARSHALL & LIBBY, LLC


Paul R. Marshall, CPA

PRM/mlg

Oceanside Rubbish, Inc.

P O Box 39
Wells, Maine 04090
(207) 646-3230

January 3, 2013

Portland Planning Board
Portland City Hall
389 Congress Street
Portland, Maine 04101

Attn: Ms. Jean Fraser

Dear Ms. Fraser,

I write on behalf of CJ Developers and to support their project on 2228 Congress Street for a multi-use fuel and convenience store. Having close to thirty vehicles on the road everyday and the close proximity to Eco-Maine, my staff would welcome a competitive easy in and out facility such as this. As a small business owner who understands competitiveness this location would be ideal for my needs! I certainly support this project and would be available should you need any further information or if I can be of assistance to you. Thank you.

Sincerely,



Karl Ekstedt
Owner
Oceanside Rubbish, Inc.

*CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013*

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF 2282 CONGRERSS STREET**

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

AGREEMENT made this _____ day of _____, 2013 by CJ DEVELOPERS, INC. of Cumberland County ("CJD") with a place of business in 35 Primrose Lane, Freeport, Maine, and its successors and assigns.

WITNESSETH:

WHEREAS, CJD is or will be the owner of the property located at 2282 Congress Street, Portland, Maine (The "Property") more particularly described and shown on the Portland Assessors Map 237, Block A as Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book , Page ; and,

WHEREAS, CJD did request a rezoning of the property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a major auto service station, convenience store, restaurant (without a drive thru) and bank (with a drive thru) on 3.24 acres; and,

WHEREAS, in 1999 the City rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired.

WHEREAS, the Property is currently in the IM zone; and,

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A.M.R.S.A Sec.4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and,

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

*CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013*

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan.

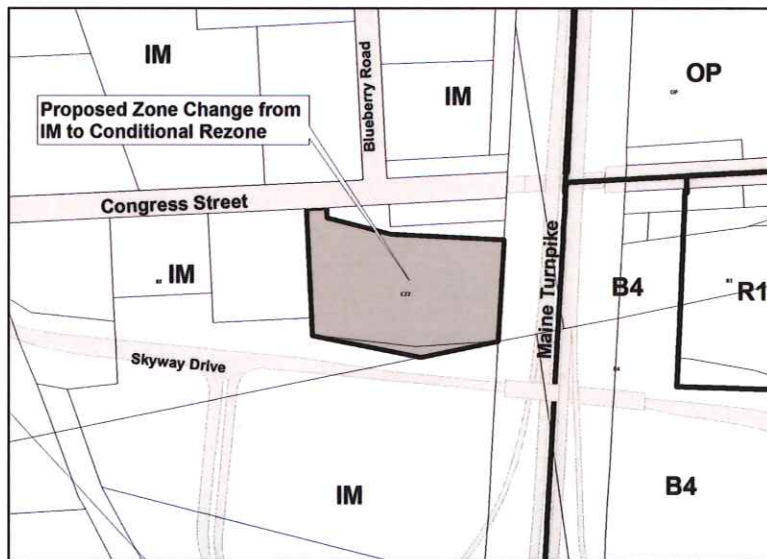
WHEREAS, the City's Comprehensive Plan seeks to "provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community."

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns; and,

WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning of the Property, CJD agrees to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting conditional IM zone amendment shown below;



Proposed Conditional Rezoning from IM for 2282 Congress Street

2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered with the Portland Planning Board approval in connection with the site plan review process;

*CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013*

3. Permitted uses: Those uses allowed in the IM zone. In addition, the Property shall be permitted to be used for the following uses:
 - a. Major auto service station. Natural gas and electricity fuel shall be included in the fuels that the major auto service station is allowed to sell.
 - b. Bank or ATM (with a drive through)
 - c. Convenience Store (without a drive through)
 - d. Restaurant (without a drive through)

4. Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
 - a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and,
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians.
 - c. CJD shall include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.

5. Community Contribution: shall install a new crosswalk on Congress Street from the project site to the sidewalk on the north side of Congress Street. The crosswalk shall include the following features:
 - a. A pedestrian island in Congress Street. The island shall be raised and include granite curbing. The location, size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA complaint and include sidewalk ramps and connections to the existing sidewalk;
 - d. Durable pavement markings and supplemental signs; and
 - e. Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services.

This full combination of the above items is above and beyond the usual site plan requirement that would apply to this project for a striped crosswalk as shown in the Conceptual Site Plan in Attachment 2 Plan.

*CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013*

6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and requirements of the underlying I-M zone. The project must still adhere to all applicable dimensional requirements, other requirements and performance standards of the IM zone and obtain separate permits for all signage.
7. If a building permit has not been pulled within two (2) years of the date of this Agreement, the zone shall revert to I-M; provided that CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CJD, or any successor, fails to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS:

CJ DEVELOPERS, INC.

By: _____

David Latulippe

Its President

*CLEAN noticing version with minor revisions to paras 2,5,6 & 7
and removal of pylon sign from concept plan (Att 2) 1.30.2013*

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2013

Personally appeared the above named David Latulippe, and acknowledged the foregoing instrument to be his free act and deed of CJ Developers, Inc.

Before me,

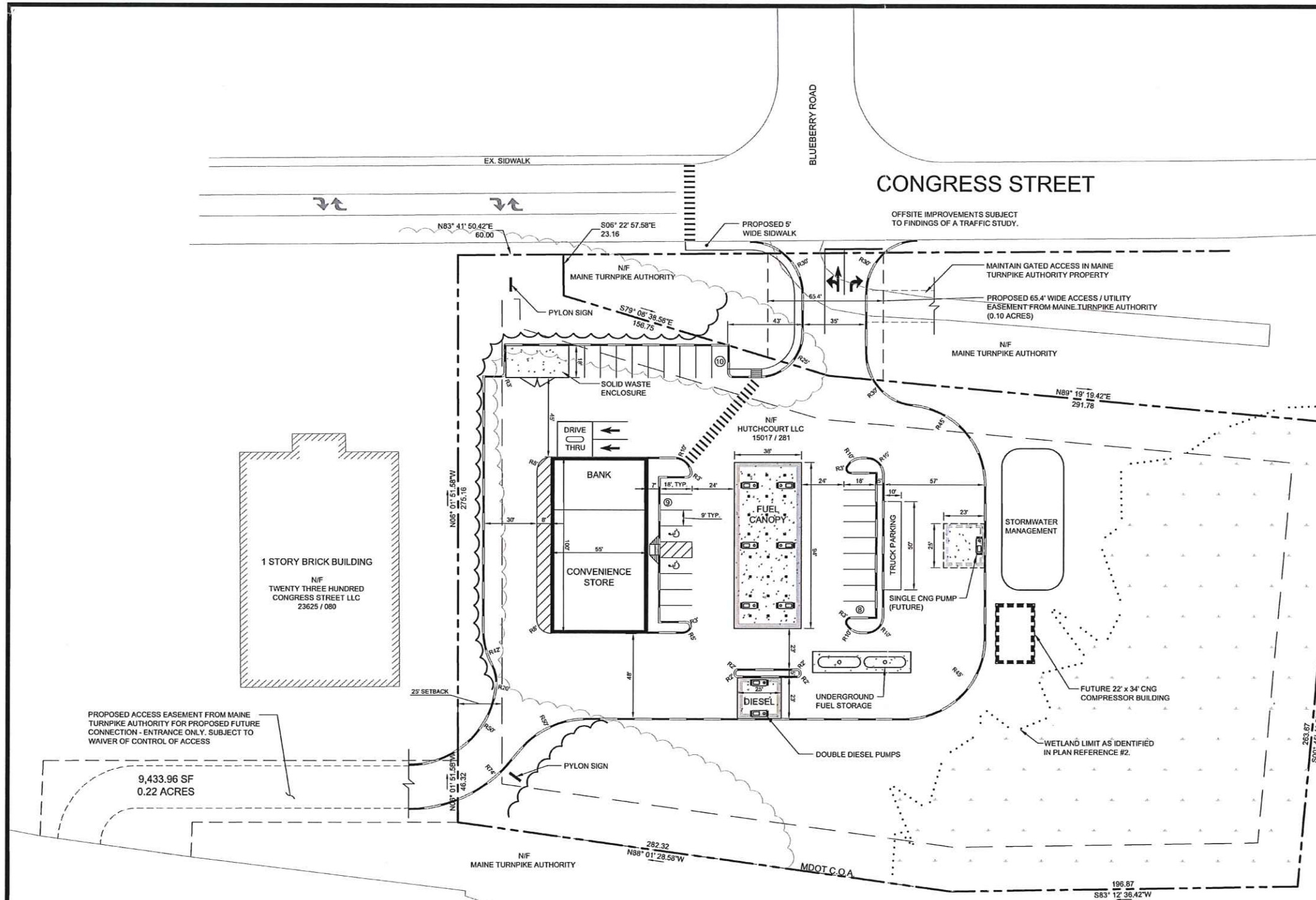
Notary Public / Attorney at Law

Attachments:

1. City Council Order (not available until City Council Hearing scheduled)
2. CONCEPT 3 Plan dated 1.30.2013



LOCATION MAP
N.T.S.



CITY OF PORTLAND, MAINE - PERFORMANCE STANDARDS	
CRITERIA	EXISTING INDUSTRIAL MODERATE IM REQUIRED
USE - CONVENIENCE STORE W/ FUEL STATIONS	NOT PERMITTED*
MINIMUM LOT SIZE	NONE
FRONT YARD SETBACK	1' FROM THE FRONT PROPERTY LINE FOR EACH 1' OF BUILDING HEIGHT
REAR YARD SETBACK SIDE YARD SETBACK	1' FROM EACH SIDE OR REAR FOR EACH 1' OF BUILDING HEIGHT UP TO 25'
MAXIMUM HEIGHT	75'
MAXIMUM IMPERVIOUS SURFACE RATIO	75%
PAVEMENT SETBACK FROM LOT BOUNDARIES	10'
MINIMUM STREET FRONTAGE	60'
MAXIMUM FLOOR AREA RATIO	-
MINIMUM LOT WIDTH	-

*REQUESTING CONDITIONAL REZONE TO ALLOW USE

- NOTES:**
- THIS PLAN IS TO BE USED FOR CONCEPTUAL PLANNING ONLY AND SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION WITHOUT WRITTEN CONSENT OF DELUCA-HOFFMAN ASSOCIATES, INC. OR OEST ASSOCIATES, INC.
 - RECORD OWNER OF PROPERTY: HUTCHCOURT LLC BY DEEDS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15017, PAGE 281. PROPERTY IS LOCATED IN THE CITY OF PORTLAND ON TAX MAP 237, LOT A012.
 - PROPERTY IS LOCATED WITHIN THE INDUSTRIAL (IM) ZONE. ZONING IS SUBJECT TO REVIEW BY THE MUNICIPALITY.
 - PROPERTY IS LOCATED IN FLOOD ZONE 'C' BASED ON F.I.R.M. PANEL #230051-0012B EFFECTIVE JANUARY 1986 AS DEPICTED IN THE CITY OF PORTLAND, MAINE CUMBERLAND COUNTY. ZONE 'C' IS DEFINED AS AN AREA OF MINIMAL FLOODING.
- PLAN REFERENCES:**
- STANDARD BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY OEST ASSOCIATES, INC ON FILE WITH THE CITY OF PORTLAND PLANNING DEPARTMENT DATED 09.14.99. USE OF THIS PLAN BEYOND CONCEPT PLANNING SHALL REQUIRE WRITTEN PERMISSION FROM OEST ASSOCIATES, INC.
 - COMPOSITE PLAN PREPARED FOR CJ DEVELOPERS, INC. BY ALBERT FRICK ASSOCIATES, INC. DATED 04.02.12.



PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
6	01.25.13	REVISED FOR CLIENT REVIEW
5	01.23.13	REVISED FOR CLIENT REVIEW
4	10.23.12	REVISED AND RESUBMITTED TO CITY
3	09.28.12	ZONING MAP AMENDMENT APPLICATION
2	06.08.12	RELEASED FOR CLIENT REVIEW
1	05.16.12	RELEASED FOR CLIENT REVIEW
		DESCRIPTION

P.E. STEPHEN BUSHEY
L.I.C. # 7429

PROJECT MULTI-USE DEVELOPMENT
2282 CONGRESS STREET
PORTLAND, MAINE

SHEET TITLE
CONCEPT 3

CLIENT
CJ DEVELOPERS, INC.
35 PRIMROSE LANE
FREEPORT, MAINE 04032

DeLUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN: CMW DATE: MAY 2012
DESIGNED: SRB SCALE: 1" = 30'
CHECKED: SRB JOB NO. 3118
FILE NAME: 3118-CONCEPT3
SHEET 1

Jean Fraser - Concept Plan 3 and CZA

From: Jean Fraser
To: Latulippe, David
Date: 1/30/2013 1:56 PM
Subject: Concept Plan 3 and CZA
Attachments: CZA as noticed with para 5&6 revs 1.30.2013.docx

David

We reviewed the latest Concept Plan today and there are a couple of issues:

1. Its possible that the crosswalk across Congress Street would need to be located differently to allow the left turns into Blueberry- we agreed that it could be left on the Concept Plan as shown but we would like to revise the CZA para 5 as shown on the trackchanged version attached.
2. A pylon sign has been added and shown in the wetlands and at this stage staff are uncomfortable with that, as we do not want the plan to imply that a sign of that scale and location has been reviewed or approved when there has been no discussion/consultation with MTA nor any submitted details. So I think that needs to be removed from the Concept Plan.

Signs in any case require separate permits from the Inspections Division to accord with the sign ordinance (which is not within the I-M requirements), so a separate CZA reference is needed- I have suggested something in para 6.

I am in meetings from now until about 4:30pm today but otherwise available if you want to follow up on this.

thank you
Jean

Jean Fraser, Planner
 City of Portland
 874 8728

1-30-13 DL agreed + ref'd typoria 7 + sent revised plan
 BB asked for 2 to ref PB not PA
 all corrections done + sent DL.

Jean Fraser - City Attorney comments on CZA for 2282 Congress

From: Jean Fraser
To: Latulippe, David
Date: 1/25/2013 4:40 PM
Subject: City Attorney comments on CZA for 2282 Congress
Attachments: City comments 1.25.2013 Conditional Rezone Draft Redline.docx

David,

Please find attached Danielle West-Chuhta's comments on the draft; since she used your red-lined version it looks quite complicated but I think a clean version will be fine.

If you are OK with these revisions, please get a clean "final" text plus revised Concept Plan (Attachment 2) to me by about 3pm on Monday so I can arrange the noticing required by the ordinance.

Thank you
Jean

~~AGREEMENT BETWEEN~~
AMENDMENT TO CITY OF PORTLAND CODE
AND
~~CJ DEVELOPERS, INC.~~

~~SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT)~~
RE: CONDITIONAL REZONING FOR PROPERTY
IN THE VICINITY OF 2282 CONGRERSS STREET

ORDERED, that the zoning map and text of the City of Portland, dated December 2000, as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below.

CONDITIONAL REZONING AGREEMENT

AGREEMENT made this _____ day of _____, 2013 by ~~and between the CITY OF PORTLAND, a body corporate and politic, located in~~ CJ DEVELOPERS, INC. of Cumberland County and State of ("CJD") with a place of business in 35 Primrose Lane, Freeport, Maine (hereinafter the "City"), and ~~CJ DEVELOPERS, INC. of Cumberland County (hereinafter "CORPORATION")~~ its successors and assigns.

WITNESSETH:

~~WHEREAS, CORPORATION did request~~ WHEREAS, CJD is or will be the owner of the property located at 2282 Congress Street, Portland, Maine (The "Property") more particularly described and shown on the Portland Assessors Map 237, Block A as Lot 12 and in a deed in the Cumberland County Registry of Deeds at Book , Page ; and,

WHEREAS, CJD did request a rezoning of the property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a ~~fueling~~ major auto service station, convenience store, restaurant (without a drive thru) and bank. ~~On (with a drive thru) on~~ 3.24 acres; and,

City Comments - from City Attorney Danielle West-Chuhta on 1.25.2013

WHEREAS, in 1999 the City rezoned this property with a Contract Zone (C22) to allow a 4 story hotel development. That development did not proceed and the associated conditional agreement has expired.

WHEREAS, the Property is currently in the IM zone; and,

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A.M.R.S.A Sec.4352(8), and after notice and hearing and due ~~diligence~~ deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; ~~;~~ and,

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY'S comprehensive land use plan; ~~and;~~

WHEREAS, A stated goal of the City's Comprehensive Plan is to seek to - "provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community." A policy to achieve this goal is to have "Vibrant neighborhoods include nearby, small-scale commercial area that provide both convenient service and natural meeting places."

Portland's outer Congress Street area is a vibrant and diverse "Business Neighborhood" comprised of industrial, warehouse, professional office, medical and municipal uses. The IM zone does not allow service-oriented uses such as auto service stations, convenience stores, restaurants or banks which would provide basic everyday services for this "Business neighborhood." Currently, workers, customers and clients need to travel out of this area for these services.

~~WHEREAS, the CITY authorized the execution of this Agreement on _____, 2013;~~

WHEREAS, CJD has agreed to enter into this Agreement and the Amendment with its concomitant terms and conditions, which shall hereinafter bind CJD, its successors and assigns; and,

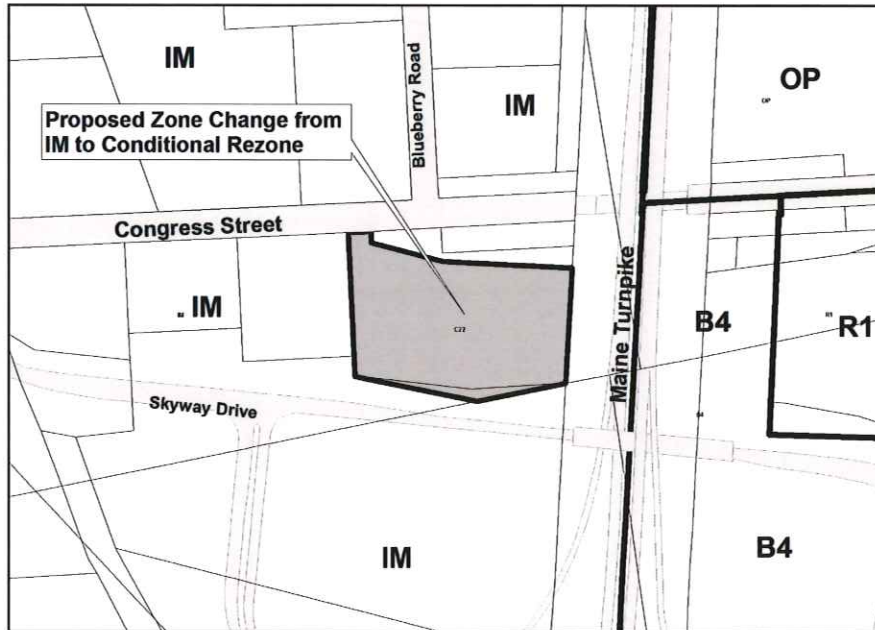
WHEREAS, the Portland City Council has on _____, 2013 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the ~~mutual promises made~~ rezoning of the Property, CJD agrees to be bound by ~~each party to the other,~~ the ~~parties covenant~~ following terms and ~~agree as follows~~ conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated _____ December 2000, as amended and on file in the Department of Planning and

City Comments - from City Attorney Danielle West-Chuhta on 1.25.2013

Urban Development, and incorporate by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, by adopting ~~the map change~~ conditional IM zone amendment shown below on Attachment 1;



Proposed Conditional Rezoning from IM for 2282 Congress Street

2. The property shall be developed substantially in accordance with the conceptual site plan shown on Attachment 2. The site layout plan may be amended, modified or altered by the Portland Planning Authority in connection with the site plan review process;
CORPORATION
3. Permitted uses: Those uses allowed in the IM zone. In addition, the Property shall be authorized permitted to be used for the following uses:
 - a. Major auto service station. ~~establish~~ Natural gas and ~~maintain a~~ electricity fuel shall be included in the fuels that the major auto service station, ~~restaurant and bank, in addition is allowed~~ to ~~undertaking uses permitted in the I-K zone.~~ Natural gas shall be added as an authorized fuel to the definition of sell.
 - b. Bank ~~Major auto service station.~~ ~~The restaurant~~ or ~~convenience store shall not include~~ ATM (with a drive through)
 - ~~3.~~c. Convenience Store (without a drive through ~~facility.~~)
 - d. ~~The fueling~~ Restaurant (without a drive through)
4. Planning Board Site Plan Approval: The major auto service station, convenience store/restaurant and bank project must obtain final site plan from the Portland Planning Board. Included within any application for such approval are the following requirements:
CORPORATION

City Comments - from City Attorney Danielle West-Chuhta on 1.25.2013

- a. CJD shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, including information on integration of a possible future connection to Skyway Drive; and, **CORPORATION**
 - b. CJD shall submit a detailed site plan addressing the bank drive through and associated stacking capacity, landscaping, architecture and protection of pedestrians. **CORPORATION**
 - c. CJD shall ~~make a community contribution of \$ _____ as a financial contribution to cover a raised island in the~~ include Landscape, Architectural and Lighting Plans that achieve a campus like character for the project.
5. Community Contribution: shall install ~~implement~~ a new crosswalk on Congress Street from the project site to the sidewalk on the ~~opposite~~north side of Congress Street, ~~along with~~. The crosswalk shall include the following features:
- a. A ~~raised~~ pedestrian ~~activated flashers that alert drivers that the pedestrian~~island ~~shall be constructed~~ in Congress Street. The island shall be raised and include granite curbing. The size (width and length) and material shall be determined by the City;
 - b. Rectangle Rapid Flash Beacon warning lights ~~shall be installed at this proposed crossing~~. Three sets of the warnings lights shall be installed (on each side of Congress Street and in the median island);
 - c. The crosswalk and all accessories shall be ADA complaint and include sidewalk ramps and connections to the existing sidewalk;
 - d. ~~Inclusive in the project are~~ Durable pavement markings and supplemental signs; and;
 - e. ~~The project shall include~~ Drainage and pavement improvements, as required by the Planning Authority and/or the Department of Public Services ~~necessary~~.
- ~~5.~~ This is ~~in-use~~ above and beyond the usual site plan requirement that would apply to this project for a striped crosswalk as shown in the Conceptual Site Plan in Attachment 2 Plan.
6. The provisions of the Agreement, including the permitted major auto service station, restaurant and bank uses, are intended to be supplemental to the uses and ~~requirement~~ requirements of the underlying I-M zone. The project must still adhere to all applicable ~~D~~dimensional requirements, other requirements and ~~p~~Performance standards of the IM zone.
 7. If a building permit has not been pulled within two (2) years of the date of this Agreement ~~contract~~, the zone shall revert to I-M; provided that **CORPORATION** CJD may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

City Comments - from City Attorney Danielle West-Chuhta on 1.25.2013

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CORPORATION CJD, their heirs successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portion hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CORPORATION, or any successor ~~fail, fails~~ to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board and/or the Court, pursuant to among other things, M.R. Civ. P. 80B, shall have the authority, ~~after hearing,~~ to resolve the issue resulting in the breach of this Agreement or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the major auto service station, restaurant and bank use.

WITNESS: _____ CITY OF PORTLAND

By: _____
Mark Rees
Its City Manager

WITNESS: _____ CJ DEVELOPERS, INC.

By: _____
David Latulippe
Its President

City Comments - from City Attorney Danielle West-Chuhta on 1.25.2013

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, ~~2113~~2013

Personally appeared the above named ~~Mark Rees, in his capacity as City Manager~~ David Latulippe, and acknowledged the foregoing instrument to be his free act and deed ~~in his said capacity and the free act and deed of the City of Portland~~ CJ Developers, Inc.

Before me,

Notary Public / Attorney at Law

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2113

~~Personally appeared the above named David Latulippe, and acknowledged the foregoing instrument to be his free act and deed of CJ Developers, Inc.~~

~~Before me,~~

Notary Public / Attorney at Law

Jean Fraser - note Fwd: generic text for CZA

From: Jean Fraser
To: Latulippe, David
Date: 1/22/2013 12:54 PM
Subject: note Fwd: generic text for CZA

David

I have just consulted with our attorney- she would like, re the enforcement clause, to have text added that allows for enforcement in Court.

Please also update the "whereas" clauses to refer to the CZA.

At some point (soon) you might want your attorney to speak to ours on this.

thank you

Jean

>>> Jean Fraser 1/22/2013 12:30 PM >>>

David

The following is the latest generic text as used in recent CZAs for the opening para (as not a contract between developer and city) and the enforcement (last) para-they may still need some tweaking after we see the final version with all new text. I believe the bank use is allowed in the I-M zone.

Jean

CONDITIONAL ZONE AGREEMENT
RE: (project)

AGREEMENT made this ____ day of _____, 2012 by _____
(name/address) ("Developer"), and its successors and assigns.

In the event of a breach by the Developer or its successors or assigns of the provisions contained herein, the Planning Board, after notice and hearing, may review the circumstances of the breach and recommend to the City Council that this AGREEMENT be amended or be rescinded and determine that such rescission should result in the

termination of this AGREEMENT and a reversion of the Property to the I-M zone requirements in place before the execution of this AGREEMENT and a cessation of the major auto service station and restaurant use.

Jean Fraser - Fwd: generic text for CZA

From: Jean Fraser
To: West-Chuhta, Danielle
Date: 1/22/2013 12:34 PM
Subject: Fwd: generic text for CZA

Danielle

When you reviewed the draft CZA re 2282 Congress (David latulippe) you asked that the first and enforcement paras be "updated".

Since David only has a couple of days to get a final draft to us I have sent the text below- they are from the Thomas Street CZA with a slight tweak to the enforcement para - it does not ref the court or who determines whether there has been a breach.

Hope OK or let me know.

thanks

Jean

>>> Jean Fraser 1/22/2013 12:30 PM >>>

David

The following is the latest generic text as used in recent CZAs for the opening para (as not a contract between developer and city) and the enforcement (last) para-they may still need some tweaking after we see the final version with all new text. I believe the bank use is allowed in the I-M zone.

Jean

CONDITIONAL ZONE AGREEMENT

RE: (project)

AGREEMENT made this ____ day of _____, 2012 by _____ (name/address) ("Developer"), and its successors and assigns.

In the event of a breach by the Developer or its successors or assigns of the provisions contained herein, the Planning Board, after notice and hearing, may review the circumstances of the breach and recommend to the City Council that this AGREEMENT be amended or be rescinded and determine that such rescission should result in the termination of this AGREEMENT and a reversion of the Property to the I-M zone requirements in place before the execution of this AGREEMENT and a cessation of the major auto service station and restaurant use.

Jean Fraser - City comments on draft CZA for 2282 Congress

From: Jean Fraser
To: Latulippe, David
Date: 1/18/2013 5:42 PM
Subject: City comments on draft CZA for 2282 Congress
Attachments: City annotated 1.18.2013 CZA for 2282 Congress.docx

David

I attach an annotated copy of your 1.10.2013 version- its really more notes than revisions but it gives you something to work on.

I will send you some "new" standard wording on tuesday (our offices are closed on Monday).

I think we will need another version from you on wed (23rd) or thur (24th) in order to get this completed for Mon 28th.

You will see that we have defined the crosswalk "upgrade' requirement in more detail. I imagine that you would like to know what this might entail \$\$\$-wise- Tom Errico advises that the estimated cost for the Marginal Way island and flashing system was about \$65,000. We can discuss further next week.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Jean Fraser - Fwd: Re: 2282 Congress - Cond. Rezoning - next steps

From: Jean Fraser
To: West-Chuhta, Danielle
Date: 1/11/2013 10:19 AM
Subject: Fwd: Re: 2282 Congress - Cond. Rezoning - next steps
CC: Barhydt, Barbara; Jaegerman, Alex; Schmuckal, Marge
Attachments: Conditional_Rezone_Agreement_draft_1-10-13.docx; PB Report with Attach (2282 Cong. St.).pdf; 3118-CONCEPT1 30 scale.pdf

*Tom - ? TDM
 DWC advises spell out
 Marge - compressed natural gas
 Jeff campus feel*

Danielle

Please see draft CZA from David Latulippe - Att2 to the CZA would be the Concept Plan as also attached to this e-mail.

The Planning Board decided on Jan 8 to support conditional rezoning for 2282 Congress subject to a CZA that addressed a bulleted list of conditions (listed at end; taken from Report which is attached- it includes the previous hotel CZA at Att. 3).

- consistent w/ comp plan?

I suggested to David Latulippe that we needed a draft CZA urgently as it needs to be finalized by Jan 28th to meet noticing requirements- and I advised him to:

- existing perm. uses?

put cites in the whereas clauses

- Start with the Hearing Report bulleted list page 9
- Take on board the PB member comments (these related to requiring the layout allow for Skyway Drive access; require design and layout to maintain campus feel with low level lighting, tree preservation etc ; agreement to prohibit restaurant drive-thru;
- Add in reference to limited, non-drive-thru restaurant/catering use and any other wording he sought eg re the compressed gas fuel option
- Probably not include any limitations on hours
- Re community contribution, what we were thinking (not "final" as Tom Errico is giving it some further thought) is for this agreement to include a financial contribution that would be enough to cover a raised island in the crosswalk from the site to the sidewalk on the opposite side, along with pedestrian activated flashers (like on Marginal Way near Walgreens) that alerts drivers that the crossing is in use. For further discussion.

any zoning changes?

This is the first draft of the agreement and I can see at least 3 issues:

1. (Marge) He wants to include a compressed gas fueling bay (latest green technology- would be used by Ecomaine vehicles in first instance) and this is referred to in para 3; *Five or ? not allowed in zone? spell out in CZA then*
2. How far should te agreement go to specify what the Board members were suggesting re campus like feel/low lighting/retaining trees/designing to allow Skyway Drive link etc? *→ can reference plans to show this =*
3. How detailed should the ref to community contribution be (ie should it refer to pedestrian amenities and not specify what); the reason for the detail is to show that its above and beyond what would be required as part of any site plan for a permitted IM use. *Make sure it spells it out and says its above and beyond other requirements.*

could be very specific = depends on what app. wants to present

Thanks for any comments- any needed asap. I can run through this with you on Wed afternoon if you want.

Jean

From report, page 9: Potential Conditions for Conditional Zone Agreement:

- Permitted uses: As in I-M plus those as on Concept Plan (convenience store; gas station; bank)
- Hours of operation: As necessary
- Developed substantially in accordance with concept plan: possibly allow revised access and require landscaping
- Require Planning Board review of site plan and that certain requirements are addressed re drive thru (eg stacking capacity; landscaping; protection of pedestrians etc)
- Require a traffic study (required for site plan in any case as needs TMP) to include information on integration with Skyway Drive as well as Congress Street
- Community Contribution: contribution to pedestrian/transportation amenities in Congress Street vicinity; the level of contribution needs to be determined - make sure its a g/s over/above other requirements
- Time limit of 2 years: to complete? from what date?

TDM?
K

>>> David Latulippe <ddlatulip@aol.com> 1/11/2013 7:36 AM >>>

Jean,

Attached is the draft Conditional Rezone Agreement. We used the past agreement for this property as a template.

Thanks

David

-----Original Message-----

From: Jean Fraser <JF@portlandmaine.gov>
 To: David Latulippe <ddlatulip@aol.com>
 Sent: Wed, Jan 9, 2013 4:27 pm
 Subject: 2282 Congress - Cond. Rezoning - next steps

David,

Just to follow up from last night:

1. Timetable for finalizing the Conditional Rezoning Agreement: Below is the ordinance noticing requirement for the final conditional rezoning agreement so the agreement needs to be finalized by **Mon Jan 28th**. We have limited legal staff support right now so I suggest you get a draft to us as soon as possible.

Sec. 14-61. Notice and hearing.

The Planning Board shall conduct a public hearing prior to any property being rezoned under this division. Notice of this hearing shall be posted in the city clerk's office at least fourteen (14) days prior to the public hearing and shall be published in a newspaper of general circulation within the city at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

2. City Council: Aiming for a first reading on **Wed Feb 20th** and a second reading (hearing) on **Mon March 4th**.

Jean Fraser - Update re CZARe: 2282 Congress - Cond. Rezoning

From: Jean Fraser
To: Latulippe, David
Date: 1/16/2013 4:42 PM
Subject: Update re CZARe: 2282 Congress - Cond. Rezoning
Attachments: City Ordinance Div 14-246 I-M Zone .pdf

David

Just to let you know that I have discussed the draft with Danielle West-Chuhta (Corporation Counsel) and other reviewers and will get you a track-changed or annotated version by the end of this week.

One of the key issues raised, and one you might like to give some further thought to, is what limitations/requirements of the I-M zone you want to vary to allow your proposals to go forward and to give some flexibility in the future since its not a B4 zone. I attach the I-M zone ordinance for reference.

Here are some of the thoughts reviewers have re that:

- Compressed gas not allowed in I-M so needs to be separately and explicitly allowed, maybe with some conditions eg re public safety and noise
- What about allowing for electric car charging, since its going green...
- Sound limitations generally
- Signage- you may want more than usually allowed in I-M- see sign ordinance or maybe speak to Marge Schmuckal the Zoning Administrator (874 8695) (mes@portlandmaine.gov)
- Outdoor eating area?

thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

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2. City Council: Aiming for a first reading on **Wed Feb 20th** and a second reading (hearing) on **Mon March 4th**.

3. Suggest re the Content of the Agreement:

- Start with the Hearing Report bulleted list page 9
- Take on board the PB member comments
- Add in reference to limited, non-drive-thru restaurant/catering use and any other wording you would like eg re the compressed gas fuel option
- Probably not include any limitations on hours
- Re community contribution, what we were thinking (not "final" as Tom Errico is giving it some further thought) is for this agreement to include a financial contribution that would be enough to cover a raised island in the crosswalk from the site to the sidewalk on the opposite side, along with pedestrian activated flashers (like on Marginal Way near Walgreens) that alerts drivers that the crossing is in use. For further discussion.

Please call if any questions re above.

I have the boards that you left in 209 and will keep them for the Hearing.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Jean Fraser - 2282 Congress Street

From: Marge Schmuckal
To: Jean Fraser
Date: 1/16/2013 2:59 PM
Subject: 2282 Congress Street

Hi Jean,

Here are my comments on the now changed from a zone change to a Conditional/Contract ReZoning.

Please note that #3 introduces an I-K zone. That should be an I-M Zone. Also the I-M Zone does not allow compressed gas filling stations. So that probable should be added in for that fuel source. I would want a little information as to any noise associated with the compressed gas filling station. I believe the one that the bus service garage on St John Street does give off a significant amount of noise. Perhaps noise guidelines should be within the contract. Is there any desire for an electric car recharging station? Perhaps that should be encouraged.

Also there should be wording relating to signage. Signage in the I-M Zone is quite different than for example the B-4 Zone. Signs will be important to them.

Those are my initial comments.

Marge Schmuckal
Zoning Administrator

Jean Fraser - 2 subdivision plats for review please

From: Jean Fraser
To: West-Chuhta, Danielle
Date: 1/11/2013 3:59 PM
Subject: 2 subdivision plats for review please
Attachments: Draft Subdivision Plat rec'd 1.7.13 for Hearing.pdf; Draft Condo plans 321 Commercial for hearing.pdf; Draft Condo Docs key sections 321 Comm St.pdf; Subdivision Plat Plan (recording plan 1 of 2).pdf; S-101 Subdivision Plan (recording plan 2 of 2).pdf

Danielle

For hearing on Jan 22 (comments needed early next week): **321 Commercial** (hotel, restaurant, 14 residences, similar to Jordans site) they have submitted the attached. Same issues as the one for Jordans in that none of the floorspaces are specified. They have submitted condo plans (2nd attachment) - so would we want all those to be part of the plat??? I will bring down a paper set of plat/condo plans (Not condo docs- I think you have those).

This is what I said in the Dec PB Memo that needs updating:

The draft subdivision plan has been submitted (Plan 3) and further detailed comments are anticipated concerning notes to clarify the floorspace areas and parking. The Draft Condominium Documents have been submitted (Attachment O.) which are still under review. These clarify that although the three units are the hotel, retail and residential units, the residential unit may be further subdivided and the proposal for 14 rental units triggers the subdivision review.

The applicant has confirmed that "we do not expect to create the plats and record the condo docs until the building is basically complete" (Attachment R.). It should be noted that while this may be acceptable in respect of the condo documents, subject to Corporation Counsel review and approval, the Subdivision Plat must be recorded prior to any sale or development of the site (Section 14-504 of the City's Land Use Ordinance). OK

For Workshop (so less urgent): **Ledgewood Subdivision**- also attached in 2 parts (and I will bring down paper copies) and seems to be usual issues re notes needed to clarify re stormwater obligations. There are now 2 OS lots and these will be managed by a homeowners association. One key issue is that they don't want to commit to whats going to be on Lot #14 but its below the Ordinance level (20% of lots) to be a Phase 2- can they just put a note saying it needs to come in for site plan review? The subdivision review will determine whether or not a sidewalk is required along Ocean.

It would be very helpful if you could save me 15 mins on Wed afternoon 1.16.13, esp re the Commercial Street mixed use plat that is going to a Hearing.

thanks
 Jean

**Gas Stations / Convenience Stores
Within 3 miles of
2282 Congress Street, Portland, Maine**

<u>Gas Station</u>	<u>Address</u>	<u>City</u>	<u>Driving Distance</u> (miles)	<u>Drive Time</u> (minutes)
Jetport Gas	446 Western Ave.	So. Portland	1.2	5
Scrub a Dub	425 Gorham Rd.	So. Portland	2.2	6
Big Apple	782 Main St.	Westbrook	3.1	8
Mobil	1193 Congress St.	Portland	2.5	7
Cumberland Farms	1199 Congress St.	Portland	2.6	7

PLANNING BOARD WORKSHOP 11-05-2012
Map amendment I-M to B-4 2282 Congress Street

Planners Presentation: 2 handouts

1. C.J. Developers, Inc. are applying for a zoning map amendment for a 3.24 acre site at 2282 Congress Street; it is currently in the I-M Moderate Industrial Zone and they request the site be rezoned to the B-4 Commercial Corridor Zone. The application is requested in order to develop the property with a convenience store, 6 fueling stations, a diesel dispenser and a 2,000 sq. ft. bank with 2 drive-through lanes.
2. This site was the subject of a similar application in 1999 for a map amendment from I-M to B-4 to allow a 4 story hotel. At that time the Board determined the B-4 zone would not be appropriate and considered that a Contract Zone would be more consistent with the Comprehensive Plan. The City Council approved a "Contract Zone" and associated contract agreement for the hotel on this site, but these have since expired. The agreement is included for background information in the PB memo as **Attachment 3**. (Note: copy of site plan available)
3. The applicant has a Purchase and Sale Agreement for the site and currently is not the owner.
4. ~~No~~ ^{one} public comments ^{in support had} have been received by the Planning office. This project does not require a Neighborhood Meeting, but the applicant held a voluntary one on October 23, 2012 which was attended by 6 representatives of nearby businesses.
5. Zoning analysis: The proposed convenience store and gas station are not allowed in the I-M zone because retail uses, restaurants and gasoline service stations are not included in the list of permitted uses (see Table on page 5). These uses are allowed in the B-4 zone, and drive thrus and general, business and professional offices are allowed in both the I-M and B-4 zones.
6. Arguments in support of the rezoning are broadly:
 - Traffic generation would be similar to some of the permitted I-M uses in terms of new trips generated by the proposed use (**Concept Plan**) without a fast food restaurant
 - It is a relatively small site with limited scope for I-M uses
 - It is an extension of B-4 already located to the east
 - The proposed Concept Plan uses would serve the local employment uses and be nearer than existing services
7. Arguments against the rezoning are broadly:
 - The land should be preserved for I-M uses
 - Buffer character by low impact uses rather than busy commercial uses
 - Should a combination of B-4 uses with high trip generation be developed, it would adversely impact the travel conditions over the wider area
 - Of greatest concern is that a map change for this site would set a precedent and there would be pressure for other sites, particularly those fronting the Congress Street commuter route, to seek a similar map change to allow, for example, retail, restaurant, gasoline service, car dealership, hotels and motels
8. Notes: In light of these, the question of a conditional zone rather than a map amendment may be something the Board would want to discuss
 - The **Concept Plan** as submitted is the applicant's intended development and appears to be feasible on this site based on a preliminary review of details and traffic implications. However, if the map amendment is approved, the proposals would be subject to a Traffic Movement Permit and site plan review where a detailed evaluation of traffic, access options and other aspects may lead to revisions and off-site improvements- as would most other proposals for this site.
 - The applicant or the owner could choose to develop the site differently than shown in the **Concept Plan** to include other B-4 uses, such as a fast food restaurant or the uses as listed in the table on page 5.

Tom Enrico has made comments of ...

David Kalhuppe

Jean Fraser - Zoning Amendment in newspaper

Public Comment

From: "Broderick, Dan" <DJBRODERICK@TRANE.COM>
To: "JF@portlandmaine.gov" <JF@portlandmaine.gov>
Date: 11/5/2012 9:19 AM
Subject: Zoning Amendment in newspaper

We understand there is a request for zone amendment from IM to B4 at 2282 Congress St.

Our company Trane is located at 30 Thomas Drive....just off Congress St. We have more than a dozen service vehicles that need a quick place to get fuel. We get over \$100/hr for service and if they need to go 10 minutes out of their way/back and the potential to get caught up in traffic, it is considered as unapplied labor...we eat that. We could also use a place to get diesel fuel for the box trucks who pick up and deliver our parts and products. We also have a Parts Store where there is a need for services of transient vehicles coming and going from the area.

Second, for employees looking to take a quick lunch break, there are very few options without going to the Mall area or into Westbrook. They essentially eat up most of their time just trying to get back and forth. It would be really nice to have a place to get in and out of quickly.

Bottom line is the zoned industrial area is good location however there needs to be some services or it will limit growth or value of the tax base. Lack of services is the number one issue that we and our neighbors complain about.

I would urge you to reconsider the zoning. I really don't see the downside...only upside. We were all really excited to hear about this potential enhancement to the area.

Thank you.

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Re: Workshop Item if
 Map Amendment I-M to B-4
Information from applicant
 as referenced in
 PB memo page 6 (VII a 3rd para)

**Businesses and Vacancies In IM Zone
 Outer Congress St.
 Portland, ME**

<u>Business Name</u>	<u>Use</u>	<u>Vacant Land</u>
1 Fed Ex	Distribution	1 81 County Rd 10.30 acres
2 Johnston Supply	Distribution	2 2393 Congress St 43.91 acres
3 Racket & Tennis Club	Indoor Recreation	3 2439 Congress St 1.33 acres
4 Hydro Lateral	Industrial	4 2378 Congress St 53.86 acres
5 Nicols Engineering	Industrial	5 2468 Congress St 4.00 acres
6 Sturbridge Yankee Workshop	Industrial	6 1 Hutchins Dr 19.67 acres
7 Spring Harbor Medical	Medical	7 3 Hutchins Dr 4.74 acres
8 Casco Bay Surgons	Professional Office	8 34 Hutchins Dr 2.74 acres
9 Methadone Clinic	Professional Office	9 96 Hutchins Dr 4.90 acres
10 Woodward & Curran	Professional Office	10 131 Hutchins Dr 1.89 acres
11 UNUM	Professional Office	11 144 Hutchins 2.16 acres
12 Cross Insurance	Professional Office	12 162 Hutchins 2.17 acres
13 Maine Turnpike Authority	Professional Office	13 163 Hutchins 1.74 acres
14 M/L Office	Professional Office	14 80 Blueberry Rd <u>1.03</u> acres
15 Clark Insurance	Professional Office	Total 154.43 acres
16 American Red Cross	Professional Office	
17 MPX Business Solutions	Professional Office	
18 Veterinary Clinic	Professional Office	
19 Greater Portland Realtors	Professional Office	
20 N.E. Title Company	Professional Office	1 2301 Congress St 22,000 s.f.
21 Reliant Mortgage	Professional Office	2 2238 Congress St 9,798 s.f.
22 Eco Maine	Recycling Facility	3 121 Hutchins Dr <u>13,340</u> s.f.
23 Ruth's Reuseable Resources	Recycling Facility	Total 45,138 s.f.
24 Camp Bow Wow	Service	

Vacant Buildings

calculated 11-9-12 PB workshop

Map amendment I-M to B-4 2282 Congress Street

Board members attending: Ch Carol Morrisette; David Silk; Tim Dean; Bill Hall; Stuart O'Brien.

Planners Presentation:

1. C.J. Developers, Inc. are applying for a zoning map amendment for a 3.24 acre site at 2282 Congress Street; it is currently in the I-M Moderate Industrial Zone and they request the site be rezoned to the B-4 Commercial Corridor Zone. The application is requested in order to develop the property with a convenience store, 6 fueling stations, a diesel dispenser and a 2,000 sq. ft. bank with 2 drive-through lanes.
2. This site was the subject of a similar application in 1999 for a map amendment from I-M to B-4 to allow a 4 story hotel. At that time the Board determined the B-4 zone would not be appropriate and considered that a Contract Zone would be more consistent with the Comprehensive Plan. The City Council approved a "Contract Zone" and associated contract agreement for the hotel on this site, but these have since expired. The agreement is included for background information in the PB memo as **Attachment 3**. (*Note: copy of site plan available*)
3. The applicant has a Purchase and Sale Agreement for the site and currently is not the owner.
4. No public comments have been received by the Planning office. This project does not require a Neighborhood Meeting, but the applicant held a voluntary one on October 23, 2012 which was attended by 6 reps of nearby businesses.
5. Zoning analysis: The proposed convenience store and gas station are not allowed in the I-M zone because retail uses, restaurants and gasoline service stations are not included in the list of permitted uses (see Table p.5). These uses are allowed in the B-4 zone, and drive thru and general, business and professional offices are allowed in both the I-M and B-4 zones.
6. Arguments in support of the rezoning are broadly:
 - Traffic generation would be similar to some of the permitted I-M uses in terms of new trips generated by the proposed use (**Concept Plan**) without a fast food restaurant
 - It is a relatively small site with limited scope for I-M uses
 - It is an extension of B-4 already located to the east
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7. Arguments against the rezoning are broadly:
 - The land should be preserved for I-M uses
 - Buffer character by low impact uses rather than busy commercial uses
 - Could be any combo of B-4 uses with high trip generation & adversely impact the travel conditions over the wider area
 - Of greatest concern is that a map change for this site would set a precedent and there would be pressure for other sites, particularly those to west fronting the Congress Street commuter route, to seek a similar map change to allow, for example, retail, restaurant, gasoline service, car dealership, hotels and motels
8. Notes:
 - The **Concept Plan** as submitted is the applicant's intended development and appears to be feasible on this site based on a preliminary review of details and traffic implications. However, if the map amendment is approved, the proposals would be subject to a Traffic Movement Permit and site plan review where a detailed evaluation of traffic, access options and other aspects may lead to revisions and off-site improvements- as would most other proposals for this site.
 - The applicant or the owner could choose to develop the site differently than shown in the **Concept Plan** to include other B-4 uses, such as a fast food restaurant or the uses as listed in the table on page 5.

Applicant's Presentation: (?) = not clear

1. Why applied for Map amendment:
 - Local councilor favored Map amend. over contract zone
 - Local businesses (11,500 people employed within a mile of site) request more services in area (otherwise long drive- gas/lunch/ATM) - don't want McDonalds or DD- want a place to order meals for meetings/groups
 - The 2001 ordinance change that allowed general offices in I-M zone has increased demand for services
 - Suggests Comp Plan supports provision local services
2. Traffic Implications
 - Checked that it would work as first priority
 - This type of traffic has peak at lunchtime when commuting traffic lower; doesn't add much as captures existing traffic
 - Connects to and complements sidewalk network (?)

3. Zoning issues
 - Purposes of I-M and B-4 similar (transportation focus)
 - Supported by Comp Plan
 - No zoning creep as this site geographically limited - one neighbor “not going away”; thruway to the east (?)
 - This site immediately abuts the B-4 zone (thruway)
4. Concept Plan
 - Showed building elevs- New England style
 - Can keep green and make as a pleasant “entry” into corridor

Public Comments

Ruth Libby (Runs Ruth’s Renewable Resources” nearby; lives Scarborough):

- Excited; has about 8000 teachers coming from other states/long distances who ask where to get gas, food etc.
- She rents trucks approx. 1X week and needs nearby fueling location
- Supports proposal

Planning Board comments

1. David Silk
 - Other I-M areas also have to go a distance for services
 - Deli and DD just to west of this area; gas is close
 - Issue isn’t just traffic so couldn’t do text changes (can’t see this)
 - Extending the B-4 a bit of a stretch
 - Concerned about precedent - maybe vacant buildings that need to new occupiers to west and this is a concern
 - Has a hard time justifying; looks like spot zoning in I-M
2. Tim Dean
 - Would like to understand the value of this I-M to City; desire to have it maintained?
 - This request leads to a reduction in I-M
 - Referred to applicants chart of vacant land in this I-M- is the zone too big?
 - I-M along congress street probably would be lost to retail
 - Should look at contract zone (rather than a map amendment that sets precedent)
3. Bill Hall
 - Shares concerns already expressed - is the need for the map change so great that is justified?
 - Services are available- this only improves the convenience
 - What’s in the public interest- hasn’t heard an argument
 - Does not see the request favorably
 - Precedent not a main concern as usually there are unique characteristics of site that would limit change anyway
4. Stuart O’Brien
 - Would like more info re market
 - DL responded that -6 people from MTA has supported; the Deli is not always open; DD not seen a food option; has had other calls from local businesses
 - Would like to see numbers re the distances to gas stations- Jetport is closest
 - Likes that it is not a contract zone
 - If the request is merited then should be a map change
5. Carol Morrissette
 - Very concerned about preserving I-M zone; wonder if we should erode this “intact” I-M zone
 - Site not really walkable from most of I-M zone, so already car based
 - Almost rather see as contract zone

Responses from applicant:

1. Loss of I-M: this site only large enough for a professional office otherwise (ie not industrial); his table of vacant land shows there are large tracts of land available, which already have utilities
2. Re market and need: He will try to quantify need and send info re distance to gas stations
3. He will speak to local councilor re contract zone and history of the existing contract zone (C22 for hotel).

I-M to B-4 Workshop 11-5-2012

Board members present:

David Silk

Tim Dean

Bill Hall

Smart O'Brien

Carol Morrisette

① JF intro

② David Latulippe

- local Councilor supports map amendment so applied
- Request from businesses for services in this area (otherwise long drive) triggered.
- 2001 added prof offices to IM zone so has increased demand / ^{but no services no ATM etc.}
- 11,500 ppl work w/in mile ^{relates to Comp Plan.}
- Traffic - convenience/multi-use doesn't add much - capture existing traffic.
- Biggest need is for lunches - when traffic is lower
- McDonalds interested but businesses said didn't want it - want place to order meals.
- Traffic - checked can work
- Comp Plan - ref to app
- Purposes similar
 - Connect to + complement sidewalk network
- Showed elevations - NE "style"
- Described Concept Plan - feel can keep green and make pleasant "entry"
- Zoning creep - geographically limited Skyway constrains; Meth. Clinic not going to move; thruway to east

Carol M - asked if any other IM site between this site and BT to east

Public Comment

Ruth Libby = excited; ^{almost 8000} able to tell teachers coming from other states/distances; they need gas/food etc.
lives in Scarborough
on Rt 22
Runs Ruth Keene's Resources
rent trucks approx 1x week
& need to refuel; this would be more convenient; in favor.

Public Comment closed.

Pl. Bd Comments

DeSilva - other IM areas also have to go a distance for services.
deli & DD just to west
gas close

- issue isn't just traffic so couldn't do text change (but can't see this)
- ext. of BT seems a stretch
- concerned about precedent - maybe vacant bldgs that need new occupiers & a concern
- hard time justifying
- looks like spot zoning in I-M.

- Tim Dean - the value of IM to City
- area of IM to maintain?
 - leads to reduction of IM zone
 - ref chart used/vacant -
is this IM zone too big?
 - IM along Congress probably wd
be lost to retail
 - shd look at Contract vs map
Amend that sets precedent

- Burt Hall -
- share concerns
 - is need so great that justifies
 - services are avail - thus only
improves convenience
 - what's public need - hasn't heard argument.
 - doesn't see that favorably
 - precedent not a main concern
as usually unique characteristics of
site would limit anyway

Smart O'Brien - more info re market

- David
H. responded
- MTA - 5/6 ppl. commented
 - Deli - changeover not always open
 - DD - ^{not considered} ~~not~~ a food option
 - other calls.

nice to see members re distance to
gas stations - depot is closest

Cost

- Smart Opened - likes it not a Contract Zone
- if merits then shd be map of lag

Carol Monussette - v. concerned about preserving
LM zone

- wonder if we shd. erode ^{"intact"} LM.
- not really walkable so
already car based
- ^{almost} rather see as Contract Zone

David L - this site probably ~~only~~ large
enough for prof. office.

- his table shows large tracts
of land, already got utilities

- will do 2 things

- gauging need
- talk to CLR. re Contract Zone
re history of C22

Jean Fraser - Date for Planning Board meeting

From: Jean Fraser
To: Latulippe, David
Date: 11/20/2012 9:21 AM
Subject: Date for Planning Board meeting

David

Barbara is struggling with the agendas because we have some new Board members and there is a question over how many meetings we will have in December and who can attend what.

I will let you know as soon as possible; Barbara is aware of your request for Dec 11th hearing.

If it does finally land on the 11th, we would need any new material (ie that requires review or discussion) on or before

Tuesday Nov 27th (ie one week from today); I believe you were going to provide additional information/quantification re the "public need" for this development and one board member asked for "numbers" re the distances to services at the moment. Also I believe you were going to sound out the local councillor regarding a contract zone.

I will get back to you regarding the date.

Jean

Jean Fraser - Re: Map Amendment- Congress Street

From: Jean Fraser
To: Latulippe, David
Date: 12/4/2012 11:27 AM
Subject: Re: Map Amendment- Congress Street

David

We are still working on the basis that this project will be considered at a hearing on tuesday January 8th. Its just possible that the time will be late afternoon rather than evening because of the uncertainty over whether some projects will be Workshops or Hearings or even on at all given the "holiday factor". I will let you know as soon as possible but it might not be for a couple of weeks as the Legal Notices don't go out for awhile.

Just to update re the PB composition: In addition to the 5 PB members who were at your Workshop there will be 2 new Board members (they start on Dec 18th).

It would be very helpful - if you already have the additional information for the Hearing- if you could get it to me asap so I can get started on the Hearing Report before the holiday season. If the info is not ready, please get it to me by Dec 18th.

Thank you
Jean

>>> David Latulippe <ddlatulip@aol.com> 11/20/2012 9:48 AM >>>
Thank you. We will have the information to you by Tues.

Hope you have a Happy Thanksgiving.

David Latulippe



Memorandum

Department of Planning and Development

Planning Division

To: Carol Morrissette, Chair and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: October 26th, 2012

Re: Zoning Map Amendment from I-M Industrial to B-4 Business Zone for land at 2282 Congress Street; Applicant: CJ Developers, Inc.

Project #: Application #: 2012-609 CBL: 237-A-12

I. INTRODUCTION

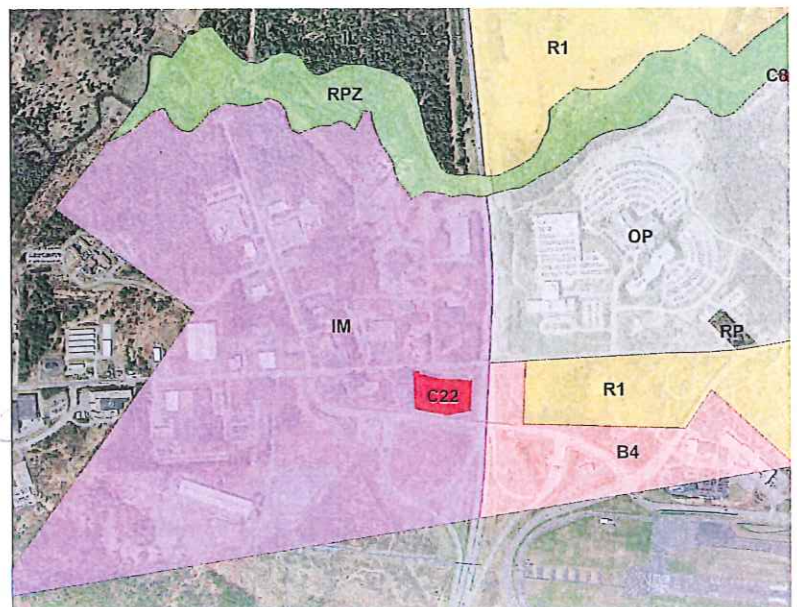
David Latulippe of CJ Properties, Inc. has applied for a Zoning Map Amendment of the 3.24 acre property at 2282 Congress Street. The applicant has requested the zoning amendment (map amendment) from I-M to B-4 to allow the construction of a commercial development including a bank with 2 drive thru lanes and a convenience store with 8-pump gas station. The site is currently zoned I-M which does not allow retail uses and therefore the proposed development would not be permitted under the existing zoning. An amendment of the site to B-4 zone would allow the proposed retail uses, and any drive thrus associated with the permitted uses in B-4. The applicant's submittals are included as Attachment A.

This Workshop has been noticed to 68 parties including property owners within 1000 feet and interested citizens. A legal notice also appeared in the October 22 & 23, 2012 editions of the *Portland Press Herald*.

II. BACKGROUND AND EXISTING CONDITIONS

The subject site is located on the south side of Outer Congress Street, an arterial carrying over 10,000 v.p.d. and a major commuting route into Portland which is congested at peak hours. To the south it abuts Skyway Drive, a limited access road serving the turnpike exit 46, the park & ride and the MTA Headquarters to the west. Blueberry Road (location of Ecomaine) is opposite the site on Congress, with the turnpike to the east, the Methadone Clinic to the west and a veterinarian practice to the north (other side of Congress and also abutting the turnpike). In the vicinity there are industrial, professional office and commercial uses.

This site is shown on the Zoning Map as Contract Zone 22 (created 1999) at the edge of the extensive I-M zone that is located on either side of Outer Congress Street from the turnpike to the Portland boundary to the west. This I-M zone is one of five substantial areas zoned for I-M in the city, the others being located along Riverside Street, Presumpscot Street and Read Street. On the other side of the turnpike there is a small area of B-4 zone, which encompasses businesses near the Jetport.



(Zoning Map prepared by staff based on City GIS Data)

In 2001 the I-M zone added “general, business and professional offices” to the list of permitted uses and since then the Outer Congress I-M has seen many office developments including Woodard and Curran on Hutchins Drive; the MTA Headquarters on Skyway Drive; and a number of smaller office and public service (mortgages; health) businesses.

The 1999 Contract Zone allowed a 4 story hotel development. That development did not proceed and the associated conditional agreement ([Attachment 3](#)) has expired. The applicant for the 1999 Contract Zone originally applied for a Map Change from I-M to B-4, and according to the report that went to the City Council from the Planning Board (July 1999):

“In January, the Planning Board reviewed the applicant’s proposal, which was originally a request for a zone change from IM to B-4. The Board found the proposed hotel use was reasonable; however, suggested a contract rezoning instead of a B-4 zone. ...During its deliberations, the Planning Board expressed the opinion that the hotel use would be compatible with the IM uses found along Outer Congress Street. The Board did not find, however, that all hotel uses would be compatible in all IM zones in the City. Furthermore, the Planning Board determined that a B-4 zone, which would allow a hotel use, would not be an appropriate zone in this part of the City. The Board concluded that because of the unusual nature of the proposed use, a contract for rezoning would be consistent with the Land Use Plan.”

III. FINDINGS

Current Zoning: I-M (former Contract Zone 22)
Proposed Zoning: B-4
Current Uses: Partially vegetated vacant land
Proposed Uses: Commercial complex (Concept Plan shows 3300-3500 sq ft retail building, 2000-2200 sq ft bank with 2 drive thru lanes, & gas station with 7-8 pumps).
Parcel Area: 3.24 acres

IV. PROPOSED DEVELOPMENT

The applicant proposes to develop a convenience store with gas station, and bank, as described in the submitted cover letter and illustrated in the Concept Plan ([Attachments A and Plan 4](#)). In staff discussions with the applicant, it is understood that the convenience store would sell lunch items to take away; a drive thru coffee service is not specified although this site is located on the “right” side of a major commuter route. The gas station component includes 6 gas pumps and a separate diesel fuel island. The bank is shown as having 2 drive thru lanes.

The current frontage is 60 feet along Congress Street at the western corner of the site, with the remainder in MTA ownership. The proposed vehicle access would need further east, to be opposite Blueberry Road, and requires an easement from the MTA. The MTA have indicated preliminary approval to such an easement ([Attachment E](#)). The applicant is exploring the possibility of obtaining MTA (and legislature) approval to some form of access to or from Skyway Drive.

Other utility and stormwater details have been indicated but would be subject to Level II Site Plan review and approval (staff level). If the site becomes a B-4 zone, then the site plan details could include any permitted use under the B-4 zone as these proposals are indicative only.

V. TRAFFIC GENERATION IMPACTS

a. Issues raised by the proposed use (Concept Plan in [Plan 4](#))

Staff met with the applicant to better understand the proposal, particularly as this location on Congress Street raises questions in term of the need for a Traffic Movement Permit, whether a signal would be needed given the proximity to the MTA bridge and the high numbers of large vehicles turning into Blueberry Road, and the existing traffic levels particularly at peak hours.

The applicant's Traffic Engineering Consultant (Tom Gorrill) provided an assessment of the Concept Plan proposal in terms of traffic generation and impacts (Attachment D.a). It is anticipated that the applicant would address these issues in detail at the Site Plan stage, but it is likely that these issues would apply to other possible developments under the existing and proposed zones and inform the consideration of whether to rezone this site to B-4.

The Transportation Engineering Reviewer, Tom Errico, has set out below (see Attachment 2) the issues that have been raised by the specific proposal as illustrated in the Concept Plan in Attachment Plan 4:

- *Under the Concept Plan scenario a Traffic Movement Permit would be required and the applicant would likely have to assess project impacts outside of the immediate project vicinity. The office building scenario as provided by the applicant, under current zoning, would not require a Traffic Movement Permit.*
- *Under the Concept Plan scenario the project driveway would operate at an acceptable level of service 'C'.*
- *I concur that under the Concept Plan scenario a traffic signal is not warranted on Congress Street at the proposed driveway. It is unlikely that under current zoning, a traffic signal would be required.*
- *The driveway must be located so that it is aligned directly opposite Blueberry Road. This would be required either under current or proposed zoning.*
- *A left-turn lane on Congress will be required for the development of the subject property under most development scenarios, whether under current or proposed zoning scenarios.*
- *The applicant would be required to provide pedestrian improvements between the site and the sidewalk on the opposite side of Congress Street. This requirement would be likely for both current and proposed zoning scenarios.*
- *The applicant has provided some analysis as to a connection to Skyway Drive. At this time I do not have an opinion on this connection. It is my understanding that the Maine Turnpike Authority has concerns regarding impacts at the Southbound Ramps signalized intersection. The applicant's analysis indicates the intersection would experience a degradation in level of service, although it would continue to meet acceptable standards. A connection to Skyway Drive could relieve pressure on the Congress Street driveway and allow westbound vehicles to use Skyway Drive and the signal at Hutchins Drive.*

b. Issues raised by comparing traffic generation related to permitted uses in the I-M and B4 zones

At the meeting with staff the applicant was requested to provide an indication of potential traffic generation associated with the most intense I-M use that might be possible on this site (which was determined to be a 30,000 sq ft office) as compared with both the proposed use and the most intense possible use if the site were amended to a B-4 zone (fast food restaurant - assumed drive thru). The applicant has provided this information in a further note in Attachment D.b. Tom Errico has summarized the information and issues as follows (Attachment 2) :

"I concur with the trip generation estimate provided for the applicants Concept Plan build-out scenario. I would note that the Concept Plan scenario is not a worst-case traffic generation scenario, but is a robust scenario. Adding a Coffee drive-through (or fast-food) component to the Concept Plan could add significant traffic. My general sense is that this change would not significantly alter the conclusions of the traffic assessment (although the left-turn storage bay on Congress Street would need to be extended – and a traffic signal would be closer to being warranted). The following summarizes a comparison of trip generation as provided by the applicant. Total trips represent all traffic entering and exiting the driveway and include some vehicles that already exist on Congress Street and are being "captured". New Area trips represent what would be new traffic added to the area roadway system. All office trips are generally considered to be new to a project area, whereas fast-foot and gas station type land uses attract customers from the existing traffic flow.

Scenario	AM Peak Hour		PM Peak Hour	
	Total Trips at Driveway	New Area Trips	Total Trips at Driveway	New Area Trips
Concept Plan	200 vehicles	70 vehicles	272 vehicles	95 vehicles
Current Zoning – 30,000 sf of Office	47 vehicles	47 vehicles	69 vehicles	69 vehicles
Fast Food Restaurant	121 vehicles	42 vehicles	189 vehicles	67 vehicles

(Table prepared by Tom Errico- see Attachment 2)

VI. ZONING

Tables 1 below compares the I-M and B-4 zones in terms of purpose and basic requirements. Table 2 below compares the two zones in terms of permitted uses and other use restrictions. In terms of permitted uses, the main difference between the I-M and B-4 zones is that retail (including gas stations) and restaurant uses are not allowed in the I-M zone. It should be noted that drive thrus are allowed in both zones if associated with permitted uses, as they are not a use in and of themselves (as confirmed by the Zoning Administrator below and in Attachment 1).

Figure 1: Zoning purpose and requirements for I-M versus B-4 zones

Standard	I-M	B-4
Purpose	<p>Sec. 14-246. Purpose. (extract) The moderate impact industrial zones are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist.</p> <p>The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.</p> <p>The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure.</p>	<p>Sec. 14-229.10. Purpose. The purpose of the B-4 commercial corridor zone is:</p> <p>(a) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or</p> <p>(b) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.</p>
Min. Lot Size	none	10,000 sq ft.
Min. Street Frontage	60 ft	60 ft
Min. Front Yard	1 ft per foot of building height	20 ft
Min. Rear Yard	1 ft per foot of building height; max 25 ft	20 ft
Side Yard	1 ft per foot of building height; max 25 ft	10-12 feet
Structure Height	75 feet	65 ft
Max. Impervious Surface Ratio	75%	80%
Floor Area Ratio	none	.65
Landscaping & Screening	none	required
Noise limits	70 dBA between 7am and 10pm; 55 dBA between 10pm and 7 am	65 dBA between 7am and 9pm; 60 dBA between 9pm and 7am
Exterior Storage	Screening/ cover required	Screening/ cover required
Uses enclosed	Required	Required
Vibration and heat	Vibration max specified; heat shall be imperceptible	Shall be imperceptible
Glare	Shall be Imperceptible	Not to an obnoxious or dangerous degree
Electrical Interference	None allowed	Not mentioned
Radiation/Discharges/Emissions	Accord w/ city, state and federal regs	Not to an obnoxious or dangerous degree
Odor	Extensive ordinance restrictions	Not mentioned
Smoke	Not above 40% opacity level	Not above 30% opacity level
Traffic	Development shall utilize to the greatest extent possible arterial streets as delineated on the Maine DOT Map	Not mentioned

Figure 2: Uses in the I-M versus B-4 zones

I-M (section 14-246)	B-4 (section 14-229)
Permitted Uses (in categories)	Permitted uses (in categories)
Low impact industries ie bakeries; breweries; bottling; printing; publishing; food packaging; (others listed); food and seafood processing; dairies; Commercial kitchens or other food preparation (provided food not served on the premises)	Commercial bakeries and dairies; Light manufacturing (max 25,000 sq ft); Printing and publishing
Research and development and back office uses	Research and development & related production
Warehouse and distribution facilities, including outdoor storage	Wholesale warehousing and distribution
Building contractors and construction and engineering services	Offices of building tradesmen
Repair services, including all types of automotive repair services	Misc repair services/ Auto repair/ auto body repair & paint shops
Lumber yards	Lumber and building material dealers
General, business and professional offices	General, business and professional offices/ Personal services
Wholesale Trade	Communications studios/broadcast
	Veterinary hospitals excl outdoor kennels
	Government buildings and uses/Colleges, university and trade schools/Places of Assembly
Indoor amusement or recreational centers	Theatres, entertainment and recreation services Health clubs and gymnasiums
Street vendors	Retail establishments
Plant and Tree nurseries, including assoc. recycling activities	Restaurants/ Drinking establishments Billiard parlors Major and minor Gasoline service stations/Car Washes Studios for artists and craftspeople New and used car dealerships/ Boat, trailer ore RV sales & service
Day care facilities (with conditions)	Day Care (no conditions)
Correctional prerelease facilities (up to 12 people plus staff)	Correctional prerelease facilities (up to 12 people plus staff)
	Hotels and motels
	Lodging houses
Wind energy systems	Wind energy systems
Utility substations	Utility substations
Tow lots	Tow lots
Registered marijuana cultivation	Registered marijuana cultivation
Solid waste disposal facilities/ Recycling facilities	Self storage facility
Intermodal Transportation facilities & terminals	Mortuaries or funeral homes
Incidental accessory uses	Accessory uses (per 14-404)
Performance Based Uses	Performance Based Uses
Uses not expressly permitted as provided in section 14-247 or expressly prohibited in section 14-249 may be permitted if they meet the following conditions and standards: (a) <i>The proposed development is consistent with the purposes of this zone.</i> (b) <i>The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.</i>	None
Conditional Uses	Conditional Uses
Temporary wind Anemometers	Temporary wind Anemometers
Wind energy systems	Wind energy systems
Prohibited uses	Prohibited uses
Uses not expressly enumerated (above) as permitted uses are prohibited , as well as: Residential uses Retail trade that is not ancillary to permitted use Restaurant uses Concert halls or dance halls Amusement parks Crematoriums Mining and drilling operations; Commercial excavation Refining of petroleum/ petroleum tank farms Used tire storage/junk yards Distillation of bones etc and a list of other nasty uses	Uses not expressly enumerated (above) as permitted uses are prohibited

The Zoning Administrator, Marge Schmuckal, has commented (Attachment 1):

"This memo addresses the concept of "drive-thrus" and their allowance within the B-4 zone. I do not believe that drive-thrus are a use in themselves. Drive-thrus are a transportation access means for the primary use of a restaurant or a bank. Restaurants and banks are allowable uses in the B-4 zone. There are no restrictions on drive-thrus in the B-4 zone. Please note that the B-1 and B-2 zones have various restrictions specifically on drive-thrus. Normally the B-1 and B-2 zone are adjacent to residential zone which can be greatly impacted by drive-thru characteristics. The B-4 zone is designed to serve as commercial corridor and highway-orientated trade as the purpose statement states. A drive-thru is a classic highway-orientated feature. I have surmised that logically there are lesser drive-thru standards within the B-4 zone since there are lesser impact to residential neighborhoods that are usually located a substantial distance from such drive-thrus. The bottom line is that restaurants with a drive-thru feature are allowable within the B-4 zone."

VII. POLICY ANALYSIS

a. *Objectives of the underlying zoning*

The purpose of the I-M zone includes the objective to locate industrial uses on arterials but also is intended to provide a location for uses that have potentially adverse impacts. The B-4 purpose speaks to uses that may need more area or good vehicular access, but not necessarily have potentially adverse impacts.

The discussion of traffic generation above suggests that a combination of uses may generate more traffic than a single use and that some uses "capture" traffic already on the network while others create "new" trips. It appears that the traffic issues do not have a strong policy implication, as in both zones there are permitted uses with traffic generation impacts and the Site Plan review could identify any necessary off-site improvements or contributions to network upgrades.

A policy question is whether it is important to reserve this I-M land for the more industrial or outdoor uses for which it has been identified. The applicant has noted, and will substantiate at the Workshop, that there is a substantial amount of vacant land within this I-M area and the rezoning of this 3.26 acre parcel would still leave land available for industrial uses. The existing B-4 zone abuts the turnpike/ site on the east side, and this proposal could be described as an extension of this B-4 area into the I-M zone on a small site that is unlikely to be suitable for industrial uses except offices. The submission cover letter (Attachment A) and Neighborhood Meeting notes (Attachment C) indicate that there is a business neighborhood desire for more local food and gas services.

A policy concern is that this area is situated between the last commercial district in Portland along Congress Street, the Westgate Shopping Center, and the City boundary at South Portland where heavy and large scale commercial retail uses are concentrated. This area of Portland is characterized by low density residential, office and office park, open space in burial grounds and the Jetport Access Road, and moderate density industrial beyond Johnson Road. The I-M zone contains relatively low impact development that is not retail and is of a low key presence and appearance for buildings, signs and landscape. The overall quality of this area is a green buffer at the outskirts of Portland buffering the heavy commercial zone of South Portland. The B-4 zone represents a retail/commercial use mix of a much different character, as exemplified by the proposed highway commercial development.

The site is 3.26 acres but if zoned B-4 would represent the first incursion into the I-M corridor west of the turnpike and could create a precedent that could encourage further requests for B-4 zoning elsewhere along Congress Street, particularly given the high levels of commuter traffic along here and associated potential market for eg drive thru fast food establishments.

The B-4 zone amendment as proposed would allow the site to be developed as any of the B-4 permitted uses, or a combination of permitted B-4 uses. It would also allow a fast food restaurant with drive thru without returning to the Planning Board for review. Many of the B-4 permitted uses would not serve the immediate business community. As in 1999, the Board may want to consider whether the map amendment or a conditional zoning agreement is consistent with the Comprehensive Plan.

b. Portland Comprehensive Plan

The applicant has included an analysis of how the proposed map amendment is consistent with Portland's Comprehensive Plan, in particular how it addresses issues identified in several sections of the Transportation Resources Section of the Comprehensive Plan. The applicant's analysis highlights that the map amendment would allow for services to be introduced into this business neighborhood of approximately 11, 500 employees, allowing shorter and safer trips to meet day to day needs (Attach. A).

In addition to the applicant's assessment, staff have identified below a number of the specific Comprehensive Plan goals and policies which are suggested as being relevant to the proposed map amendment:

STATE GOAL A: To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl.

**INTRODUCTION A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993
Transportation Plan Guiding Principle**

Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.

Transportation Policies

- *Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Provide routine, daily services within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.*
- *Encourage businesses to locate in established employment centers, including Downtown, that are served by public transportation or that have the critical mass necessary to support alternative modes of transportation.*
- *Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.*

STATE GOAL B: To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development.

PORTLAND CAPITAL IMPROVEMENT PLAN – 2001-2010

Capital Improvement Goals

- *Balance competing infrastructure, education, recreation, and other capital needs to promote an attractive and livable community for residents, workers, and visitors in Portland.*

STATE GOAL C. To promote an economic climate that increases job opportunities and overall economic well-being

PORTLAND INDUSTRY AND COMMERCE PLAN - 1994

Strengthen and Diversify the Economic Base

- create a strong industrial base which is beneficial to the community
- reduce vulnerability to recession and industry trends
- strengthen and diversify the tax base

Revise Zoning

- promote compatible development within industrial districts
- consider limitations on hours of operation
- recognize that a well managed industry is a good neighbor
- accommodate clean industry
- create thoughtful flexibility for emerging industries
- create a process that provides a quick response on development permitting

Create Financial Incentives

- be creative, responsive, and work hard to retain existing business
- enhance the City's ability to attract economic development

Adopt Overall Goals for Economic Development

- participate in regional economic /industrial development strategies
- reduce costs of doing business in Portland....- transportation
- strengthen Portland's infrastructure to promote economic development

Some of the Comprehensive Plan policies support the continued reservation of this I-M zoned land to provide for the future investment in I-M zone types of uses ie those with some impacts that should not be located near residential areas and need good transport links to the turnpike.

Other policies tend to support the proposed zoning amendment, particularly those related to minimizing the need for car transportation and providing local services. Congress Street has a very limited bus service that links with Portland via Congress Street, so local trips are by car, bike and walking. This area has recently seen an increase in employment in office uses and a sidewalk has recently been completed (largely using Site Plan contributions) from Hutchins Drive to this site and further to the east to Unum. However, the proposal site is not centrally located and it is a long walk from many parts of the I-M zone, so if it is developed as a B-4 food serving use it may end up serving commuters as much or more than local businesses.

VIII. NEIGHBORHOOD MEETING

The Ordinance requires an applicant to host a neighborhood meeting when the project relates to a proposal that would require a Level III Site Plan Review (Planning Board). In this case the proposal, as currently proposed in the Concept Plan (Attachment Plan 4), is a Level II review and therefore a neighborhood meeting is not required. The applicant decided to hold a neighborhood meeting to gauge local interest and concerns, and it was held on October 23, 2012. The attendees and notes from that meeting are attached (Attachment C).

IX. NEXT STEPS

- Address Planning Board comments on how to proceed;
- Schedule a public hearing or second Workshop as appropriate.

ATTACHMENTS

Attachments to Memorandum

1. Zoning Administrator (Marge Schmuckal) comments 10.23.2012
2. Transportation Engineering Reviewer (Tom Errico) comments 10.25.2012
3. 1999 Conditional Rezoning Agreement (background information)

Applicant's Submittal

- A. Application dated 9.28.2012
- B. Right, Title and Interest information
- C. Neighborhood Meeting Attendance Sheet and Notes 10.23.2012
- D. Gorrill Palmer letters re traffic generation and impacts
 - a. Impacts of Concept Plan proposals 10.15.2012
 - b. Comparison I-M and B-4 re likely maximum impacts 10.22.2012
- E. MTA e-mail re access easement 10.25.2012

Plans

1. Tax map on aerial from applicant
2. Zoning Map on aerial from applicant
3. Location Plan on aerial from applicant
4. Concept Plan

Jean Fraser - 2282 Congress Street zone change from underlying I-M zone to B-4

From: Marge Schmuckal
To: Jean Fraser
Date: 10/23/2012 1:06 PM
Subject: 2282 Congress Street zone change from underlying I-M zone to B-4

Hi Jean,

I hope this helps you..

This memo addresses the concept of "drive-thrus" and their allowance within the B-4 zone. I do not believe that drive-thrus are a use in themselves. Drive-thrus are a transportation access means for the primary use of a restaurant or a bank. Restaurants and banks are allowable uses in the B-4 zone. There are no restrictions on drive-thrus in the B-4 zone. Please note that the B-1 and B-2 zones have various restrictions specifically on drive-thrus. Normally the B-1 and B-2 zone are adjacent to residential zone which can be greatly impacted by drive-thru characteristics. The B-4 zone is designed to serve as commercial corridor and highway-orientated trade as the purpose statement states. A drive-thru is a classic highway-orientated feature. I have surmised that logically there are lesser drive-thru standards within the B-4 zone since there are lesser impact to residential neighborhoods that are usually located a substantial distance from such drive-thrus.

The bottom line is that restaurants with a drive-thru feature are allowable within the B-4 zone.

Marge Schmuckal
Zoning Administrator
1/23/2012

Attachment 2.1

Jean Fraser - 2282 Congress Street

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 10/25/2012 10:36 AM
Subject: 2282 Congress Street
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...

Jean – I have reviewed the traffic analyses prepared by the applicant and offer the following comments. I should note that these are general traffic comments and do not include site plan issues like parking, circulation, on-site vehicle queuing, etc.

- I concur with the trip generation estimate provided for the applicants Concept Plan build-out scenario. I would note that the Concept Plan scenario is not a worst-case traffic generation scenario, but is a robust scenario. Adding a Coffee drive-through (or fast-food) component to the Concept Plan could add significant traffic. My general sense is that this change would not significantly alter the conclusions of the traffic assessment (although the left-turn storage bay on Congress Street would need to be extended – and a traffic signal would be closer to being warranted). The following summarizes a comparison of trip generation as provided by the applicant. Total trips represent all traffic entering and exiting the driveway and include some vehicles that already exist on Congress Street and are being “captured”. New Area trips represent what would be new traffic added to the area roadway system. All office trips are generally considered to be new to a project area, whereas fast-foot and gas station type land uses attract customers from the existing traffic flow.

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- Under the Concept Plan scenario a Traffic Movement Permit would be required and the applicant would likely have to assess project impacts outside of the immediate project vicinity. The office building scenario as provided by the applicant, under current zoning, would not require a Traffic Movement Permit.
- Under the Concept Plan scenario the project driveway would operate at an acceptable level of service ‘C’.
- I concur that under the Concept Plan scenario a traffic signal is not warranted on Congress Street at the proposed driveway. It is unlikely that under current zoning, a traffic signal would be required.
- The driveway must be located so that it is aligned directly opposite Blueberry Road. This would be required either under current or proposed zoning.
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- The applicant would be required to provide pedestrian improvements between the site and the

sidewalk on the opposite side of Congress Street. This requirement would be likely for both current and proposed zoning scenarios.

- The applicant has provided some analysis as to a connection to Skyway Drive. At this time I do not have an opinion on this connection. It is my understanding that the Maine Turnpike Authority has concerns regarding impacts at the Southbound Ramps signalized intersection. The applicant's analysis indicates the intersection would experience a degradation in level of service, although it would continue to meet acceptable standards. A connection to Skyway Drive could relieve pressure on the Congress Street driveway and allow westbound vehicles to use Skyway Drive and the signal at Hutchins Drive.

If you have any questions, please let me know.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL

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thomas.errico@tylin.com

Visit us online at www.tylin.com

"One Vision, One Company"

Please consider the environment before printing.

*Re Contract Zone 22 -
EXPIRED 1999*

*Attachment 3.1
(background only)*

HUTCHCOURT.AGR.PL.3
06.29.99

AGREEMENT BETWEEN
CITY OF PORTLAND
AND
HUTCHCOURT, L.L.C.

AGREEMENT made this _____ day of _____, 1999 by and between the
CITY OF PORTLAND, a body corporate and politic, located in Cumberland County and State of Maine
(hereinafter the "CITY") and HUTCHCOURT, L.L.C. of _____ (hereinafter
"CORPORATION").

WITNESSETH:

WHEREAS, CORPORATION did request a rezoning of property located at 2282 Congress
Street, in Portland, in order to permit the establishment and operation of a hotel on 3.24 acres; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8),
and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as
aforesaid, subject, however, to certain conditions; and

WHEREAS, the CITY by and through its City Council has determined that said rezoning would
be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the
existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed
development it is necessary or appropriate to impose by agreement the following conditions or restrictions
in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan; and

WHEREAS, the CITY authorized the execution of this Agreement on _____, 1999;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. CORPORATION shall be authorized to establish and maintain a Hotel, with hotel-related accessories including but not limited to a restaurant, bar, conference room(s), pool, and gym) provided that the same is located within said Hotel or on a patio adjacent thereto), in addition to undertaking uses permitted in the I-M zone.
4. CORPORATION shall provide to the CITY a sanitary sewer easement establishing to the satisfaction of the CITY's Public Works Department and Corporation Counsel's Office, CORPORATION's right to connect to the Harmon-Hutchins private sewer.
5. CORPORATION shall provide confirmation from the Portland Engineering Department that the public sewer has capacity to handle the increased flow generated by the hotel facility.
6. Up to a maximum of ninety-eight (98) guest rooms shall be permitted in the Hotel.
7. The Hotel project must obtain final site plan approval from the Portland Planning Board. Included within such approval are the following requirements:
 - (1) CORPORATION shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, and
 - (2) All signage on site shall obtain the prior approval of the Zoning Administrator.

8. The provisions of this Agreement, including the permitted hotel use, are intended to be supplemental to the uses and requirements of the underlying I-M zone.
9. If a building permit has not been pulled within two years of the date of this contract, the zone shall revert to I-M zone; provided that CORPORATION may extend this Agreement by one (1) year at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind CORPORATION, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that CORPORATION or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the

(Page 4 missing from original plat this shows rest of wording)

this Agreement by 1 year(s) at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind ^{corporation} ASSOCIATES, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that ^{corporation} ASSOCIATES or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting

in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the hotel use.

3. 4

HUTCHCOURT.AGR.PL:3
06.29.99

STATE OF MAINE
CUMBERLAND, ss.

Date _____, 1999

Personally appeared the above-named _____, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Hutchcourt, L.L.C.

Before me,

Notary Public/Attorney at Law

O:\WP\PENNY\CONTRACT\HUTCHCOU.DOC

Applicant's Submittal



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS
778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207.775.1121
FAX 207.879.0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- LANDSCAPE PLANNING

September 28, 2012

Ms. Barbara Barhydt
City of Portland Planning
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: Request for Zoning Map Amendment Application
Proposed Fuel Station and Convenience Store
2282 Congress Street**

Dear Barbara:

DeLuca-Hoffman Associates, Inc. has been retained by CJ Developers, Inc. to assist with the accompanying Zoning Map Amendment Application associated with their interest in the property identified on Assessor's Map 237, Block A, Lot 012. As discussed during a pre-application meeting between the applicant's representative and City staff, this request for Zoning Map Amendment involves a zone change from the I-M Zone to the B-4 Zone. Accompanying this application are the following materials:

- Completed Zoning Map/Test Amendment Application;
- Supporting maps including excerpts of the Tax map, Zoning Map, and Related Resource Maps; and
- Conceptual Development Plan

The following overview is provided in support of the written narrative requirements of the application.

BACKGROUND

The applicant currently has interest in the approximately 3.24 acre property identified on Tax Map 237, Block A, Lot 012. The property address is 2282 Congress Street and it is generally bounded as follows:

- The property has approximately 263 feet of frontage along the Maine Turnpike to the east;
- The property has 60 feet of frontage along Congress Street to the north;
- The property has approximately 479 feet of frontage along Skyway Drive to the south; and
- The property is bounded to the west by developed property.

Ms. Barbara Barhydt
September 28, 2012
Page 2

The development site was cleared of larger trees several years ago but remains mostly vegetated with emergent growth and grass throughout. The site's topography slopes moderately from west to east and there are approximately 23 feet of relief across the site.

The site was previously reviewed and approved for a large Hotel project in 1999, at which time a Contract Zoning Agreement (#22) was granted. The project was not constructed therefore the zoning reverted back to the I-M Zone after two years.

The site can be served by public utilities in the area including public sanitary sewer, water supply, natural gas, and power/communications. The land uses in the nearby area include numerous industrial, commercial, and office uses. These land uses extend into Westbrook, Gorham, and South Portland. The average daily traffic volume along Congress Street is greater than 10,000 vpd.

ZONING DESIGNATION OVERVIEW

The subject property is currently located in the I-M Industrial Zone. According to the City of Portland's Comprehensive Plan:

"...the moderate impact industrial zones (I-M) are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist. The moderate impact industrial zones are located on arterials or collectors. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic."

The B-4 Commercial Corridor Zone:

"...provides appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. The full range of business uses permitted in the B-4 zone, include automobiles services, dealerships and major gasoline service stations."

The proposed Zoning Map Amendment is consistent with Portland's Comprehensive Plan. The I-M and the B-4 Zones are complimentary and very compatible. The purpose of both zones is to provide locations for transportation-related uses that are on or near major arteries but away from residential neighborhoods. However, the I-M Zone does not allow service oriented uses such as gasoline service stations or banks for the industrial and business uses within the zones. Therefore, the businesses within the I-M Zone have to travel out of the area, usually through residential zones for these services. By extending the B-4 Zone to include the subject property, these everyday convenient services can be provided for the surrounding I-M Zone without requiring a change to the entire I-M Zone. Furthermore, the subject property is bordered by three major arteries: the Maine Turnpike, Congress Street and Skyway Drive. The size and scope of any development of the subject site is constrained and limited by the physical size of the property

Ms. Barbara Barhydt
September 28, 2012
Page 3

and the inability to expand the property due to the surrounding arteries. Therefore, the larger uses such as big box retail, allowed in the B-4 Zone, could not be accommodated on the subject property.

Evidence in Support of the Zone Change Request:

MOVING LOCALLY: THE NEIGHBORHOODS is the first part of the Transportation Resources Section of Portland's Comprehensive Plan. Within this part is cited the following:

Neighborhood Issue #1 – Neighborhood Land Use identified

“Some neighborhood, especially more recently developed, lack even routine daily services within walking distance.”

Portland's Outer Congress Street area is a vibrant and diverse “business neighborhood” comprised of industrial, warehouse, office, medical and municipal uses. Over 11,500 people work in this business neighborhood as defined in the Comprehensive Plan:

“A basic concept of neighborhood is that it functions as a “unit” in which residents (in this case employees and customers) can move about easily and safely and meet at least some of their basic, daily needs within their neighborhood.”

The I-M Zone does not allow gas stations, restaurants, or banks which are basic everyday needs to support this “business neighborhood”. Currently, people need to travel out of this area for these services. For this reason, the requested change to the B-4 Zone is reasonable and practical.

In Part II ***MOVING FROM PLACE TO PLACE IN PORTLAND: THE CITY***, the following is stated:

“... transportation districts should be employed to ease the mobility needed in the daily lives of the City's resident. Within transportation districts, streets, land uses and transportation facilities can be designed for short, easy and safe trips to meet many day-to-day needs.”

The Comprehensive Plan states that “roadways are often called upon to do double duty: to serve both as a local street and as a regional arterial. Many of Portland's transportation policies are intended to ease the tension between these roles: by providing a degree of self-sufficiency within neighborhoods that might constitute transportation districts.”

Therefore, amending the Zoning Map from the I-M Zone to the B-4 Zone for the subject property would be consistent and fulfill one of Portland's transportation policies in that needed services would be brought closer to the users of these services.

Ms. Barbara Barhydt
September 28, 2012
Page 4

PROPOSED USE OF PROPERTY

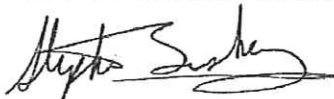
The proposed development for the subject property includes an approximately 3,500 s.f. convenience store with six fueling dispensers, a stand-alone diesel dispenser, and a 2,000 s.f. bank with a double drive thru lane. The access for the property is proposed to be relocated to directly line up with Blueberry Road. An easement from the Maine Turnpike Authority will be required and has been applied for with the Maine Turnpike Authority. The applicant is also discussing with the Maine Turnpike Authority for an entrance only into the property from Skyway Drive. These discussions will also include the Maine Department of Transportation and the City as there are currently Control of Access restrictions on Skyway Drive.

CLOSURE

On behalf of CJ Developers, Inc., please accept the accompanying application materials as we request placement on the next available Planning Board Workshop Agenda. We have included the application fee amount of \$2,000.00, as well as one paper copy and one digital copy of the application materials. We look forward to meeting with you to discuss this project.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Stephen R. Bushey, P.E.
Senior Engineer

SRB/cmd/smk

Attachments

c: David Latulippe, CJ Developers, Inc.



Zoning Map/Text Amendment Application Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

Portland's Planning and Urban Development Department coordinates the development review process for requests for zoning map amendments, zoning text amendments and contract or conditional rezoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. The **Application Process for a Zone Change** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices and Guarantees**, and are listed on the fee structure sheet.

I. APPLICATION SUBMITTAL

Pre-application meeting

Prior to submitting a zoning amendment application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the review process and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

Zoning Amendment Application

All plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

- Submit one (1) complete paper set of the zoning amendment application with a concept plan and a written narrative. Contract and conditional rezoning applications must include site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

Zoning Application Fees

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rates: Planning services, \$40.00/ hour and Legal services: \$75.00/hour.

Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Zoning map amendments for Industrial zones require notices to be sent to property owners within 1,000 feet.
- In advance of a Planning Board workshop or public hearing, public notices for projects must be sent to property owners and are posted in a legal ad in the Portland Press Herald and on the City's web site.
- In addition, zoning map amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.
- The applicant is required to hold a neighborhood meeting under the City's regulations for zone change requests. The mailing labels must be purchased from the Planning Division for the neighborhood meeting invitation. A request for labels requires a minimum of two business days to generate the mailing labels and a charge of \$1.00 per sheet will be payable upon receipt of the labels.

Third Party Review Fees

- Engineer and Third Party Review Fees - The fees are assessed by the Consulting Engineers and Third Party Reviewers.
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with \$300.00 being the minimum.

Noticing/Advertisements Planning Board/City Council Review

- Legal Advertisement: Percent of total bill
- Notices: .75 cents each
(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council)

<p>Planning Division Fourth Floor, City Hall 389 Congress Street (207) 874-8721 or 874-8719</p>	<p>Office Hours Monday thru Friday 8:00 a.m. – 4:30 p.m.</p>
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A.7

PROJECT ADDRESS: 2282 Congress Street

CHART/BLOCK/LOT: Map 237; Block A, Lot 012

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

The 3.24 acre property is currently identified as within the I-M Zoning District. Contract Zone Agreement #22 was approved in 1999, but has since lapsed as construction did not commence. The applicant is requesting a zone change to the B-4 Zone. See attached narrative for additional background information.

CONTACT INFORMATION:

	Applicant's Contact for electronic plans Name: David Latulippe e-mail Address dlatulip@aol.com work # 207-865-4323
Applicant – must be owner, Lessee or Buyer Name: CJ Developers, Inc. Business Name, if applicable: Address: 35 Primrose Lane City/State : Freeport, ME Zip Code: 04032	Applicant Contact Information Work # 207-865-4323 Home# 207-865-4305 Cell # 207-240-1074 Fax# e-mail: dlatulip@aol.com
Owner – (if different from Applicant) Name: Hutchcount LLC Address: 1000 Market Street, Building 1 City/State : Portsmouth, NH Zip Code: 03801	Owner Contact Information Work # Home# Cell # Fax# e-mail: rich.ade@oceanprop.com
Agent/ Representative Name: David Latulippe Address: 35 Primrose Lane City/State : Freeport, ME Zip Code: 04032	Agent/Representative Contact Information Work # 207-865-4323 Cell # 207-865-4305 e-mail: dlatulip@aol.com
Billing Information Name: CJ Developers, Inc. Address: 35 Primrose Lane City/State : Freeport, ME Zip Code: 04032	Billing Information Work # 207-865-4323 Cell # 207-865-4305 Fax# e-mail: dlatulip@aol.com
Engineer Name: DeLuca-Hoffman Associates, Inc. Address: 778 Main Street, Suite 8 City/State : South Portland, ME Zip Code: 04106	Engineer Contact Information Work # 207-775-1121 Cell # 207-756-9359 Fax# 207-879-0896 e-mail: sbushey@delucahoffman.com

Surveyor Name: Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect Name: Alpha Architects Address: 17 Chestnut Street, Suite 201 City/State : Portland, ME Zip Code: 04101	Architect Contact Information Work # 207-761-9500 Cell # 207-671-4110 Fax# e-mail: mark@alphaarchitects.com
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

See attached Option Agreement

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.) **See Accompanying Figure**

Existing Use: Describe the existing use of the subject property:

Vacant land that received a Contract Rezone (C22) for a Hotel use on August 2, 1999. The Hotel was never constructed and the land remains vacant.

Current Zoning Designation(s):

I-M (see insert)

A.9

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.


The applicant is proposing a zone change to the B-4 Zoning District which would allow for the construction of a gasoline service station and general office. The applicant proposes to construct an approximately 5,500 s.f. building and multiple dispenser fuel canopy with access off Congress Street at a minimum.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

Zoning Map Amendment <input checked="" type="checkbox"/> \$2,000.00 (from <u>I-M</u> zone to <u>B-4</u> zone)	Fees Paid (office use) _____	The City invoices separately for the following: <ul style="list-style-type: none"> • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
Zoning Text Amendment _____ \$2,000.00 (to Section 14- _____) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example) and language to be added is depicted as underline (example))	_____	
Combination Zoning Text Amendment and Zoning Map Amendment _____ \$3,000.00	_____	
Conditional or Contract Zone _____ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	_____	

Signature of Applicant: 	Date: 9/25/12
---	-------------------------

Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

OPTION AGREEMENT

THIS OPTION AGREEMENT ("Agreement") is made and entered into this 19th day of March, 2012, by and between Hutchcourt, L.L.C., a New Hampshire limited liability company, with a mailing address of 1000 Market St. Building 1, Portsmouth, NH, 03801 as optionor (hereinafter referred to as "Optionor"), and CJ Developers, Inc., a Maine corporation, with a mailing address 35 Primrose Lane, Freeport, Maine 04032, as optionee (hereinafter referred to as "Optionee").

WITNESSETH:

WHEREAS, Optionor is the owner of that certain parcel of real property situate, lying and being in Cumberland County, Maine, containing approximately 3.232 acres of land, located at 2282 Congress Street, Portland, Maine being depicted as Tax Map 237, Lot 12 (the "Real Property"); and

WHEREAS, the Optionee desires to obtain an option to purchase the Real Property; and

WHEREAS, the Optionor is willing to grant to the Optionee the option to purchase the Real Property pursuant to the stipulations, agreements, conditions and covenants contained and set forth herein.

NOW, THEREFORE, in consideration of the Real Property, the payment by the Optionee of an option fee in the amount of ~~██████████~~ and No/100 (~~██████████~~) Dollars (the "Option Fee") to Malone Commercial Brokers (the "Escrow Agent", whose address is 5 Moulton Street, Portland, Maine 04101, which Option Fee shall be paid to the Escrow Agent ") within three business days after the Effective Date, as defined hereinbelow, and for other good and valuable considerations, the receipt and sufficiency of which considerations is hereby absolutely and unconditionally acknowledged by the parties, the parties hereby agree as follows.

1. GRANT OF OPTION Optionor hereby grants to Optionee the exclusive and irrevocable option to purchase the Real Property (the "Option") on the terms and conditions contained in this Agreement.

2. TERM OF OPTION, EXPIRATION OF OPTION AND EXTENSION OF OPTION; DEPOSIT The Option shall remain in full force and effect during the period (the "Option Period") commencing on the Effective Date and expiring on that date which is ~~██████████ (10)~~ days from the Effective Date. Optionee may extend the Option Period for an additional ~~██████████~~ days by furnishing written notice to the Optionor (the "Option Extension Notice") on or before 6:00 PM (Portland, Maine time) on that date which is the third business day next following the expiration of the Option Period. The Option Extension Notice shall be accompanied with an additional deposit in the amount of ~~██████████~~ and ~~██████████~~ Dollars (the "Additional Option Fee") payable to the Escrow Agent. Upon such timely payment of the

Additional Option Fee, the Option Fee and the Additional Option Fee shall become non-refundable. The term "Effective Date" when used herein means that date on which the last one of the Optionor and the Optionee executes this Agreement and furnishes an unaltered counterpart hereof to the other party.

3. **NOTICE OF EXERCISE** The Option shall be exercisable by Optionee by furnishing written notice (the "Closing Notice") to the Optionor and to the Escrow Agent of the election of the Optionee to exercise the Option, which Closing Notice, if furnished, must be furnished prior to the expiration of the Option Period.

4. **EXERCISE** If, and only in the event that Optionee exercises this Option by timely furnishing the Closing Notice, the following provisions shall be applicable:

a. **Purchase Price** Subject to any adjustments and prorrations hereinafter described, the purchase price for the Real Property (the "Purchase Price") shall be ~~_____~~ and shall be paid by bank cashier's check (drawn on a bank which maintains an office in Portland, Maine) or by bank wire transfer at the closing (the "Closing") of the purchase and sale of the Real Property pursuant to this Agreement. The Option Fee and the Additional Option Fee (if ever paid) shall be credited against the Purchase Price at the Closing.

b. **Title and Condition of Real Property** Optionor shall convey the fee simple title to the Real Property to Optionee at the Closing by Quitclaim Deed (the "Deed") with good marketable title, free of clear of all liens, encumbrances, and mortgages, but subject, however, to certain restrictions of record and to an express prohibition against use of the Real Property for a conference center, hotel or hotel related purposes, which restrictions are a specifically-negotiated consideration for and a material inducement for the execution and delivery of this Agreement by the Optionor and a will be set forth in the Deed, will run with the Real Property in perpetuity, and will be expressed in language set forth in the Deed as follows, to-wit:

"The Grantee and the successors and assigns of the Grantee (collectively the "Grantee"), hereby covenant and agree that no part of the Real Property will be developed as a hotel; nor shall any part of the Real Property be incorporated into or form any part of any site plan for development of the Real Property which includes a hotel; nor shall any unit constructed upon the Real Property be used for the purpose of providing sleeping or housekeeping accommodations to transient guests for periods of less than sixty (60) days whether or not arrangements for occupants of any unit constructed upon the Real Property are negotiated by the Grantee, pursuant to contracts or other arrangements with a term in excess of sixty (60) days, or whether or not the occupancy by a particular individual is pursuant to a contract or other arrangement for the occupancy of units constructed upon the Real Property by numerous individuals; it being specifically understood and agreed that these restrictions prohibit the construction, maintenance, management, operation or establishment upon the Real Property, or any portion thereof, by the Grantee or its successors or assigns or any other person or entity whomsoever (including, without limitation, tenants or licensees or invitees) of: (a) any building

PA

containing sleeping rooms in which transient guests are lodged whether or not provision is made for cooking in any individual room or suite and whether or not any dining rooms, restaurants, cafes or accessory uses are provided and whether or not such sleeping rooms are advertised or held out to the public as a place regularly rented to any patron, customer, tenant, lodger, boarder, or occupant, and/or (b) any hotel, public lodging establishment or other unit, group of units, dwelling, building or group of buildings within a single complex of buildings, which is rented to guests for periods of less than sixty (60) days or which is advertised or held out to the public as a place regularly rented to any patron, customer, tenant, lodger, boarder, or occupant. The Grantee, and the successors and assigns of the Grantee, hereby agree to pay all costs, charges and expenses, including the reasonable attorneys' fees at all trial and appellate levels, of the Grantor, and the successors and assigns of the Grantor (collectively the "Grantor"), in the event that the Grantor prevails in the enforcement of these restrictive covenants."

Full possession of the Real Property free of all tenants and occupants and not in violation of any applicable environmental law or regulation is to be delivered at the Closing. Optionor shall not construct any substantial improvements on or materially alter the Real Property during the pendency of this Agreement. In the event that Optionor is unable to convey title to the Real Property as aforesaid, Optionor shall be given a reasonable period of time, not to exceed sixty (60) days, after receipt of written notice of any such defects from Optionee, to remedy any title defects, failing which, this Agreement shall automatically terminate upon the expiration of the aforesaid sixty-day period unless the parties agree otherwise, in writing; provided, however, that Optionee may elect to close without any adjustment in the Purchase Price notwithstanding such title defects as may exist. Optionor agrees to use commercially-reasonable efforts to cure any such title defects.

c. No Representations Without limiting Optionor's obligations to deliver the Real Property as provided herein, the Optionor has made no representations, covenants, or warranties as to the physical condition of the Real Property. Optionee acknowledges that it is not relying upon any representations, covenants or warranties whatsoever of Optionor. Optionor agrees to provide Optionee full access to the Real Property during the Option Period for the purpose of making any investigation that it deems necessary to determine whether it wishes to exercise the Option. Optionee, at Optionee's expense, shall restore the Real Property to substantially its prior condition following any disturbance caused by any such investigation. Optionee agrees to indemnify and hold harmless Optionor from the claims of any person for any an all damage or injury to persons or to the Rcal Property caused by Optionee's investigations or the conduct thereof.

d. Closing The Closing shall take place at the office of Optionee's lender's counsel or at such other place as the Optionee and Optionor may mutually agree, in writing, forty five (45) days after the date of the Closing Notice if timely furnished. Documents to be provided by Optionor to Optionee at the Closing shall include the Deed and such other documents as the Optionee's lender and the title company insuring the title may reasonably request, including, without limitation, a Mechanic's Lien and Persons in Possession Affidavit, a Taxpayer Information (1099S) Form, an Affidavit of Non-Foreign

Status, a settlement statement, and such other documents as may reasonably be required by the closing agent. It is agreed that time is of the essence with respect to all of the terms and conditions of this Agreement. Notwithstanding the references herein to the Optionee's lender, it is specifically understood and agreed that the payment of the Purchase Price by the Optionee is, as between the Optionor and the Optionee, an all-cash transaction not subject in any manner whatsoever to the creditworthiness of the Optionee and/or to the ability or inability of the Optionee to borrow any portion whatsoever of the Purchase Price from any person or entity whomsoever.

e. Adjustments, Prorations and Closing Costs

(i) Real estate taxes and assessments shall be prorated as of the adte of Closing on the basis of the latest available tax bill.

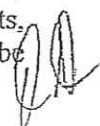
(ii) The Maine real estate transfer tax shall be paid by Optionor and Optionee in accordance with 36 M.R.S.A. 4641-A.

(iii) The recording fee for the Deed and any expenses related to any mortgage that Optionee may grant to a lender in connection with the purchase of the Real Property shall be paid for by the Optionee.

f. Brokerage Optionor and Optionee each represents and warrants to the other that they have not dealt with any real estate broker, agent or salesperson in connection with this transaction other than Joe Malone of Malone Commercial Brokers, of Portland, Maine (the "Broker"), whose fees shall be paid by the Optionor, payable pursuant to a separate agreement which stipulates that such fees shall be payable to the Broker only if the Closing occurs in accordance with the terms hereof. Optionor and Optionee each hereby agrees to indemnify and hold the other harmless from any breach of its warranty and representation set forth in this subsection f which warranty and representation shall survive the Closing.

5. CANCELLATION Notwithstanding anything contained herein to the contrary, Optionee shall have the right, at any time prior to the expiration of the Option Period (as it may be extended pursuant to the terms hereof) to cancel this Agreement by written notice to Optionor (the "Cancellation Notice"), and upon the sending of a Cancellation Notice, this Agreement shall be of no further force and effect, without recourse to the parties hereto except with respect to the obligations of the Optionee pursuant to Section 4 c., if applicable. Should the Cancellation Notice be sent prior to the payment of the Additional Option Fee, the Option Fee (if paid) shall be promptly returned to the Optionee.

6. CONFIDENTIALITY Optionor and Optionee each hereby covenants and agrees to use commercially-reasonable efforts to preserve the confidentiality of the transaction contemplated by this Agreement, to prevent disclosure of the existence of this Agreement, the price and other terms of the transaction set forth in this Agreement, to any party other than to its respective stockholders, officers, directors, members, managers, employees, attorneys, auditors, lenders, financial advisors and accountants, who shall agree to hold such information as proprietary and confidential and not to be



disclosed to others, except: (i) as may be approved in writing in advance by the other party in each instance; (ii) such reports as may be required by applicable statute (as for instance in the case of such reports relating to Oil and Hazardous Materials); (iii) as may be ordered by a court of competent jurisdiction; or (iv) the disclosure of any such information to any prospective assignee of the Optionee.

During the Option Period and so long as this Agreement is in full force and effect, Optionor covenants and agrees to take the Real Property off the market and not to offer the Real Property for sale or lease to any other person or entity, nor to accept, invite, or respond to offers for the purchase or leasing of the Real Property. Accordingly, during the Option Period and so long as this Agreement is in full force and effect, Optionor shall forward any inquiry or offer with respect to the Real Property to Optionee.

7. MISCELLANEOUS

a. Time Time is of the essence hereof.

b. Notices All notices, demand and other communications hereunder shall be in writing and sent by hand delivery, by certified or registered mail, or by Federal Express or equivalent overnight courier, addressed to other party at the address set forth above, or at such other address as the other party shall have provided notice of according to this provision. Any such notice shall be deemed to have been given upon the date of actual receipt or upon the first refusal of the addressee to accept delivery.

c. Default In the event of breach or failure of performance by Optionor of any of its obligations hereunder, and Optionor's failure to cure such breach or failure within ten (10) business days after receiving notice thereof from Optionee, the Optionee may elect as its sole remedies for such breach or failure of performance to: (i) waive said Default, or (ii) terminate this Agreement and demand and obtain the return of the Option Fee (and the Additional Option Fee, if applicable), and the obligations of the parties hereunder shall terminate forthwith, or (iii) seek all remedies available under this Agreement and/or at law or in equity, including, without limitation, specific performance of this Agreement, and/or recourse for any and all of its losses, expenses, costs, and claims of same, including without limitation, reasonable attorneys fees and costs. In the event of breach or failure of performance by Optionee of any of its obligations hereunder and Optionee's failure to cure such breach or failure within ten (10) business days after receiving notice thereof from Optionor, the Optionor may elect as its sole remedies for such breach or failure of performance to may (i) terminate this Agreement by written notice to Optionee or (ii) seek all remedies available under this Agreement and/or at law or in equity, including, without limitation, specific performance of this Agreement, and/or recourse for any and all of its losses, expenses, costs, and claims of same, including without limitation, reasonable attorneys fees and costs .

d. Assignment Optionee's rights under this Agreement may not be assigned to another party without written consent of the Optionor which consent shall not

be unreasonably withheld. Optionee may, following exercise of the Option, designate a nominee to take title to the Real Property at the Closing.

e. Entire Agreement This Agreement constitutes the entire agreement between Optionor and Optionee and there are no agreements or understandings between the parties except as set forth herein.

f. Binding Effect This Agreement will inure to the benefit of and bind the respective successors and assigns of Optionor and Optionee.

g. Construction As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of one gender shall be deemed applicable to all genders. This Agreement shall be governed by and construed in accordance with the laws of Maine.

h. Partial Invalidity If any term, covenant or condition of this Agreement, or the application thereof to any person or circumstance, shall be determined to be unenforceable by a court of competent jurisdiction (the "Offending Provision"), then the remainder of this Agreement, or the application of such term, covenant or condition to persons, entities or circumstances other than those as to which its is invalid or unenforceable, shall not be affected thereby and each term, covenant and condition of this Agreement shall be valid and enforced to the fullest extent permitted by law; provided, however, that the parties affected by the Offending Provision shall endeavor in good faith, within sixty (60) days after the date such determination is made, to agree upon alternative provisions which shall have the same practical effect as the Offending Provision and upon any agreement being reached, the new provision shall be incorporated into and form a part of this Agreement.

i. Non-Waiver The parties acknowledge and agree that their waiver of any default under the terms of this Agreement at any time on certain circumstances shall not be construed or deemed to be a waiver of any subsequent or other default occurring either before or after the waived default, and that such parties shall be entitled to enforce their rights in the event of default regardless of any prior waivers thereof.

j. Modification and Amendment This Agreement may only be amended, altered or modified by a written instrument signed by each of the parties.

k. Attorneys' Fees In the event that any party is required to engage the services of legal counsel to enforce rights under this Agreement, the prevailing party shall be entitled to reasonable attorney's fees from non-prevailing parties. In the event of litigation, said attorney's fees shall include fees and costs, both at trial and on appeal.

l. Execution of Additional Instruments Each party hereby agrees to execute such other or further instruments of whatsoever kind or nature necessary to comply with any applicable laws, rules or regulations or to comply with the stipulations, agreements, conditions and covenants contained and set forth in this Agreement.



m. Third Parties None of the provisions of this Agreement shall be for the benefit of or enforceable by any third party.

n. Recordation Upon the payment of the Option Fee, the Optionee shall have and is hereby granted the right to record a memorandum of this Agreement in all applicable public records in order to place third parties on notice of the rights, interests and options of the Optionee contained and set forth herein and the Optionor agrees to fully cooperate with the Optionee in connection therewith including the agreement of the Optionor to execute a memorandum of this Agreement in recordable form (without the payment to the Optionor of additional consideration therefor) which memorandum shall provide, on its face, that the Optionor may record an affidavit executed by the Optionor which states, if true: (a) that the Optionor fully complied with the stipulations, agreements, conditions and covenants contained and set forth in this Agreement, and (b) notwithstanding such performance by the Optionor, the Optionee failed to purchase the Real Property on or before the date of Closing. It is specifically understood and agreed that the mere recordation of such affidavit by the Optionor shall, as to third parties, render this Agreement null and void and of no further force and effect whatsoever.

o. Counterparts This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. Counterparts of this Agreement with facsimile or electronic signatures shall be deemed original counterparts for all purposes; however, each party shall promptly furnish counterparts with original signatures upon request.

IN WITNESS WHEREOF, Optionor and Optionee have executed this Agreement as of the Effective Date of 3-19-12.

Optionee :
CJ Developers, Inc.

By: David Latulippe
David Latulippe

Optionor:
Hutchcourt, L.L.C.

By: Richard C. Allen
Its: Richard C. Allen
Manager

Attachment C.1

Sign Up Sheet

Request for Zoning Map Amendment Application

Proposed Fuel Station and Convenience Store

2282 Congress Street, Portland, Maine

10-27-12

4:00 PM - 4:30 PM

David Latulippe

CT Developers
35 Primrose Ln
~~Freeport, ME~~

JOE MALONE

30 Highland St
Portland

Richard meadows

Unum
1 Fountain Square
Chattanooga, TN 37402

Catherine Alexander

Unum
2211 Congress St
Portland, ME 04112

Robert Willis

MPX
2275 Congress St
Portland, ME 04102

SFK
2301 Congress St
Portland, ME 04102

Beverly Rd Condo Association
2275 Congress St
Portland, ME 04102

C.2

Kelley Craig
Greater Portland Board
2271 Congress St
PDX, 04102
kellepb@madhe.n.com

Ruth & Tom Libby
Ruth's Reusable Resources
39 Blueberry Rd
Portland - 04102
ruths3rs@yahoo.com

Neighborhood Meeting Notes
Request for Zoning Map Amendment Application
Proposed Fuel Station and Convenience Store
2282 Congress Street, Portland, Maine
October 23, 2012 from 4:00 to 4:30 pm

CJ Developers, Inc. made a brief presentation on the proposed project stating the project included a gas station, convenience store, branch bank and diesel pump. Access to the site would be on Congress Street in line with Blueberry Road. The site would be served by public water and sewer, natural gas and electricity. There are no wetland impacts from the proposed development. The conceptual site plan, rendered building elevations and an aerial photograph were provided as part of the presentation. Following the presentation, the attendees were given the opportunity to ask questions and state any concerns.

The following are notes on what each attendee's comments:

Joe Malone – No comment

Richard Meadows (UMUN) – No comment

Catherine Alexander (UNUM) – No comment

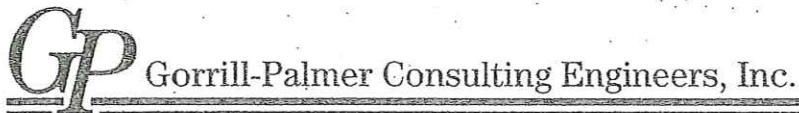
Robert Willis (MPX, SFX & Blueberry Rd. Condo Assoc.) – No comment but plans on attending the Planning Board Workshop on Oct. 29, 2012.

Kelley Craig (Greater Portland Board of Realtors) – Had no concerns about the layout or the use. Kelley stated that the proposed project would provide needed services for the area and their operation. The Greater Portland Board of Realtors conduct many continuing education classes and there is usually only 45 minutes for a lunch break. There are no food services in the area and there is not enough time for the attendees to go to the Maine Mall area for lunch.

Ruth and Tom Libby (Ruth's Reusable Resources) – Had no concerns about the layout or the use. Ruth stated that the convenience store and gas station would

be very beneficial for their operation. Last year they serviced over 8,000 customers most of which are not from the area and not familiar with the area. Numerous customers have asked where the nearest gas station, convenience store or deli is. Ruth has to direct them to the Maine Mall area. Tom also stated that the diesel pump would benefit his business.

Jerry Ade (property owner of methadone clinic) – unable to attend the neighborhood meeting but called. Jerry stated that he strongly supports the proposed project and plans on attending the public hearing.



October 15, 2012

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

Mr. David Latulippe
CJ Developers, Inc.
35 Primrose Lane
Freeport, Maine 04032

of proposed uses in
Concept Plan

Subject: Preliminary Traffic Assessment
Multi-use Development, 2282 Congress Street
Portland, Maine

Dear David,

Per your request, Gorrill-Palmer Consulting Engineers, Inc. (GPCEI) has completed a preliminary feasibility study of the traffic impact of the proposed multi-use development at 2282 Congress Street in Portland. The site is currently vacant and we understand you would like to develop a 3,300 s.f. c-store, 2,200 bank with double drive thru, free standing diesel pump and 12 regular fueling positions. As we discussed, the project will generate over 99 trip ends during the peak hour and therefore a traffic movement permit will be required. The MaineDOT has delegated their review authority for the traffic permit to The City of Portland.

Trip Generation

Gorrill Palmer Consulting Engineers, Inc, utilized the 7th Edition of the Institute of Transportation Engineer (ITE) publication, *Trip Generation*, to forecast the traffic to and from the site Land Use Code 853-Convenience Market with Gasoline Pumps, and 912-Drive In Bank to forecast a total of 200 and 272 AM and PM peak hour trip ends respectively. A trip end is defined as a trip in or out of the site, thus one round trip equates to two trip ends. A copy of our trip generation estimate is included as an attachment to this letter.

Trip Distribution/Assignment

For the purpose of this preliminary study, we assumed that the traffic would be split evenly between entering and exiting traffic based on information published by ITE during the AM and PM peak hours.

Two accesses are planned for the site; one on Congress Street across from Blueberry Lane and the other an enter only driveway off Skyway Drive at the traffic signal opposite the southbound turnpike ramps. The trip assignments for each of these scenarios are shown in Figures 1 and 2 included with this letter.

Mr. David Latulippe
 October 15, 2012
 Page 2 of 4

Preliminary Operational Analysis

Gorrill Palmer Consulting Engineers, Inc. completed weekday AM and PM peak hour turning movement counts at the intersection of Blueberry Lane and Congress Street as well as the intersection of Skyway Drive and the Maine Turnpike Southbound ramps during a weekday in July. These volumes were combined with the forecast trip generation for the project to yield post development volumes for two accesses; Congress Street opposite Blueberry Lane; and second, an entry only driveway from Skyway Drive opposite the southbound ramps of the Maine Turnpike. The results of the analyses at each of these driveways are discussed below and a copy of the analyses are attached to this letter. The proposed driveway is forecast to have 40 left turns onto Congress Street in the AM peak hour and 82 during the PM peak hour but is not anticipated to require a traffic signal since it will not satisfy a traffic signal warrant.

Congress Street Driveway

The access from Congress Street would be aligned with Blueberry Lane and require an access easement from the Maine Turnpike Authority (MTA). The key issue for this access is the available storage length between the proposed driveway and the Turnpike overpass to store left turning traffic. Based on the preliminary analysis, we anticipate the need to store two vehicles waiting to turn left at any one time which could be accommodated by re-striping Congress Street to allow for a short left turn lane into the site. The driveway would add a 4th leg to the unsignalized intersection, which is anticipated to operate at a level of service "C". Any deliveries would need to occur off peak since limited storage is available.

Access from the Skyway Driveway

A preliminary analysis was also run for the additional enter only access located on Skyway Drive opposite the southbound ramps to the Maine Turnpike which are signalized. The preliminary results of the capacity analyses show that the additional traffic will not significantly affect the operation of this intersection. The proposed driveway will also require the re-striping of the eastbound approach to the intersection to provide a 50 foot left turn lane into the proposed driveway which appears to be feasible. Any deliveries would need to occur off peak since limited storage is available.

Sight Line Review

The Maine Department of Transportation has guidelines for sight distances as follows:

MaineDOT Standards for Sight Distance

Posted Speed (mph)	Sight Distance
25	200
30	250
35	305
40	360

Gorrill-Palmer Consulting Engineers, Inc.

Mr. David Latulippe
October 15, 2012
Page 3 of 4

The MaineDOT standards are as follows:

Driveway observation point:	10 feet off major street travelway
Height of eye at driveway:	3 ½ feet above ground
Height of approaching vehicle:	4 ¼ feet above road surface

Gorrill-Palmer has reviewed the sight lines at the driveway proposed opposite Blueberry Lane. The posted speed limit on Congress Street fronting the site is 40 mph, and is reduced to 35 mph 275 feet to the east of the site. The available sight lines exiting the driveway are over 750 feet looking to the left and 490 feet looking to the right to the overpass with the clearing of some vegetation along the site frontage. Thus, sight lines exceed standards at the proposed driveway location.

Crash History

Gorrill-Palmer Consulting Engineers, Inc. obtained the crash data from MaineDOT for the period of 2009-2011, the most recent period available.

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define a High Crash Location (HCL). Both criteria must be met in order to be classified as a HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual crash rate to the rate for similar intersection in the state. A CRF of less than 1.00 indicates a rate of less than average) **and:**
2. Minimum of eight crashes over a three-year period.

The collision information attached to this letter shows that there has been one collision during this time period in the last three years at the intersection of Congress Street and Blueberry Lane. A copy of the collision report is included with this letter.

Closing

These results show that sight lines at the proposed driveway location exceed standards and that the traffic forecast for the project can be accommodated provided a left turn lane with 75 of storage is provided on Congress Street for left turning traffic into the site as shown on the attached concept plan. It appears that this left turn lane can be implemented by restriping Congress Street with a minor amount of widening.

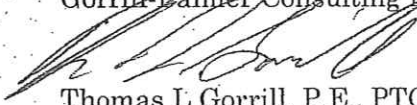
Gorrill-Palmer Consulting Engineers, Inc.

Mr. David Latulippe
October 15, 2012
Page 4 of 4

This letter is intended as an overview of the traffic issues associated with the project but additional documentation will be required for the traffic movement permit application.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Thomas L Gorrill, P.E., PTOE
President

D.A. 5

JN:
 Project Description: 2672
 Project Location: CJ Development
 Date: Portland, Maine
 7/10/2012

Gorrill-Palmer Consulting Engineers, Inc.
 P.O. Box 1237
 15 Shaker Road
 Gray, Maine 04039

**Convenience Market with Gasoline Pumps
 Land Use Code (LUC) 853**

Vehicle Fueling Positions: 12

Time Period	ITE Trip Rate (Average Rate)	# of Sources	Trip Ends	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	T = 542.60 (X)	10	6511	50%	50%	3256	3255	N/A
AM Peak Hour of Adjacent Street Traffic	T = 17.17 (X)	27	206	50%	50%	103	103	N/A
PM Peak Hour of Adjacent Street Traffic	T = 19.22 (X)	53	231	50%	50%	116	115	N/A
AM Peak Hour of Generator	T = 17.03 (X)	26	204	50%	50%	102	102	N/A
PM Peak Hour of Generator	T = 19.98 (X)	46	240	50%	50%	120	120	N/A
Saturday	T = 204.47 (X)	3	2454	50%	50%	1227	1227	N/A
Sunday	T = 166.88 (X)	1	2003	50%	50%	1002	1001	N/A

* Percentages rounded to nearest 5%

Gross Floor Area (ft²): 3,300

Time Period	ITE Trip Rate (Average Rate)	# of Sources	Trip Ends	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	T = 845.60 (X)	10	2790	50%	50%	1395	1395	N/A
AM Peak Hour of Adjacent Street Traffic	T = 45.58 (X)	27	150	50%	50%	75	75	N/A
PM Peak Hour of Adjacent Street Traffic	T = 60.61 (X)	53	200	50%	50%	100	100	N/A
AM Peak Hour of Generator	T = 45.23 (X)	26	149	50%	50%	75	74	N/A
PM Peak Hour of Generator	T = 62.57 (X)	46	206	50%	50%	103	103	N/A
Saturday	T = 1448.33 (X)	3	4779	50%	50%	2390	2389	N/A
Sunday	T = 1182.08 (X)	1	3901	50%	50%	1951	1950	N/A

* Percentages rounded to nearest 5%

Average

Time Period	ITE Trip Rate (Average Rate)	# of Sources	Trip Ends	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	N/A	N/A	4651	50%	50%	2325	2326	N/A
AM Peak Hour of Adjacent Street Traffic	N/A	N/A	178	50%	50%	89	89	N/A
PM Peak Hour of Adjacent Street Traffic	N/A	N/A	216	50%	50%	108	108	N/A
AM Peak Hour of Generator	N/A	N/A	177	50%	50%	88	89	N/A
PM Peak Hour of Generator	N/A	N/A	223	50%	50%	112	111	N/A
Saturday	N/A	N/A	3617	50%	50%	1808	1809	N/A
Sunday	N/A	N/A	2952	50%	50%	1476	1476	N/A

* Percentages rounded to nearest 5%

Saturday Peak Hour of Generator*	T = 1.44 (PM Peak Hour)	N/A	321	50%	50%	161	160	N/A
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* Saturday Peak Hour of Generator comes from a ratio of Saturday Peak Hour to PM Peak Hour trip generation rates for LUC 851 - 24-hr Convenience Market

D.a.6

JN: 2672
 Project Description: CJ Developers
 Project Location: Portland
 Date: 7/10/2012

Gorrill-Palmer Consulting Engineers, Inc.
 P.O. Box 1237
 15 Shaker Road
 Gray, Maine 04039

**Drive-in Bank
 Land Use Code (LUC) 912**

Gross Floor Area (ft²): 2,200

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution		R^2
			IN	OUT	IN	OUT	
Weekday	T = 148.15 (X)	326	50%	50%	163	163	0.59
AM Peak Adjacent Street	T = 12.35 (X)	27	55%	45%	15	12	---
PM Peak Adjacent Street	T = 25.82 (X)	57	50%	50%	29	28	---
AM Peak Hour of Generator	T = 17.31 (X)	38	50%	50%	19	19	0.51
PM Peak Hour of Generator	T = 26.69 (X)	59	50%	50%	30	29	---
Saturday	T = 86.32 (X)	190	50%	50%	95	95	0.52
Saturday Peak Hour of Gen.	T = 26.53 (X)	58	50%	50%	29	29	---

* Percentages rounded to nearest 5%

Number of Drive-in Lanes: 2

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution		R^2
			IN	OUT	IN	OUT	
Weekday	T = 139.258 (X)	279	50%	50%	140	139	0.52
AM Peak Adjacent Street	T = 9.44(X)	19	60%	40%	11	8	---
PM Peak Adjacent Street	T = 27.41 (X)	55	50%	50%	28	27	---
AM Peak Hour of Generator	T = 21.64 (X)	43	50%	50%	22	21	---
PM Peak Hour of Generator	T = 29.05 (X)	58	50%	50%	29	29	0.55
Saturday	Not Given	0	50%	50%	0	0	---
Saturday Peak Hour of Gen.	T = 29.88 (X)	60	50%	50%	30	30	---

* Percentages rounded to nearest 5%

AVERAGE

Time Period	Trip Ends	Directional Split *		Directional Distribution	
		IN	OUT	IN	OUT
Weekday	303	50%	50%	151	152
AM Peak Adjacent Street	23	58%	42%	13	10
PM Peak Adjacent Street	56	50%	50%	28	28
AM Peak Hour of Generator	41	50%	50%	20	21
PM Peak Hour of Generator	59	50%	50%	29	30
Saturday Peak Hour of Gen.	59	50%	50%	30	29

SimTraffic Simulation Summary
 AM POST Feasibility

10/22/2012

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:50	6:50	6:50	6:50	6:50	6:50
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	70	70	70	70	70	70
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded mScheduledIntervals	1	1	1	1	1	1
Vehs Entered	1445	1516	1435	1440	1383	1445
Vehs Exited	1437	1518	1423	1428	1383	1438
Starting Vehs	11	18	18	12	17	15
Ending Vehs	19	16	30	24	17	20
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	2	0	0	0	0	0
Travel Distance (mi)	471	495	469	468	450	471
Travel Time (hr)	18.7	20.1	18.5	18.6	17.7	18.7
Total Delay (hr)	2.3	2.8	2.3	2.3	2.0	2.3
Total Stops	220	244	213	208	215	222
Fuel Used (gal)	15.6	16.5	15.4	15.5	14.8	15.6

Interval #0 Information Seeding

Start Time	6:50
End Time	7:00
Total Time (min)	10
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1445	1516	1435	1440	1383	1445
Vehs Exited	1437	1518	1423	1428	1383	1438
Starting Vehs	11	18	18	12	17	15
Ending Vehs	19	16	30	24	17	20
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	2	0	0	0	0	0
Travel Distance (mi)	471	495	469	468	450	471
Travel Time (hr)	18.7	20.1	18.5	18.6	17.7	18.7
Total Delay (hr)	2.3	2.8	2.3	2.3	2.0	2.3
Total Stops	220	244	213	208	215	222
Fuel Used (gal)	15.6	16.5	15.4	15.5	14.8	15.6

SimTraffic Performance Report
AM POST Feasibility

10/22/2012

3: Congress Street & Blueberry Road Performance by approach

Approach	EB	WB	NB	SB	All
Total Delay (hr)	0.7	0.4	0.6	0.2	1.9
Total Del/Veh (s)	3.2	2.7	20.4	14.0	4.6
Speed Delay (hr)	0.6	0.2	0.6	0.2	1.6
Speed Del/Veh (s)	2.5	1.8	20.3	13.8	3.9
Total Stops	37	30	99	56	222
Travel Dist (mi)	138.7	79.6	2.5	8.1	228.9
Travel Time (hr)	5.5	3.1	0.7	0.5	9.8
Avg Speed (mph)	26	27	4	15	24
Fuel Used (gal)	4.2	2.4	0.2	0.3	7.0
HC Emissions (g)	416	29	0	2	447
CO Emissions (g)	6617	644	17	50	7327
NOx Emissions (g)	1064	81	2	6	1153
Vehicles Entered	809	480	99	57	1445
Vehicles Exited	807	479	98	55	1439
Hourly Exit Rate	807	479	98	55	1439
Input Volume	812	464	100	56	1432
% of Volume	99	103	98	98	100
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Total Delay (hr)	2.3
Total Del/Veh (s)	5.8
Speed Delay (hr)	2.1
Speed Del/Veh (s)	5.1
Total Stops	222
Travel Dist (mi)	470.5
Travel Time (hr)	18.7
Avg Speed (mph)	26
Fuel Used (gal)	15.6
HC Emissions (g)	989
CO Emissions (g)	16857
NOx Emissions (g)	2579
Vehicles Entered	1445
Vehicles Exited	1438
Hourly Exit Rate	1438
Input Volume	2864
% of Volume	50
Denied Entry Before	0
Denied Entry After	0

Queuing and Blocking Report
 AM POST Feasibility

10/22/2012

Intersection: 3: Congress Street & Blueberry Road

Movement	EB	EB	WB	WB	NB	NB	SB	SB
Directions Served	L	TR	L	TR	L	R	L	R
Maximum Queue (ft)	121	27	43	26	85	73	56	59
Average Queue (ft)	35	2	20	1	30	34	18	22
95th Queue (ft)	89	13	46	11	64	62	48	50
Link Distance (ft)	903	903		873	133	133	765	765
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)			100					
Storage Blk Time (%)								
Queuing Penalty (veh)								

Network Summary

Network wide Queuing Penalty: 0

SimTraffic Simulation Summary
PM Raw Data

10/22/2012

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:50	6:50	6:50	6:50	6:50	6:50
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	70	70	70	70	70	70
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded in Scheduled Intervals	1	1	1	1	1	1
Vehs Entered	1444	1483	1419	1459	1399	1442
Vehs Exited	1440	1484	1421	1458	1388	1438
Starting Vehs	14	13	17	18	8	13
Ending Vehs	18	12	15	19	19	14
Denied Entry Before	0	0	0	3	0	0
Denied Entry After	1	0	0	0	1	0
Travel Distance (mi)	472	484	465	475	456	470
Travel Time (hr)	18.5	19.6	18.3	19.0	18.2	18.7
Total Delay (hr)	2.2	2.8	2.2	2.5	2.3	2.4
Total Stops	238	284	247	266	240	255
Fuel Used (gal)	15.3	16.0	15.0	15.6	14.9	15.4

Interval #0 Information Seeding

Start Time	6:50
End Time	7:00
Total Time (min)	10
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1444	1483	1419	1459	1399	1442
Vehs Exited	1440	1484	1421	1458	1388	1438
Starting Vehs	14	13	17	18	8	13
Ending Vehs	18	12	15	19	19	14
Denied Entry Before	0	0	0	3	0	0
Denied Entry After	1	0	0	0	1	0
Travel Distance (mi)	472	484	465	475	456	470
Travel Time (hr)	18.5	19.6	18.3	19.0	18.2	18.7
Total Delay (hr)	2.2	2.8	2.2	2.5	2.3	2.4
Total Stops	238	284	247	266	240	255
Fuel Used (gal)	15.3	16.0	15.0	15.6	14.9	15.4

D.a. 11

SimTraffic Performance Report
PM Raw Data

10/22/2012

3: Congress Street & Blueberry Road Performance by approach

Approach	EB	WB	NB	SB	All
Total Delay (hr)	0.2	0.8	0.6	0.3	1.9
Total Del/Veh (s)	1.7	3.7	17.9	13.3	4.8
Speed Delay (hr)	0.2	0.4	0.6	0.3	1.5
Speed Del/Veh (s)	1.4	2.0	17.8	13.2	3.7
Total Stops	15	41	127	72	255
Travel Dist (mi)	76.3	132.1	7.5	10.4	226.3
Travel Time (hr)	2.8	5.3	1.0	0.7	9.8
Avg Speed (mph)	27	27	8	16	24
Fuel Used (gal)	2.2	4.0	0.3	0.3	6.9
HC Emissions (g)	17	31	1	9	58
CO Emissions (g)	428	780	60	162	1430
NOx Emissions (g)	51	93	6	22	172
Vehicles Entered	445	797	128	72	1442
Vehicles Exited	444	795	127	71	1437
Hourly Exit Rate	444	795	127	71	1437
Input Volume	439	779	141	74	1433
% of Volume	101	102	90	96	100
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Total Delay (hr)	2.4
Total Del/Veh (s)	5.9
Speed Delay (hr)	2.0
Speed Del/Veh (s)	4.9
Total Stops	255
Travel Dist (mi)	470.3
Travel Time (hr)	18.7
Avg Speed (mph)	26
Fuel Used (gal)	15.4
HC Emissions (g)	149
CO Emissions (g)	4024
NOx Emissions (g)	446
Vehicles Entered	1442
Vehicles Exited	1438
Hourly Exit Rate	1438
Input Volume	2866
% of Volume	50
Denied Entry Before	0
Denied Entry After	0

D.A. 12

Queuing and Blocking Report

PM Raw Data

10/22/2012

Intersection: 3: Congress Street & Blueberry Road

Movement	EB	EB	WB	NB	NB	SB	SB
Directions Served	L	TR	L	L	R	L	R
Maximum Queue (ft)	31	23	63	91	61	55	80
Average Queue (ft)	12	1	25	44	28	18	31
95th Queue (ft)	35	11	51	81	54	48	67
Link Distance (ft)	903	903		311	311	765	765
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)			100				
Storage Blk Time (%)							
Queuing Penalty (veh)							

Network Summary

Network wide Queuing Penalty: 0



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

Engineering Excellence Since 1998

October 22, 2012

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

Mr. Thomas Errico
TY Lin International
12 Northbrook Drive
Falmouth, Maine 04105

*Comments on Zone
Implications*

Subject: Comparison of Permitted uses in IM Zone to B-4 Zone
Multi-use Development, 2282 Congress Street
Portland, Maine

Dear Tom,

Gorrill-Palmer Consulting Engineers, Inc. (GPCEI) has reviewed the potential uses in the IM zone to compare the traffic impacts to the proposed multi-use development at 2282 Congress Street in Portland. As you recall, the applicant is proposing to rezone the property to B-4 to allow development of a 3,300 s.f. c-store, 2,200 bank with double drive thru, free standing diesel pump and 12 regular fueling positions.

In discussing this issue with you, we agreed that the most likely significant development on the property if it continues to be zoned I-M is an office building. The developer had indicated that a 3 story 30,000 gross square foot building (3 floors of 10,000 sf each) could fit on the site and so we have used this as a basis for comparison.

Trip Generation

Gorrill Palmer Consulting Engineers, Inc, utilized the 7th Edition of the Institute of Transportation Engineer (ITE) publication, *Trip Generation*, to forecast the traffic to and from the site Land Use Code 853-Convenience Market with Gasoline Pumps, and 912-Drive In Bank to forecast a total of 200 and 272 AM and PM peak hour trip ends respectively. A trip end is defined as a trip in or out of the site, thus one round trip equates to two trip ends. The majority of the trips for these uses 65-70% are anticipated to be pass by trips, which are trip already going by the site that shop at the site. A free standing fast food restaurant on the site would generate 121 and 189 AM and PM peak hour trip ends respectively.

Using Land Use Code 710, General Office Building, contained in this same publication, a 30,000 sf office building is forecast to generate 47 AM and 69 PM peak hour trip ends. All the trips for this use will be primary in nature made for the sole purpose of going to and from the site.

General Corridor Impact

Based on the trip generation and trip composition comparisons, less trips for this use are forecast for the office building, but they will be all primary trips and thus the impacts will be felt up and down the corridor. By comparison, while the proposed convenience center and bank generate more traffic, it is mostly pass-by with 65 to 90 trip ends being primary, which is a comparable number to the office building. Development of the site as an office building would require the same level of

Gorrill-Palmer Consulting Engineers, Inc.

Mr. Thomas Errico
October 22, 2012
Page 2 of 2

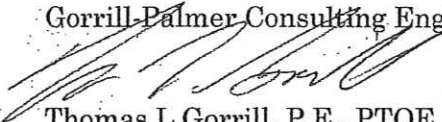
improvements as proposed for the convenience center and bank, namely a westbound left turn lane on Congress Street for left turning traffic into the site and separate left and right turn lanes exiting the site.

Closing

The comparison of the proposed development impacts to those of an office building which could be constructed without a zone change shows that the traffic impacts and related offsite roadway improvements would be similar.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Thomas L Gorrill, P.E., PTOE
President

Jean Fraser - Access Easement-Congress Street, Portland (CJ Developers)

From: "Roberts, John D." <JRoberts@maineturnpike.com>
To: <JF@portlandmaine.gov>
Date: 10/25/2012 1:21 PM
Subject: Access Easement-Congress Street, Portland (CJ Developers)
CC: <dlatulip@aol.com>

Dear Ms. Fraser:

David LaTulippe and CJ Developers have submitted an application to the Maine Turnpike Authority to obtain an easement across MTA land to access Congress Street in conjunction with a proposed gas station and convenience store. A preliminary review by MTA staff concluded that the proposal was complete enough to present to the Board of the Maine Turnpike Authority as soon as a mutually acceptable offer of compensation is reached.

If I can be of any further assistance to you, please don't hesitate to call.

Best regards,

John

JOHN D. ROBERTS

MAINE REGISTERED LAND SURVEYOR 1155
MAINE REGISTERED LANDSCAPE ARCHITECT 30

RIGHT OF WAY MANAGER
MAINE TURNPIKE AUTHORITY
2360 CONGRESS STREET
PORTLAND, ME 04102
(207) 482-8350

Plan 1
from applicant



**TAX MAP
CONVENIENCE STORE
PORTLAND, MAINE**

SOURCE: CITY OF PORTLAND

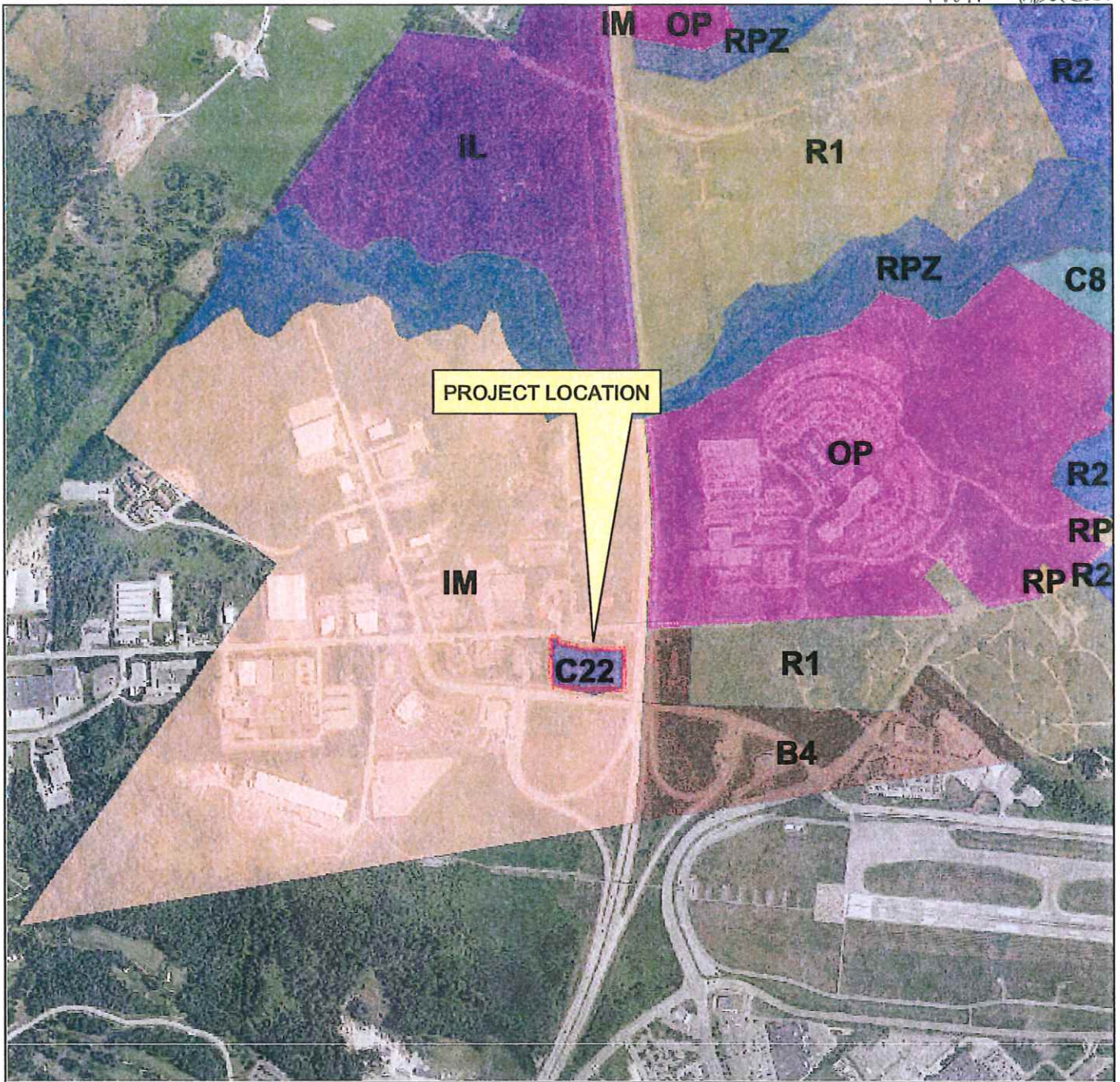
DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3118-TAX MAP
SCALE: 1 inch = 1,000 feet

FIGURE

3

Plan 2
from applicant



ZONING MAP CONVENIENCE STORE PORTLAND, MAINE

SOURCE: CITY OF PORTLAND

DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3118-ZONING
SCALE: 1 inch = 1,000 feet

FIGURE

4

Plan 3
from applicant



**AERIAL PHOTOGRAPH
CONVENIENCE STORE
PORTLAND, MAINE**

SOURCE: MAINE OFFICE OF GIS - MAPS

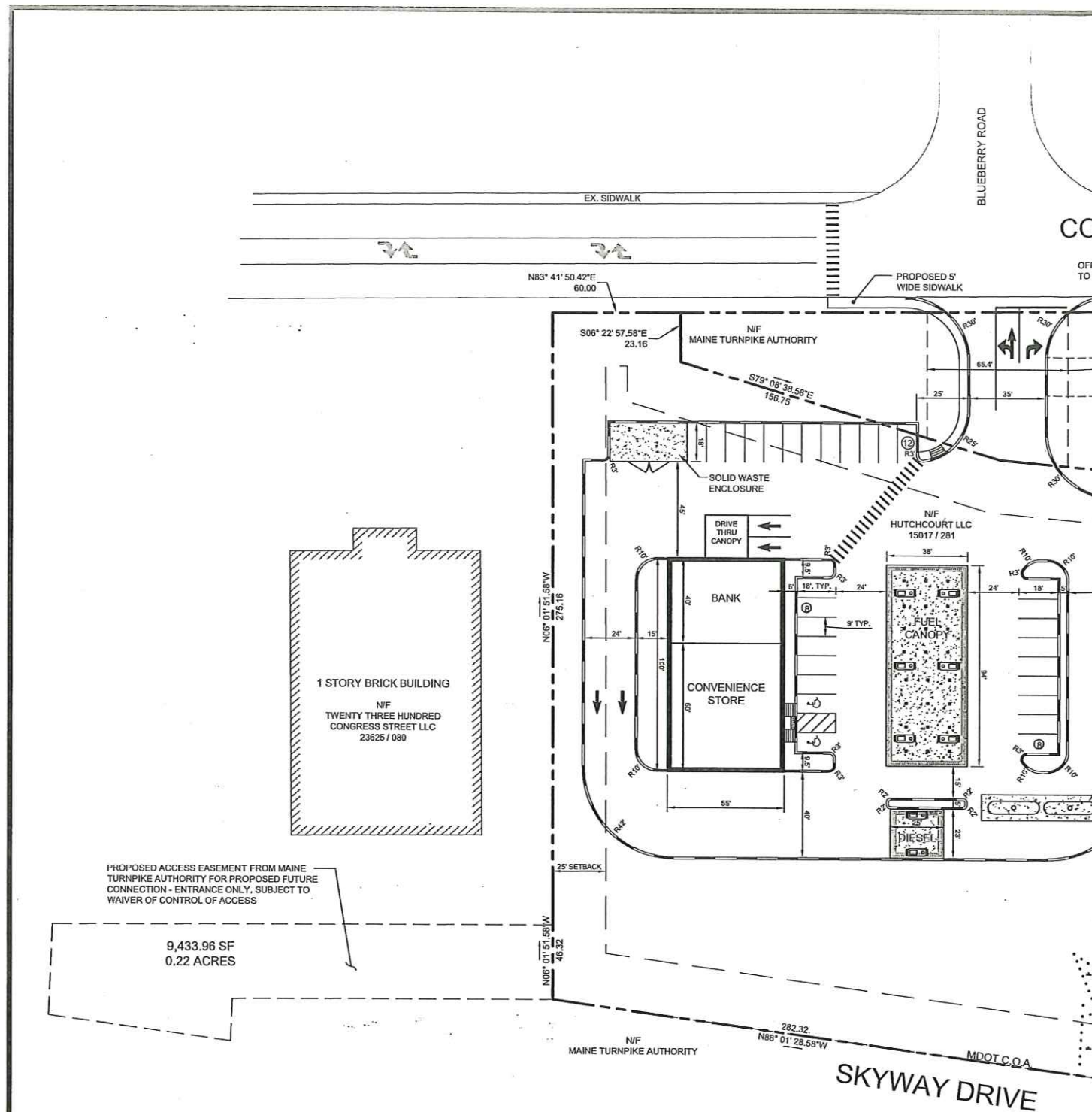
DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3118-AERIAL
SCALE: 1 inch = 1,000 feet

FIGURE

5

IC13118-ConventionStore_Portland, ME\Cadd\Concept Set\dwg\3118-CONCEPT1.dwg, 30 scale, 10/24/2012 10:57:04 AM, cwhintermute



- NOTES:**
1. THIS PLAN IS TO BE USED FOR CONCEPTUAL PLANNING ONLY AND SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION WITHOUT WRITTEN CONSENT OF DELUCA-HOFFMAN ASSOCIATES, INC. OR OEST ASSOCIATES, INC.
 2. RECORD OWNER OF PROPERTY: HUTCHCOURT LLC BY DEEDS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15017, PAGE 281. PROPERTY IS LOCATED IN THE CITY OF PORTLAND ON TAX MAP 237, LOT A012.
 3. PROPERTY IS LOCATED WITHIN THE INDUSTRIAL (IM) ZONE. ZONING IS SUBJECT TO REVIEW BY THE MUNICIPALITY.
 4. PROPERTY IS LOCATED IN FLOOD ZONE 'C' BASED ON F.I.R.M. PANEL #230051-0012B EFFECTIVE JANUARY 1986 AS DEPICTED IN THE CITY OF PORTLAND, MAINE CUMBERLAND COUNTY. ZONE 'C' IS DEFINED AS AN AREA OF MINIMAL FLOODING.

- PLAN REFERENCES:**
1. STANDARD BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY OEST ASSOCIATES, INC ON FILE WITH THE CITY OF PORTLAND PLANNING DEPARTMENT DATED 09.14.99. USE OF THIS PLAN BEYOND CONCEPT PLANNING SHALL REQUIRE WRITTEN PERMISSION FROM OEST ASSOCIATES, INC.
 2. COMPOSITE PLAN PREPARED FOR CJ DEVELOPERS, INC. BY ALBERT FRICK ASSOCIATES, INC. DATED 04.02.12.

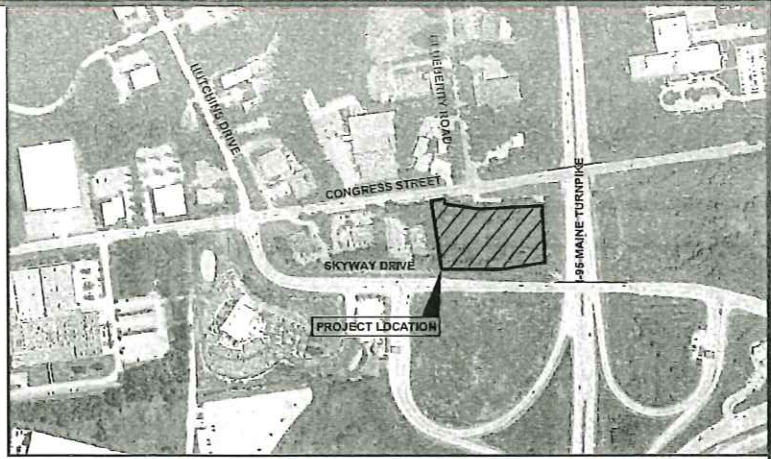
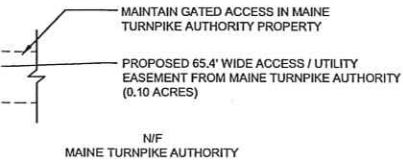


PRELIMINARY - NOT FOR CONSTRUCTION

Plan A

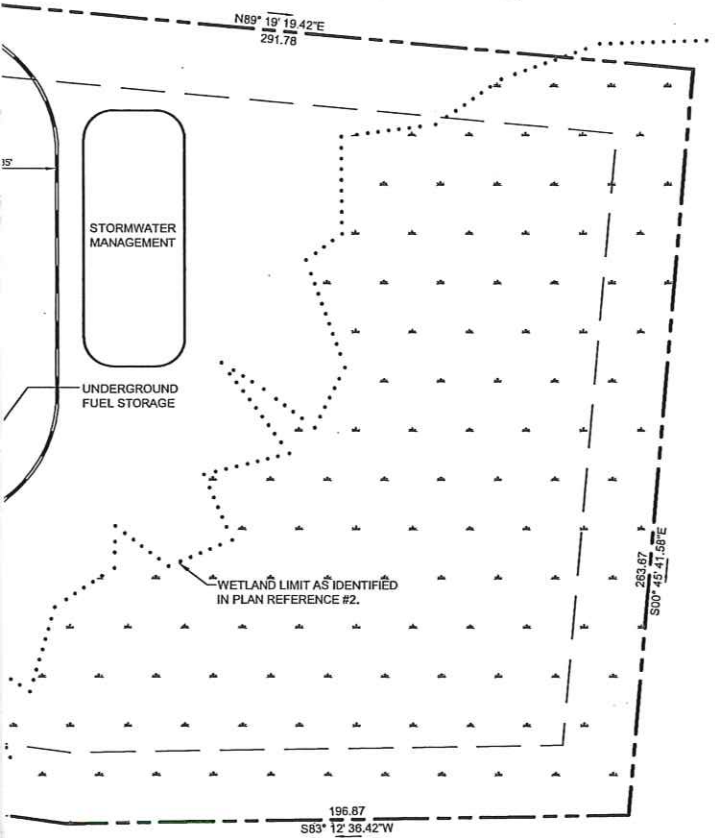
CONGRESS STREET

TE IMPROVEMENTS SUBJECT
NDINGS OF A TRAFFIC STUDY.



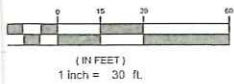
LOCATION MAP

N.T.S.



CITY OF PORTLAND, MAINE - PERFORMANCE STANDARDS

CRITERIA	EXISTING INDUSTRIAL MODERATE IM	PROPOSED B-4
	REQUIRED	REQUIRED
USE - CONVENIENCE STORE W/ FUEL STATIONS	NOT PERMITTED	PERMITTED
MINIMUM LOT SIZE	NONE	10,000 SF
FRONT YARD SETBACK	1' FROM THE FRONT PROPERTY LINE FOR EACH 1' OF BUILDING HEIGHT	TWENTY (20) FEET, EXCEPT THAT A FRONT YARD NEED NOT EXCEED THE AVERAGE DEPTH OF FRONT YARDS ON EITHER SIDE OF THE LOT
REAR YARD SETBACK SIDE YARD SETBACK	1' FROM EACH SIDE OR REAR FOR EACH 1' OF BUILDING HEIGHT UP TO 25'	REAR - 20 FEET SIDE - 1 TO 2 STORIES - 10 FEET
MAXIMUM HEIGHT	75'	65'
MAXIMUM IMPERVIOUS SURFACE RATIO	75%	85%
PAVEMENT SETBACK FROM LOT BOUNDARIES	10'	-
MINIMUM STREET FRONTAGE	60'	60'
MAXIMUM FLOOR AREA RATIO	-	0'-0 5/8"
MINIMUM LOT WIDTH	-	60 FEET



REV	DATE	DESCRIPTION	REVISIONS
4	10.23.12	REVISED AND RESUBMITTED TO CITY	
3	09.28.12	ZONING MAP AMENDMENT APPLICATION	
2	06.08.12	RELEASED FOR CLIENT REVIEW	
1	05.16.12	RELEASED FOR CLIENT REVIEW	

F.E. STEPHEN BUSHEY
LIC. # 7429

PROJECT	MULTI-USE DEVELOPMENT 2282 CONGRESS STREET PORTLAND, MAINE
SHEET TITLE	CONCEPT 1
CLIENT	CJ DEVELOPERS, INC. 35 PRIMROSE LANE FREEPORT, MAINE 04032

DH DeLUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN: CMW | DATE: MAY 2012
DESIGNED: SRB | SCALE: 1" = 30'
CHECKED: SRB | JOB NO. 3118
FILE NAME: 3118-CONCEPT1
SHEET 1

CONSTRUCTION

State law reference(s)--Zoning ordinances, 30 M.R.S.A. § 4962.

DIVISION 1. GENERALLY

Sec. 14-46. Purpose.

This article, made in accordance with a comprehensive plan, is enacted for the purpose of decreasing congestion in streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the over-crowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, sewerage, schools, parks and other community facilities and utilities; thus promoting the health, safety, convenience and general welfare of the citizens of the city. This article is made with reasonable consideration, among other things, to the character of each zone and its peculiar suitability for particular uses and with a view to conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community.

(Code 1968, § 602.1.A)

Sec. 14-47. Definitions.

The following words shall be defined as set forth below for use in this article. Definitions set forth in the building code of the city shall apply to words not herein defined:

Accessory uses: Uses which are customarily incidental and subordinate to the location, function and operation of permitted uses.

Adult day care facility: A facility which provides a regular program of care and protection for persons over the age of sixteen (16), for consideration, for any part of the day.

Apartment: See "dwelling unit."

Apartment house: See "multifamily dwelling."

Arcade: A covered passageway, generally occurring at the street level of a building, running parallel and adjacent to the street or as a through-block pedestrian connection, which is intended to provide sheltered access to directly adjoining commercial or other uses. Arcades are provided physical definition

by the regular placement of structural elements throughout their length which support enclosed building uses above.

Assembly: A joining together of completely fabricated parts to create a finished product.

Back office use: An office-related use providing support services to a primary or headquarter use, with minimal public visitation and no direct in-person sales or services to the general public. Back office uses may include data processing, or other clerical uses relying heavily on a telecommunications infrastructure and may also include support services to educational institutions or social service agencies as long as no direct in-person services to the general public are provided.

Bed and breakfast: A building in which more than two (2) but not more than nine (9) guest rooms are used to provide or offer overnight accommodations for transient guests. An owner, manager, or operator shall live in the building as a permanent resident. No cooking facilities shall be permitted in any of the guest rooms. The only meal which may be offered is breakfast, which shall be offered only to overnight guests. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Billboard: A structure, either freestanding or attached to a building, the surface of which is available for hire for advertising purposes.

Biotechnology: The use of biological processes, particularly cellular and molecular to solve problems and/or make useful products for applications in medicine, agriculture and environmental management.

Building, height of: The vertical measurement from grade, or the predevelopment grade on the islands, to the highest point of

the roof beams in flat roofs; to the highest point of the roof beams or the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

Business service: Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar businesses.

Chemical-free night club: An alcohol-free commercial establishment that offers live entertainment, amplified music, and/or dancing, where the primary source of income for such alcohol-free commercial establishment is derived from the entertainment and/or any admission or cover charge.

Clinics: Any establishment where patients are admitted for examination and treatment by one (1) or more professionals such as, but not limited to, physicians, dentists, psychologists or social workers.

Coastal wetland: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and that occurs primarily in a salt water or estuarine habitat; and/or any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Collector or arterial road: A roadway which is classified as a collector or minor, principal or other arterial by the federal functional road classification for Portland, Maine, a map of which is on file with the department of planning and urban development.

Commercial vessel: Any watercraft used principally in a business or trade, including common carriers of passenger or freight, whether for governmental, nonprofit or emergency purposes; but not including pleasure craft used principally for recreational

Common areas: Portions of a lodging house which are available for use by all residents of the lodging house. Common areas shall include, but are not limited to, one (1) or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways and storage areas shall not be counted as common areas.

Community Hall: A building or portion of an existing building built for institutional or other non-residential uses and used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances. In the R-6 residential zone only, the building can also be used for a farmer's market pursuant to chapter 21 of this code and the requirements set forth therein.

Community living arrangements: A state approved, authorized, certified or licensed group home for eight (8) or fewer mentally handicapped or developmentally disabled persons.

Congregate care facility: A planned residential unit development which provides individual living units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service shall be included in the base rent;
- (b) Provision of at least one (1) meal per day;
- (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.

Day care facility: A facility which provides a regular program of care and protection for children under the age of sixteen (16), for consideration, for any part of the day.

Drinking establishment: Means and includes any establishment required to be licensed to sell alcoholic beverages for on-premises consumption, which is not regularly used for the purpose of providing full-course meals, as defined in Title 28-A of the Maine Revised Statutes, on the premises.

Drive-through facility: A commercial facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations.

Drive-through features: Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical devices, etc.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels, lodging houses, sheltered care group homes or tourist homes.

Dwelling, one-family: A detached building used exclusively for occupancy by one (1) family.

Dwelling, two-family: A single building containing two dwelling units used exclusively for occupancy by two (2) families living independently of each other.

Dwelling, multifamily: A building or portion thereof containing three (3) or more dwelling units.

Dwelling unit: One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

Earth moving activity means any removal or placement, excavation, filling, stockpiling or grading of soil, earth, loam, sand, gravel, rock and other mineral deposits.

Emergency operations: Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency shelter: A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

Essential services: The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Fabrication: Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

Family: Not more than sixteen (16) individuals living together in a dwelling unit as a single nonprofit housekeeping unit. A group occupying a hotel, fraternity house or sorority house shall not be considered as a family. The family may include necessary servants.

Family amusement centers: Any structure, open to the public, which may contain coin-operated games and similar entertainment and amusement devices.

Fill. Soil, earth, loam, sand, gravel, rock and other mineral deposits.

Filling. The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling shall include stockpiling

Floor area: A floor space enclosed by exterior or standard fire walls, exclusive of vent shafts and courts.

Floor area ratio: The proportion of total floor area in a development to the total land area. The ratio is calculated as follows:

$$\frac{8,000 \text{ square feet (total floor area)}}{20,000 \text{ square feet (total land area)}} = .040 \text{ floor area ratio}$$

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland: Freshwater swamps, marshes, bogs and/or similar areas which are:

- (a) Of ten (10) or more contiguous acres or of less than ten (10) contiguous acres and adjacent to a surface water body except for any river, stream or brook such that, in a natural state, the combined surface area is in excess of ten (10) acres or of less than ten (10) acres that is depicted on the Shoreland Zoning Map; and
- (b) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Gross area: Square footage of land area excluding areas of special flood hazard as defined in section 14-450.5 of this chapter.

Handicapped family unit: A dwelling which provides living facilities for handicapped persons. A handicapped family unit may

also provide counseling and support services. Staff members may also be included in the population.

Handicapped person: A person with a physical or mental impairment which substantially limits one (1) or more of such person's major life activities, a person with a record of having such an impairment, or a person who is regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. ' 802.

Health care practitioner: A professional providing medical, therapeutic or other services relating to the diagnosis, treatment or prevention of physical or psychological disabilities.

High impact industrial uses: Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from either raw materials or previously prepared material which are generally incompatible with residential, commercial and lower impact industrial uses and sensitive natural areas due to their high generation of traffic, noise levels, emissions, lighting and odors.

Home occupation: A home occupation is a secondary and incidental use of a dwelling unit, conducted entirely within the dwelling unit by one (1) or more persons residing in the dwelling unit.

Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hostel: An overnight lodging facility for transient guests that provides sleeping rooms and common areas for cooking. A hostel shall not be used as an emergency shelter. No owner operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined by this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land

Use Code, to offer such accommodations as a bed and breakfast, hostel, hostel, inn, lodging house, motel or tourist home.

Hotel: A building used for more or less temporary occupancy of individuals who are lodged with or without meals, having ten (10) or more guest rooms. No owner, operator, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Impervious surface: Means any surface which does not absorb rain and includes all buildings, roads, sidewalks, parking areas, and any area paved with bricks, concrete or asphalt.

Impervious surface ratio: The proportion of a site covered by impervious surfaces. Landscaping islands of strips of two hundred (200) square feet or less shall be included in the calculations as impervious surfaces. The ratio is calculated as follows:

$$\frac{5,000 \text{ square feet (impervious surfaces)}}{10,000 \text{ square feet (gross land area)}} = 0.50 \text{ impervious surface ratio}$$

Inaccessible area:

- (a) Land which is separated from the main portion of the development parcel by means of one (1) or more of the following:
1. Existing easements, rights-of-way or dedicated areas which preclude use in conjunction with the proposed development;
 2. Gullies, drainage swales or watercourses, where the land which is separated thereby from the main development parcel is not to be used for the building of units or is not available for active or

passive recreation areas; or

3. Areas which are located more than three hundred (300) feet from the nearest proposed dwelling unit.

(b) Areas which are not to be used for building purposes and are connected to the main portion of the development parcel only by a strip of land which is less than fifty (50) feet wide shall also be deducted as inaccessible areas.

Indoor amusement and recreation centers: Facilities which limit admission either to members or to persons paying an entrance fee and which offer one (1) or more of the following activities: indoor athletics, including exercise and practice facilities, or games of skill or games of chance licensed either by the city or by the State of Maine.

Inn: A building used for more or less temporary occupancy of individuals, who are lodged with or without meals, having ten (10) but no more than fifty (50) rooms. Guest rooms shall not contain separate kitchen facilities. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Intermediate care facility: A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and services above the level of room and board. Said facility must be licensed as a board care facility pursuant to the regulations promulgated by the State of Maine Department of Human Services.

Kitchen facilities: Facilities used for the preparation of meals, including refrigerators and devices used for the cooking and

preparation of food.

Light manufacturing use: The fully enclosed assembly or fabrication of materials but excluding basic processes such as smelting, refining, distilling, forging, brewing, and similar processes involving converting raw materials to a finished or semifinished product.

Lodging house: A house, building or portion thereof containing two (2) or more rooming units and providing such units, with or without meals, to individuals on not less than a weekly or monthly basis for compensation. A lodging house, except for lodging houses located in the IR-2, IR-3 and I-B zones, shall contain common areas for use by all residents, including a kitchen. A kitchen need not be available as part of the common areas where all meals are provided on a daily basis. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Long term or extended care facility: An institution or a distinct part of an institution that is licensed or approved to provide full-time convalescent or chronic care, or health care under medical supervision for twenty-four (24) or more consecutive hours, to nine (9) or more individuals who, by reason of advanced age, illness, or infirmity are unable to care for themselves, and who are not related to the governing authority by marriage, blood, or adoption.

Lot: Except when reference is made herein to a lot of record, a lot is a single tract of land located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.

Lot area: The area of land enclosed within the boundary lines

Lot width: The distance parallel to the front of the building measured between side lot lines through that part of the principal building where the lot is narrowest.

Low impact industrial uses: Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including but not limited to the following: bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods. Low impact industrial uses do not include the processing of raw materials or salvaging operations. Low impact industrial uses are compatible, due to their size and nature of impact, with residential, commercial and other low impact industrial uses because of the level of traffic generated, emissions levels, lighting and odors generated.

* *Major auto service station:* A business selling gasoline, diesel or propane fuel, with more than two (2) pump islands or with a capacity to fuel more than eight (8) vehicles simultaneously or providing repair services including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair or similar activities.

* *Minor auto service stations:* A business selling gasoline, diesel or propane fuel with not more than two (2) pump islands, provided that no more than a total of eight (8) vehicles may be fueled simultaneously. Repair services including but not limited to tune-ups, engine repair, brake work, muffler replacement, tire repair or similar activities shall be permitted provided that there shall be no more than two (2) service bays. Such businesses shall not include car washes or vacuums.

Manufactured housing: A structural unit or units designed for residential occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim.

For purposes of this article, two (2) types of manufactured housing are included. They are:

- (a) Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the standards required by the United States Government Department of Housing and Urban Development, as such standards are from time to time revised or amended, meaning structures, transportable in one (1) or more sections, which in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein. This term also includes any structure which meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401 et seq.; and
- (b) Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one (1) or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Any unit which does not fall within the definitions of this section and which is legally sited within the city on December 18, 1989, may be relocated to any location in the city in which manufactured housing is allowed.

Manufactured housing park: A parcel of land under unified ownership approved by the Planning Board under 30-A M.R.S.A. Section 4358 for the placement of single-component manufactured housing.

Manufactured housing park unit space: The area of land on which an individual home is situated within a manufactured housing park and which is reserved for use by the occupants of that home.

Manufactured housing subdivision or development: A parcel of land approved by the Planning Board under 30-A M.R.S.A. Section 4358 for the placement of single-component manufactured housing on individual owned lots.

Marina: Commercial operation providing floats, slips and piers intended primarily for berthing of noncommercial vessels and the provision of related services such as supplies, fuel, equipment and repairs, which may be provided both to tenants and non-tenants.

Military personnel berthing: A building, or portion thereof, which is primarily used as, and intended for, temporary living quarters for military personnel.

Minor business: A business with not more than two (2) pump islands, provided that no more than a total of eight (8) vehicles may be fueled simultaneously. Such businesses shall not include car washes or vacuums. Repair services shall be permitted, provided that there shall be no more than two (2) service bays.

Motel: A building or group of attached or detached buildings containing guest rooms or dwelling units most of which have separate outside entrances and parking space hereby intended to be used principally by automobile transients for compensation. Motels include tourist courts, motor lodges or cabins. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Multiple-component manufactured housing: Manufactured housing which is constructed and transported in two (2) or more sections of substantially similar size that must be mated to form a habitable

dwelling. For purposes of planned residential unit development and multiplex development, multiple-component manufactured housing shall be considered a dwelling unit.

Nanotechnology: The creation of functional materials, devices and systems through control of matter on the nanometer scale.

Neighborhood Center: A building or portion of a building used for recreational, artistic, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency. A neighborhood center is 10,000 square feet or less.

Net land area: Net land area, as set forth in sections 14-90, 14-120 and 14-130 of this article, shall be calculated by subtracting from gross area the square footage of the following:

- (a) 1. Stormwater retention areas;
2. Stormwater detention areas, unless improved for passive or active recreational use;
- (b) Existing watercourses, as defined in this section, measured by the area between the top of the banks at the normal high water mark, as defined in this section.
- (c) Inaccessible areas, as defined in this section;
- (d) Wetlands, as defined in this section;
- (e) Areas encumbered by existing easements, dedications or similar restrictions, which limit or preclude the construction of permanent structures or which are for any reason unavailable for use in connection with the proposed development.
- (f) Slopes of twenty-five (25) percent or greater. Where a slope of twenty-five (25) percent or greater was altered to less than twenty-five (25) percent within the two (2) years immediately preceding the submission of the application for development, such slope shall also be subtracted from the gross area;
- (g) Twenty (20) percent of the area remaining after the deductions of factors (1) through (6) of this definition.

Noncommercial vessel berthing: The use of berthing space for berthing of watercraft other than commercial vessels. Berthing space used in the following manner shall not be counted in computing the number of linear feet under this use category:

- (a) Space used principally for sale or repair of vessels;
- (b) Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten (10) consecutive days while the primary commercial vessel tenant is conducting its business or trade.

Normal high water line (non-tidal waters): That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

Normal high water mark of coastal waters: That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap.


Normal high water mark of inland waters: That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups--water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups--upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or sloping banks), the normal high water mark shall be estimated, from places where it can be determined by the above method.

Office complex: Separate office buildings planned, constructed

or managed on an integrated coordinated basis.

On-peninsula: Includes all land located south of I-295.

Off-peninsula: Includes all land located north of I-295.

 *Personal service:* Establishments engaged in providing services involving the care of the person or his apparel, such as laundries, dry cleaning establishments, photographic studios, beauty and barber shops but not including commercial or industrial laundries.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line or within a wetland:

- (a) *Temporary:* Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- (b) *Permanent:* Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Place of assembly: A building or portion of a building used as a community hall, neighborhood center, private and fraternal organization or place of religious assembly. This definition shall not include buildings or portions of buildings used as a community hall, neighborhood center, private and fraternal organization or place of religious assembly where fifteen (15) or fewer people, not including the permanent residents of a single family dwelling, assemble.

Place of religious assembly: A building or portion of a building used for religious worship or instruction including, but not limited to, churches, synagogues, masjids, mosques and other places of worship.

Pre-development grade. Pre-development grade is defined as average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure.

Principal building: The building occupied by the chief or principal use on the premises. When a garage is attached to the principal building in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal building.

Private club or nonprofit social and recreational facility: A private club, or nonprofit social and recreational facility, is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation, civic responsibility, neighborhood responsibility, community welfare or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this article and other applicable codes and ordinances.

Processing: Any operation changing the nature of material or materials such as chemical composition or physical qualities. Does not include operations described as fabrication.



Professional office: The office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.

Recent flood plain soils: Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Medomak
Charles	Ondawa
Cornish	Podunk
Fryeburg	Rumney
Hadley	Saco
Limerick	Suncook
Lovewell	Winooski

Recreation facilities: Any establishment designed or equipped for the conduct of sports or indoor leisure-time recreational

Registered medical marijuana dispensary: "Registered medical marijuana dispensary" or "dispensary" means a not-for-profit entity registered under 22 M.R.S.A. section 2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use, and the registered primary caregivers of those patients.

Registered medical marijuana cultivation facility: "Registered medical marijuana cultivation facility" means a facility registered under 22 M.R.S.A. section 2428 that cultivates and manufactures marijuana or related supplies for a "registered medical marijuana dispensary" under common management and operating under the same state and local license(s).

Restaurant: Any food service establishment, as defined by section 11-16 of this Code, with indoor seating capacity for ten (10) or more patrons.

Retail: Sale to the ultimate consumer for direct consumption and not for resale; however, retail, combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposes and shall constitute a major or minor auto service station.

Retail establishment: Means (1) any food service establishment as defined by section 11-16 of this Code, with indoor seating capacity for nine (9) or fewer patrons; or (2) any shop or store offering goods or merchandise to the general public for direct consumption and not for resale, but does not include temporary freestanding stands in either case; however, retail establishments combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposes and shall constitute a major or minor auto service station.

Rooming unit: A room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2)

persons residing in each rooming unit.

Self-storage facility: Fully enclosed buildings with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

Setback: The required distance and the land resulting therefrom between a street line and the closest possible line of conforming structure.

Sheltered care group home: A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility.

Shore frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone: The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any river; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream.

Sign: Signs shall be as defined in section 14-367.

Single-component manufactured housing: Manufactured housing which is constructed and transported in one (1) section that is a habitable dwelling unit. For purposes of planned residential unit development and multiplex development, single-component manufactured housing shall not be considered a dwelling unit, except in the FH Flexible Housing Zone.

Special needs independent living unit: A dwelling unit developed and managed by a nonprofit organization for habitation by persons with special social, physical or mental needs beyond strictly economic needs. Such persons shall be provided required levels of supervision, care and/or counseling services appropriate to their special needs, and the services shall be provided by either the sponsoring nonprofit agency or through another entity with which the agency has entered into a contractual arrangement.

Sports complex: One or more facilities located on the same parcel of land where athletic events are held and with a combined seating capacity of at least six thousand (6,000) seats.

Stockpiling. Any placement or creation of piles or loads of soil, loam, sand, gravel, rock or other mineral deposits upon a site for the purpose of storage, warehousing or reserving for future use. Stockpiles shall be considered structures for purposes of dimensional requirements under the Land Use Code.

Stormwater detention area: A storage area for the temporary storage of stormwater runoff which does not contain water during non-storm conditions.

Storm water retention area: A pond or basin used for the permanent storage of stormwater runoff.

Story: That portion of a building included between the surface of any floor and the surface of the floor, or the roof, next above. A half story is a story situated under a sloping roof, the area which at a height four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment or dwelling unit. A story which exceeds eighteen (18) feet in height shall be counted as two (2) stories. A basement shall be counted as a story for the purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Stream: A free-flowing body of water from the outlet of the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area, or any stream designated within a Stream Protection Zone.

Street: A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

Street line: The line of demarcation between a street and the abutting land.

Structure: Anything constructed or erected of more than one

(1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Studios for artists and craftspeople: A facility for the production of arts and crafts products such as paintings, sculpture or other arts, or the practice of arts such as music or dance, or the production of custom handcrafted, or limited production of products such as furniture, wood, clay and metal products, publications and similar low impact arts and crafts activities.

Temporary wind anemometer tower: A temporary structure which may be installed for no more than two (2) years for data collection purposes and which supports devices for measuring wind speed, direction and other characteristics to assess wind energy potential and design issues for any permanent wind energy installation; often termed "meteorological towers" or "met towers".

Theaters: Any establishment devoted to showing motion pictures, or for dramatic, musical or live performances.

Tourist home: A building in which more than one (1) but not more than nine (9) guest rooms are used to provide or offer overnight accommodations for transient guests. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Transient guest: A person who occupies a facility offering accommodations on an overnight basis for compensation and whose actual occupancy is limited to no more than fifteen (15) days out of any sixty-day period.

Tributary stream: means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically

with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

Truck terminal: A building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of trucks or tractor-trailer combinations.

Upland edge of a wetland: the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation but such vegetation is dominated by woody stems that are six (6) meters approximately.

Use: The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Utility substation: Any sewage or water pumping station, electric power substation, transformer station, telephone equipment enclosures, or other similar structures owned or operated by a public utility.

Vegetation: All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 1/2) feet above ground level.

Warehousing: The storage of goods, wares and merchandise in a warehouse.

Water body: Any river or stream.

Watercourse: Any natural or artificial stream, river, creek, ditch, channel, swale, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, or which has a definite channel, bed and banks, and includes any area adjacent

thereto subject to inundation by reason of overflow or floodwater.

Water-dependent uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

Wetlands associated with shoreland zones: a freshwater or coastal wetland.

Wetlands: Those areas which have two (2) or more of the following:

- (a) A water table at or near the surface during the growing season;
- (b) Very poorly drained soils, including Sebago mucky peat; or
- (c) Obligate wetland vegetation.

For purposes of this definition, "very poorly drained soils" and "obligate wetland vegetation" shall be as defined and illustrated in the United States Department of Interior, Fish and Wildlife Service publication of Wetland Plants of the State of Maine (1986), a copy of which is on file with the planning authority.

Wholesale: Sale for resale, not for direct consumption.

Yard: A space on a lot which is required by this article to be maintained open, unoccupied and unobstructed between lot lines and any structure, except as permitted in this article. In determining the front, rear or side of any accessory building, the orientation of the principal building shall be controlling. In measuring a yard, the building line shall be deemed to mean a line parallel to the lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line. This measurement shall be taken at right angles from the building to the nearest lot line.

Yard, front: A yard adjoining the front lot line, extending between side lot lines, the depth of which shall be the shortest horizontal distance between the front lot line and any structure.

Yard, rear: A yard adjoining the rear lot line, extending

between side lot lines, the depth of which shall be the shortest horizontal distance between the rear lot line and any structure.

Yard, side: A yard adjoining a side lot line extending from the front yard to the rear yard, the width of which shall be the shortest horizontal distance between the side lot line and any structure.

(Code 1968, § 602.27; Ord. No. 625-70, 12-21-70; Ord. No. 499-74, § 11, 8-19-74; Ord. No. 276-77, 5-16-77; Ord. No. 431-82, §§ 3, 4, 2-22-82; Ord. No. 610-82, § 3, 7-7-82; Ord. No. 94-83, 8-3-83; Ord. No. 540-84, 5-7-84; Ord. No. 259-84, § 1, 12-17-84; Ord. No. 548A-85, § 1, 5-6-85; Ord. No. 33-85, §§ 1--3, 7-15-85; Ord. No. 385-87, 4-6-87; Ord. No. 363-88, 5-4-88; Ord. No. 300-88, 5-31-88; Ord. No. 87-88, § 1, 7-19-88; Ord. No. 129-88, 9-7-88; Ord. No. 311-89, 1-30-89; Ord. No. 164-89, 12-11-89; Ord. No. 199-89, 12-18-89; Ord. No. 33-90, § 1, 1-23-91; Ord. No. 33A-91, § 1, 4-17-91; Ord. No. 15-92, § 1, 6-15-92; Ord. No. 168-93, § 1, 1-4-93; Ord. No. 252-94, § 1, 4-4-94; Ord. No. 39-96, § 1, 10-7-96; Ord. No. 164-97, § 1, 1-6-97; Ord. No. 125-97, § 1, 3-3-97; Ord. No. 46-97, § 1, 8-4-97; Ord. No. 164-97, § 1, 12-1-97; Ord. No. 232-99, §1, 3-15-99; Ord. No. 81-99, §2, 10-18-99; Ord. No. 94-99, 11-15-99; Ord. No. (Substitute)189-00, §1, 4-24-00; Ord. No. 295-01, § 1, 6-4-01; Ord. No. 187-01/02, § 1, 4-17-02; Ord. No. 77, § 3, 10-21-02; Ord. No. 96-04/05, 11-29-04; Ord. No. 144-05/06, 1-4-06 emerg. Passage; Ord. No. 149-05/06, 1-18-06; Ord. No. 300-05/06, 7-17-06; Ord. No. 296-08/09, 6-15-09; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 283, 09/10, 7-19-10 emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 77-10/11, 12-6-10, emergency passage; Ord. No. 149-10/11, 3-7-11; Ord. No. 279-09/10, 6-6-11)

***Editor's note--**Ord. No. 87-88, adopted July 19, 1988, amended the definitions for gross area, intermediate care facility and principal building to read as herein set out and added definitions for net land area, stormwater detention area and stormwater retention area. The definition of net land area was subsequently amended by Ord. No. 129-88, adopted Sept. 7, 1988, to read as herein set out. See the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 87-88.

The amendments passed in Order 144-05/06, 1-4-06 applies retroactively to yard measurements made under the Portland Land Use Code at any time after June 5, 1957, and applies notwithstanding any adverse order or decree.

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 14-48. Establishment of zones.

In order to carry out the provisions of this article, the city is hereby divided into the following classes of zones:

- (a) R-1 Residential zone
- (b) R-2 Residential zone

Jean Fraser - Confirmation: today's Planning Board POSTPONED to Nov 5th

From: Jean Fraser
To: Bushey, Steve; Gorrill, Tom; Latulippe, David
Date: 10/29/2012 11:31 AM
Subject: Confirmation: today's Planning Board POSTPONED to Nov 5th

David, Steve and Tom,

The Planning Board Workshop scheduled for today has been postponed to Monday, Nov 5th, 2012 (same time).

I apologize for the postponement, which is at the request of some Board members in view of the expected hurricane.

If there is anything in the PB memo you want to discuss please let me know.

thank you
Jean

10/10/12

City of Portland
Development Review Application
Planning Division Transmittal form

Application Number: 2012-609 **Application Date:** 10/4/2012 12:00:00
CBL: 237-A-12 AM
Project Name: I-M to B-4 Zone Change
Address: 2282 Congress Street

Project Description: 3.24 Acre Property, Applicant requesting a Map Amendment from I-M to the B-4 Zone.
Zoning: I-M

Other Reviews Required:
Review Type: Map Amendment Application

Distribution List:

<input type="checkbox"/> Planner	Jean Fraser	<input type="checkbox"/> Parking	John Peverada
<input checked="" type="checkbox"/> Zoning	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic Engineer	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Civil Engineer	David Sensus	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Chris Pirone	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> DRC Coordinator	Phil DiPierro
		<input type="checkbox"/> Outside Agency	

Comments needed by (7 days later): October 17, 2012



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207.775.1121
FAX 207.879.0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- LANDSCAPE PLANNING

September 28, 2012

Ms. Barbara Barhydt
City of Portland Planning
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: Request for Zoning Map Amendment Application
Proposed Fuel Station and Convenience Store
2282 Congress Street**

Dear Barbara:

DeLuca-Hoffman Associates, Inc. has been retained by CJ Developers, Inc. to assist with the accompanying Zoning Map Amendment Application associated with their interest in the property identified on Assessor's Map 237, Block A, Lot 012. As discussed during a pre-application meeting between the applicant's representative and City staff, this request for Zoning Map Amendment involves a zone change from the I-M Zone to the B-4 Zone. Accompanying this application are the following materials:

- Completed Zoning Map/Test Amendment Application;
- Supporting maps including excerpts of the Tax map, Zoning Map, and Related Resource Maps; and
- Conceptual Development Plan

The following overview is provided in support of the written narrative requirements of the application.

BACKGROUND

The applicant currently has interest in the approximately 3.24 acre property identified on Tax Map 237, Block A, Lot 012. The property address is 2282 Congress Street and it is generally bounded as follows:

- The property has approximately 263 feet of frontage along the Maine Turnpike to the east;
- The property has 60 feet of frontage along Congress Street to the north;
- The property has approximately 479 feet of frontage along Skyway Drive to the south; and
- The property is bounded to the west by developed property.

Ms. Barbara Barhydt
September 28, 2012
Page 2

The development site was cleared of larger trees several years ago but remains mostly vegetated with emergent growth and grass throughout. The site's topography slopes moderately from west to east and there are approximately 23 feet of relief across the site.

The site was previously reviewed and approved for a large Hotel project in 1999, at which time a Contract Zoning Agreement (#22) was granted. The project was not constructed therefore the zoning reverted back to the I-M Zone after two years.

The site can be served by public utilities in the area including public sanitary sewer, water supply, natural gas, and power/communications. The land uses in the nearby area include numerous industrial, commercial, and office uses. These land uses extend into Westbrook, Gorham, and South Portland. The average daily traffic volume along Congress Street is greater than 10,000 vpd.

ZONING DESIGNATION OVERVIEW

The subject property is currently located in the I-M Industrial Zone. According to the City of Portland's Comprehensive Plan:

"...the moderate impact industrial zones (I-M) are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist. The moderate impact industrial zones are located on arterials or collectors. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic."

The B-4 Commercial Corridor Zone:

"...provides appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. The full range of business uses permitted in the B-4 zone, include automobiles services, dealerships and major gasoline service stations."

The proposed Zoning Map Amendment is consistent with Portland's Comprehensive Plan. The I-M and the B-4 Zones are complimentary and very compatible. The purpose of both zones is to provide locations for transportation-related uses that are on or near major arteries but away from residential neighborhoods. However, the I-M Zone does not allow service oriented uses such as gasoline service stations or banks for the industrial and business uses within the zones. Therefore, the businesses within the I-M Zone have to travel out of the area, usually through residential zones for these services. By extending the B-4 Zone to include the subject property, these everyday convenient services can be provided for the surrounding I-M Zone without requiring a change to the entire I-M Zone. Furthermore, the subject property is bordered by three major arteries: the Maine Turnpike, Congress Street and Skyway Drive. The size and scope of any development of the subject site is constrained and limited by the physical size of the property

Ms. Barbara Barhydt
September 28, 2012
Page 3

and the inability to expand the property due to the surrounding arteries. Therefore, the larger uses such as big box retail, allowed in the B-4 Zone, could not be accommodated on the subject property.

Evidence in Support of the Zone Change Request:

MOVING LOCALLY: THE NEIGHBORHOODS is the first part of the Transportation Resources Section of Portland's Comprehensive Plan. Within this part is cited the following:

Neighborhood Issue #1 – Neighborhood Land Use identified

“Some neighborhood, especially more recently developed, lack even routine daily services within walking distance.”

Portland's Outer Congress Street area is a vibrant and diverse “business neighborhood” comprised of industrial, warehouse, office, medical and municipal uses. Over 11,500 people work in this business neighborhood as defined in the Comprehensive Plan:

“A basic concept of neighborhood is that it functions as a “unit” in which residents (in this case employees and customers) can move about easily and safely and meet at least some of their basic, daily needs within their neighborhood.”

The I-M Zone does not allow gas stations, restaurants, or banks which are basic everyday needs to support this “business neighborhood”. Currently, people need to travel out of this area for these services. For this reason, the requested change to the B-4 Zone is reasonable and practical.

In Part II ***MOVING FROM PLACE TO PLACE IN PORTLAND: THE CITY***, the following is stated:

“...transportation districts should be employed to ease the mobility needed in the daily lives of the City's resident. Within transportation districts, streets, land uses and transportation facilities can be designed for short, easy and safe trips to meet many day-to-day needs.”

The Comprehensive Plan states that “roadways are often called upon to do double duty: to serve both as a local street and as a regional arterial. Many of Portland's transportation policies are intended to ease the tension between these roles: by providing a degree of self-sufficiency within neighborhoods that might constitute transportation districts.”

Therefore, amending the Zoning Map from the I-M Zone to the B-4 Zone for the subject property would be consistent and fulfill one of Portland's transportation policies in that needed services would be brought closer to the users of these services.

Ms. Barbara Barhydt
September 28, 2012
Page 4

PROPOSED USE OF PROPERTY

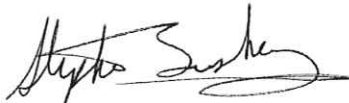
The proposed development for the subject property includes an approximately 3,500 s.f. convenience store with six fueling dispensers, a stand-alone diesel dispenser, and a 2,000 s.f. bank with a double drive thru lane. The access for the property is proposed to be relocated to directly line up with Blueberry Road. An easement from the Maine Turnpike Authority will be required and has been applied for with the Maine Turnpike Authority. The applicant is also discussing with the Maine Turnpike Authority for an entrance only into the property from Skyway Drive. These discussions will also include the Maine Department of Transportation and the City as there are currently Control of Access restrictions on Skyway Drive.

CLOSURE

On behalf of CJ Developers, Inc., please accept the accompanying application materials as we request placement on the next available Planning Board Workshop Agenda. We have included the application fee amount of \$2,000.00, as well as one paper copy and one digital copy of the application materials. We look forward to meeting with you to discuss this project.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Stephen R. Bushey, P.E.
Senior Engineer

SRB/cmd/smk

Attachments

c: David Latulippe, CJ Developers, Inc.



Zoning Map/Text Amendment Application Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

Portland's Planning and Urban Development Department coordinates the development review process for requests for zoning map amendments, zoning text amendments and contract or conditional rezoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. The **Application Process for a Zone Change** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices and Guarantees**, and are listed on the fee structure sheet.

I. APPLICATION SUBMITTAL

Pre-application meeting

Prior to submitting a zoning amendment application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the review process and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

Zoning Amendment Application

All plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

- Submit one (1) complete paper set of the zoning amendment application with a concept plan and a written narrative. Contract and conditional rezoning applications must include site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

Zoning Application Fees

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rates: Planning services, \$40.00/ hour and Legal services: \$75.00/hour.

Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Zoning map amendments for Industrial zones require notices to be sent to property owners within 1,000 feet.
- In advance of a Planning Board workshop or public hearing, public notices for projects must be sent to property owners and are posted in a legal ad in the Portland Press Herald and on the City's web site.
- In addition, zoning map amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.
- The applicant is required to hold a neighborhood meeting under the City's regulations for zone change requests. The mailing labels must be purchased from the Planning Division for the neighborhood meeting invitation. A request for labels requires a minimum of two business days to generate the mailing labels and a charge of \$1.00 per sheet will be payable upon receipt of the labels.

Third Party Review Fees

- Engineer and Third Party Review Fees - The fees are assessed by the Consulting Engineers and Third Party Reviewers.
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with \$300.00 being the minimum.

Noticing/Advertisements Planning Board/City Council Review

- Legal Advertisement: Percent of total bill
- Notices: .75 cents each
(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council)

<p>Planning Division Fourth Floor, City Hall 389 Congress Street (207) 874-8721 or 874-8719</p>	<p>Office Hours Monday thru Friday 8:00 a.m. – 4:30 p.m.</p>
---	---

PROJECT ADDRESS: 2282 Congress Street

CHART/BLOCK/LOT: Map 237; Block A, Lot 012

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

The 3.24 acre property is currently identified as within the I-M Zoning District. Contract Zone Agreement #22 was approved in 1999, but has since lapsed as construction did not commence. The applicant is requesting a zone change to the B-4 Zone. See attached narrative for additional background information.

CONTACT INFORMATION:

Applicant's Contact for electronic plans

Name: David Latulippe
e-mail Address dlatulip@aol.com
work # 207-865-4323

Applicant – must be owner, Lessee or Buyer

Name: CJ Developers, Inc.
Business Name, if applicable:
Address: 35 Primrose Lane
City/State : Freeport, ME Zip Code: 04032

Applicant Contact Information

Work # 207-865-4323
Home# 207-865-4305
Cell # 207-240-1074 Fax#
e-mail: dlatulip@aol.com

Owner – (if different from Applicant)

Name: Hutchcount LLC
Address: 1000 Market Street, Building 1
City/State : Portsmouth, NH Zip Code: 03801

Owner Contact Information

Work #
Home#
Cell # Fax#
e-mail: rich.ade@oceanprop.com

Agent/ Representative

Name: David Latulippe
Address: 35 Primrose Lane
City/State : Freeport, ME Zip Code: 04032

Agent/Representative Contact information

Work # 207-865-4323
Cell # 207-865-4305
e-mail: dlatulip@aol.com

Billing Information

Name: CJ Developers, Inc.
Address: 35 Primrose Lane
City/State : Freeport, ME Zip Code: 04032

Billing Information

Work # 207-865-4323
Cell # 207-865-4305 Fax#
e-mail: dlatulip@aol.com

Engineer

Name: DeLuca-Hoffman Associates, Inc.
Address: 778 Main Street, Suite 8
City/State : South Portland, ME Zip Code: 04106

Engineer Contact Information

Work # 207-775-1121
Cell # 207-756-9359 Fax# 207-879-0896
e-mail: sbushey@delucahoffman.com

Surveyor Name: Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect Name: Alpha Architects Address: 17 Chestnut Street, Suite 201 City/State : Portland, ME Zip Code: 04101	Architect Contact Information Work # 207-761-9500 Cell # 207-671-4110 Fax# e-mail: mark@alphaarchitects.com
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

See attached Option Agreement

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.) **See Accompanying Figure**

Existing Use: Describe the existing use of the subject property:

Vacant land that received a Contract Rezone (C22) for a Hotel use on August 2, 1999. The Hotel was never constructed and the land remains vacant.

Current Zoning Designation(s):

I-M (see insert)

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.


The applicant is proposing a zone change to the B-4 Zoning District which would allow for the construction of a gasoline service station and general office. The applicant proposes to construct an approximately 5,500 s.f. building and multiple dispenser fuel canopy with access off Congress Street at a minimum.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

<p>Zoning Map Amendment <input checked="" type="checkbox"/> \$2,000.00 (from <u>I-M</u> zone to <u>B-4</u> zone)</p>	<p>Fees Paid (office use) _____</p>	<p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) <p>Third party review is assessed separately.</p>
<p>Zoning Text Amendment _____ \$2,000.00 (to Section 14- _____) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (<u>example</u>) and language to be added is depicted as underline (<u>example</u>))</p>	<p>_____</p>	
<p>Combination Zoning Text Amendment and Zoning Map Amendment _____ \$3,000.00</p>	<p>_____</p>	
<p>Conditional or Contract Zone _____ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)</p>	<p>_____</p>	

<p>Signature of Applicant: </p>	<p>Date: 9/25/12</p>
--	--

Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.



**TAX MAP
CONVENIENCE STORE
PORTLAND, MAINE**

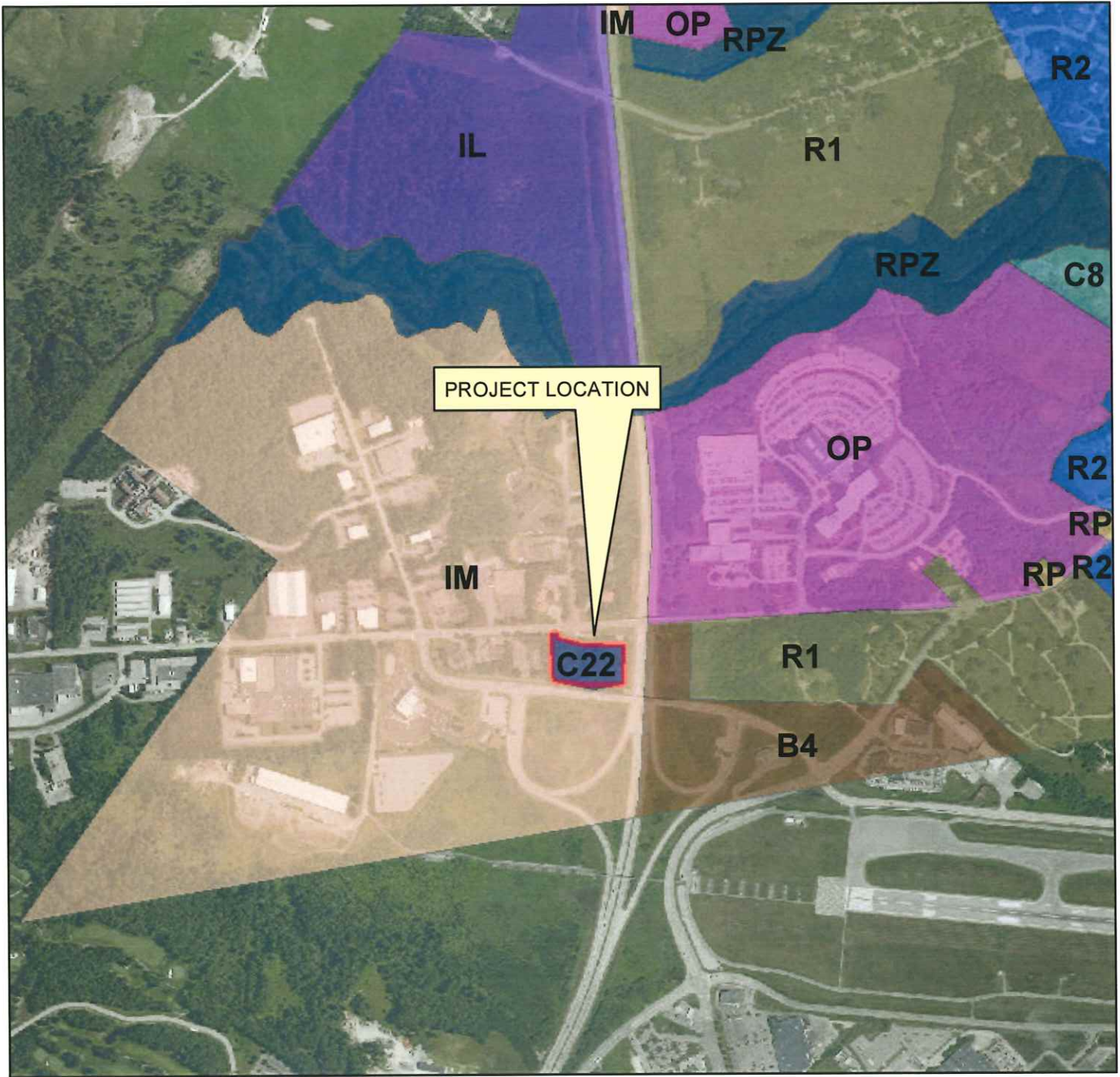
SOURCE: CITY OF PORTLAND

DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3118-TAX MAP
SCALE: 1 inch = 1,000 feet

FIGURE

3



**ZONING MAP
CONVENIENCE STORE
PORTLAND, MAINE**

SOURCE: CITY OF PORTLAND

DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3118-ZONING
SCALE: 1 inch = 1,000 feet

FIGURE

4



**AERIAL PHOTOGRAPH
CONVENIENCE STORE
PORTLAND, MAINE**

SOURCE: MAINE OFFICE OF GIS - MAPS

DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: SRB
DATE: SEPT 2012
FILENAME: 3118-AERIAL
SCALE: 1 inch = 1,000 feet

FIGURE

5

OPTION AGREEMENT

THIS OPTION AGREEMENT ("Agreement") is made and entered into this 19th day of March, 2012, by and between Hutchcourt, L.L.C., a New Hampshire limited liability company, with a mailing address of 1000 Market St. Building 1, Portsmouth, NH, 03801 as optionor (hereinafter referred to as "Optionor"), and CJ Developers, Inc., a Maine corporation, with a mailing address 35 Primrose Lane, Freeport, Maine 04032, as optionee (hereinafter referred to as "Optionee").

WITNESSETH:

WHEREAS, Optionor is the owner of that certain parcel of real property situate, lying and being in Cumberland County, Maine, containing approximately 3.232 acres of land, located at 2282 Congress Street, Portland, Maine being depicted as Tax Map 237, Lot 12 (the "Real Property"); and

WHEREAS, the Optionee desires to obtain an option to purchase the Real Property; and

WHEREAS, the Optionor is willing to grant to the Optionee the option to purchase the Real Property pursuant to the stipulations, agreements, conditions and covenants contained and set forth herein.

NOW, THEREFORE, in consideration of the Real Property, the payment by the Optionee of an option fee in the amount of [REDACTED] and No/100 [REDACTED] Dollars (the "Option Fee") to Malone Commercial Brokers (the "Escrow Agent", whose address is 5 Moulton Street, Portland, Maine 04101, which Option Fee shall be paid to the Escrow Agent") within three business days after the Effective Date, as defined hereinbelow, and for other good and valuable considerations, the receipt and sufficiency of which considerations is hereby absolutely and unconditionally acknowledged by the parties, the parties hereby agree as follows.

1. **GRANT OF OPTION** Optionor hereby grants to Optionee the exclusive and irrevocable option to purchase the Real Property (the "Option") on the terms and conditions contained in this Agreement.

2. **TERM OF OPTION, EXPIRATION OF OPTION AND EXTENSION OF OPTION; DEPOSIT** The Option shall remain in full force and effect during the period (the "Option Period") commencing on the Effective Date and expiring on that date which is [REDACTED] days from the Effective Date. Optionee may extend the Option Period for an additional [REDACTED] days by furnishing written notice to the Optionor (the "Option Extension Notice") on or before 6:00 PM (Portland, Maine time) on that date which is the third business day next following the expiration of the Option Period. The Option Extension Notice shall be accompanied with an additional deposit in the amount of [REDACTED] and [REDACTED] Dollars (the "Additional Option Fee") payable to the Escrow Agent. Upon such timely payment of the



Additional Option Fee, the Option Fee and the Additional Option Fee shall become non-refundable. The term "Effective Date" when used herein means that date on which the last one of the Optionor and the Optionee executes this Agreement and furnishes an unaltered counterpart hereof to the other party.

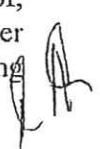
3. **NOTICE OF EXERCISE** The Option shall be exercisable by Optionee by furnishing written notice (the "Closing Notice") to the Optionor and to the Escrow Agent of the election of the Optionee to exercise the Option, which Closing Notice, if furnished, must be furnished prior to the expiration of the Option Period.

4. **EXERCISE** If, and only in the event that Optionee exercises this Option by timely furnishing the Closing Notice, the following provisions shall be applicable:

a. **Purchase Price** Subject to any adjustments and prorations hereinafter described, the purchase price for the Real Property (the "Purchase Price") shall be [REDACTED] and shall be paid by bank cashier's check (drawn on a bank which maintains an office in Portland, Maine) or by bank wire transfer at the closing (the "Closing") of the purchase and sale of the Real Property pursuant to this Agreement. The Option Fee and the Additional Option Fee (if ever paid) shall be credited against the Purchase Price at the Closing.

b. **Title and Condition of Real Property** Optionor shall convey the fee simple title to the Real Property to Optionee at the Closing by Quitclaim Deed (the "Deed") with good marketable title, free of clear of all liens, encumbrances, and mortgages, but subject, however, to certain restrictions of record and to an express prohibition against use of the Real Property for a conference center, hotel or hotel related purposes, which restrictions are a specifically-negotiated consideration for and a material inducement for the execution and delivery of this Agreement by the Optionor and a will be set forth in the Deed, will run with the Real Property in perpetuity, and will be expressed in language set forth in the Deed as follows, to-wit:

"The Grantee and the successors and assigns of the Grantee (collectively the "Grantee"), hereby covenant and agree that no part of the Real Property will be developed as a hotel; nor shall any part of the Real Property be incorporated into or form any part of any site plan for development of the Real Property which includes a hotel; nor shall any unit constructed upon the Real Property be used for the purpose of providing sleeping or housekeeping accommodations to transient guests for periods of less than sixty (60) days whether or not arrangements for occupants of any unit constructed upon the Real Property are negotiated by the Grantee, pursuant to contracts or other arrangements with a term in excess of sixty (60) days, or whether or not the occupancy by a particular individual is pursuant to a contract or other arrangement for the occupancy of units constructed upon the Real Property by numerous individuals; it being specifically understood and agreed that these restrictions prohibit the construction, maintenance, management, operation or establishment upon the Real Property, or any portion thereof, by the Grantee or its successors or assigns or any other person or entity whomsoever (including, without limitation, tenants or licensees or invitees) of: (a) any building



containing sleeping rooms in which transient guests are lodged whether or not provision is made for cooking in any individual room or suite and whether or not any dining rooms, restaurants, cafes or accessory uses are provided and whether or not such sleeping rooms are advertised or held out to the public as a place regularly rented to any patron, customer, tenant, lodger, boarder, or occupant, and/or (b) any hotel, public lodging establishment or other unit, group of units, dwelling, building or group of buildings within a single complex of buildings, which is rented to guests for periods of less than sixty (60) days or which is advertised or held out to the public as a place regularly rented to any patron, customer, tenant, lodger, boarder, or occupant. The Grantee, and the successors and assigns of the Grantee, hereby agree to pay all costs, charges and expenses, including the reasonable attorneys' fees at all trial and appellate levels, of the Grantor, and the successors and assigns of the Grantor (collectively the "Grantor"), in the event that the Grantor prevails in the enforcement of these restrictive covenants."

Full possession of the Real Property free of all tenants and occupants and not in violation of any applicable environmental law or regulation is to be delivered at the Closing. Optionor shall not construct any substantial improvements on or materially alter the Real Property during the pendency of this Agreement. In the event that Optionor is unable to convey title to the Real Property as aforesaid, Optionor shall be given a reasonable period of time, not to exceed sixty (60) days, after receipt of written notice of any such defects from Optionee, to remedy any title defects, failing which, this Agreement shall automatically terminate upon the expiration of the aforesaid sixty-day period unless the parties agree otherwise, in writing; provided, however, that Optionee may elect to close without any adjustment in the Purchase Price notwithstanding such title defects as may exist. Optionor agrees to use commercially-reasonable efforts to cure any such title defects.

c. No Representations Without limiting Optionor's obligations to deliver the Real Property as provided herein, the Optionor has made no representations, covenants, or warranties as to the physical condition of the Real Property. Optionee acknowledges that it is not relying upon any representations, covenants or warranties whatsoever of Optionor. Optionor agrees to provide Optionee full access to the Real Property during the Option Period for the purpose of making any investigation that it deems necessary to determine whether it wishes to exercise the Option. Optionee, at Optionee's expense, shall restore the Real Property to substantially its prior condition following any disturbance caused by any such investigation. Optionee agrees to indemnify and hold harmless Optionor from the claims of any person for any an all damage or injury to persons or to the Real Property caused by Optionee's investigations or the conduct thereof.

d. Closing The Closing shall take place at the office of Optionee's lender's counsel or at such other place as the Optionee and Optionor may mutually agree, in writing, forty five (45) days after the date of the Closing Notice if timely furnished. Documents to be provided by Optionor to Optionee at the Closing shall include the Deed and such other documents as the Optionee's lender and the title company insuring the title may reasonably request, including, without limitation, a Mechanic's Lien and Persons in Possession Affidavit, a Taxpayer Information (1099S) Form, an Affidavit of Non-Foreign



Status, a settlement statement, and such other documents as may reasonably be required by the closing agent. It is agreed that time is of the essence with respect to all of the terms and conditions of this Agreement. Notwithstanding the references herein to the Optionee's lender, it is specifically understood and agreed that the payment of the Purchase Price by the Optionee is, as between the Optionor and the Optionee, an all-cash transaction not subject in any manner whatsoever to the creditworthiness of the Optionee and/or to the ability or inability of the Optionee to borrow any portion whatsoever of the Purchase Price from any person or entity whomsoever.

e. Adjustments, Prorations and Closing Costs

(i) Real estate taxes and assessments shall be prorated as of the date of Closing on the basis of the latest available tax bill.

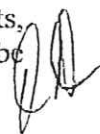
(ii) The Maine real estate transfer tax shall be paid by Optionor and Optionee in accordance with 36 M.R.S.A. 4641-A.

(iii) The recording fee for the Deed and any expenses related to any mortgage that Optionee may grant to a lender in connection with the purchase of the Real Property shall be paid for by the Optionee.

f. Brokerage Optionor and Optionee each represents and warrants to the other that they have not dealt with any real estate broker, agent or salesperson in connection with this transaction other than Joe Malone of Malone Commercial Brokers, of Portland, Maine (the "Broker"), whose fees shall be paid by the Optionor, payable pursuant to a separate agreement which stipulates that such fees shall be payable to the Broker only if the Closing occurs in accordance with the terms hereof. Optionor and Optionee each hereby agrees to indemnify and hold the other harmless from any breach of its warranty and representation set forth in this subsection f which warranty and representation shall survive the Closing.

5. CANCELLATION Notwithstanding anything contained herein to the contrary, Optionee shall have the right, at any time prior to the expiration of the Option Period (as it may be extended pursuant to the terms hereof) to cancel this Agreement by written notice to Optionor (the "Cancellation Notice"), and upon the sending of a Cancellation Notice, this Agreement shall be of no further force and effect, without recourse to the parties hereto except with respect to the obligations of the Optionee pursuant to Section 4 c., if applicable. Should the Cancellation Notice be sent prior to the payment of the Additional Option Fee, the Option Fee (if paid) shall be promptly returned to the Optionee.

6. CONFIDENTIALITY Optionor and Optionee each hereby covenants and agrees to use commercially-reasonable efforts to preserve the confidentiality of the transaction contemplated by this Agreement, to prevent disclosure of the existence of this Agreement, the price and other terms of the transaction set forth in this Agreement, to any party other than to its respective stockholders, officers, directors, members, managers, employees, attorneys, auditors, lenders, financial advisors and accountants, who shall agree to hold such information as proprietary and confidential and not to be



disclosed to others, except: (i) as may be approved in writing in advance by the other party in each instance; (ii) such reports as may be required by applicable statute (as for instance in the case of such reports relating to Oil and Hazardous Materials); (iii) as may be ordered by a court of competent jurisdiction; or (iv) the disclosure of any such information to any prospective assignee of the Optionee.

During the Option Period and so long as this Agreement is in full force and effect, Optionor covenants and agrees to take the Real Property off the market and not to offer the Real Property for sale or lease to any other person or entity, nor to accept, invite, or respond to offers for the purchase or leasing of the Real Property. Accordingly, during the Option Period and so long as this Agreement is in full force and effect, Optionor shall forward any inquiry or offer with respect to the Real Property to Optionee.

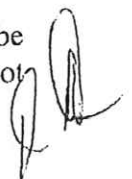
7. MISCELLANEOUS

a. Time Time is of the essence hereof.

b. Notices All notices, demand and other communications hereunder shall be in writing and sent by hand delivery, by certified or registered mail, or by Federal Express or equivalent overnight courier, addressed to other party at the address set forth above, or at such other address as the other party shall have provided notice of according to this provision. Any such notice shall be deemed to have been given upon the date of actual receipt or upon the first refusal of the addressee to accept delivery.

c. Default In the event of breach or failure of performance by Optionor of any of its obligations hereunder, and Optionor's failure to cure such breach or failure within ten (10) business days after receiving notice thereof from Optionee, the Optionee may elect as its sole remedies for such breach of failure of performance to: (i) waive said Default, or (ii) terminate this Agreement and demand and obtain the return of the Option Fee (and the Additional Option Fee, if applicable), and the obligations of the parties hereunder shall terminate forthwith, or (iii) seek all remedies available under this Agreement and/or at law or in equity, including, without limitation, specific performance of this Agreement, and/or recourse for any and all of its losses, expenses, costs, and claims of same, including without limitation, reasonable attorneys fees and costs. In the event of breach or failure of performance by Optionee of any of its obligations hereunder and Optionee's failure to cure such breach or failure within ten (10) business days after receiving notice thereof from Optionor, the Optionor may elect as its sole remedies for such breach of failure of performance to may (i) terminate this Agreement by written notice to Optionee or (ii) seek all remedies available under this Agreement and/or at law or in equity, including, without limitation, specific performance of this Agreement, and/or recourse for any and all of its losses, expenses, costs, and claims of same, including without limitation, reasonable attorneys fees and costs .

d. Assignment Optionee's rights under this Agreement may not be assigned to another party without written consent of the Optionor which consent shall not



be unreasonably withheld. Optionee may, following exercise of the Option, designate a nominee to take title to the Real Property at the Closing.

e. Entire Agreement This Agreement constitutes the entire agreement between Optionor and Optionee and there are no agreements or understandings between the parties except as set forth herein.

f. Binding Effect This Agreement will inure to the benefit of and bind the respective successors and assigns of Optionor and Optionee.

g. Construction As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of one gender shall be deemed applicable to all genders. This Agreement shall be governed by and construed in accordance with the laws of Maine.

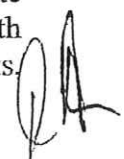
h. Partial Invalidity If any term, covenant or condition of this Agreement, or the application thereof to any person or circumstance, shall be determined to be unenforceable by a court of competent jurisdiction (the "Offending Provision"), then the remainder of this Agreement, or the application of such term, covenant or condition to persons, entities or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby and each term, covenant and condition of this Agreement shall be valid and enforced to the fullest extent permitted by law; provided, however, that the parties affected by the Offending Provision shall endeavor in good faith, within sixty (60) days after the date such determination is made, to agree upon alternative provisions which shall have the same practical effect as the Offending Provision and upon any agreement being reached, the new provision shall be incorporated into and form a part of this Agreement.

i. Non-Waiver The parties acknowledge and agree that their waiver of any default under the terms of this Agreement at any time on certain circumstances shall not be construed or deemed to be a waiver of any subsequent or other default occurring either before or after the waived default, and that such parties shall be entitled to enforce their rights in the event of default regardless of any prior waivers thereof.

j. Modification and Amendment This Agreement may only be amended, altered or modified by a written instrument signed by each of the parties.

k. Attorneys' Fees In the event that any party is required to engage the services of legal counsel to enforce rights under this Agreement, the prevailing party shall be entitled to reasonable attorney's fees from non-prevailing parties. In the event of litigation, said attorney's fees shall include fees and costs, both at trial and on appeal.

l. Execution of Additional Instruments Each party hereby agrees to execute such other or further instruments of whatsoever kind or nature necessary to comply with any applicable laws, rules or regulations or to comply with the stipulations, agreements, conditions and covenants contained and set forth in this Agreement.



m. Third Parties None of the provisions of this Agreement shall be for the benefit of or enforceable by any third party.

n. Recordation Upon the payment of the Option Fee, the Optionee shall have and is hereby granted the right to record a memorandum of this Agreement in all applicable public records in order to place third parties on notice of the rights, interests and options of the Optionee contained and set forth herein and the Optionor agrees to fully cooperate with the Optionee in connection therewith including the agreement of the Optionor to execute a memorandum of this Agreement in recordable form (without the payment to the Optionor of additional consideration therefor) which memorandum shall provide, on its face, that the Optionor may record an affidavit executed by the Optionor which states, if true: (a) that the Optionor fully complied with the stipulations, agreements, conditions and covenants contained and set forth in this Agreement, and (b) notwithstanding such performance by the Optionor, the Optionee failed to purchase the Real Property on or before the date of Closing. It is specifically understood and agreed that the mere recordation of such affidavit by the Optionor shall, as to third parties, render this Agreement null and void and of no further force and effect whatsoever.

o. Counterparts This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. Counterparts of this Agreement with facsimile or electronic signatures shall be deemed original counterparts for all purposes; however, each party shall promptly furnish counterparts with original signatures upon request.

IN WITNESS WHEREOF, Optionor and Optionee have executed this Agreement as of the Effective Date of 3-19-12.

Optionee :
CJ Developers, Inc.

By: David Latulippe
David Latulippe

Optionor:
Hutchcourt, L.L.C.

By: Richard C. Hite
Its: Richard C. Hite
Manager



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Receipts Details:

Tender Information: Check , BusinessName: CJ Developers, Inc., Check Number: 1225

Tender Amount: 2000.00

Receipt Header:

Cashier Id: ldobson

Receipt Date: 10/4/2012

Receipt Number: 48973

Receipt Details:

Referance ID:	1809	Fee Type:	PZ-EA
Receipt Number:	0	Payment Date:	
Transaction Amount:	2000.00	Charge Amount:	2000.00
Job ID: Project ID: 2012-609 - Congress St. 2282; Zone Change I-M to B-4			
Additional Comments: 2282 COngress			

Thank You for your Payment!



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

Engineering Excellence Since 1998

October 22, 2012

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

Mr. Thomas Errico
TY Lin International
12 Northbrook Drive
Falmouth, Maine 04105

Subject: Comparison of Permitted uses in IM Zone to B-4 Zone
Multi-use Development, 2282 Congress Street
Portland, Maine

Dear Tom,

Gorrill-Palmer Consulting Engineers, Inc. (GPCEI) has reviewed the potential uses in the IM zone to compare the traffic impacts to the proposed multi-use development at 2282 Congress Street in Portland. As you recall, the applicant is proposing to rezone the property to B-4 to allow development of a 3,300 s.f. c-store, 2,200 bank with double drive thru, free standing diesel pump and 12 regular fueling positions.

In discussing this issue with you, we agreed that the most likely significant development on the property if it continues to be zoned I-M is an office building. The developer had indicated that a 3 story 30,000 gross square foot building (3 floors of 10,000 sf each) could fit on the site and so we have used this as a basis for comparison.

Trip Generation

Gorrill Palmer Consulting Engineers, Inc, utilized the 7th Edition of the Institute of Transportation Engineer (ITE) publication, *Trip Generation*, to forecast the traffic to and from the site Land Use Code 853-Convenience Market with Gasoline Pumps, and 912-Drive In Bank to forecast a total of 200 and 272 AM and PM peak hour trip ends respectively. A trip end is defined as a trip in or out of the site, thus one round trip equates to two trip ends. The majority of the trips for these uses 65-70% are anticipated to be pass by trips, which are trip already going by the site that shop at the site. A free standing fast food restaurant on the site would generate 121 and 189 AM and PM peak hour trip ends respectively.

Using Land Use Code 710, General Office Building, contained in this same publication, a 30,000 sf office building is forecast to generate 47 AM and 69 PM peak hour trip ends. All the trips for this use will be primary in nature made for the sole purpose of going to and from the site.

General Corridor Impact

Based on the trip generation and trip composition comparisons, less trips for this use are forecast for the office building, but they will be all primary trips and thus the impacts will be felt up and down the corridor. By comparison, while the proposed convenience center and bank generate more traffic, it is mostly pass-by with 65 to 90 trip ends being primary, which is a comparable number to the office building. Development of the site as an office building would require the same level of

Mr. Thomas Errico
October 22, 2012
Page 2 of 2

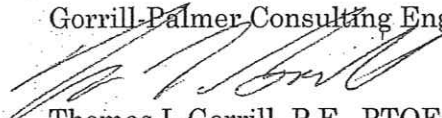
improvements as proposed for the convenience center and bank, namely a westbound left turn lane on Congress Street for left turning traffic into the site and separate left and right turn lanes exiting the site.

Closing

The comparison of the proposed development impacts to those of an office building which could be constructed without a zone change shows that the traffic impacts and related offsite roadway improvements would be similar.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Thomas L Gorrill, P.E., PTOE
President



Gorrill-Palmer Consulting Engineers, Inc.

Engineering Excellence Since 1998
October 15, 2012

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

Mr. David Latulippe
CJ Developers, Inc.
35 Primrose Lane
Freeport, Maine 04032

Subject: Preliminary Traffic Assessment
Multi-use Development, 2282 Congress Street
Portland, Maine

Dear David,

Per your request, Gorrill-Palmer Consulting Engineers, Inc. (GPCEI) has completed a preliminary feasibility study of the traffic impact of the proposed multi-use development at 2282 Congress Street in Portland. The site is currently vacant and we understand you would like to develop a 3,300 s.f. c-store, 2,200 bank with double drive thru, free standing diesel pump and 12 regular fueling positions. As we discussed, the project will generate over 99 trip ends during the peak hour and therefore a traffic movement permit will be required. The MaineDOT has delegated their review authority for the traffic permit to The City of Portland.

Trip Generation

Gorrill Palmer Consulting Engineers, Inc, utilized the 7th Edition of the Institute of Transportation Engineer (ITE) publication, *Trip Generation*, to forecast the traffic to and from the site Land Use Code 853-Convenience Market with Gasoline Pumps, and 912-Drive In Bank to forecast a total of 200 and 272 AM and PM peak hour trip ends respectively. A trip end is defined as a trip in or out of the site, thus one round trip equates to two trip ends. A copy of our trip generation estimate is included as an attachment to this letter.

Trip Distribution/Assignment

For the purpose of this preliminary study, we assumed that the traffic would be split evenly between entering and exiting traffic based on information published by ITE during the AM and PM peak hours.

Two accesses are planned for the site; one on Congress Street across from Blueberry Lane and the other an enter only driveway off Skyway Drive at the traffic signal opposite the southbound turnpike ramps. The trip assignments for each of these scenarios are shown in Figures 1 and 2 included with this letter.

Mr. David Latulippe
 October 15, 2012
 Page 2 of 4

Preliminary Operational Analysis

Gorrill Palmer Consulting Engineers, Inc. completed weekday AM and PM peak hour turning movement counts at the intersection of Blueberry Lane and Congress Street as well as the intersection of Skyway Drive and the Maine Turnpike Southbound ramps during a weekday in July. These volumes were combined with the forecast trip generation for the project to yield post development volumes for two accesses; Congress Street opposite Blueberry Lane; and second, an entry only driveway from Skyway Drive opposite the southbound ramps of the Maine Turnpike. The results of the analyses at each of these driveways are discussed below and a copy of the analyses are attached to this letter. The proposed driveway is forecast to have 40 left turns onto Congress Street in the AM peak hour and 82 during the PM peak hour but is not anticipated to require a traffic signal since it will not satisfy a traffic signal warrant.

Congress Street Driveway

The access from Congress Street would be aligned with Blueberry Lane and require an access easement from the Maine Turnpike Authority (MTA). The key issue for this access is the available storage length between the proposed driveway and the Turnpike overpass to store left turning traffic. Based on the preliminary analysis, we anticipate the need to store two vehicles waiting to turn left at any one time which could be accommodated by re-striping Congress Street to allow for a short left turn lane into the site. The driveway would add a 4th leg to the unsignalized intersection, which is anticipated to operate at a level of service "C". Any deliveries would need to occur off peak since limited storage is available.

Access from the Skyway Driveway

A preliminary analysis was also run for the additional enter only access located on Skyway Drive opposite the southbound ramps to the Maine Turnpike which are signalized. The preliminary results of the capacity analyses show that the additional traffic will not significantly affect the operation of this intersection. The proposed driveway will also require the re-striping of the eastbound approach to the intersection to provide a 50 foot left turn lane into the proposed driveway which appears to be feasible. Any deliveries would need to occur off peak since limited storage is available.

Sight Line Review

The Maine Department of Transportation has guidelines for sight distances as follows:

MaineDOT Standards for Sight Distance

Posted Speed (mph)	Sight Distance
25	200
30	250
35	305
40	360

Mr. David Latulippe
October 15, 2012
Page 3 of 4

The MaineDOT standards are as follows:

Driveway observation point:	10 feet off major street travelway
Height of eye at driveway:	3 ½ feet above ground
Height of approaching vehicle:	4 ¼ feet above road surface

Gorrill-Palmer has reviewed the sight lines at the driveway proposed opposite Blueberry Lane. The posted speed limit on Congress Street fronting the site is 40 mph, and is reduced to 35 mph 275 feet to the east of the site. The available sight lines exiting the driveway are over 750 feet looking to the left and 490 feet looking to the right to the overpass with the clearing of some vegetation along the site frontage. Thus, sight lines exceed standards at the proposed driveway location.

Crash History

Gorrill-Palmer Consulting Engineers, Inc. obtained the crash data from MaineDOT for the period of 2009-2011, the most recent period available.

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define a High Crash Location (HCL). Both criteria must be met in order to be classified as a HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual crash rate to the rate for similar intersection in the state. A CRF of less than 1.00 indicates a rate of less than average) **and:**
2. Minimum of eight crashes over a three-year period.

The collision information attached to this letter shows that there has been one collision during this time period in the last three years at the intersection of Congress Street and Blueberry Lane. A copy of the collision report is included with this letter.

Closing

These results show that sight lines at the proposed driveway location exceed standards and that the traffic forecast for the project can be accommodated provided a left turn lane with 75 of storage is provided on Congress Street for left turning traffic into the site as shown on the attached concept plan. It appears that this left turn lane can be implemented by restriping Congress Street with a minor amount of widening.

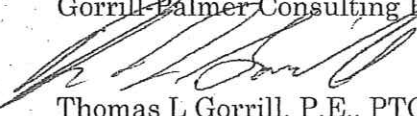
Gorrill-Palmer Consulting Engineers, Inc.

Mr. David Latulippe
October 15, 2012
Page 4 of 4

This letter is intended as an overview of the traffic issues associated with the project but additional documentation will be required for the traffic movement permit application.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Thomas L Gorrill, P.E., PTOE
President

TLG/tlg/2672/Traffic summary10-14-12.doc

JN: 2672
 Project Description: CJ Development
 Project Location: Portland, Maine
 Date: 7/10/2012

Gorrill-Palmer Consulting Engineers, Inc.
 P.O. Box 1237
 15 Shaker Road
 Gray, Maine 04039

**Convenience Market with Gasoline Pumps
 Land Use Code (LUC) 853**

Vehicle Fueling Positions: 12

Time Period	ITE Trip Rate (Average Rate)	# of Sources	Trip Ends	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	T = 542.60 (X)	10	6511	50%	50%	3256	3255	N/A
AM Peak Hour of Adjacent Street Traffic	T = 17.17 (X)	27	206	50%	50%	103	103	N/A
PM Peak Hour of Adjacent Street Traffic	T = 19.22 (X)	53	231	50%	50%	116	115	N/A
AM Peak Hour of Generator	T = 17.03 (X)	26	204	50%	50%	102	102	N/A
PM Peak Hour of Generator	T = 19.98 (X)	46	240	50%	50%	120	120	N/A
Saturday	T = 204.47 (X)	3	2454	50%	50%	1227	1227	N/A
Sunday	T = 166.88 (X)	1	2003	50%	50%	1002	1001	N/A

* Percentages rounded to nearest 5%

Gross Floor Area (ft²): 3,300

Time Period	ITE Trip Rate (Average Rate)	# of Sources	Trip Ends	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	T = 845.60 (X)	10	2790	50%	50%	1395	1395	N/A
AM Peak Hour of Adjacent Street Traffic	T = 45.58 (X)	27	150	50%	50%	75	75	N/A
PM Peak Hour of Adjacent Street Traffic	T = 60.61 (X)	53	200	50%	50%	100	100	N/A
AM Peak Hour of Generator	T = 45.23 (X)	26	149	50%	50%	75	74	N/A
PM Peak Hour of Generator	T = 62.57 (X)	46	206	50%	50%	103	103	N/A
Saturday	T = 1448.33 (X)	3	4779	50%	50%	2390	2389	N/A
Sunday	T = 1182.08 (X)	1	3901	50%	50%	1951	1950	N/A

* Percentages rounded to nearest 5%

Average

Time Period	ITE Trip Rate (Average Rate)	# of Sources	Trip Ends	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	N/A	N/A	4651	50%	50%	2325	2326	N/A
AM Peak Hour of Adjacent Street Traffic	N/A	N/A	178	50%	50%	89	89	N/A
PM Peak Hour of Adjacent Street Traffic	N/A	N/A	216	50%	50%	108	108	N/A
AM Peak Hour of Generator	N/A	N/A	177	50%	50%	88	89	N/A
PM Peak Hour of Generator	N/A	N/A	223	50%	50%	112	111	N/A
Saturday	N/A	N/A	3617	50%	50%	1808	1809	N/A
Sunday	N/A	N/A	2952	50%	50%	1476	1476	N/A

* Percentages rounded to nearest 5%

Saturday Peak Hour of Generator* T = 1.44 (PM Peak Hour) N/A 321 50% 50% | 161 160 N/A

* Saturday Peak Hour of Generator comes from a ratio of Saturday Peak Hour to PM Peak Hour trip generation rates for LUC 851 - 24-hr Convenience Market

JN: 2672
 Project Description: CJ Developers
 Project Location: Portland
 Date: 7/10/2012

Gorill-Palmer Consulting Engineers, Inc.
 P.O. Box 1237
 15 Shaker Road
 Gray, Maine 04039

**Drive-in Bank
 Land Use Code (LUC) 912**

Gross Floor Area (ft²): 2,200

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution		R ²
			IN	OUT	IN	OUT	
Weekday	T = 148.15 (X)	326	50%	50%	163	163	0.59
AM Peak Adjacent Street	T = 12.35 (X)	27	55%	45%	15	12	---
PM Peak Adjacent Street	T = 25.82 (X)	57	50%	50%	29	28	---
AM Peak Hour of Generator	T = 17.31 (X)	38	50%	50%	19	19	0.51
PM Peak Hour of Generator	T = 26.69 (X)	59	50%	50%	30	29	---
Saturday	T = 86.32 (X)	190	50%	50%	95	95	0.52
Saturday Peak Hour of Gen.	T = 26.53 (X)	58	50%	50%	29	29	---

* Percentages rounded to nearest 5%

Number of Drive-in Lanes: 2

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution		R ²
			IN	OUT	IN	OUT	
Weekday	T = 139.258 (X)	279	50%	50%	140	139	0.52
AM Peak Adjacent Street	T = 9.44(X)	19	60%	40%	11	8	---
PM Peak Adjacent Street	T = 27.41 (X)	55	50%	50%	28	27	---
AM Peak Hour of Generator	T = 21.64 (X)	43	50%	50%	22	21	---
PM Peak Hour of Generator	T = 29.05 (X)	58	50%	50%	29	29	0.55
Saturday	Not Given	0	50%	50%	0	0	---
Saturday Peak Hour of Gen.	T = 29.88 (X)	60	50%	50%	30	30	---

* Percentages rounded to nearest 5%

AVERAGE

Time Period	Trip Ends	Directional Split *		Directional Distribution	
		IN	OUT	IN	OUT
Weekday	303	50%	50%	151	152
AM Peak Adjacent Street	23	58%	42%	13	10
PM Peak Adjacent Street	56	50%	50%	28	28
AM Peak Hour of Generator	41	50%	50%	20	21
PM Peak Hour of Generator	59	50%	50%	29	30
Saturday Peak Hour of Gen.	59	50%	50%	30	29

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:50	6:50	6:50	6:50	6:50	6:50
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	70	70	70	70	70	70
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded mScheduledIntervals	1	1	1	1	1	1
Vehs Entered	1445	1516	1435	1440	1383	1445
Vehs Exited	1437	1518	1423	1428	1383	1438
Starting Vehs	11	18	18	12	17	15
Ending Vehs	19	16	30	24	17	20
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	2	0	0	0	0	0
Travel Distance (mi)	471	495	469	468	450	471
Travel Time (hr)	18.7	20.1	18.5	18.6	17.7	18.7
Total Delay (hr)	2.3	2.8	2.3	2.3	2.0	2.3
Total Stops	220	244	213	208	215	222
Fuel Used (gal)	15.6	16.5	15.4	15.5	14.8	15.6

Interval #0 Information Seeding

Start Time 6:50
 End Time 7:00
 Total Time (min) 10
 Volumes adjusted by Growth Factors.
 No data recorded this interval.

Interval #1 Information Recording

Start Time 7:00
 End Time 8:00
 Total Time (min) 60
 Volumes adjusted by Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	1445	1516	1435	1440	1383	1445
Vehs Exited	1437	1518	1423	1428	1383	1438
Starting Vehs	11	18	18	12	17	15
Ending Vehs	19	16	30	24	17	20
Denied Entry Before	0	0	0	0	0	0
Denied Entry After	2	0	0	0	0	0
Travel Distance (mi)	471	495	469	468	450	471
Travel Time (hr)	18.7	20.1	18.5	18.6	17.7	18.7
Total Delay (hr)	2.3	2.8	2.3	2.3	2.0	2.3
Total Stops	220	244	213	208	215	222
Fuel Used (gal)	15.6	16.5	15.4	15.5	14.8	15.6

3: Congress Street & Blueberry Road Performance by approach

Approach	EB	WB	NB	SB	All
Total Delay (hr)	0.7	0.4	0.6	0.2	1.9
Total Del/Veh (s)	3.2	2.7	20.4	14.0	4.6
Speed Delay (hr)	0.6	0.2	0.6	0.2	1.6
Speed Del/Veh (s)	2.5	1.8	20.3	13.8	3.9
Total Stops	37	30	99	56	222
Travel Dist (mi)	138.7	79.6	2.5	8.1	228.9
Travel Time (hr)	5.5	3.1	0.7	0.5	9.8
Avg Speed (mph)	26	27	4	15	24
Fuel Used (gal)	4.2	2.4	0.2	0.3	7.0
HC Emissions (g)	416	29	0	2	447
CO Emissions (g)	6617	644	17	50	7327
NOx Emissions (g)	1064	81	2	6	1153
Vehicles Entered	809	480	99	57	1445
Vehicles Exited	807	479	98	55	1439
Hourly Exit Rate	807	479	98	55	1439
Input Volume	812	464	100	56	1432
% of Volume	99	103	98	98	100
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Total Delay (hr)	2.3
Total Del/Veh (s)	5.8
Speed Delay (hr)	2.1
Speed Del/Veh (s)	5.1
Total Stops	222
Travel Dist (mi)	470.5
Travel Time (hr)	18.7
Avg Speed (mph)	26
Fuel Used (gal)	15.6
HC Emissions (g)	989
CO Emissions (g)	16857
NOx Emissions (g)	2579
Vehicles Entered	1445
Vehicles Exited	1438
Hourly Exit Rate	1438
Input Volume	2864
% of Volume	50
Denied Entry Before	0
Denied Entry After	0

Intersection: 3: Congress Street & Blueberry Road

Movement	EB	EB	WB	WB	NB	NB	SB	SB
Directions Served	L	TR	L	TR	L	R	L	R
Maximum Queue (ft)	121	27	43	26	85	73	56	59
Average Queue (ft)	35	2	20	1	30	34	18	22
95th Queue (ft)	89	13	46	11	64	62	48	50
Link Distance (ft)	903	903		873	133	133	765	765
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)			100					
Storage Blk Time (%)								
Queuing Penalty (veh)								

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	6:50	6:50	6:50	6:50	6:50	6:50
End Time	8:00	8:00	8:00	8:00	8:00	8:00
Total Time (min)	70	70	70	70	70	70
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded mScheduledIntervals	1	1	1	1	1	1
Vehs Entered	1444	1483	1419	1459	1399	1442
Vehs Exited	1440	1484	1421	1458	1388	1438
Starting Vehs	14	13	17	18	8	13
Ending Vehs	18	12	15	19	19	14
Denied Entry Before	0	0	0	3	0	0
Denied Entry After	1	0	0	0	1	0
Travel Distance (mi)	472	484	465	475	456	470
Travel Time (hr)	18.5	19.6	18.3	19.0	18.2	18.7
Total Delay (hr)	2.2	2.8	2.2	2.5	2.3	2.4
Total Stops	238	284	247	266	240	255
Fuel Used (gal)	15.3	16.0	15.0	15.6	14.9	15.4

Interval #0 Information Seeding

Start Time	6:50
End Time	7:00
Total Time (min)	10
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:00
End Time	8:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1444	1483	1419	1459	1399	1442
Vehs Exited	1440	1484	1421	1458	1388	1438
Starting Vehs	14	13	17	18	8	13
Ending Vehs	18	12	15	19	19	14
Denied Entry Before	0	0	0	3	0	0
Denied Entry After	1	0	0	0	1	0
Travel Distance (mi)	472	484	465	475	456	470
Travel Time (hr)	18.5	19.6	18.3	19.0	18.2	18.7
Total Delay (hr)	2.2	2.8	2.2	2.5	2.3	2.4
Total Stops	238	284	247	266	240	255
Fuel Used (gal)	15.3	16.0	15.0	15.6	14.9	15.4

3: Congress Street & Blueberry Road Performance by approach

Approach	EB	WB	NB	SB	All
Total Delay (hr)	0.2	0.8	0.6	0.3	1.9
Total Del/Veh (s)	1.7	3.7	17.9	13.3	4.8
Speed Delay (hr)	0.2	0.4	0.6	0.3	1.5
Speed Del/Veh (s)	1.4	2.0	17.8	13.2	3.7
Total Stops	15	41	127	72	255
Travel Dist (mi)	76.3	132.1	7.5	10.4	226.3
Travel Time (hr)	2.8	5.3	1.0	0.7	9.8
Avg Speed (mph)	27	27	8	16	24
Fuel Used (gal)	2.2	4.0	0.3	0.3	6.9
HC Emissions (g)	17	31	1	9	58
CO Emissions (g)	428	780	60	162	1430
NOx Emissions (g)	51	93	6	22	172
Vehicles Entered	445	797	128	72	1442
Vehicles Exited	444	795	127	71	1437
Hourly Exit Rate	444	795	127	71	1437
Input Volume	439	779	141	74	1433
% of Volume	101	102	90	96	100
Denied Entry Before	0	0	0	0	0
Denied Entry After	0	0	0	0	0

Total Network Performance

Total Delay (hr)	2.4
Total Del/Veh (s)	5.9
Speed Delay (hr)	2.0
Speed Del/Veh (s)	4.9
Total Stops	255
Travel Dist (mi)	470.3
Travel Time (hr)	18.7
Avg Speed (mph)	26
Fuel Used (gal)	15.4
HC Emissions (g)	149
CO Emissions (g)	4024
NOx Emissions (g)	446
Vehicles Entered	1442
Vehicles Exited	1438
Hourly Exit Rate	1438
Input Volume	2866
% of Volume	50
Denied Entry Before	0
Denied Entry After	0

Queuing and Blocking Report
 PM Raw Data

10/22/2012

Intersection: 3: Congress Street & Blueberry Road

Movement	EB	EB	WB	NB	NB	SB	SB
Directions Served	L	TR	L	L	R	L	R
Maximum Queue (ft)	31	23	63	91	61	55	80
Average Queue (ft)	12	1	25	44	28	18	31
95th Queue (ft)	35	11	51	81	54	48	67
Link Distance (ft)	903	903		311	311	765	765
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)			100				
Storage Blk Time (%)							
Queuing Penalty (veh)							

Network Summary

Network wide Queuing Penalty: 0



APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Urban Development
Portland Planning Board

1. Applicant Information:

Robert Baldacci, Jr.
Name Agent for Ocean Properties, Ltd.
183 Harlow Street
Address
Bangor, ME 04401
(207) 947-1271 (207) 942-5409
Phone Fax

2. Subject Property:

2393-2409 Congress Street
Address
237-A-1 (Partial)
Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

George M. Hutchins
Name
75 Dartmouth Street
Address
South Portland, ME 04106
(207) 767-1692 (207) 767-1694
Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Purchase and sale of real estate

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. **Existing Use:**

Describe the existing use of the subject property: No use. Property is undeveloped.

7. **Current Zoning Designation(s):** I-M

8. **Proposed Use of Property:** Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

Applicant proposes to construct a 4-story hotel with associated parking and
accessory structures.

9. **Sketch Plan:** On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. **Proposed Zoning:** Please check all that apply:

A. Zoning Map Amendment, from I-M to B-4

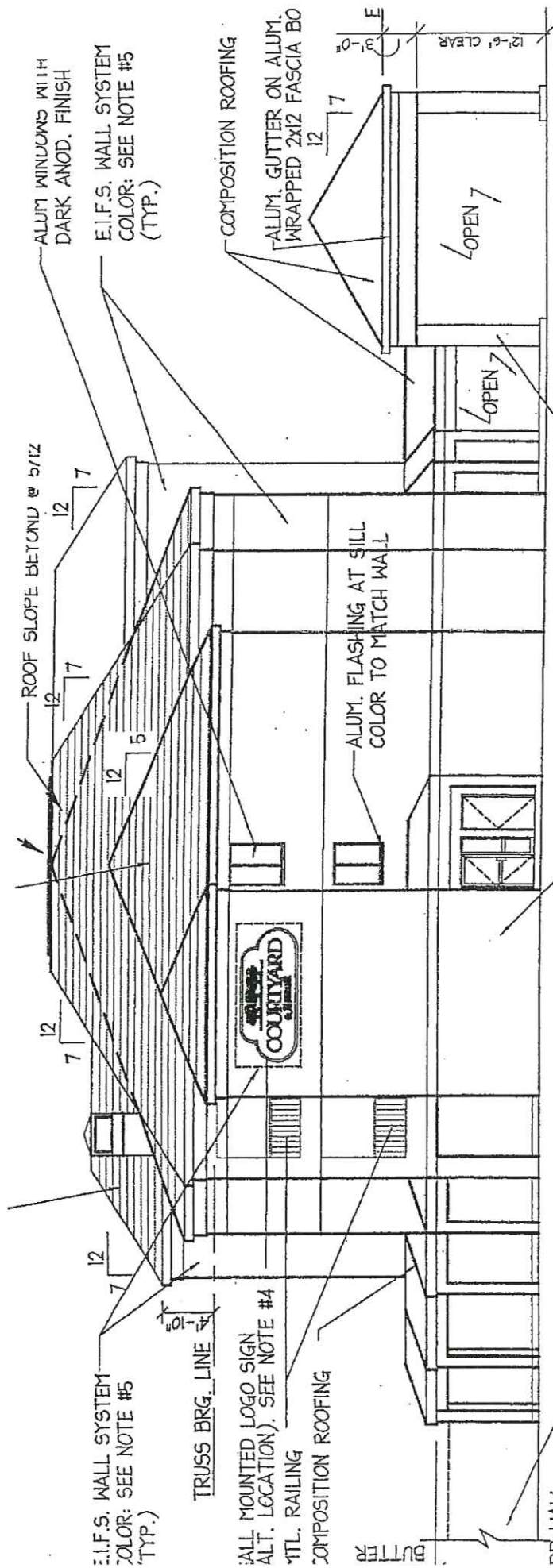
B. Zoning Text Amendment to Section 14- _____

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

A. Adamat Co



LEFT ELEVATION

SCALE: 3/32"=1'-0"

3

ALUM. WINDOWS WITH DARK ANOD. FINISH
E.I.F.S. WALL SYSTEM COLOR: NOTE #5 (TYP.)

COMPOSITION ROOFING

ALUM. GUTTER ON ALUM. WRAPPED 2x12 FASCIA BO

ROOF SLOPE BETOND @ 5/12

ALUM. FLASHING AT SILL COLOR TO MATCH WALL

E.I.F.S. WALL SYSTEM COLOR: NOTE #5 (TYP.)

E.I.F.S. WALL SYSTEM COLOR: NOTE #5 (TYP.)

TRUSS BRG. LINE

ALL MOUNTED LOGO SIGN ALT. LOCATION). SEE NOTE #4

TTL. RAILING

COMPOSITION ROOFING

RD WALL SHOWN FOR CLARITY

(TYP.)



MEMORANDUM

*Portland Office
July 9, 1999*

To: Ms. Anke M. Read-Segerius, OEST Associates, Inc.
From: Thomas A. Errico, P.E., Senior Transportation Engineer, Wilbur Smith Associates
Subject: Traffic Assessment – Proposed Hotel - 2282 Congress Street, Portland, Maine

In response to your request we are pleased to submit this Memorandum evaluating traffic impacts associated with the proposed 90-room Hotel project located on Congress Street near Blueberry Road in Portland, Maine. As noted on the site plan date May 4, 1999, one access drive is proposed and will be located on the south side of Congress Street approximately 140 feet west of Blueberry Road. Specifically this assessment details: site generated traffic from the site; traffic volumes on Congress Street and at the Congress Street/Blueberry Road intersection; access drive requirements; and the accident history on Congress Street in the vicinity of the site. I would like to note that the scope of work is based upon a field investigation conducted by Larry Ash, City of Portland Traffic Engineer and myself.

Trip Generation

According to discussions with you the proposed hotel will comprise of a business suites type hotel and therefore the following trip generation estimate accounts for that type of facility. According to data contained in the publication Trip Generation, Institute of Transportation, 6th Edition, the trip generation rates for a Business Hotel were developed from limited site samples and therefore are not appropriate. Accordingly, trip generation rates for a typical hotel (Land Use Code 310) were used and resulted in the following traffic estimates.

	AM PEAK HOUR		PM PEAK HOUR		DAILY	
	Enter	Exit	Enter	Exit	Enter	Exit
90-Room Hotel	35	25	31	33	401	401

As noted in the above table, the proposed project is expected to generate 60 vehicles (35 entering /25 exiting) during the AM peak hour, 64 vehicles (31 entering/33 entering) during the PM peak hour, and 802 vehicles on a daily basis.

Page 2
Ms. Anke M. Read-Segerius
July 9, 1999

Congress Street Traffic Volumes

Intersection turning movement counts were conducted at the Congress Street/Blueberry Road intersection on Tuesday July 6, 1999 between 4:00 – 6:00PM and on Wednesday July 7, 1999 between 7:00 – 9:00AM. Results of the counts indicate the peak hours occurred between 7:15 – 8:15AM and 4:30 – 5:30PM.

To account for seasonal variation, traffic volumes may need to be adjusted to reflect Design Hour or 30th Highest Hour volume conditions. According to Maine Department of Transportation (MDOT) Weekly Group Mean Factors for Urban Group I Roads, traffic volumes during the first week of July represent design hour conditions. Accordingly no adjustment of the volumes is necessary.

Figure 1 present the 1999 AM and PM peak hour traffic volumes. Figure 2 presents the 1999 traffic volumes following construction of the proposed hotel.

Access Drive Requirements

Several issues were evaluated relative to the site drive including: sight distance, auxiliary turn lanes on Congress Street, and the driveway width and radii.

Sight Distance from the site was measured in the field and indicated that over 600 feet of sight is available in both directions. For a road with a posted speed limit of 40 mph, a minimum of 400 feet of sight distance is required according to guidelines in the publication, Access Management Improving the Efficiency of Maine Arterials, MDOT. Accordingly, adequate sight distance will be provided.

The need for auxiliary turn lanes was investigated according to guidelines contained in the MDOT Highway Design Guide. In respect to an exclusive right-turn lane entering the hotel site, warrants are not met. According to MDOT design criteria the need for a left-turn lane at the proposed site cannot be determined because the site-specific traffic volume conditions do not fall within the range of values developed by MDOT. According to traffic estimates the proposed project is expected to generate 16 left-turn vehicles during the AM and PM peak hours. This represent a car turning left into the site every 3.75 minutes. Based upon this level of traffic turning into the site, provision of a left-turn lane is not recommended. It should be noted that during field review of the project site vehicles waiting to turn left into the abutting property did not impede westbound through vehicles (the shoulder area was used to by-pass the turning vehicle). It should also be noted that traffic levels on Congress Street in the vicinity of the project site are expected to decline following the completion of the new Maine Turnpike Jetport Interchange.

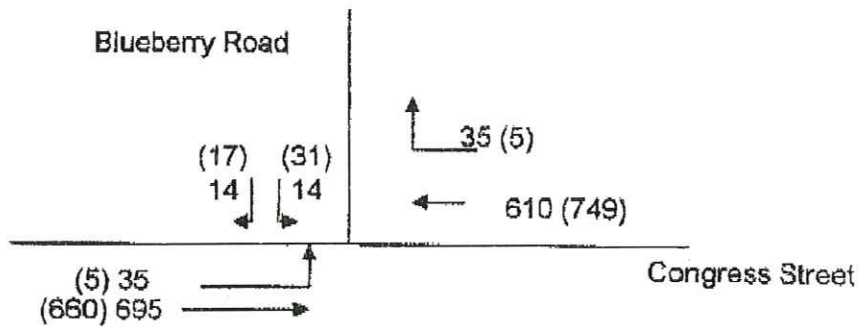
Page 3
Ms. Anke M. Read-Seegerius
July 9, 1999

According to the site plan one exit lane will be provided. Although it would be desirable to provide two exiting lanes (separate left and right turn lanes) one exiting lane should adequately handle the low volumes expected from the site. During the development of final site plan details it is recommended that the driveway radii be maximized to ensure right-turn vehicles entering and exiting the site do not significantly disrupt traffic on Congress Street.

Accident History

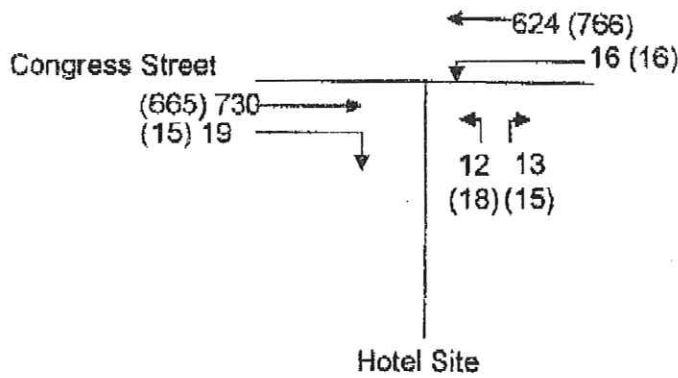
Accident data from the MDOT publication, High Accident Location Listing for 1995-1997 (the most recent available data) was reviewed relative to accident issues on Congress Street in the vicinity of the project. Review of the data indicates that Congress Street in vicinity of the project is not designated as a High Accident Location, and therefore is not considered to be problematic relative to accidents.

TAE:
cc:



1999 EXISTING TRAFFIC VOLUMES

Figure 1



1999 BUILD TRAFFIC VOLUMES

Figure 2

PROPOSED HOTEL PROJECT 2282 CONGRESS STREET

WILBUR SMITH ASSOCIATES

XXX-AM Peak Hour
(xxx) PM Peak Hour



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 3
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

TO: Sarah Hopkins, Senior Planner

FROM: Steve Bushey, P.E. Development Review Coordinator

DATE: October 6, 1999

RE: Site Plan Review
Marriott Courtyard
2282 Congress Street

I have reviewed the Applicant's latest submission dated 9/14/99 for items outlined in a September 2, 1999 memorandum by Jim Wendel. I offer the following comments:

1. The Applicant has addressed items 1-16 outlined in Mr. Wendel's memorandum and the plans appear to meet the City Standards for stormwater management and erosion control.
2. The Applicant should review the proposed sanitary sewer service for minimum slope. The typical minimum slope for 8" pipe is 0.004 ft./ft. and for 10" pipe it is 0.0028 ft./ft. The Applicant should either try to steepen their slope from 0.0030 to 0.0040 or install 10" diameter pipe.

If you have any other questions, please call.

c: Tony Lombardo, Portland Public Works



10 February 1999

Anke Read-Segerius
Oest Associates, Inc.
343 Gorham Road
South Portland, ME 04106-2317



RE: Wetland Delineation at Hutchins Property, Congress Street, Portland, Maine.

Dear Anke:

At your request, Woodlot Alternatives, Inc. (Woodlot) performed a wetland delineation and GPS survey on the Hutchins Property, located on Outer Congress Street in Portland, Maine. Field work on this site was conducted on February 10, 1999. The site is bordered by Congress Street to the north, the newly constructed turnpike interchange to the south, and a Granite State Natural Gas pipeline to the east. The site consists of an upland knoll that slopes to the southeast into a forested wetland. Wetland boundaries were determined using the technical criteria of the U.S. Army Corps of Engineers (Corps) and the Maine Department of Environmental Protection (DEP). Specifics of wetland jurisdiction are further discussed below.

Site Description

The Hutchins property encompasses approximately 3.5 acres that includes forested upland and forested wetland. Uplands on the site are dominated by a dense canopy of white pine (*Pinus strobus*), along with white ash (*Fraxinus americana*), and shagbark hickory (*Carya ovata*). A moderate shrub layer includes Morrow's honeysuckle (*Lonicera morrowii*), Norway maple (*Acer platanoides*), and black cherry (*Prunus serotina*), and a moderate herbaceous layer includes evergreen woodfern (*Dryopteris intermedia*), Canada goldenrod (*Solidago canadensis*), and wild strawberry (*Fragaria virginiana*). Because this delineation was conducted in the winter, our assessment of herbaceous plant species was limited. Upland soils consist of well-drained sandy loams. Site topography is generally sloped, and drains to the southeast via overland runoff.

Wetland Description

A 1.25-acre forested wetland extends across the southern boundary of the property. The canopy of this wetland is dominated by white ash, white pine, and red maple (*Acer rubrum*), with white ash, gray birch (*Betula populifolia*), and elm (*Ulmus spp.*) in the understory. Dominant shrubs included common winterberry (*Ilex verticillata*), meadowsweet (*Spiraea alba*), and

Site Review Pre-Application

**~~Multi-Family/Attached Single Family Dwellings/Two Family Dwelling~~
or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the Information below for Site Plan Review

NOTEIf you or the property owner owes real estate or personal property taxes or user charges on ANY PROPERTY within the City, payment arrangements must be made before permits of any kind are accepted.**

Applicant Hutchcourt, L.L.C. Application Date _____

Applicant's Mailing Address Building One, 1000 Market Street Project Name/Description Hotel Site
Portsmouth, NH 03801
Consultant/Agent QUEST Associates, Inc. Anke Read-Segerius Address Of Proposed Site 2282 Congress Street

Applicant/Agent Daytime telephone and FAX 207-761-1770 / 774-1246 Assessor's Reference, Chart#, Block, Lot# 237, A, Lot 1
603-559-2100 / 559-2179
Proposed Development (Check all that apply) New Building Building Addition Change of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Other(Specify) Hospitality

16,590 SF 1st Flr/90 rooms 3.24 MI/Contract Zone
Proposed Building Square Footage and /or # of Units (3 floors) Acreage of Site Zoning

- You must Include the following with you application:
- 1) A Copy of Your Deed or Purchase and Sale Agreement
 - 2) 7 sets of Site Plan packages containing the information found in the attached sample plans and checklist.

(Section 14-522 of the Zoning Ordinance outlines the process, copies are available for review at the counter, photocopies are \$ 0.25 per page)

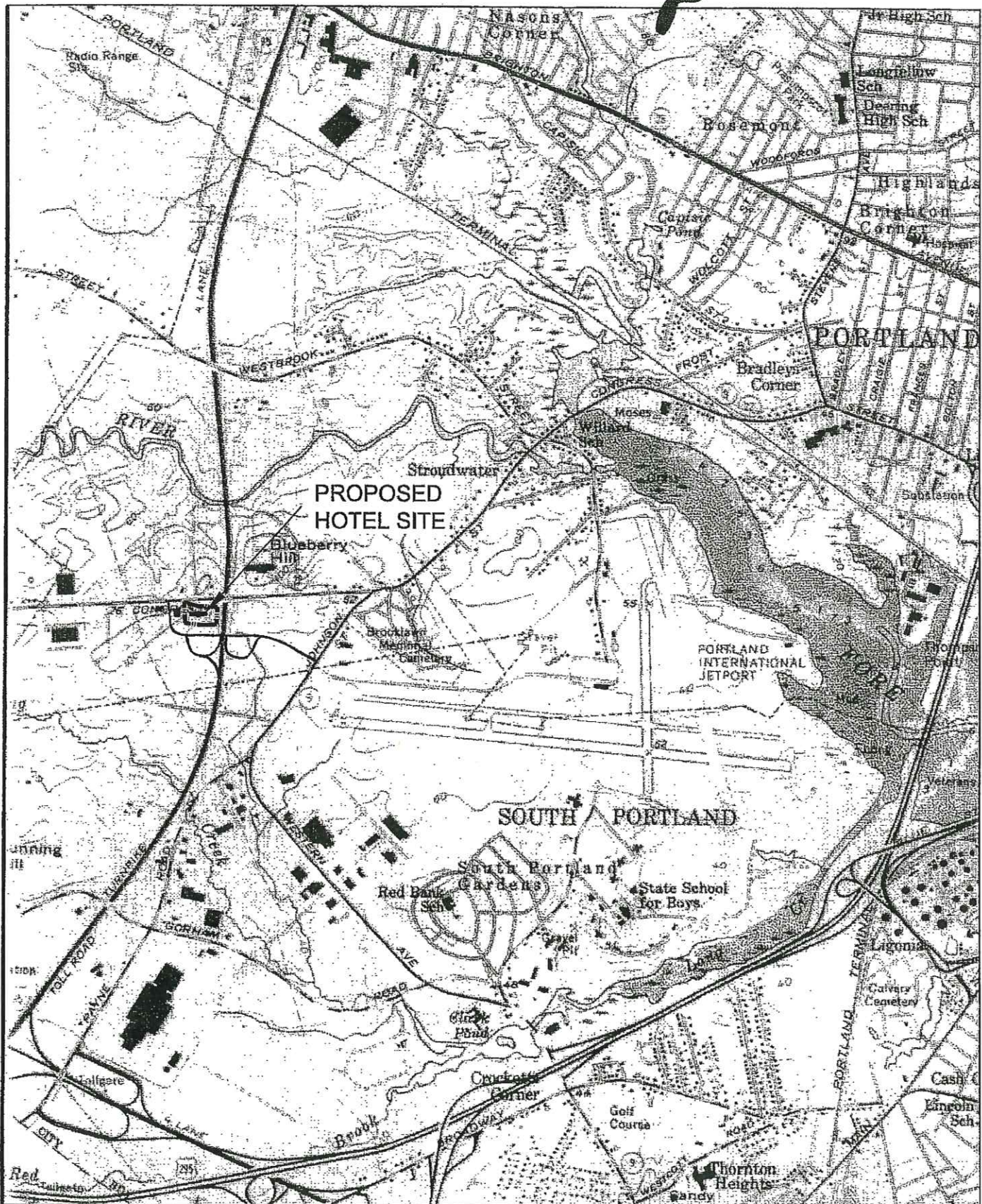
I hereby certify that I am the Owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if an approval for the proposed project or use described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this approval at any reasonable hour to enforce the provisions of the codes applicable to this approval.

Signature of applicant: *Tatuf Walsh* Date: AUG 16 1999

Site Review Fee: Major \$500.00 Minor 400.00

This application is for site review ONLY, a Building Permit application and associated fees will be required prior to construction.

2



OEST Associates, Inc.

343 Gorham Road · South Portland, ME 04106

PROPOSED HOTEL SITE

2282 CONGRESS STREET

PORTLAND, MAINE

SCALE: 1" = 2000'±

FROM USGS MAP (7.5') PORTLAND WEST MAINE

WRITTEN STATEMENT

The subject property is located on 2282 Congress Street (a.k.a. Outer Congress Street) on a vacant parcel of land owned by George M. Hutchins of 75 Dartmouth Street, South Portland, Maine 04106.

The property consists of approximately 3.24 acres of land abutting the Maine Turnpike on the easterly side, Congress Street on the northerly side, a property owned by OK Properties on the westerly side, which contains a one story office building and the new Turnpike spur on the southerly side.

The applicant, Hutchcourt L.L.C. of Building One, 1000 Market Street, Portsmouth, New Hampshire 03801, proposes to develop and operate on the site a 90 room Courtyard Hotel by Marriott. Hutchcourt, L.L.C. is an affiliated company of Ocean Properties, Ltd., also located in Portsmouth, New Hampshire.

Ocean Properties, Ltd. owns and operates in excess of 100 major chain hotels, including the Marriott at Sable Oaks. A company profile is included under **Tab 9**.

The proposed hotel will provide limited services to guests only. The building's footprint totals approximately 16,590 square feet and offers various guest amenities including a pool, exercise room and lounge/restaurant area. The building will consist of three (3) stories, resulting in a total floor area of approximately 49,770 square feet.

The building will be sprinklered and fully ADA compliant. The exterior finish will consist of a honey butter colored finish coat over a composite exterior insulation finish system, a.k.a. E.I.F.S. The roof will be colored forest green. See elevations on drawing A-1.

The site will be accessed from Congress Street through one curbcut. Parking provided totals 91 spaces which include 4 handicap spaces. All driveways and parking areas will be bituminous paved. Service areas are located in the rear of the building and will be properly screened. See drawing C-101 for detailed information.

All utilities will be underground. See drawing C-102 for locations. **Tab 5** exhibits the availability of utilities off site and includes an evaluation of traffic impacts on nearby streets.

No existing easements or burdens are presently placed on the site nor are any proposed.

Solid waste will be stored in appropriate containers which will be screened from sight. Volume and type of waste stream and method of disposal are discussed under **Tab 4**.

Surface drainage is handled by catch basins and piped to a subsurface stormwater collection system via a Vortechs stormwater treatment unit which will remove sediment from the stormwater prior to entering the subsurface storage system. The stormwater storage system consists of four (4) - 60" diameter corrugated metal pipe, each 170' long. The stormwater outlet

point is located at the southeasterly corner of the stormwater containment system where it will follow the natural pre-development pattern and leave the site through an existing 24" pipe.

Tab 6 contains a detailed stormwater management plan. Drawing C-302 details the various components of this system and drawing C-103 shows the layout and its location under the driveway in the rear of the building. Drawing C-302 details the Erosion and Sediment Control Plan.

A construction plan for the project is outlined under **Tab 7**.

Tab 8 contains information on federal and state regulatory approvals this project is subject to.

The applicant's financial capacity to undertake and complete this project is supported by the material included under **Tab 9**. The applicant has retained the services of OEST Associates, Inc. to provide the technical support.

Applicant's interest in the property is demonstrated by the Agreement for the Purchase of Real Estate between George M. Hutchins and Robert E. Baldacci, Jr., the latter being the buyer's agent in this matter. This document has been assigned by Robert E. Baldacci, Jr. to Hutchcourt L.L.C. and is included under **Tab 10**. It is the applicant's intent to purchase the property on or before August 30, 1999.

No unusual natural areas, wildlife, fisheries habitats, or archaeological sites are located on or near the property. Letters from the Maine Historic Preservation Commission and the project's Wildlife Biologist/Wetland Scientist are included under **Tab 11**.

This completes the Written Statement, Section 14-525 (c) (1) through (11).



MEMORANDUM

*Portland Office
July 9, 1999*

To: Ms. Anke M. Read-Segerius, OEST Associates, Inc.
From: Thomas A. Errico, P.E., Senior Transportation Engineer, Wilbur Smith Associates
Subject: Traffic Assessment – Proposed Hotel - 2282 Congress Street, Portland, Maine

In response to your request we are pleased to submit this Memorandum evaluating traffic impacts associated with the proposed 90-room Hotel project located on Congress Street near Blueberry Road in Portland, Maine. As noted on the site plan date May 4, 1999, one access drive is proposed and will be located on the south side of Congress Street approximately 140 feet west of Blueberry Road. Specifically this assessment details: site generated traffic from the site; traffic volumes on Congress Street and at the Congress Street/Blueberry Road intersection; access drive requirements; and the accident history on Congress Street in the vicinity of the site. I would like to note that the scope of work is based upon a field investigation conducted by Larry Ash, City of Portland Traffic Engineer and myself.

Trip Generation

According to discussions with you the proposed hotel will comprise of a business suites type hotel and therefore the following trip generation estimate accounts for that type of facility. According to data contained in the publication Trip Generation, Institute of Transportation, 6th Edition, the trip generation rates for a Business Hotel were developed from limited site samples and therefore are not appropriate. Accordingly, trip generation rates for a typical hotel (Land Use Code 310) were used and resulted in the following traffic estimates.

	AM PEAK HOUR		PM PEAK HOUR		DAILY	
	Enter	Exit	Enter	Exit	Enter	Exit
90-Room Hotel	35	25	31	33	401	401

As noted in the above table, the proposed project is expected to generate 60 vehicles (35 entering /25 exiting) during the AM peak hour, 64 vehicles (31 entering/33 exiting) during the PM peak hour, and 802 vehicles on a daily basis.

Congress Street Traffic Volumes

Intersection turning movement counts were conducted at the Congress Street/Blueberry Road intersection on Tuesday July 6, 1999 between 4:00 – 6:00PM and on Wednesday July 7, 1999 between 7:00 – 9:00AM. Results of the counts indicate the peak hours occurred between 7:15 – 8:15AM and 4:30 – 5:30PM.

To account for seasonal variation, traffic volumes may need to be adjusted to reflect Design Hour or 30th Highest Hour volume conditions. According to Maine Department of Transportation (MDOT) Weekly Group Mean Factors for Urban Group I Roads, traffic volumes during the first week of July represent design hour conditions. Accordingly no adjustment of the volumes is necessary.

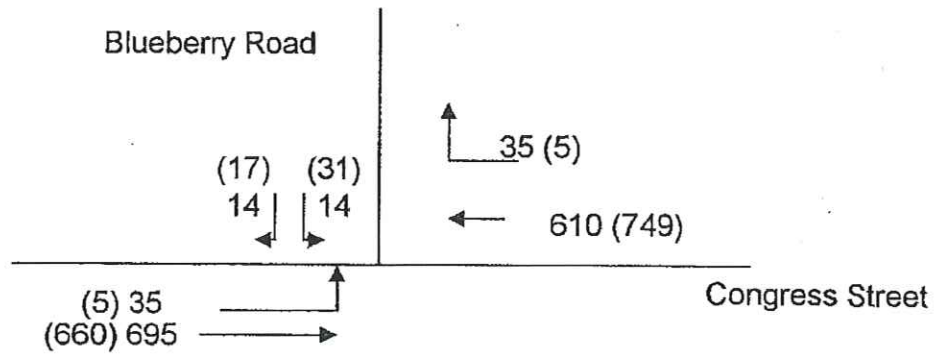
Figure 1 present the 1999 AM and PM peak hour traffic volumes. Figure 2 presents the 1999 traffic volumes following construction of the proposed hotel.

Access Drive Requirements

Several issues were evaluated relative to the site drive including: sight distance, auxiliary turn lanes on Congress Street, and the driveway width and radii.

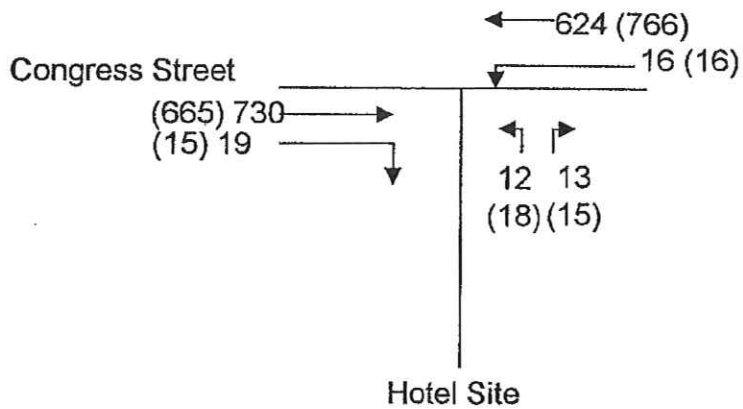
Sight Distance from the site was measured in the field and indicated that over 600 feet of sight is available in both directions. For a road with a posted speed limit of 40 mph, a minimum of 400 feet of sight distance is required according to guidelines in the publication, Access Management Improving the Efficiency of Maine Arterials, MDOT. Accordingly, adequate sight distance will be provided.

The need for auxiliary turn lanes was investigated according to guidelines contained in the MDOT Highway Design Guide. In respect to an exclusive right-turn lane entering the hotel site, warrants are not met. According to MDOT design criteria the need for a left-turn lane at the proposed site cannot be determined because the site-specific traffic volume conditions do not fall within the range of values developed by MDOT. According to traffic estimates the proposed project is expected to generate 16 left-turn vehicles during the AM and PM peak hours. This represent a car turning left into the site every 3.75 minutes. Based upon this level of traffic turning into the site, provision of a left-turn lane is not recommended. It should be noted that during field review of the project site vehicles waiting to turn left into the abutting property did not impede westbound through vehicles (the shoulder area was used to by-pass the turning vehicle). It should also be noted that traffic levels on Congress Street in the vicinity of the project site are expected to decline following the completion of the new Maine Turnpike Jetport Interchange.



1999 EXISTING TRAFFIC VOLUMES

Figure 1



1999 BUILD TRAFFIC VOLUMES

Figure 2

PROPOSED HOTEL PROJECT 2282 CONGRESS STREET

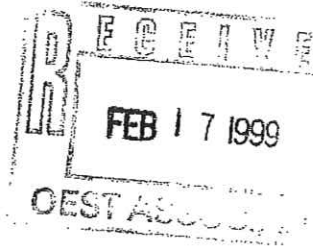
WILBUR SMITH ASSOCIATES

XXX-AM Peak Hour
(xxx) PM Peak Hour



10 February 1999

Anke Read-Segerius
Oest Associates, Inc.
343 Gorham Road
South Portland, ME 04106-2317



RE: Wetland Delineation at Hutchins Property, Congress Street, Portland, Maine.

Dear Anke:

At your request, Woodlot Alternatives, Inc. (Woodlot) performed a wetland delineation and GPS survey on the Hutchins Property, located on Outer Congress Street in Portland, Maine. Field work on this site was conducted on February 10, 1999. The site is bordered by Congress Street to the north, the newly constructed turnpike interchange to the south, and a Granite State Natural Gas pipeline to the east. The site consists of an upland knoll that slopes to the southeast into a forested wetland. Wetland boundaries were determined using the technical criteria of the U.S. Army Corps of Engineers (Corps) and the Maine Department of Environmental Protection (DEP). Specifics of wetland jurisdiction are further discussed below.

Site Description

The Hutchins property encompasses approximately 3.5 acres that includes forested upland and forested wetland. Uplands on the site are dominated by a dense canopy of white pine (*Pinus strobus*), along with white ash (*Fraxinus americana*), and shagbark hickory (*Carya ovata*). A moderate shrub layer includes Morrow's honeysuckle (*Lonicera morrowii*), Norway maple (*Acer platanoides*), and black cherry (*Prunus serotina*), and a moderate herbaceous layer includes evergreen woodfern (*Dryopteris intermedia*), Canada goldenrod (*Solidago canadensis*), and wild strawberry (*Fragaria virginiana*). Because this delineation was conducted in the winter, our assessment of herbaceous plant species was limited. Upland soils consist of well-drained sandy loams. Site topography is generally sloped, and drains to the southeast via overland runoff.

Wetland Description

A 1.25-acre forested wetland extends across the southern boundary of the property. The canopy of this wetland is dominated by white ash, white pine, and red maple (*Acer rubrum*), with white ash, gray birch (*Betula populifolia*), and elm (*Ulmus spp.*) in the understory. Dominant shrubs included common winterberry (*Ilex verticillata*), meadowsweet (*Spiraea alba*), and

buckthorn (*Frangula alnus*). Dominant herbs include fowl meadow grass (*Glyceria striata*), New York fern (*Thelypteris noveboracensis*), and rough-stemmed goldenrod (*Solidago rugosa*). Ground water seeps, isolated pockets of standing water, and drainage patterns were observed throughout the wetland. Wetland soils consist of poorly-drained silt loams.

A second wetland was identified in the northwestern corner of the parcel. This wetland consists of a 960-square foot isolated wetland depression. Dominant woody species in this wetland include pussy willow (*Salix discolor*), red maple, and quaking aspen (*Populus tremuloides*). The herbaceous layer was largely under ice and snow. Identified herbs include sensitive fern (*Onoclea sensibilis*), rough-stemmed goldenrod, and purple-stemmed aster (*Symphotrichum puniceum*).

All wetlands on the property are regulated by the Army Corps of Engineers and the Maine Department of Environmental Protection. Impacts to forested wetlands that are not defined as wetlands, and are located outside of the shoreland zone, can typically be permitted under the Tier Application Program of the DEP Natural Resource Protection Act. Up to 4,300 square feet of this wetland may be impacted without a permit from the DEP or Corps. Impacts greater than 4,300 square feet can be permitted with the appropriate DEP Tier application.

Please feel free to contact our office if you have any questions regarding this information, or if we can be of any further assistance.

Best Regards,
WOODLOT ALTERNATIVES, INC.



Steve Walker
Wetland Scientist/Wildlife Biologist

I hereby certify that wetlands on this site were delineated in accordance with Federal (33 CFR) and State of Maine (38 M.R.S.A) requirements and guidelines. Delineations were done using the methods described in the 1987 Corps of Engineers Wetlands Delineation Manual. Wetlands of Special Significance were identified as described in 38 M.R.S.A., Natural Resources Protection Act (statute and Chapter 310). The proposed development (as illustrated by Oest Associates, Inc. drawing number C-102) will not alter, or cause to be altered, a wetland of special significance as described in 38 M.R.S.A. §§ 480-X(4) or (5).



Stephen S. Walker,
Wetland Scientist/Wildlife Biologist
WOODLOT ALTERNATIVES, INC.

Date: 6.29.99

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Sonia Bean, Administrative Assistant
Elizabeth Boynton, Associate Corporation Counsel

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

DATE: July 20, 1999

SUBJECT: Contract Rezoning Proposal: 2393 Congress Street

- 1) Council Meeting at which action is requested (Date): August 16, 1999
- 2) Can action be taken at a later date? YES NO

I. SUMMARY OF ISSUE

The Planning Board is forwarding a recommendation to the City Council for approval of a contract zone which would allow Hutchcourt L.L.C. to construct and operate a hotel on a parcel of land on outer Congress Street in the IM zone.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

A hotel use is not listed as a permitted use in the Moderate Impact Industrial (IM) zone. The B-4 or other business zones which would allow hotel uses are not necessarily appropriate for this area along outer Congress Street.

III. INTENDED RESULT (How does it resolve the issue/problem?)

The proposed contract zone will allow the applicant to construct a hotel use adjacent to the new Turnpike interchange which is compatible with the surrounding industrial uses along outer Congress Street.

V. STAFF ANALYSIS & RECOMMENDATION

The Planning Board found that the proposed rezoning is consistent with the City's comprehensive land use plan and therefore voted unanimously to recommend the proposed contract to the City Council.

Attachments:

Planning Report #27b-99

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PLANNING BOARD REPORT #27b-99

**CONTRACT ZONE PROPOSAL
VICINITY OF 2393 CONGRESS STREET
HUTHCOURT, L.L.C., APPLICANT**

Submitted to:

Portland City Council
Portland, Maine

July 20, 1999

I. Introduction

The Planning Board is forwarding a recommendation to the City Council for approval of a contract zone which would allow Hutchcourt L.L.C. to construct and operate a hotel on a parcel of land on outer Congress Street in the IM zone.

In January, the Planning Board reviewed the applicant's proposal, which was originally a request for a zone change from IM to B-4. The Board found the proposed hotel use reasonable; however, suggested a contract rezoning instead of a B-4 zone. A contract was drafted and sent to the Board in June. At that time, text changes were suggested and the contract was revised accordingly.

II. Site Issues

During the first workshop, Planning Board members expressed concern regarding stormwater management and whether the development of this parcel will impact the Stroudwater River. The applicant has submitted a stormwater management plan which proposes to control the flow of water off the site with an underground storage system constructed of four 60 inch corrugated metal pipes.

The stormwater will be outletted at the predevelopment rate in the same location as the current condition. The site currently drains southeasterly into a ditch along the Maine Turnpike. Runoff crosses under the Turnpike to Long Creek and eventually reaches the Fore River.

The proposal estimates an impervious surface area of 51%. The drainage structures will provide a total suspended solids removal of 80%.

III. Proposed Contract Conditions

The conditions of the revised contract as proposed follows:

- 1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.**

An exempt of the zoning map showing the hotel parcel is included as Attachment 1. This map will be an exhibit of the contract.

- 2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.**

The applicant has submitted a detailed site plan based on a survey indicating grading, drainage, landscaping, and parking layout. The site plan is included as Attachment 2 and will be included as an exhibit of the contract.

The applicant has also submitted building elevations of the proposed hotel. The building will be 3 stories with a varied hip roof. Materials will consist of composition shingle roofing and EIFS wall systems for the building facade. Building elevations are included as Attachment 6 .

3. **CORPORATION shall be authorized to establish and maintain a Hotel with hotel-related accessories including but not limited to a restaurant, bar, conference room(s), pool and gym (provided that the same is located within said Hotel or on a patio adjacent thereto), in addition to undertaking uses permitted in the I-M zone.**

The development parcel is currently zoned Moderate Impact (IM) industrial. The contract will allow the proposed hotel use and various accessory uses while also allowing the uses of the IM zone.

4. **CORPORATION shall provide to the CITY a sanitary sewer easement establishing to the satisfaction of the CITY's Public Works Department and Corporation Counsel's office, CORPORATION'S right to connect to the Harmon-Hutchins private sewer.**

The applicant found during its research, that the sewer serving adjacent properties along outer Congress Street is a private line feeding into a public sewer. A private sewer easement runs parallel to Congress Street and runs north through the Hutchins subdivision and into a 10 inch public sanitary sewer line.

The applicant proposes an easement to tie into this private line and is currently in negotiations to secure the easement.

5. **CORPORATION shall provide confirmation from the City of Portland Department of Public Works that the public sewer has capacity to handle the increased flow generated by the hotel facility.**

The applicant has conducted an informal survey of neighboring properties connected to the private sewer line. The interviews indicate that there is sufficient capacity along the sewer line to accept anticipated flows of 15,390 gallons/day based on a proposed 90 room hotel.

6. **Up to a maximum of ninety-eight (98) guest rooms shall be permitted in the hotel.**

The proposed hotel will contain 90 rooms but the contract allows for an upper limit of 98 rooms.

7. **The Hotel project must obtain site plan approval from the Portland Planning Board. Included within such approval are the following requirements:**

(1) **CORPORATION shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, and**

(2) **All signage on site shall obtain the prior approval of the Zoning Administrator.**

Upon approval of the contract zone by the City Council, the applicant will return to the Planning Board for site plan review.

The Traffic Engineer has determined that a traffic study will be required.

A signage plan will also have to be submitted and approved by the Zoning Administrator.

8. **The provisions of this Agreement, including the permitted hotel use, are intended to be supplemental to the uses and requirements of the underlying I-M zone.**
9. **If a building permit has not been pulled within two years of the date of this contract, the zone shall revert to I-M zone; provided that CORPORATION may extend this agreement by one (1) years at the discretion of the Director of Planning and Urban Development.**

The contract stipulates that the contract will expire in two years unless extended by the Director of Planning for an additional year.

The language of the body of the contract states that the rezoning shall run with the subject premises and shall bind the applicants and their successors to the terms of the contract.

IV. Policy Issues

During its deliberations, the Planning Board expressed the opinion that the hotel use would be compatible with the IM uses found along Outer Congress Street. The Board did not find, however, that all hotel uses would be compatible in all IM zones of the City. Furthermore, the Planning Board determined that a B-4 zone, which would allow a hotel use, would not be an appropriate zone in this part of the City. The Board concluded that because of the unusual nature of the proposed use, a contract for rezoning would be consistent with the Land Use Plan.

V. Recommendations of the Planning Board

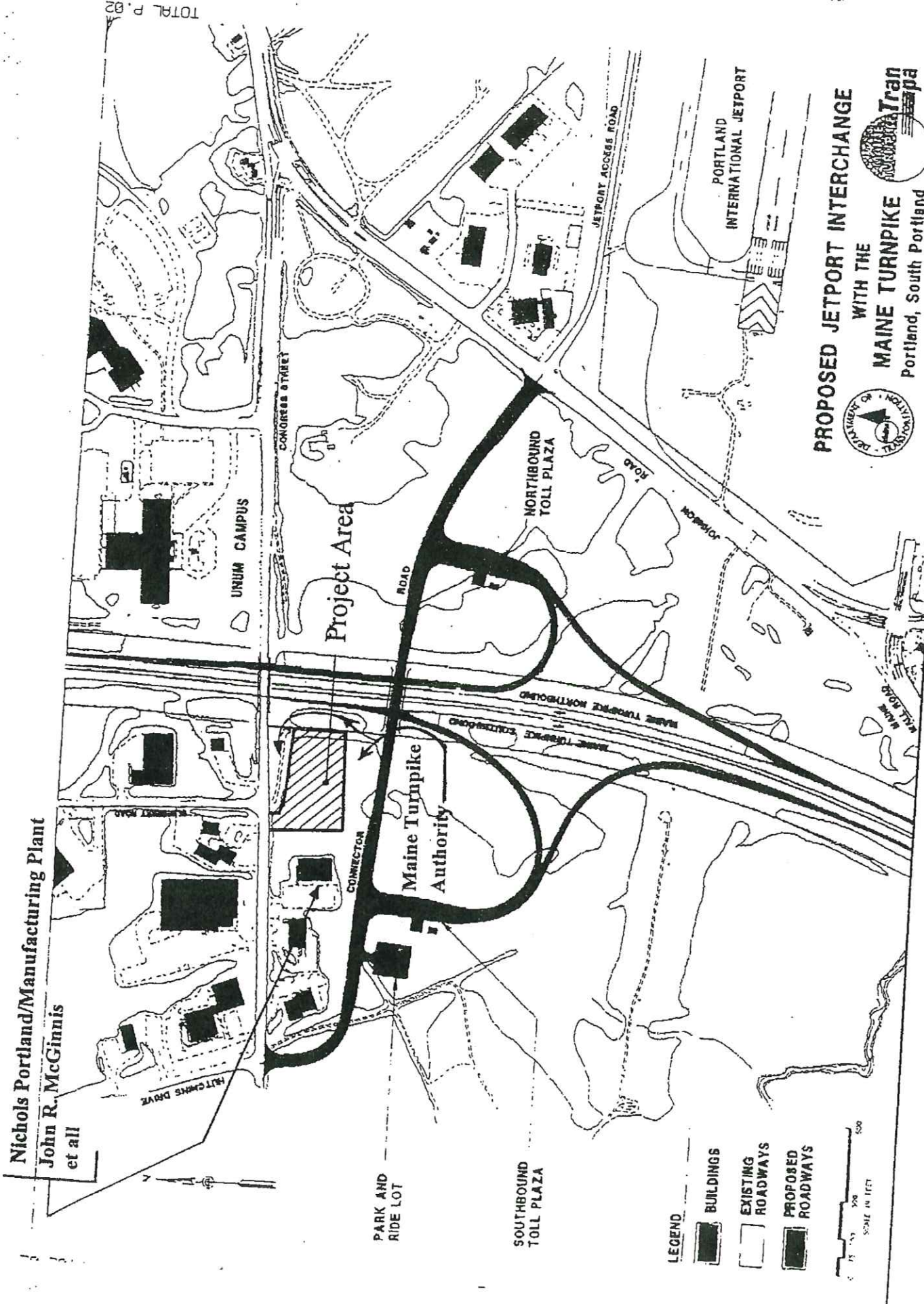
On the basis of plans and materials submitted and on the basis of information contained in Planning Report #27-99, the Planning Board has found the proposed rezoning to be consistent with the City's comprehensive land use plan and consistent with the existing and permitted uses within the IM zone and further **recommends** the Hutchcourt contract rezoning to the City Council.

Attachments

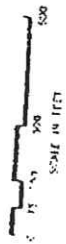
1. Vicinity Map/Zoning Map
2. Proposed Contract
3. Stormwater Management Plan
4. Sanitary Sewer Capacity Study
5. Proposed Sanitary Sewer Easement
6. Building Elevations
7. Site Plan
8. Grading Plan

Nichols Portland/Manufacturing Plant
John R. McGinnis
et al

TOTAL P. 02



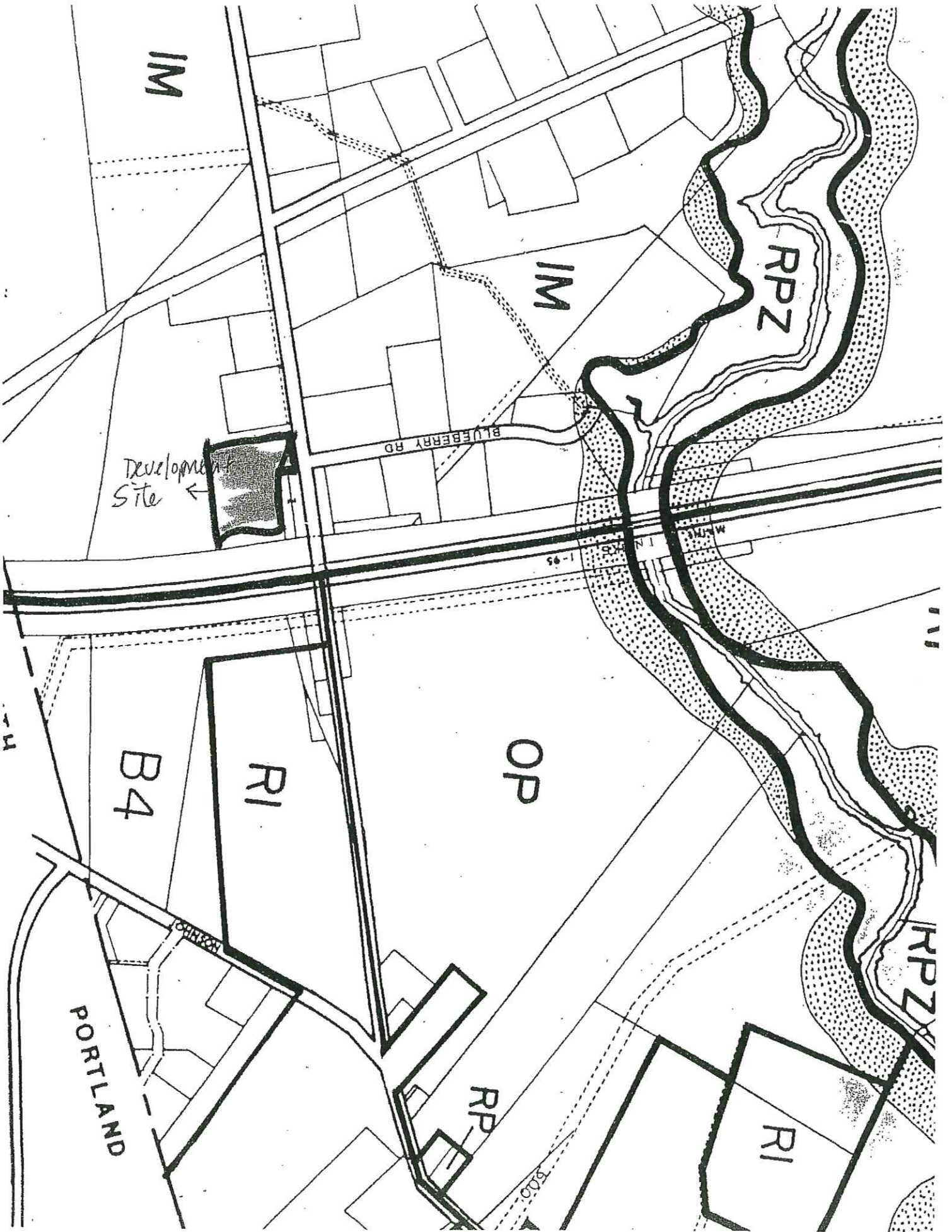
- LEGEND**
- BUILDINGS
 - EXISTING ROADWAYS
 - PROPOSED ROADWAYS



PROPOSED JETPORT INTERCHANGE
WITH THE
MAINE TURNPIKE
Portland, South Portland

VICINITY MAP
Abutters and Project Area

OEST Associates, Inc.
343 Gorham Road South Portland, ME 04106 (207) 761-1770



**AGREEMENT BETWEEN
CITY OF PORTLAND
AND
BALDACCI ASSOCIATES**

AGREEMENT made this _____ day of _____, 1999 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and **BALDACCI ASSOCIATES** of 183 Harlow Street, Bangor, Maine 04401 (hereinafter "**ASSOCIATES**").

WITNESSETH:

WHEREAS, **ASSOCIATES** did request a rezoning of property located at 2282 Congress Street, in Portland, in order to permit the establishment and operation of a hotel on 3.24 acres; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WITNESS:

CITY OF PORTLAND

By _____

Robert B. Ganley
Its City Manager

WITNESS:

BALDACCI ASSOCIATES

By _____

Its: _____

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 1999

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

Notary Public/Attorney at Law

STATE OF MAINE
CUMBERLAND, ss.

Date _____, 1999

Personally appeared the above-named _____, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Baldacci Associates.

Before me,

Notary Public/Attorney at Law

WHEREAS, the **CITY** authorized the execution of this Agreement on _____, 1999;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The **CITY** shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. **ASSOCIATES** shall be authorized to establish and maintain a Hotel in addition to uses permitted in the 1-M zone.
4. **ASSOCIATES** shall provide to the **CITY** a sanitary sewer easement establishing to the satisfaction of the **CITY's** Public Works Department and Corporation Counsel's Office, **ASSOCIATES'** right to connect to the Harmon-Hutchins private sewer.
5. **ASSOCIATES** shall provide confirmation from the Portland Water District that the public sewer has capacity to handle the increased flow generated by the hotel facility.
6. The number of rooms permitted in the Hotel shall be ninety (90).
7. The Hotel project must obtain site plan approval from the Portland Planning Board. Included within such approval are the following requirements:
 - (1) **ASSOCIATES** shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the **CITY's** Traffic Engineer, and
 - (2) All signage on site shall obtain the prior approval of the Zoning Administrator.
8. The provisions of this Agreement, including the permitted hotel use, are intended to be supplemental to the uses and requirements of the underlying I-M zone.
9. If construction of the hotel does not commence within two years of the date of this contract, the zone shall revert to I-M zone; provided that **ASSOCIATES** may extend

this Agreement by 1 year(s) at the discretion of the Director of Planning and Urban Development.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind ASSOCIATES, their successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that ASSOCIATES or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to I-M or any successor zone and that this Agreement be terminated, requiring a cessation of the hotel use.

The applicant has conducted an informal survey of neighboring properties connected to the private sewer line. The interviews indicate that there is sufficient capacity along the sewer line to accept anticipated flows of 15,390 gallons/day based on a proposed 90 room hotel.

6. The number of rooms permitted in the Hotel shall be ninety (90).

The proposed hotel will contain 90 rooms.

7. The Hotel project must obtain site plan approval from the Portland Planning Board. Included within such approval are the following requirements:

- (1) ASSOCIATES shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, and**
- (2) All signage on site shall obtain the prior approval of the Zoning Administrator.**

Upon approval of the contract zone by the City Council, the applicant will return to the Planning Board for site plan review.

The Traffic Engineer has determined that a traffic study will be required.

A signage plan will also have to be submitted and approved by the Zoning Administrator.

8. The provisions of this Agreement, including the permitted hotel use, are intended to be supplemental to the uses and requirements of the underlying I-M zone.

The language of the body of the contract states that the rezoning shall run with the subject premises and shall bind the applicants and their successors to the terms of the contract.

The applicant may have changes to discuss with the Planning Board during the workshop. Staff will need direction from the Planning Board on final contract language in order to advertise for a July 13 public hearing.

Attachments

1. Vicinity Map
2. Proposed Contract
3. Stormwater Management Plan
4. Sanitary Sewer Capacity Study
5. Proposed Sanitary Sewer Easement
6. Building Elevations
7. Site Plan
8. Grading Plan

Proposed Contract Conditions

The conditions of the contract as proposed follows:

1. **The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.**

An exempt of the zoning map showing the hotel parcel is included as Attachment 1. this map will be an exhibit of the contract.

2. **The property shall be developed substantially in accordance with the site plan shown on Attachment 2.**

The applicant has submitted a detailed site plan based on a survey indicating grading, drainage, landscaping, and parking layout. The site plan is included as Attachment 2 and will be included as an exhibit of the contract.

The applicant has also submitted building elevations of the proposed hotel. The building will be 3 stories with a varied hip roof. Materials will consist of composition shingle roofing and EIFS wall systems for the building facade. Building elevations are included as Attachment ____.

3. **ASSOCIATES shall be authorized to establish and maintain a Marriott Hotel in addition to uses permitted in the I-M zone.**

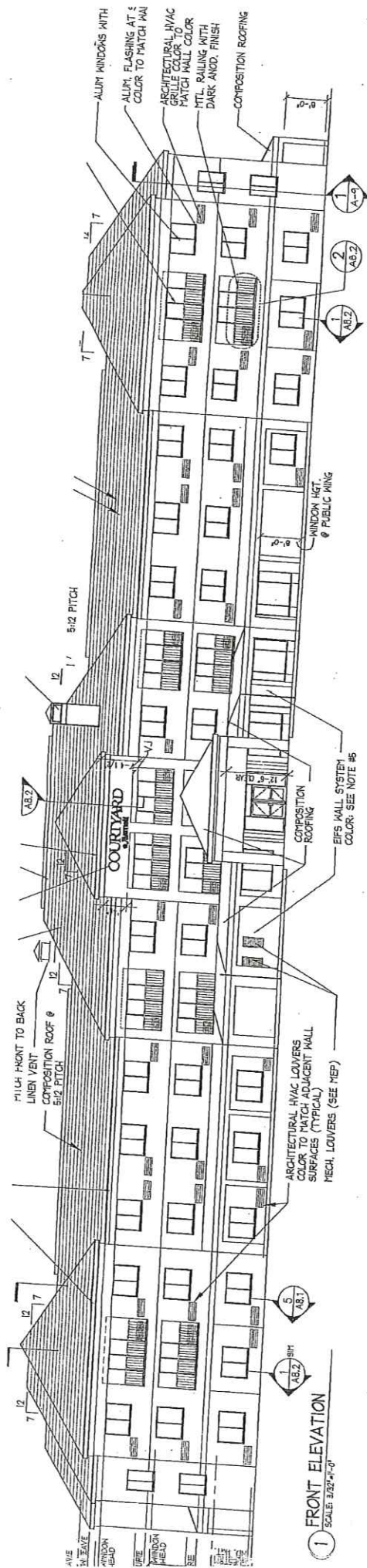
The development parcel is currently zoned Moderate Impact (IM) industrial. The contract will allow the proposed hotel use while also allowing the uses of the IM zone.

4. **ASSOCIATES shall provide to the CITY a sanitary sewer easement establishing to the satisfaction of the CITY's Public Works Department and Corporation Counsel's office, ASSOCIATES' right to connect to the Harmon-Hutchins private sewer.**

The applicant found during its research, that the sewer serving adjacent properties along outer Congress Street is a private line feeding into a public sewer. A private sewer easement runs parallel to Congress Street and runs north through the Hutchins subdivision and into a 10 inch public sanitary sewer line.

The applicant proposes an easement to tie into this private line and is currently in negotiations to secure the easement.

5. **ASSOCIATES shall provide confirmation from the City of Portland Department of Public Works that the public sewer has capacity to handle the increased flow generated by the hotel facility.**



1 FRONT ELEVATION

SCALE: 3/32"=1'-0"

PLANNING BOARD REPORT #27-99

**CONTRACT ZONE PROPOSAL
VICINITY OF 2393 CONGRESS STREET
HUTHCOURT, L.L.C., APPLICANT**

828-6664
DUG

Submitted to:
Portland Planning Board
Portland, Maine

July 13, 1999

I. Introduction

Hutchcourt L.L.C. has requested a recommendation from the Planning Board to the City Council regarding a proposed contract zone to allow construction and operation of a hotel on a parcel of land on outer Congress Street in the IM zone.

In January, the Planning Board reviewed the applicant's proposal, which was originally a request for a zone change from IM to B-4. The Board found the proposed hotel use reasonable; however, suggested a contract rezoning instead of a B-4 zone. A contract was drafted and sent to the Board in June. At that time, text changes were suggested and the contract was revised accordingly.

II. Site Issues

During the first workshop, Planning Board members expressed concern regarding stormwater management and whether the development of this parcel will impact the Stroudwater River. The applicant has submitted a stormwater management plan which proposes to control the flow of water off the site with an underground storage system constructed of four 60 inch corrugated metal pipes.

The stormwater will be outletted at the predevelopment rate in the same location as the current condition. The site currently drains southeasterly into a ditch along the Maine Turnpike. Runoff crosses under the Turnpike to Long Creek and eventually reaches the Fore River.

The proposal estimates an impervious surface area of 51%. The drainage structures will provide a total suspended solids removal of 80%.

III. Proposed Contract Conditions

The conditions of the revised contract as proposed follows:

- 1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.**

An exempt of the zoning map showing the hotel parcel is included as Attachment 1. This map will be an exhibit of the contract.

- 2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.**

The applicant has submitted a detailed site plan based on a survey indicating grading, drainage, landscaping, and parking layout. The site plan is included as Attachment 2 and will be included as an exhibit of the contract.

The applicant has also submitted building elevations of the proposed hotel. The building will be 3 stories with a varied hip roof. Materials will consist of composition shingle roofing and EIFS wall systems for the building facade. Building elevations are included as Attachment 6.

3. **CORPORATION shall be authorized to establish and maintain a Hotel with hotel-related accessories including but not limited to a restaurant, bar, conference room(s), pool and gym (provided that the same is located within said Hotel or on a patio adjacent thereto), in addition to undertaking uses permitted in the I-M zone.**

The development parcel is currently zoned Moderate Impact (IM) industrial. The contract will allow the proposed hotel use and various accessory uses while also allowing the uses of the IM zone.

4. **CORPORATION shall provide to the CITY a sanitary sewer easement establishing to the satisfaction of the CITY's Public Works Department and Corporation Counsel's office, CORPORATION'S right to connect to the Harmon-Hutchins private sewer.**

The applicant found during its research, that the sewer serving adjacent properties along outer Congress Street is a private line feeding into a public sewer. A private sewer easement runs parallel to Congress Street and runs north through the Hutchins subdivision and into a 10 inch public sanitary sewer line.

The applicant proposes an easement to tie into this private line and is currently in negotiations to secure the easement.

5. **CORPORATION shall provide confirmation from the City of Portland Department of Public Works that the public sewer has capacity to handle the increased flow generated by the hotel facility.**

The applicant has conducted an informal survey of neighboring properties connected to the private sewer line. The interviews indicate that there is sufficient capacity along the sewer line to accept anticipated flows of 15,390 gallons/day based on a proposed 90 room hotel.

6. **Up to a maximum of ninety-eight (98) guest rooms shall be permitted in the hotel.**

The proposed hotel will contain 90 rooms but the contract allows for an upper limit of 98 rooms.

7. **The Hotel project must obtain site plan approval from the Portland Planning Board. Included within such approval are the following requirements:**

- (1) **CORPORATION shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, and**
- (2) **All signage on site shall obtain the prior approval of the Zoning Administrator.**

Upon approval of the contract zone by the City Council, the applicant will return to the Planning Board for site plan review.

The Traffic Engineer has determined that a traffic study will be required.

A signage plan will also have to be submitted and approved by the Zoning Administrator.

8. The provisions of this Agreement, including the permitted hotel use, are intended to be supplemental to the uses and requirements of the underlying I-M zone.
9. If a building permit has not been pulled within two years of the date of this contract, the zone shall revert to I-M zone; provided that CORPORATION may extend this agreement by one (1) years at the discretion of the Director of Planning and Urban Development.

The contract stipulates that the contract will expire in two years unless extended by the Director of Planning for an additional year.

The language of the body of the contract states that the rezoning shall run with the subject premises and shall bind the applicants and their successors to the terms of the contract.

IV. Policy Issues

During its deliberations, the Planning Board expressed the opinion that the hotel use would be compatible with the IM uses found along Outer Congress Street. The Board did not find, however, that all hotel uses would be compatible in all IM zones of the City. Furthermore, the Planning Board determined that a B-4 zone, which would allow a hotel use, would not be an appropriate zone in this part of the City. The Board concluded that because of the unusual nature of the proposed use, a contract for rezoning would be consistent with the Land Use Plan.

V. Motions for the Board to Consider

On the basis of plans and materials submitted and on the basis of information contained in Planning Report #27-99, the Planning Board has found the proposed rezoning to be consistent with the City's comprehensive land use plan and consistent with the existing and permitted uses within the IM zone and further [recommends/does not recommend] the Hutchcourt contract rezoning to the City Council.

Attachments

1. Vicinity Map/Zoning Map
2. Proposed Contract
3. Stormwater Management Plan
4. Sanitary Sewer Capacity Study
5. Proposed Sanitary Sewer Easement
6. Building Elevations
7. Site Plan
8. Grading Plan

PLANNING BOARD REPORT #48 -99

**HUTHCOURT HOTEL
VICINITY OF OUTER CONGRESS STREET
HUTHCOURT, L.L.C., APPLICANT**

Submitted to:
Portland Planning Board
Portland, Maine

October 12, 1999

I. INTRODUCTION

Hutchcourt L.L.C. has requested site plan review and approval for a 90-room hotel to be constructed adjacent to the new turnpike interchange on Congress Street, across from Hutchins Drive. The applicant recently was granted a conditional rezoning by the City Council to allow a hotel use in the IM zone.

The applicant proposes to construct a three-story, limited service hotel. The guest amenities will include a pool, exercise room, and lounge/restaurant.

The Planning Board will review the plan for conformance with the Site Plan Ordinance of the Land Use Code and the Stormwater Permit requirements of the Site Location of Development Law.

II. SUMMARY OF FINDINGS

Land Area	3.24 acres
Zoning	IM (conditional)
Footprint	16,590
Total Square Footage	49,770
Height	37ft
Surrounding Uses	commercial, industrial

III. SITE PLAN REVIEW

1. Traffic/Circulation

Access to the site will be provided by a driveway from Congress Street. An access road circles the hotel, providing parking and access for clients and vendors.

Wilbur Smith Associates submitted a traffic evaluation for the proposed hotel. The hotel is expected to generate 60 vehicles (35 entering/25 exiting) during the a.m. peak hour, and 64 vehicles (31 entering/33 exiting) during the p.m. peak hour, with a total of 802 daily trips.

Congress Street traffic volumes were investigated, as well as site distance from the driveway. No improvements to Congress Street were recommended.

Larry Ash, City Traffic Engineer, has reviewed the traffic evaluation and is in agreement with its findings.

2. Bulk, Location, Height of Buildings

The proposed three-story hotel will have a footprint of 16,590 square feet, with a total square footage of 49,770 and height of 37 feet. The building will be clad in a honey-colored exterior insulation finish system (EIFS). The hip roof will be green.

The building contains a number of indentations and protrusions to break up its massing.

Due to the elevated grades of Congress Street and the dense screen of existing vegetation to be preserved on the hotel site and adjacent turnpike site, it will be difficult to see the entire length of the building from any location.

3. Utilities, Easements

Water, gas, telephone, and electric services will be connected to existing lines on Congress Street. The sewer line will be connected to the private Harmon/Hutchins sewer, which serves the Hutchins Drive development across Congress Street.

The applicant has secured an easement to tie into the sewer. Also, the City's environmental division has confirmed that there is adequate capacity to serve the development. (See attachments 8a and b.) Lastly, when the deal closes, the applicant will have rights to use the private sewer. (See attachment 8c.) The applicant has also provided utility capacity letters from the Portland Water District, CMP, Bell Atlantic, Northern Utilities, and Time-Warner Cable.

4. Landscaping

The applicant proposes to plant a variety of trees; including 13 Red Maples, 2 Crimson King Maples, 5 Lindens, 20 Blue Spruces, 4 Dwarf Pine Spruces, 4 Flowering Crabs, 6 Ornamental Pears, 2 Amur Maples, and 9 White Birch. A large variety of shrubs, annuals, and perennials will be planted as well.

One potential condition of approval is:

- that the applicant submit a revised landscaping plan showing a screen of plantings along the foot of the southeast side of the concrete block retaining wall, to be reviewed and approved by the City Arborist.

5. Stormwater/Wetlands.

The development site is heavily wooded and slopes in a southeasterly direction towards the Maine Turnpike. The applicant proposes to install a series of catchbasins throughout the site, and to route runoff via stormdrains to a stormwater treatment unit into an underground storage system. The runoff will then pass through an outlet control structure, across a riprap apron, and across a level lip spreader.

The stormwater plan will reduce the peak flow during the 2-, 10-, and 25-year storms, and will provide for a total suspended solids (TSS) removal of 80%.

Approximately 0.42 acres of wetland will be filled for this development. A wetland delineation was performed in February by Woodlot Alternatives. Their report is included as Attachment 13.

The applicant has applied for a stormwater permit under Site Law, as well as a Natural Resources Protection Act (NRPA) permit.

Steve Bushey, the Reviewing Engineer, has reviewed the plans. His comments will be available at the October 12 public hearing.

6. Lighting

The applicant proposes to install eight 20-foot high pole-mounted shoebox lights around the perimeter of the site. No lights are shown on the building.

A potential condition of approval may be:

- that the applicant provide a catalog specification and photometric plan for the lighting fixtures.

7. Fire Safety

Two fire hydrants are shown within the hotel site. Additionally, access is provided around the entire building.

The Fire Department has signed off on the site design of this proposal, and will review the building plans for conformance with the Fire Code.

8. Solid Waste

A dumpster is shown on the plan. Reynolds & Sons will provide trash pick-up service to the hotel. See Attachment 6.

9. Financial Capability

Included as Attachment 14 is a letter of financial capability to construct the development. Background financial information has also been submitted.

10. Signage

The applicant is proposing two freestanding signs on the property: one 35-foot high sign on Congress Street and one 17-foot high sign adjacent to the turnpike. Building-mounted signage is also proposed on four sides of the hotel.

The contract for rezoning stipulated that signage will be reviewed by the Zoning Administrator. The applicant submitted cross-sections of the site, indicating views of the signs in context with Congress Street and the turnpike. See Attachment 7.

IV. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and information contained in Planning Report #48-99, and on the basis of plans and materials submitted by the applicant, the Planning Board finds

A. That the proposed Hutchcourt Courtyard Marriot Hotel is in conformance with the Site Plan Ordinance of the Land Use Code.

5-0

1. Potential conditions of approval:

- that the applicant submit a revised landscaping plan showing a screen of plantings along the southeast side of the concrete block retaining wall, to be reviewed and approved by the City Arborist.
- that the applicant provide a catalog specification and photometric plan for the proposed lighting fixtures.

or some type screen

wetlands.

4-1

review & approval by staff. 5-0

B. That the proposed Hutchcourt Courtyard Marriot Hotel is in conformance and meets the Stormwater Permit Standards under Site Location of Development Law.

5-0

Attachments:

1. Vicinity Map
2. Project Narrative
3. Correspondence from the Applicant
4. Contract for Rezoning
5. Capacity of Utilities
6. Solid Waste Information
7. Signage Information
8. Sewer Information
 - a. sewer easement
 - b. capacity
 - c. sewer rights
9. Stormwater Management Report
10. Traffic Evaluation
11. Vortechnic Information and Maintenance Comr
12. DEP Permit Application
13. Wetland Delineation
14. Financial Capacity
15. Staff Comments
 - a. Public Works
16. Building Elevations
17. Plans

revised lp showing
 on cond that there
 plantings should not
 in anyway impact wetlands
 would not have to change
 existing sp as proposed
 into already Spand.
 and impact wetlands or
 review & approval by
 staff.

←

applicant's obligation to receive permits for disturbance of wetlands.

OEST Associates, Inc.

• engineers
• architects
• surveyors
• construction
managers

343 Gorham Road • South Portland, ME 04106-2317 • TEL (207) 761-1770 • FAX (207) 774-1246
E-mail: mail@oest.com • Web Site: www.oest.com

267.01.01

January 15, 1999

Ms. Sarah G. Hopkins, Senior Planner
Planning & Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

SUBJECT: Application for Zoning Amendment for 2393-2409 Congress Street from IM to
B-4, (January 26, 1999 Room 209 @ 15:30)

Dear Ms. Hopkins:

Per our telephone conversation on January 14, 1999 I have reviewed the text of the OP Zone as it is presently written and have the following comments:

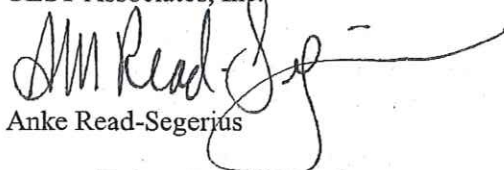
1. The OP Zone requires 100' of street frontage rather than the 60' required in the B-4 Zone. The site optioned by the applicant has 60' frontage, **not** 100'.
2. The OP Zone does **not** allow the use of a hospitality product. The applicant proposes the Zoning Amendment because the intent is to develop a hospitality product on this site. The B-4 Zone permits that use.
3. The B-4 Zoning District has a height restriction of 65'. The OP Zone limits this to 55'. The latter is too low for an upscale hospitality product.

The OP Zone seeks to address the needs of a campus style office development. The subject site is a small site, less than 4 acres in size and hemmed in by the Maine Turnpike on two sides, Outer Congress street on one side and the existing commercial facility known as Nichols Portland.

In regards to the impervious area limitation of 60%: that would not be an issue with the applicant's proposed development. The green space and landscape program for their product is quite generous and we would not foresee a problem staying within the 60%.

If you have any further questions, please do not hesitate to call.

Sincerely,
OEST Associates, Inc.



Anke Read-Segerius

cc: Robert E. Baldacci, Jr.
Steve Harding, OEST Associates, Inc.
OP/TW

A:\hopk0115.ars.wpd



APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Urban Development
Portland Planning Board

1. Applicant Information:

Robert Baldacci, Jr.
Name Agent for Ocean Properties, Ltd.
183 Harlow Street
Address
Bangor, ME 04401
(207) 947-1271 (207) 942-5409
Phone Fax

2. Subject Property:

2393-2409 Congress Street
Address
237-A-1 (Partial)
Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

George M. Hutchins
Name
75 Dartmouth Street
Address
South Portland, ME 04106
(207) 767-1692 (207) 767-1694
Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Purchase and sale of real estate

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property: No use. Property is undeveloped.

7. Current Zoning Designation(s): I-M

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

Applicant proposes to construct a 4-story hotel with associated parking and
accessory structures.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A. Zoning Map Amendment, from I-M to B-4

B. Zoning Text Amendment to Section 14- _____

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (~~example~~), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

CITY OF PORTLAND, MAINE

PLANNING BOARD

John H. Carroll, Chair
Jaimey Caron, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Deborah Krichels
Erin Rodriguez
Mark Malone

October 14, 1999

Anke Read-Segerius
Oest Associates
343 Gorham Road
South Portland, ME 04106

re: Huthcourt Hotel at 2282 Congress Street

Dear Ms. Read-Segerius:

On October 12, 1999, the Portland Planning Board voted unanimously (5-0; Cole, Krichels absent) to approve your application to construct a 90-room hotel at 2282 Congress Street. The Board found that the application met the standards of the Site Plan Ordinance of the Land Use Code.

The approval was granted for the project with the following conditions:

- that the applicant install a screen of plantings along the southeast side of the concrete block retaining wall on the condition that the applicant would not have to change the existing site plan as proposed, and that any additional screening would not impact the wetlands or require any additional permitting in regards to the disturbance of wetlands;
- that the applicant provide a catalog specification and photometric plan for the proposed lighting fixtures for review and approval by staff.

The Planning Board also voted unanimously (5-0; Cole, Krichels absent) to grant the applicant a Stormwater Permit under authority of the Site Location of Development Law.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report # 48-99, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Chair Carroll and Members of the Portland Planning Board

FROM: Sarah Hopkins, Senior Planner

DATE: June 8, 1999

RE: Outer Congress Street Hotel Contract Zone

Introduction

Robert Baldacci, agent for Ocean Properties, Ltd. has requested a second workshop with the Planning Board to discuss a proposed contract zone to allow a hotel on a parcel of land on outer Congress Street in the IM zone.

In January, the Planning Board reviewed the applicant's proposal, which was originally a request for a zone change from IM to B-4. The Board found the proposed hotel use reasonable; however, suggested a contract rezoning instead of a B-4 zone. Staff was then directed to draft a contract based on a site plan.

The applicant has returned with a detailed site plan and building elevations and a contract has been drafted accordingly.

Site Issues

During the first workshop, Planning Board members expressed concern regarding stormwater management and whether the development of this parcel will impact the Stroudwater River. The applicant has submitted a stormwater management plan which proposes to control the flow of water off the site with an underground storage system constructed of four 60 inch corrugated metal pipes.

The stormwater will be outletted at the predevelopment rate in the same location as the current condition. The site currently drains southeasterly into a ditch along the Maine Turnpike. Runoff crosses under the Turnpike to Long Creek and eventually reaches the Fore River.

The proposal estimates an impervious surface area of 51%. The drainage structures will provide a total suspended solids removal of 80%.

Proposed Contract Conditions

The conditions of the contract as proposed follows:

1. **The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.**

An exempt of the zoning map showing the hotel parcel is included as Attachment 1. this map will be an exhibit of the contract.

2. **The property shall be developed substantially in accordance with the site plan shown on Attachment 2.**

The applicant has submitted a detailed site plan based on a survey indicating grading, drainage, landscaping, and parking layout. The site plan is included as Attachment 2 and will be included as an exhibit of the contract.

The applicant has also submitted building elevations of the proposed hotel. The building will be 3 stories with a varied hip roof. Materials will consist of composition shingle roofing and EIFS wall systems for the building facade. Building elevations are included as Attachment ____.

3. **ASSOCIATES shall be authorized to establish and maintain a Hotel in addition to uses permitted in the I-M zone.**

The development parcel is currently zoned Moderate Impact (IM) industrial. The contract will allow the proposed hotel use while also allowing the uses of the IM zone.

4. **ASSOCIATES shall provide to the CITY a sanitary sewer easement establishing to the satisfaction of the CITY's Public Works Department and Corporation Counsel's office, ASSOCIATES' right to connect to the Harmon-Hutchins private sewer.**

The applicant found during its research, that the sewer serving adjacent properties along outer Congress Street is a private line feeding into a public sewer. A private sewer easement runs parallel to Congress Street and runs north through the Hutchins subdivision and into a 10 inch public sanitary sewer line.

The applicant proposes an easement to tie into this private line and is currently in negotiations to secure the easement.

5. **ASSOCIATES shall provide confirmation from the City of Portland Department of Public Works that the public sewer has capacity to handle the increased flow generated by the hotel facility.**

The applicant has conducted an informal survey of neighboring properties connected to the private sewer line. The interviews indicate that there is sufficient capacity along the sewer line to accept anticipated flows of 15,390 gallons/day based on a proposed 90 room hotel.

6. The number of rooms permitted in the Hotel shall be ninety (90).

The proposed hotel will contain 90 rooms.

7. The Hotel project must obtain site plan approval from the Portland Planning Board. Included within such approval are the following requirements:

- (1) ASSOCIATES shall submit a traffic study establishing its ability to meet all the traffic safety requirements to the satisfaction of the CITY's Traffic Engineer, and**
- (2) All signage on site shall obtain the prior approval of the Zoning Administrator.**

Upon approval of the contract zone by the City Council, the applicant will return to the Planning Board for site plan review.

The Traffic Engineer has determined that a traffic study will be required.

A signage plan will also have to be submitted and approved by the Zoning Administrator.

8. The provisions of this Agreement, including the permitted hotel use, are intended to be supplemental to the uses and requirements of the underlying I-M zone.

9. If construction of the hotel does not commence within two years of the date of this contract, the zone shall revert to I-M zone; provided that ASSOCIATES may extend this agreement by __ years at the discretion of the Director of Planning and Urban Development.

The contract stipulates that the contract will expire in two years unless otherwise extended. We will need some direction on the length of the extension.

The language of the body of the contract states that the rezoning shall run with the subject premises and shall bind the applicants and their successors to the terms of the contract.

Staff will need direction from the Planning Board on final contract language in order to advertise for a July 13 public hearing.

Attachments

1. Vicinity Map
2. Proposed Contract
3. Stormwater Management Plan
4. Sanitary Sewer Capacity Study
5. Proposed Sanitary Sewer Easement
6. Building Elevations
7. Site Plan
8. Grading Plan