1. **PROPOSED MOTIONS FOR THE BOARD TO CONSIDER**

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 finds the following:

**Waivers**

* 1. *Driveway Design*:

The Planning Board (**waives/ does not 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.

* + - 1. *Parking Aisle:*

The Planning Board (**waives/ does not 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**

That the Planning Board finds that the proposed plan [**is/is not**] in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits.

*Potential conditions of approval:*

1. 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
2. That a post-occupancy signal warrant study shall 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; and
3. 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 finds the plan **[is/ is not]** in conformance with the standards for a Storm Water Permit application for the commercial development at 2282 Congress Street and [**grants/does not grant**] a permit subject to the following condition:

*Potential condition of approval:*

1. 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 finds that the plan **[is/is not]** in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

*Potential conditions of approval:*

1. 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
2. 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
3. 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
4. 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
5. 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
6. 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
7. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements; and
8. *(added since Report #24-13 completed)*

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.