

CITY OF PORTLAND, MAINE

PLANNING BOARD

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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 (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

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

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"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