

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
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October 25, 2016

Dirigo Center Developers, LLC.
Jeffrey Gove
7 Swain Drive
Hampton Falls, NH 03844

Jones & Beach Engineers, Inc.
Wayne Morrill
85 Portsmouth Avenue
Strathan, NH 03885

Project Name:	Dirigo Plaza	Project ID:	#2016-073
Address:	1190 Brighton Avenue, Westbrook, Maine	CBL:	264-A-002
Applicant:	Dirigo Center Developers, LLC. (previously J & J Gove Development Group)		
Planner:	Barbara Barhydt, Development Review Services Manager		

Dear Mr. Gove:

On October 18, 2016, the Planning Board considered a subdivision plan for the development of a retail center (Dirigo Plaza) in Westbrook, which crosses the municipal boundaries of Portland and Westbrook in the vicinity of 1190 Brighton Avenue. The proposed buildings and site improvements for the shopping center development do not extend into Portland, so the primary focus of the subdivision review has been on the traffic and stormwater impacts of this proposal in Portland. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance. The Planning Board voted unanimously (5-0, Dundon and Nichols absent) to approve the application with three conditions of approval (see below).

SUBDIVISION REVIEW

On the basis of the application, plans, reports and other information submitted by Dirigo Center Developers, LLC, the applicant; findings and recommendations contained in the planning board report for the public hearing on October 18, 2016 for application #2016-073 relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board finds that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall provide evidence of all required State and local approvals, including but not limited to Maine DOT Traffic Movement Permit, DEP Site Location of Development Act, Stormwater Permit, Natural Resources Protection Act Permit and Westbrook Subdivision review, prior to the issuance of a street opening permit from Portland's Department of Public Works.

2. The applicant shall provide the monetary compensation of \$220,000 for mitigation of traffic impacts along Brighton Avenue for the installation of pedestrian and ADA improvements, prior to the issuance of a street opening permit from Portland Department of Public Works.
3. If any revisions are proposed to the traffic movement permit or off-site traffic mitigation measures planned in Portland, which differ from those presented in the application reviewed on October 18, 2016, then the applicant shall submit an amended subdivision plan for review pursuant to Portland's Subdivision Ordinance.

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. **Subdivision Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
3. **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.)

The subdivision conditions must be completed and approved by the Planning Authority and the Public Works Authority prior to the issuance of a street opening permit. Please coordinate with the Portland staff in order to meet these requirements.

If there are any questions, please contact Barbara Barhydt at (207) 874-8699.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report with attached staff review memos

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Mike Russell, Director of Permitting and Inspections
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Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
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Katherine Earley, Engineering Services Manager, Public Works
Bill Clark, Project Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Greg Vining, Associate Engineer, Public Works
Michelle Sweeney, Associate Engineer, Public Works
John Low, Associate Engineer, Public Works
Rhonda Zazzara, Field Inspection Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Public Works
Keith Gautreau, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



**Memorandum
 Planning and Urban Development Department
 Planning Division**

To: Elizabeth Boepple, Chair, and Members of the Portland Planning Board
From: Barbara Barhydt, Development Review Services Manager
Date: October 14, 2016
Re: Dirigo Plaza (Main Street Westbrook, 1190 Brighton Avenue, Dirigo Center Developers, LLC, Applicant
Project #: 2016-073 **CBL:** 264-A002
Hearing Date: October 18, 2016

I. INTRODUCTION

Dirigo Center Developers, LLC (previously doing business as J & J Gove Development Group) has submitted revised plans and documents for the development of a retail center in Westbrook. The land holding crosses municipal boundaries in the vicinity of 1190 Brighton Avenue, so subdivision review is required by both Westbrook and Portland Planning Boards. Dirigo Plaza is located on the former Blue Rock (Pike Industries) site, which includes a large quarry that extends into Portland. The proposed buildings and site improvements for the shopping center development do not extend into Portland, so the primary focus of the subdivision review has been on the traffic and stormwater impacts of this proposal in Portland.

The Planning Board held a joint workshop on the proposal with the Westbrook Planning Board on May 17, 2016. On September 27, 2016, the Planning held a workshop on the final plans and the application is now before the Board for a public hearing on the subdivision plan. .

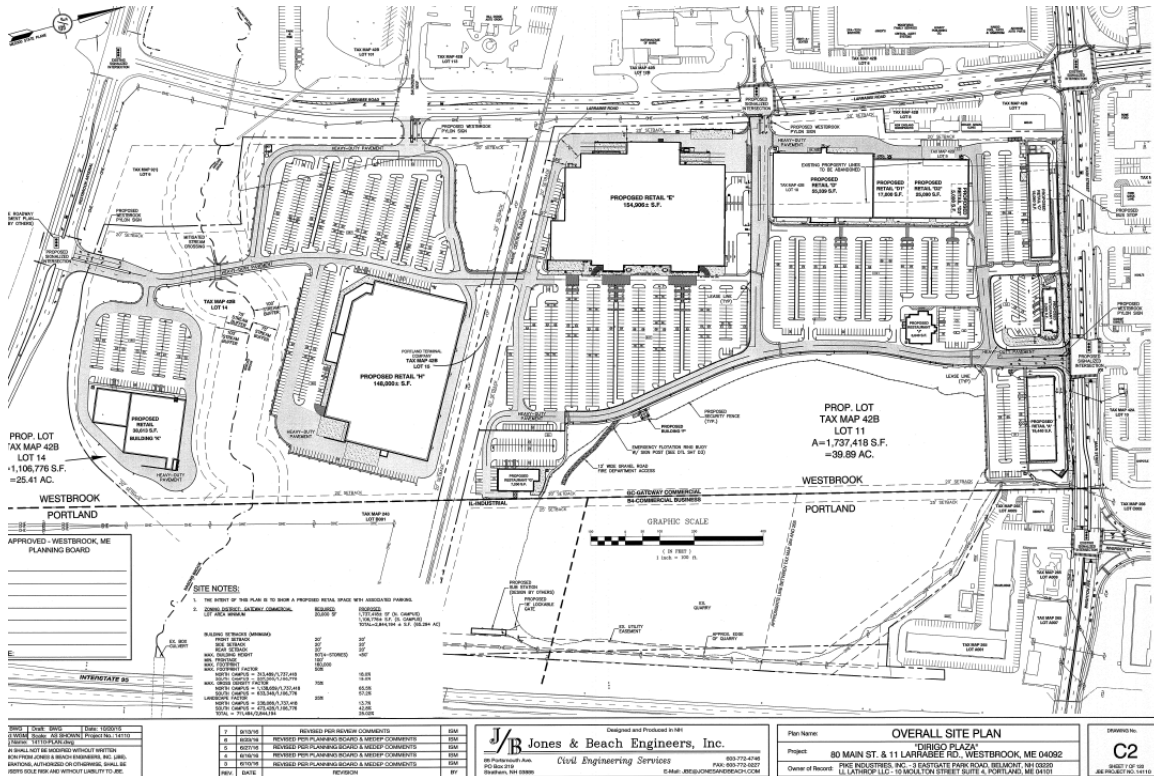
A total of 72 notices were sent to property owners within 500 feet of the site and a legal ad ran in the Portland Press Herald on October 10 and 11, 2016. No public comment has been received to date.

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
None	
<i>Portland Review</i>	<i>Applicable Standards</i>
Subdivision	<i>Section 14-497</i>
Site Plan –(no on-site improvements, so no longer applicable)	
<i>Other Required Reviews</i>	
Westbrook Subdivision Review	<i>Pending</i>
Maine DOT Traffic Movement Permit	<i>Pending</i>

DEP Site Location of Development Act, including Stormwater Management Permit	Draft DEP permit submitted. Pending final edits.
Natural Resources Protection Act Permit	Draft DEP permit submitted. Pending final edits.
Army Corps of Engineers Permit for Wetland Fill	Approved

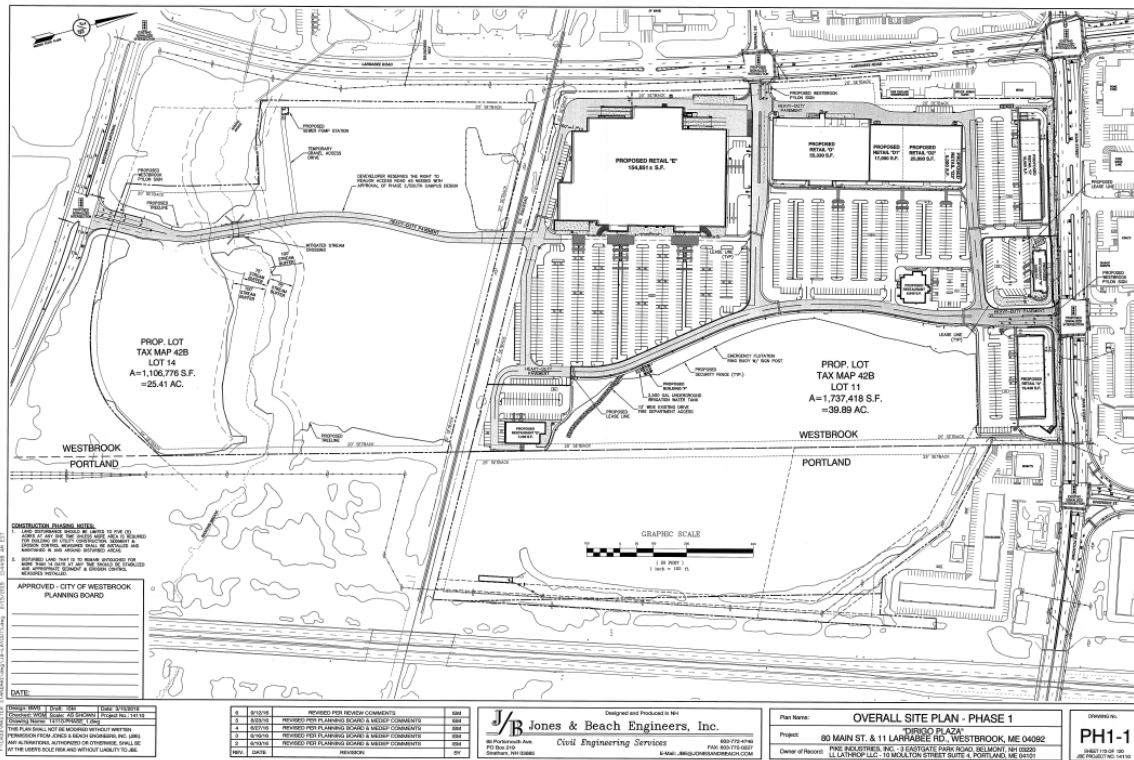
III. PROPOSED PROJECT



Overall Development Site Plan for Dirigo Plaza

Proposed Development

Dirigo Plaza is proposed in Westbrook at the former Pike Industries parcel with street frontage along Main Street (becomes Brighton Avenue in Portland), Larabee Road, and the Westbrook Arterial. The holdings cross into Portland where there is frontage along U.S Interstate 95. The development is described as a regional retail shopping center with mixed use retail development with a total floor area of approximately 495,915 SF among about 10 buildings. Walmart has announced that they will be one of the anchor tenants. All of the buildings, parking areas, and site improvements are located entirely within Westbrook. Vehicle access into the site is from Westbrook (Main Street, Larabee Road and Westbrook Arterial). The total site area is 81.78 acres, of which a significant portion is the former quarry, and 16.48 acres of the applicant's holdings are located in Portland. The project is proposed in phases and the Phase I (also referred to as the north campus) is shown below.



Phase I Site Plan for Dirigo Plaza

The development is subject to subdivision review by both the Cities of Portland and Westbrook. There is a three lot subdivision proposed, which includes two long-term lease lots in Westbrook and one lot in Portland that is noted as the remaining non-leased property. Of the acreage in Portland, approximately 3.82 acres is zoned Industrial I-L and 12.66 acres is zoned Commercial Business B-4.

In the initial application, a trail was proposed around the former quarry pit. Water is no longer being pumped out of the quarry, so the intent is to have groundwater and storm water fill the quarry and become a recreational amenity. The trail was the only site improvement proposed on Lot 3 and it was subject to site plan review under the City’s site plan ordinance. The trail was proposed over a CMP utility easement and CMP has not provided permission to install a trail and fencing (Applicant submission 4 b). Jamie Cough of CMP states:

Due to safety concerns and limited maintenance access, CMP is not in support of the construction of a recreational trail and 4’ metallic chain link fence within the CMP easement. Additional, CMP would like the project developer to install a security fence with lockable gate on the southern side of the existing quarry to deter access to the easement and eastern side of the quarry.”

The revised proposal no longer shows a trail; therefore, the project no longer requires site plan review under Portland’s ordinance.

Revised plans have been submitted are listed in the applicant’s submission. Please note that the applicant has submitted a full set of plans, which are part of the record. The sewer plans, road profiles, planting plan details, and utility details for the improvements in Westbrook were not posted on the City’s web page, but are part of the public record and available. The consultants have responded to staff’s comments and responded to comments raised at the workshop. The most recent plans show concepts for the off-site transportation improvements that are being proposed as part of the Traffic Movement Permit and mitigation measures in Portland, including improvements on Riverside Street, Brighton Avenue, and Exits 47 and 48. Since the Planning Board workshop, there is a a Traffic Movement Permit with edits from Westbrook and VAI (Att. I) and the applicant’s response (Att. J.) , which are included as attachments to this report.

IV. RIGHT TITLE AND INTEREST

The applicant has submitted sufficient evidence of right title and interest that is included in the Applicant’s submission (Attachment 3a and Attachment 3b) . Please note that the name of the applicant has changed from J &J Gove Development Group to Dirigo Center Developers, LLC.

V. SUBDIVISION REVIEW

Below are the 15 Subdivision Review Criteria from Portland’s Subdivision Ordinance with staff comments.

1. *Will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; the conformity to the applicable state and local health and water resources regulations;*

Staff Comments: The stormwater management improvements for the proposed development are proposed on the two lots within Westbrook. The stormwater flows into the Nason’s Brook Watershed, which is one of Portland’s Urban Impaired Streams. DEP is reviewing the stormwater compliance under Chapter 500, including the urban impaired stream standards. A letter submitted to DEP and included as Applicant’s Submission 6f, which quantifies the measures being taken on the development site to meet the urban impaired standards.

According to the analysis by Jones and Beach Engineers 43.36 acres (minus the quarry) will be developed. A comparison of the existing conditions and proposed area as follows:

	Existing Conditions	Proposed
Developed Area	43.46 ac. (minus quarry)	55.41 ac.
Total Impervious Area	34.72 ac.	41.63 ac.
Roof Area	0.56 ac.	11.49 ac.
Paved Road/ Parking	3.86 ac.	30.14 ac.

Compacted Gravel	30.30 ac.	
Existing Vegetation in Developed Area	8.74 ac.	13.78 ac.

Under the Chapter 500 regulations, development within an urban impaired stream watershed, the applicant must provide additional mitigation or a pay fee into a Compensation Fee Utilization Fee Plan. On October 13, 2016, the draft permit from DEP was submitted. It is our understanding that there will be some minor edits, but that this permit is essentially what will be finalized. The DEP decision (Att.K) requires urban impaired stormwater compensation fee of \$208,875 to be paid to the City and condition #10 of the permit states:

Prior to the start of any construction, the applicant shall submit a total payment of \$208,875 to the City of Portland Stormwater Compensation Fee Utilization Plan for Nason Brook.

There is a proposed crossing of the stream on the site. The proposed details for the stream crossing are shown on the applicant's plans (Attachment P53) along with the Grading and Drainage plans (P17-P22) and other stormwater detail plans (P47-52).

Lauren Swett, PE, Woodard and Curran, has found the proposed stormwater plan and the pending DEP permit meet the City's stormwater standards (Attachment A). While we have the draft DEP permits for SLODA, NRPA, and the Stormwater Permit, the staff is suggesting a condition of approval that requires the applicant to submit all final permits.

2. *Has sufficient water available for the reasonably foreseeable needs of the subdivision; and*
3. *Will not cause unreasonable burden on an existing water supply;*

Staff Comment: The water for the project is being provided in Westbrook.

4. *Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

Staff Comment The recreational trail that was proposed in Portland was being reviewed under the City's site plan standards, but that feature has been removed. CMP would not grant permission for the trail to be located on their easement. There are not site improvements or site disturbance proposed in Portland.

The applicant has submitted grading and drainage plans (P17-23, P47-53) and soil erosion control plans (P54-61) for the development of the site. The DEP has issued their permit for the Site Location of Development Act and the Stormwater Permit, so the proposed grading and erosion control plans meet the standards of Chapter 500; thus this standard has been met.

5. *Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;*

Following Section on Transportation Written by Bruce Hyman, Transportation Program Manager, and reflects comments of Jeremiah Bartlett, Transportation Systems Engineer

The Planning Board's review of the Dirigo Plaza project can be parsed into two primary sets of criteria: those under the MaineDOT-administered Traffic Movement Permit process provided and those under the city's Subdivision Ordinance (cited above) and.

At the end of this report there is a comprehensive list of the submissions by the applicant which comprise the transportation analysis and proposed mitigation plans.

A. Traffic Movement Permit Process

In response to the applicant's transportation analysis, the MaineDOT State Traffic Engineer issued an initial draft Traffic Movement Permit on August 23, 2016. Subsequent to a meeting and conference call with the applicant (with the MaineDOT and the City of Westbrook also participating) an amended draft TMP was issued September 20, 2016. As of the date of this report, there have been no changes by the MaineDOT to the revised draft TMP dated September 20th. The applicant and the Maine Turnpike Authority have supplied comments on this draft. In combination, the applicant's comments on the TMP (dated October 6, 2016 and included as Att.I to this report) and memo to the Planning Board (dated October 5, 2016 from VAI, Att J) fully satisfy City of Portland staff comments provided to them prior to the Planning Board's workshop on September 27th. These, where applicable to the TMP, have yet to be incorporated by the MaineDOT into either an updated draft TMP for our review or its final TMP.

There are no on-site mitigation actions in Portland. The September 20, 2016, MaineDOT draft off-site mitigation proposed in the draft TMP (Att I) within Portland includes the items listed below. In several locations a *Portland Staff Note*: (updated since the September 27th workshop) is provided.

Proposed MaineDOT Draft TMP-required Off-site Improvements (as of September 20th)

Riverside Street

1. Intersection of Riverside St / Larrabee Rd (Exit 48) (see Conceptual Improvement Plan: Riverside Street at Larrabee Road and I-95 Exit 48 Ramps, Sheet 1 of 2)

Construct a second dedicated left-turn lane on the Riverside southbound approach to Exit 48. Restripe the southbound approach to include two dedicated left-turn lanes, a dedicated thru lane and a share thru-right lane. Lane widths shall be a minimum of 11 feet.

Install appropriate overhead lane-usage signs for the Riverside southbound approach both in advance of the intersection and at the intersection. Install appropriate lane-use signs at the intersection for the other intersection approaches.

Construct a second left-turn lane on Larrabee.

Portland Staff Comment: The applicant proposes in its October 6th latest comments on the draft TMP the change: “Subject to the availability of public right-of-way and if so directed by the MaineDOT, construct a second left-turn lane on Larrabee Road.” Staff concurs with this language. The applicant’s October 5th memo to the Board provides additional context for this. The MaineDOT has not yet responded to the applicant’s and the city’s comments on this item.

Remove channelizing island for the right-turn movements from the Riverside Street northbound approach and the I-95 exit ramp. Construct a right turn lane with appropriate length and Taper.

Reconstruct the traffic signal system to accommodate the new geometry and interconnect to the toll plaza. Provide overlap phasing when possible.

Design and implement an optimal traffic signal timing, phasing and coordination plan. Install a hardwire interconnect to the signal at Main and Larrabee Rd.
Portland Staff Comment: The applicant’s latest TMP comments incorporate and accept the Maine Turnpike’s comments for this location regarding signal equipment.

Note: Work on Maine Turnpike Authority (MTA) property requires an MTA work permit and MTA review.

2. Intersection of Riverside St / Forest Ave (not shown on plans provided)

Design and implement an optimal traffic signal timing, phasing and coordination plan.

3. Intersection of Riverside St / Warren Ave (see Proposed Off-Site Improvements)

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.
Portland Staff Comment: The applicant, in its October 6th comments on the latest draft TMP, proposes to: “Provide design plans to the City of Portland for minor geometric and traffic signal improvements that will be constructed by the city.” The applicant has agreed to the hardwire interconnect along Riverside Street requested by the city and is reflected in its latest comments on the draft TMP and its memo to the Board.

4. Intersection of Riverside St / Home Depot (see Proposed Off-Site Improvements)

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.

Portland Staff Comment: The applicant has agreed to the hardwire interconnect along Riverside Street requested by the city and is reflected in its latest comments on the draft TMP and its memo to the Board.

5. Intersection of Riverside St / Brighton Ave / Main St (see Figure 14 Conceptual Improvement Plan, Sheet 4 of 5)

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.

Portland Staff Comment: In its memo to the Board and its comments on the draft TMP, the applicant has agreed to updated signal heads with reflective back plates (as proposed on the applicant's Conceptual Improvement Plan, Sheet 4 of 5), and updated thermal (not video) detection to meet the City's standard.

6. Segment between Riverside Court (Berlin City) and Exit 48 (see Conceptual Improvement Plan: Riverside Street at Larrabee Road and I-95 Exit 48 Ramps, Sheet 1 of 2)

Restripe to provide a two-way left-turn lane.

Construct sidewalk along the west side of Riverside, eliminating existing sidewalk gaps.

7. Segment between Exit 48 / Brighton Ave (see Conceptual Improvement Plan: Riverside Street at Larrabee Road and I-95 Exit 48 Ramps, Sheets 1 & 2 of 2)

Construct sidewalk along the east side of Riverside, eliminating existing sidewalk gaps.

Intersection of Rand Rd / Westbrook Arterial (Exit 47) (see Rand Road at I-95 Exit 47 Ramps Conceptual Improvement Plan)

Widen I-95 ramp to provide a second left-turn lane to the Westbrook Arterial.
Widen Rand Road to accept the dual-left turn lanes.

Install raised medians along Rand Road approaching the intersection.

Upgrade traffic signal equipment, design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire or wireless interconnect to the adjacent intersection at the site entrance at Westbrook Arterial.

Portland Staff Comment: City staff strongly prefers hardwire interconnects where they are feasible to be provided. The applicant in its memo to the Board and its comments on the draft TMP agrees to implement the hardwire interconnect "to

the extent feasible”. City staff will work with the MaineDOT to satisfactorily reconcile the language in the memo to the Board with the draft TMP

B. Subdivision Ordinance Compliance/Non-TMP Off-site Improvements (see Proposed Off-Site Improvements)

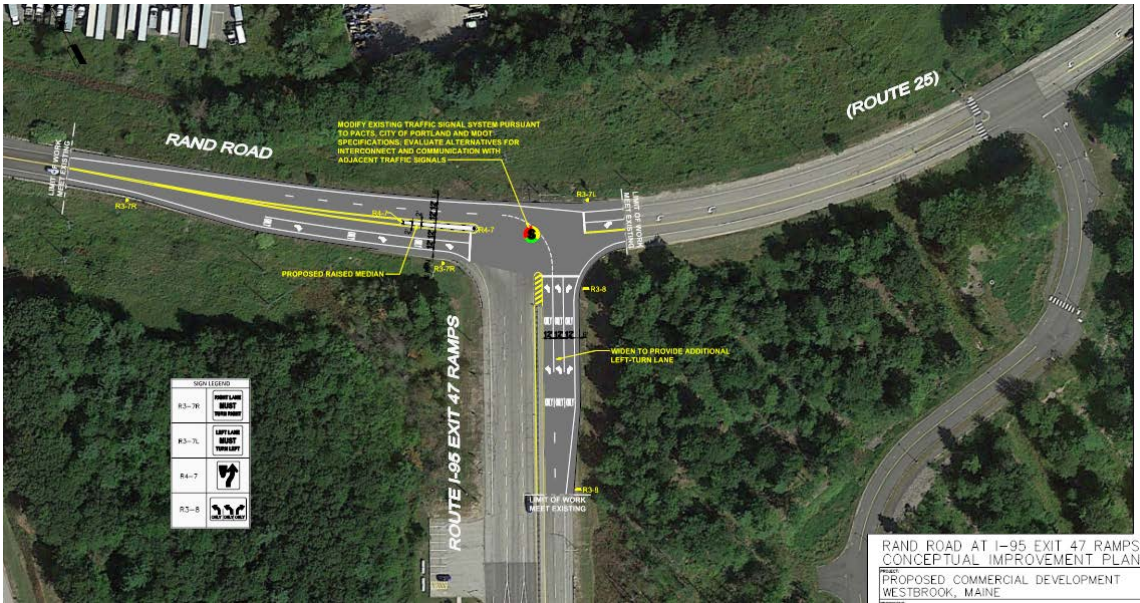
Several items requested by the City to be investigated and potentially mitigated by the applicant are not included in revised draft TMP (dated September 20, 2016) but have been proposed to be addressed in various forms by the applicant.

These items include:

1. Provision of bicycle facility accommodations on Brighton Avenue
2. Provision of sidewalk and curb ramp/accessibility improvements along Brighton Avenue
3. Mitigation of turn movements that degrade below LOS D in the Build 2021 traffic condition.

Prior to the issuance of the initial draft TMP, the City enlisted the services of an engineering firm to assess the existing vehicle, pedestrian and bicycle conditions on Brighton Avenue to supplement the applicant’s assessment. For items not included in the TMP, the applicant has preliminarily agreed to an infrastructure account contribution in the amount of \$220,000 to mitigate the above items (see letter dated September 7, 2016 to Barbara Barhydt from Jim Katsiaficas). There have been no total construction values yet associated with these items but staff concurs that this is a reasonable amount. Should the city wish to proceed in this fashion, the applicant has further agreed conceptually to partner with the city on the construction of these (to be determined) improvements using their infrastructure contribution as well as other contributions within a defined project area (preliminarily Riverside Street at the Warren Avenue and Home Depot intersections and on Brighton Avenue from Riverside Street to St. John St. [corrected per the applicant’s graphic below]). The city, in most instances, would be required to provide construction documents to the applicant’s contractor to accomplish the Brighton Avenue improvements. Since the September 27th workshop, there have been no changes to the non-TMP off-site mitigation previously agreed to by The Applicant. Staff remains satisfied the mitigation package meets the standard for Portland’s Subdivision Ordinance traffic requirements subject to the following two conditions of approval proposed for the Board’s consideration:

2. The applicant shall provide the monetary compensation of \$220,000 for mitigation of traffic impacts along Brighton Avenue for the installation of pedestrian and ADA improvements, prior to the issuance of a street opening permit from Portland’s Department of Public Works.
3. If any revisions are proposed to the traffic movement permit or off-site traffic mitigation measures planned in Portland, which differ from the those presented in the application reviewed on October 18, 2016, then the applicant shall submit an



Rand Road at I-95 Exit 47 Ramp Conceptual Improvement Plan

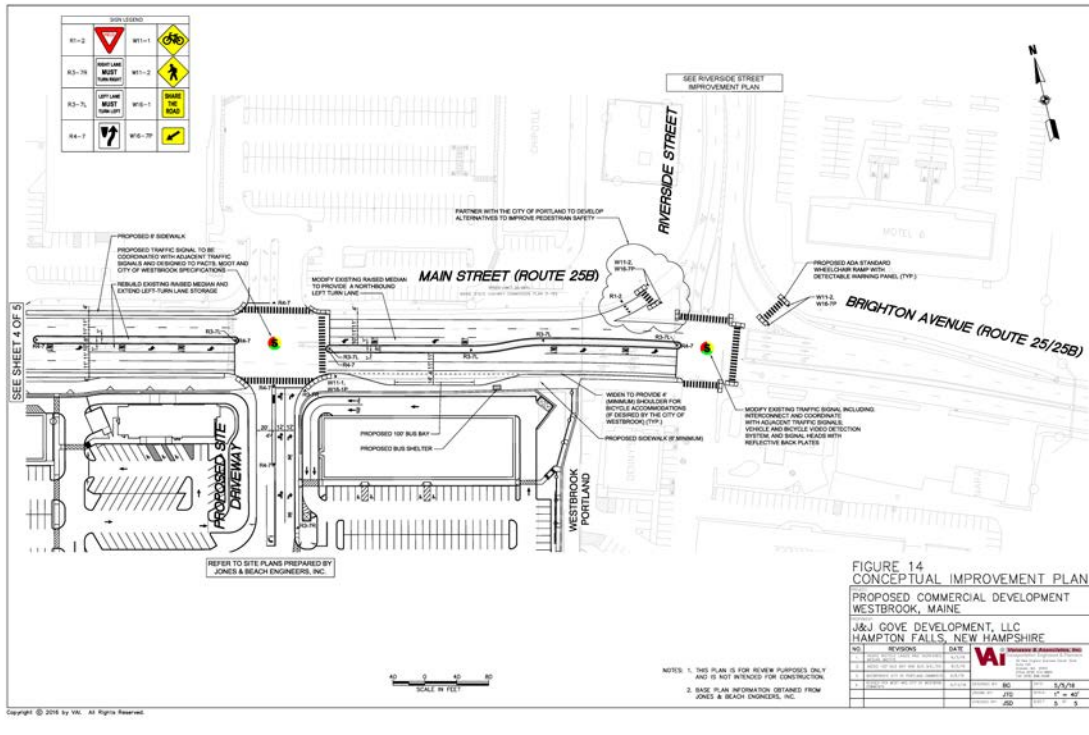
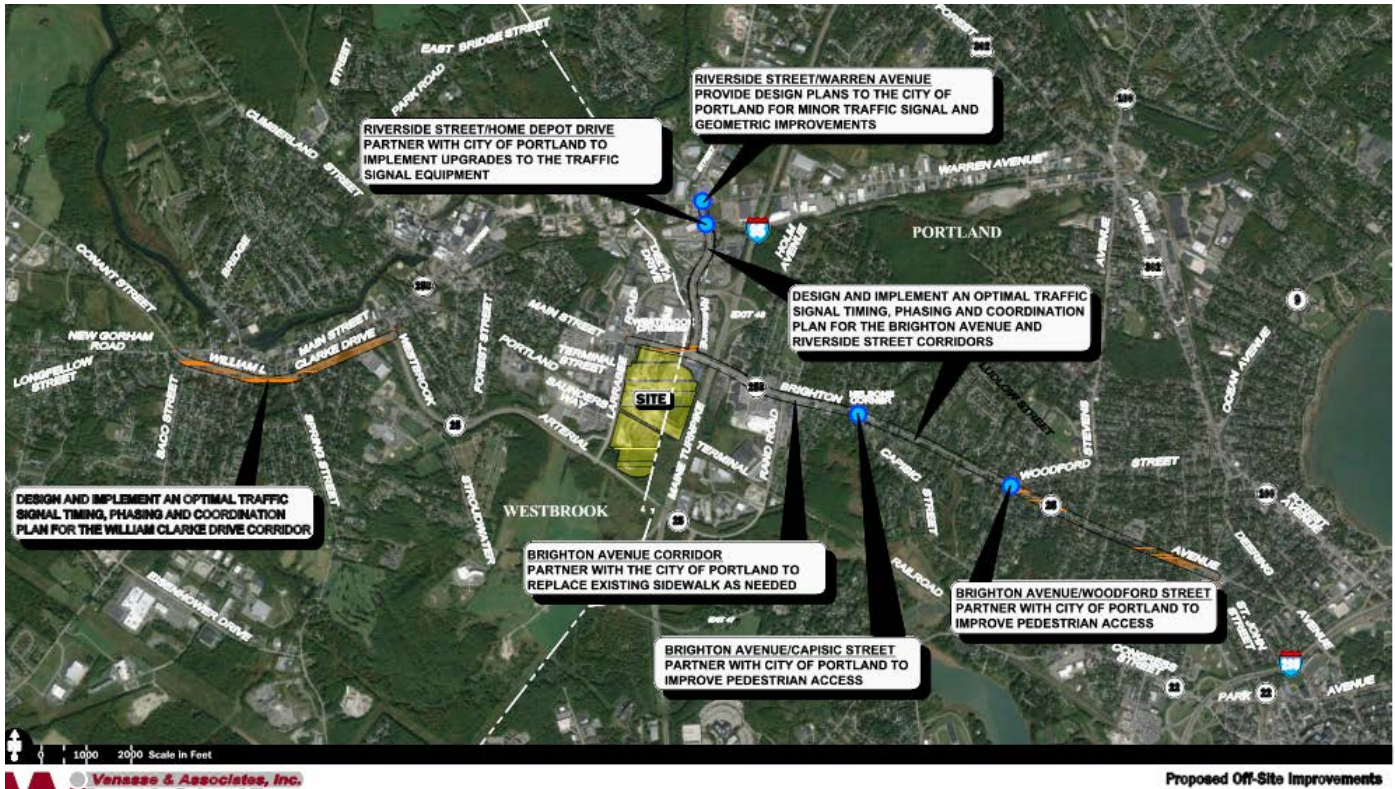


Figure 14 Conceptual Improvement Plan, Brighton-Riverside Intersection, Sheet 4 of 5



6. *Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;*

Staff Comment: The sanitary waste is being handled by the City of Westbrook’s system.

The proposed stormwater management system for the developed site is proposed to treat 96.2% of the total impervious area. The majority of the stormwater from the North campus will be collected in a closed system, which includes treatment measures, and then is directed to the existing quarry. The proposed treatment measures include Grassed Underdrained Soil Filters, Underground Sand Filters, and/or Gravel Wetlands. The quarry discharge flows to the existing wetlands on the South Campus. North Campus stormwater that is not directed to the quarry will be treated with Grassed Underdrained Soil Filters and/or Underground Sand Filters and discharged into systems within Westbrook’s Main Street or Larabee Road. These systems discharge into the existing stream on the South Campus, which is part of the Nason’s Brook system. Drainage from the South campus will also be treated and directed to the existing wetland. Criteria number one addresses the treatment and mitigation for Nason’s Brook, which is an Urban Impaired Stream.

Lauren Swett, P.E with Woodard and Curran, and Portland's consulting civil engineer, has reviewed the plan and her comments are included as Attachment A of this report. She has found the proposed plan to meet the standards of the subdivision ordinance with the pending final DEP permit.

In addition, there is a note on the overall plan site plan that there is a proposed sub-station to be proposed by others. It is noted here that the specifics for that substation must be submitted for review

7. *Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;*

Staff Comment: Municipal services for Dirigo Plaza will be managed by the City of Westbrook.

8. *Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. For subdivisions within historic districts designated pursuant to article IX of this chapter, the Planning Board shall apply the standards of section 14-651(c) of article IX. The Planning Board may request that the historic preservation committee prepare an evaluation of the proposed subdivision based upon the standards of section 14-651(c);*

Staff Comment: The former use of the site was a quarry. The proposed lot within Portland is not being developed, so there is no disturbance of any scenic or natural beauty of the area. A letter dated June 1, 2015 from the Department of Agriculture, Conservation & Forestry (Applicant's Submission Att. 7) indicates that there are no rare botanical features documented for the project site. The site is not a designated historic site nor within an historic district. Attachment 12 of the applicant's submittal is the Corps of Engineers permit for the permanent filling of 1.47 acres of wetland. The proposal does not impede physical or visual access to a shoreline. The quarry is being filled with ground water and stormwater water with the intent that it will become a significant natural water resource for the plaza. Thus, this standard is met for the lot within Portland.

9. *Is in conformance with the land development plan or its successor;*

Staff Comment: Portland's Comprehensive Plan identifies the area along Brighton Avenue as a growth area. The land is split between two zones, B-4 and I-L, so these zones permit a range of commercial development and light industrial uses. Again, no development is proposed within Portland, so there are no uses to consider at this time. The proposed lot in Portland conforms with the City's Comprehensive Plan and meets this standard.

10. *The subdivider has adequate financial and technical capacity to meet the standards of this section;*

Staff Comment: The applicant has submitted Attachment 5 of their written documents that addresses the financial and technical capacity of the developer and consulting team to meet this standard.

11. *Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;*

Staff Comment: The site is not located within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in the State's Mandatory Shoreland Zoning.

12. *Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;*

Staff comment: The proposed project is relying on Westbrook municipal services for water and sewer and they are not proposing any wells or subsurface systems. No adverse affects on the quality or quantity of groundwater are expected thus meeting this standard.

13. *Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation;*

Staff comment: The Portland lot is not within a flood zone and meets this standard.

14. *All potential wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands. Any mapping of wetlands may be done with the help of the local soil and water conservation district; and*

Staff comment: Wetlands are shown on the Subdivision Lot Consolidation Plan and the majority of the wetlands are in Westbrook in the area proposed for the South Campus. There is a portion of one wetland that crosses into Portland on the southerly side of the railroad line and is associated with a stream. No wetland disturbance is proposed within Portland, so this standard is met for the lot in Portland.

15. *Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application. For purposes of this*

section, "river, stream or brook" has the same meaning as in Title 38 M.R.S.A. Section 480-B, subsection 9.

Staff comment: Nason's Brook is shown on the plan. The brook, starting at the confluence of two streams, is included in the City's Stream Protection Zone per the requirements of the State's Mandatory Shoreland Zoning is shown on the plan and meets the standard.

VI. RECORDING PLAT

The applicant is seeking the Board's approval and signature of the plat on October 18th. The Planning Staff in consultation with DPW and Victoria Morales, Associate Corporation Counsel, have suggested three conditions of approval for the Board's consideration, which are as follows:

1. The applicant shall provide evidence of all required State and local approvals, including but not limited to Maine DOT Traffic Movement Permit, DEP Site Location of Development Act, Stormwater Permit, Natural Resources Protection Act Permit, and Westbrook Subdivision review, prior to the issuance of a street opening permit from Portland's Department of Public Works;
2. The applicant shall provide the monetary compensation of \$220,000 for mitigation of traffic impacts along Brighton Avenue for the installation of pedestrian and ADA improvements, prior to the issuance of a street opening permit from Portland's Department of Public Works.
3. If any revisions are proposed to the traffic movement permit or off-site traffic mitigation measures planned in Portland, which differ from the those presented in the application reviewed on October 18, 2016, then the applicant shall submit an amended subdivision plan for review pursuant to Portland's Subdivision Ordinance.

The applicant is revising the plat and is creating a recording plat with 2 pages. One page will include all of the notes, details and conditions. The Planning Staff has suggested that this page be renamed and include a signature block, so that it is clear that both pages are part of the recording plat and signed by the Boards. The staff will review the final revised plat prior to the public hearing. The plat that is part of the current submission was reviewed by William Clark, DPW Surveyor and he found the plat to meet city standards and has asked for the following edits:

- 1. Provide the Subdivision Plat in AutoCAD format on State Plane Coordinates on a DVD for the DPW Archives. This will allow us to update the GIS Parcel mapping as well as input of any infrastructure which may affect the City of Portland. The coordinates are not for property conveyances. This can be done separately from submission at the Planning Board meeting.*
- 2. Provide coordinates for two points:*

(1.) Coordinates for the "IR FND" (Iron Rod Found) on the City line at the southerly end of the 864.32 foot boundary line.

(2.) Coordinates for the City Boundary Monument found at Brighton Avenue as shown on Detail A on the drawing titled "Existing Conditions and Details & Notes A3". This can be done separately from submission at the Planning Board meeting.

3. We would appreciate a mylar for the DPW Engineering Archives. (Planning note: the subdivision ordinance requires a mylar copy of the recording plat with all of the signatures and the book and page of the recording submitted to the city for the DPW archives and the applicant has agreed in an e-mail to provide the mylar copy as requested.)

4. Having a signature block on both plans to be recorded is an excellent idea.

5. Final plans to have Surveyor's seal.

The revised plat is included as Attachment L and M, with the mylar copy expected to be submitted on Monday. The staff will review the plat to assure consistency with all comments prior to the Planning Board hearing, so the plat could be signed if the Board is ready. If the Board seeks to revise the conditions, then the plat could be modified and ready for the Board's signature on October 25th.

VII. PROPOSED MOTIONS

On the basis of the application, plans, reports and other information submitted by Dirigo Center Developers, LLC, the applicant; findings and recommendations contained in the planning board report for the public hearing on October 18, 2016 for application #2016-073 relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall provide evidence of all required State and local approvals, including but not limited to Maine DOT Traffic Movement Permit, DEP Site Location of Development Act, Stormwater Permit, Natural Resources Protection Act Permit, and Westbrook Subdivision review, prior to the issuance of a street opening permit from Portland's Department of Public Works;
2. The applicant shall provide the monetary compensation of \$220,000 for mitigation of traffic impacts along Brighton Avenue for the installation of pedestrian and ADA improvements, prior to the issuance of a street opening permit from Portland's Department of Public Works.

3. If any revisions are proposed to the traffic movement permit or off-site traffic mitigation measures planned in Portland, which differ from the those presented in the application reviewed on October 18, 2016, then the applicant shall submit an amended subdivision plan for review pursuant to Portland's Subdivision Ordinance.

Report Attachments

- A. Lauren Swett, P.E. (Development Review Engineer) dated September 22, 2016
- B. September 7, 2016 letter from Jim Katsifcas to Barbara Barhydt
- C. Draft Traffic Movement Permit – MDOT Sept 20, 2016
- D. Proposed Off-Site Improvements
- E. Revised Exit 47 Plan (1)
- F. Revised Exit 48 Plan (1)
- G. Revised Project Site Access Improvement Plans (1)
- H. Revised Riverside Street Plan (1)
- I. Draft TMP with edits from Westbrook & VAI -draft
- J. Response Letter – from Jeffery Dirk, Vanasse & Associates, Inc., dated October 5, 2016
- K. DEP Permit – cover letter from Robert Green, dated October, 2016
- L. Draft Subdivision – Lot Consolidation Plat
- M. Draft Lot Consolidation Plat Notes & Conditions

Applicants Submittal

- 1. Application
- 2. Project Description
- 3 a Title, Right and Interest
- 3.b Letter from J. Katsifcas regarding Title, Right and Interest
- 4 a Easements, Covenants, Public or Private Right-of-Way
- 4 b CMP Comments on Easement Request
- 5. Financial Capacity
- 6 a Stormwater & Drainage Summary
- 6 b PreDevelopment Summary
- 6 c Post Development- Summary
- 6 d Response Letter to DEP – Site Location
- 6 e Response Letter to DEP Land & Water
- 6 f Urban Impaired Stream Letter
- 6 g Response letter to Portland after Workshop
- 6 h Response Letter to Woodard and Curran Comment
- 6 i O& M Manual
- 7 Construction Management and Natural Features (8 &9)
- 10 Abutters
- 11 a Traffic Movement Permit- Draft Mitigation
- 11 b Amended TIS Executive Summary
- 11 c Response to MDOT Comments
- 12 Army Corps of Engineers Permit

Plans - (Please note that the sewer plans, road profiles, planting plan details, and utility details for work in Westbrook were submitted as part of the submission; however those plans are not posted on the web site. The plans are available at the Planning Office

- P1 CS Cover Sheet
- P2 A1 Existing Conditions Plan

P3	Existing Conditions Notes
P4	A3 Subdivision – Lot Consolidation Plat
P5	C2 Overall Site Plan
P6	C2 Overall Site – Phase I
P7	C2-1-Overall Site Plan – North Campus
P8	C2-1-1 Overall Site Plan – North Campus
P9	C2-1-2 Overall Site Plan – North Campus
P10	C2-1-3 Overall Site Plan – North Campus
P11	C2-1- 4 Overall Site Plan – North Campus
P12	C2-2 Overall Site Plan – South Campus
P13	C2-2-1 Overall Site Plan – South Campus
P14	C2-2-2 Overall Site Plan – South Campus
P15	Demolition Plan – North Campus
P16	Demolition Plan – South Campus
P17	C3-1_Grading & Drainage Plan- North Campus
P18	C3-1-1_Grading & Drainage Plan
P19	C3-1-2_Grading & Drainage Plan
P20	C3-1-3_Grading & Drainage Plan
P21	C3-1-4_Grading & Drainage Plan
P22	C3-2_Grading & Drainage Plan- South Campus
P23	C3-2-1_Grading & Drainage Plan
P24	C4_Overall Utility Plan
P25	C4-1 Overall Utility Plan- North Campus
P26	C4-1-1_Utility Plan- North Campus
P27	C4-1-2_Utility Plan- North Campus
P28	C4-1-4_Utility Plan
P29	C4-2_Overall Utility Plan- South Campus
P30	C4-2-1_Utility Plan- South Campus
P31	L-5.3_Planting Plan- North Campus
P32	L-5.4_Planting Plan- North Campus
P32	L-2.0_Landscape Overall Plan
P33	L-3.0_Hardscape Plan
P34	L-3.1_Hardscape Plan
P34	L-5.5_Planting Plan- North Campus
P35	L-3.2_Hardscape Plan
P35	L5.7_Planting Plan- North Campus
P36	L-4.0_Hardscape Details
P36	L-5.8_Planting Plan- North Campus
P37	L-4.1_Hardscape Details
P37	LP1-1_Lighting Plan- North Campus
P38	L-5.0_Planting Plan- North Campus
P38	LP1-2_Lighting Plan- North Campus
P39	L-5.1_Planting Plan- North Campus
P39	LP1-3_Lighting Plan- North Campus
P40	L-5.2_Planting Plan- North Campus
P40	LP1-4_Lighting Plan- North Campus
P41	LP1-5_Lighting Plan- South Campus
P42	LP1-7_Lighting Details
P43	D2_Site Plan Detail Sheet
P44	D3_Site Plan Detail Sheet
P45	D4_Site Plan Detail Sheet
P46	D6_Building B Detail Sheet
P47	D8_Drainage Detail Sheet
P48	D9_Drainage Detail Sheet
P49	D10_Drainage Detail Sheet
P50	D11_Drainage Detail Sheet
P51	D12_Drainage Detail Sheet

P52	D13_Drainage Detail Sheet
P53	D14_Stream Crossing Detail Sheet
P54	E1_Erosion and Sediment Control Details
P55	E2_Erosion and Sediment Control Details
P56	EC-1_Erosion Control- North Campus- Phase 1
P57	EC-2_Erosion Control- North Campus- Phase 1
P58	EC-3_Erosion Control- South Campus- Phase 1
P59	EC-4_Erosion Control- North Campus- Phase 1
P60	EC-5_Erosion Control- South Campus- Phase 1
P61	EC-6_Erosion Control- South Campus Phase 2
P62	Proposed Exterior Elevations Building A
P63	Proposed Exterior Elevations-Building C
P64	Proposed Exterior Elevations-Building D
P65	Proposed Front Elevation and Hardscape Plan- Building E
P66	Front Perspective-Building E
P67	Vestibule Perspective-Building E
P68	Proposed Exterior Elevations and Signage Chart-Building E
P68	Proposed Exterior Elevations- Building G
P69	Proposed Exterior Elevations- Building F
P69	Proposed North Elevations- Building J

MEMORANDUM



TO: Barbara Barhydt
FROM: Lauren Swett, PE
DATE: September 22, 2016
RE: Dirigo Plaza Subdivision Application

Woodard & Curran has reviewed the Subdivision Application submitted for the Dirigo Plaza project located at 58 and 80 Main Street in Westbrook, Maine. A three lot subdivision, including retail buildings, parking and site features is proposed in Westbrook. The project crosses the Portland/Westbrook line, and includes a one-lot subdivision in Portland. The work in Portland includes primarily the construction of a paved pathway surrounding the existing quarry pit on the property.

Documents Reviewed by Woodard & Curran

- Response to comments letter and attachments, dated September 12, 2016, prepared by Jones & Beach Engineers, Inc., on behalf of Dirigo Center Developers, LLC.

Comments (*Comments repeated from previous memos are included in italics.*)

As the project's primary development area is located within the City of Westbrook, it is our understanding that the primary review will be completed by others. Our review focuses on the proposed trail feature, the pond, and the stormwater management system as it has an impact on the City of Portland's Nason's Brook Watershed.

- 1) It is noted that many of the prior comments were related to the trail proposed surrounding the quarry. This trail will not be allowed by Central Maine Power due to proximity to their right-of-way and infrastructure. The removal of the trail from the project addresses these comments
- 2) The proposed project is located primarily in the City of Westbrook, but will discharge to an Urban Impaired Stream (Nason's Brook) located in Portland. The project will be in compliance with the Basic, General, Urban Impaired Stream, and Flooding Standards of the MaineDEP Chapter 500 Rules in accordance with Section 5 of the City of Portland Technical Manual. We understand that this Subdivision application is for only a portion of the overall project area, and the entire project is being reviewed for stormwater compliance by the City of Westbrook and the Maine DEP.
 - a) Basic Standard: The applicant has provided plans, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices within the development area in Westbrook. With the elimination of the trail, no significant work is proposed within Portland. The proposed erosion and sedimentation control measures proposed will be in compliance with the Maine DEP Basic Standards.
 - b) General Standards: The Applicant is required to provide stormwater treatment throughout the entire project area and is proposing an extensive networks of bioretention cells, underdrained filters, and sand filters throughout the development site. The existing quarry pit will be utilized as a wet pond. This wet pond will provide treatment for the entire new impervious area added in the City of Portland.
 - c) Urban Impaired Stream Standards: As noted above, the Applicant is providing extensive stormwater treatment on the site. The Applicant has submitted a request to the Maine DEP accounting for their proposed treatment, and noting that based on their calculations, no additional mitigation fee is required. The Applicant's calculation method appears to be valid as a significant amount of treatment is proposed within the Westbrook site, providing for treatment of a greater percentage of impervious area than is required by the General Standard. The Applicant should provide a copy of the Maine DEP's response to their Urban Impaired Stream calculations, and a copy of the final permit approval for the project.
 - d) Flooding Standard: The Applicant is required to provide flood control throughout the entire project area. Flood control will be provided by stormwater features throughout the site, primarily through



the use of the existing quarry pit as a wet pond. Runoff from the portion of the project located in the City of Portland will be managed by the wet pond. The overall project will result in a reduction in peak discharge in all storm events based on the submitted model. The Applicant has updated their model to address the previously provided comments.

- 3) *The Applicant has noted that a Stormwater Pollution Prevention Plan will be completed. A copy should be submitted prior to issuance of a building permit. Applicant has acknowledged.*
- 4) *The project will be required to comply with the post-construction stormwater management requirements as outlined in Chapter 32 of the City of Portland Code of Ordinances for all stormwater features located in the City of Portland. Applicant has acknowledged.*

All other previous comments have been addressed at this time.

September 7, 2016

Barbara Barhydt,
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101

Re: Site Plan and Subdivision Application, Dirigo Plaza; Dirigo Center Developers, LLC; Applicant's Narrative Response to the City of Portland's Off-Site Traffic Mitigation Comments

Dear Barbara:

I am writing to provide Applicant Dirigo Center Developers, LLC's ("Applicant") response regarding the City of Portland's Off-Site Traffic Mitigation Comments for the Dirigo Plaza project ("Project") provided to us by Jeremiah Bartlett on Friday, September 2, 2016. We appreciate the efforts by the City of Portland, the Maine Department of Transportation, the City of Westbrook, and the Maine Turnpike Authority to meet with us on September 1 to review MDOT's draft Traffic Movement Permit ("draft TMP") and other traffic and development concerns, and to prepare comments on the same so promptly. We understand that the City of Portland seeks the following items for incorporation into the finalized Traffic Movement Permit to be issued by MDOT, and our response follows each item listed below. Schematic plans prepared by Vanasse & Associates, Inc. ("VAI") to illustrate the Applicant's proposed work are enclosed.

1. Riverside Street from Berlin City to Exit 48

- *Provide consistent roadway width to allow for a center left turn lane to reduce crash frequency*

We understand from our meeting on September 1 that there is sufficient roadway width to permit us to restripe this area, and so the **Applicant agrees** to restripe this area, as requested by the City of Portland (see VAI Conceptual Improvement Plan, Riverside Street at Larrabee Road and I-95 Exit 48 Ramps, Sheet 2 of 2).

- *Eliminate sidewalk gap on west side of street north of Burger King (i.e. result in sidewalks on both sides of Riverside between Exit 48 and Berlin City)*

PHILIP C. HUNT

JOHN S. UPTON

PEGGY L. McGEHEE

MELISSA HANLEY MURPHY

JOHN A. HOBSON

JAMES N. KATSIARICAS

TIMOTHY P. BENOIT

J. GORDON SCANNELL, JR.

FRED W. BOPP III

MARK P. SNOW

WILLIAM J. SHEILS

DAVID B. McCONNELL

PAUL D. PIETROPAOLI

RANDY J. CRESWELL

JULIANNE C. RAY

DAWN M. HARMON

CHRISTOPHER M. DARGIE

SARA N. MOPPIN

PETER J. McDONELL

SHAWN K. DOIL

JOSEPH G. TALBOT

LAUREN B. WELIVER

JOSEPH C. SIVISKI

JOHN W. MASLAND

The **Applicant agrees** to construct the sidewalk to eliminate sidewalk gap on west side of street north of Burger King, as requested by the City of Portland (see VAI Conceptual Improvement Plan, Riverside Street at Larrabee Road and I-95 Exit 48 Ramps, Sheet 2 of 2).

2. Riverside Street at Larrabee Road and Exit 48

More specific recommendations for this location, as related to the mitigation plan, include:

- *Updated signal timing, coordination, and new signal structures (the City's position is that this intersection is too large for span wire)*
- *Updated wiring*
- *Controller cabinet*
- *Video detection that detects and accommodates bicyclists*
- *Signal heads with reflective back plates*
- *Overhead lane use signage as per MTA comments*
- *Countdown pedestrian heads*
- *Placement of ADA compliant ramps*
- *Use of durable pavement markings to supplement overhead provisions*
- *Establish queue detection for Exit 48 off-ramp to provide pre-emption capability as per MTA comments*

The Larrabee Road approach, proposed to be widened to provide a dual left turn lane, results in a wider intersection and is a costly improvement. The City would urge the Applicant to explore the need for two left turn lanes, or utilizing an existing through lane as a left turn lane to reduce costs and intersection size.

The **Applicant agrees** to construct the Exit 48 improvements as stated in the draft TMP and with the above detail, as requested by the City of Portland, and also **agrees** to review the Larrabee Road approach to provide lanes consistent with MDOT's findings and directions, all with the understanding that this work will be coordinated with scheduled MDOT and City of Portland projects for this intersection and that the City funding for this intersection will remain in place as proposed in the City's FY2017-FY2021 Capital Improvement Plan (CIP). (See VAI Conceptual Improvement Plan, Riverside Street at Larrabee Road and I-95 Exit 48 Ramps, Sheet 2 of 2.)

3. Riverside Street at Westbrook Crossing

- *Updated signal timing, coordination*
- *Provision of detectable warning panels at pedestrian ramps*
- *Signal heads with reflective back plates*

The **Applicant agrees** to provide these improvements, as requested by the City of Portland. (See VAI Conceptual Improvement Plan, Riverside Street Corridor, Sheet 2 of 2.)

4. Riverside Street from Brighton Avenue to Exit 48

- *Explore potential for provision of bicycle lanes or the width within the project limits of Exit 48 work to allow for such lanes in the future.*

Actual construction of bicycle lanes along Riverside Street is not financially viable for the Applicant, but the Applicant understands that is not what the City is seeking here; the **Applicant agrees** to provide the City of Portland with the existing conditions data that will be prepared as part of the off-site mitigation, for the City's use in the conceptual design for bicycle improvements. The Applicant does not believe that the Exit 48 improvements it is undertaking will preclude the City from later establishing bicycle lanes. Bicycles can use the full travel lane similar to the bicycle use of Main Street in Westbrook and signage can be installed to promote this full lane use.

- *Provision of continuous sidewalk along east side of Riverside Street from Brighton Avenue to Exit 48, including filling the gap at the Fireside Inn frontage (much of this sidewalk currently exists)*

The **Applicant agrees** to construct the portion of the sidewalk along the **Fireside** Inn frontage from the driveway north to the existing guardrail, as requested by the City of Portland. (See VAI Conceptual Improvement Plan, Riverside Street at Larrabee Road and I-95 Exit 48 Ramps, Sheet 2 of 2.)

5. Riverside Street at Brighton Avenue

- *Examination of need for right turn slip lanes, primarily slip lane from Riverside to Brighton. City may be willing to partner financially on this aspect.*

The **Applicant does not agree** to make this a part of its mitigation plan, but would make a donation to the City for this and other Brighton Avenue improvements (see responses to Items 6 and 9 below).

- *Video detection that detects and accommodates bicyclists*
- *Signal heads with reflective back plates*
- *Up-to-date ADA provisions and corrections to immediately adjacent deficient sidewalk segments*

The **Applicant agrees** to these improvements as part of its mitigation plan, some elements of which are included in the Ransom Brighton Avenue improvements plan; the sidewalk location can be adjusted within the limits of the right of way. (See VAI Figure 14, Conceptual Improvement Plan, Sheet 5 of 5).

6. Brighton Avenue at Capisic Street

The City seeks mitigation at this location, as the TIS identifies a substandard LOS. Provision of updated ramps and pedestrian equipment may be a satisfactory outcome.

The **Applicant does not agree** to make this a part of its mitigation plan, but would make a donation to the City for this and other Brighton Avenue improvements (see responses to Item 5 above and Item 9 below).

7. Brighton Avenue at Woodford Street

The City seeks mitigation at this location, as the TIS identifies a substandard LOS. One option here would be modifications that would allow for a concurrent pedestrian crossing with a lead ped interval, which could be accomplished with ADA and signal equipment improvements. This would increase operational efficiency above and beyond the current exclusive pedestrian phase configuration. Potential implementation of Lead Pedestrian Interval walk lights to improve vehicular and pedestrian Level of Service.

The **Applicant does not agree** to make this part of its mitigation plan; this is not financially viable for this Project as the requested improvements would be located so far from the Project that they are not reasonably related to pedestrian concerns generated by the Project. This intersection was not identified in the MDOT draft TMP as traffic mitigation for the proposed Dirigo Plaza project.

8. Rand Road at Exit 47

The City understands that mitigation is likely required at this location. However, if alternative mitigation strategies can be determined, the City will be open, in consultation with Westbrook and the Turnpike Authority, to alternatives.

The **Applicant agrees**, as an alternative to the improvements at this intersection in the draft TMP, to either: 1) in conjunction with MDOT and MTA, and as a condition of the final TMP, monitor traffic conditions at this intersection following construction of the Project's North Campus and to undertake any improvements to Exit 47 deemed necessary by MDOT at the time of permitting of the South Campus of the Project; or 2) to forego constructing improvements to this intersection with the funds it would otherwise be required to expend on Exit 47 to be used for other mitigation measures as agreed upon by the City of Portland and the Applicant. (See VAI Rand Road at I-95 Exit 47 Ramps Conceptual Improvement Plan, Sheet 1 of 1 for MDOT draft TMP plan).

9. Sidewalks on Brighton Avenue

The City seeks improvements to the sidewalks on Brighton Avenue in order to encourage non-vehicular trips to and from the site. Specifically, the City requests that, where documented existing conditions are fair or poor, replacement concrete sidewalks on the west side of Brighton Avenue be provided from the site entrance south to Albion Street.

Because of the schedule for the Project and the need to complete offsite mitigation improvements before a certificate of occupancy can issue for the Project, the **Applicant agrees** to donate to the City of Portland an amount equal to the amount remaining from Lowe's payment for the Brighton Street streetscape improvements -- \$220,000 -- to fund this and the improvements described at Items 5 and 6 above as well as other improvements identified by Ransom that the City may wish to make.

10. Riverside Street at Warren Avenue (lower priority)

- *Reconfigure westbound Warren Avenue to consist of two left turn lanes and a shared through/right turn lane. This will consist primarily of restriping.*
- *Adjust phasing and timing to eliminate the split phasing structure for the Warren Avenue approaches*

The **Applicant agrees** to provide the existing conditions data that will be prepared as part of the off-site mitigation, for conceptual design of the intersection to be prepared by the City of Portland. Actual design and construction of the requested improvement is not financially viable for the Project and was not part of the MDOT draft TMP.

11. Riverside Street at Home Depot Drive (lower priority)

Signal heads with reflective back plates

- *Overhead lane use signage*
- *Countdown pedestrian heads*

The **Applicant does not agree** to the requested improvement; this was not identified by MDOT in the draft TMP and is not financially viable for the Project.

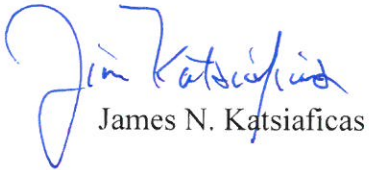
We acknowledge that the City of Portland has authority to seek off-site traffic mitigation measures through the subdivision and site plan ordinance processes to ensure that the Project will not cause unreasonable highway or public road congestion or unsafe conditions with regard to use of the public roads. Since these ordinance standards mirror the State traffic movement standards at 23 M.R.S. §704-A and Chapter 305, the improvements required by the draft TMP, which is intended to be regional in scope and which covers a two-mile radius, should form the basis for required traffic improvements for the Project. As explained during the September 1, 2016 meeting, we estimate that the total cost of traffic improvements required by the draft TMP is \$6.8 million, with \$3.365 million attributable to "front door" access improvements and \$3.425 million attributable to regional off-site mitigation improvements (\$2.270 million in Portland and \$1.155 million in Westbrook).

However, in addition to carrying out the off-site mitigation tasks required by the draft TMP, we are, as noted in our responses above, agreeing to take on additional off-site traffic mitigation responsibilities as requested by the City of Portland by: 1) clarifying and amplifying the draft TMP requirements, and 2) offering to provide the additional installation, equipment, striping and

sidewalk work as stated above, to ensure that the intersections listed in the draft TMP **and** the street segments between them in the immediate Project area are improved appropriately. Also, as we have mentioned above, we agree to contribute the amount of \$220,000 to the City to match the amount of mitigation funding remaining from the Lowe's project so that the City can apply these funds towards Brighton Avenue streetscape improvements, as discussed in our responses to Items 5, 6 and 9 above.

We believe that City staff will find that these responses, and the significant contribution to the Project area's transportation infrastructure that they represent, address the reasonable off-site traffic mitigation needs generated by the Project as measured under State law and under Portland's land use ordinances.

Sincerely,



James N. Katsiaficas

cc: Jeremiah Bartlett, Transportation Systems Engineer, City of Portland
Jeff Levine, Planning & Urban Development Director, City of Portland
Jennie Franceschi, Director of Planning and Code Enforcement, City of Westbrook
Stephen Landry, Maine Department of Transportation, Traffic Engineering Division
Engineer, Maintenance and Operations Bureau, Maine Department of Transportation
Timothy Soucie, Region 1 Traffic Engineer, Maine Department of Transportation
Jeffrey Gove, Dirigo Center Developers, LLC
Wayne Morrill, Vice President, Jones & Beach Engineers, Inc.
David J. Tracy, Esq., Hinckley Allen
Philip Saucier, Esq., Bernstein Shur
Katherine Joyce, Esq., Bernstein Shur

[Staff Note: Revised and re-issued by MaineDOT on September 20, 2016]

Applicant: Dirigo Center Developments, LLC
7 Swain Drive
Hampton Falls, NH 03844

Project Location: Main Street / Larrabee Road / Westbrook Arterial, Westbrook, ME
Westbrook Tax Map #32 Lot(s) #46-47

Project: Commercial Shopping Center

Identification #: Reg. 01-00185-A-N

Permit Category: 200 Plus PCE

Traffic Engineer: Vanasse & Associates, Inc.
Attn: Jeffery S. Dirk, PE
35 New England Business Center Drive, Suite 140
Andover, MA 01810-1071

Pursuant to the provision of 23 M.R.S.A. § 704-A and Chapter 305 of the MaineDOT's Regulations, the Maine Department of Transportation has considered the application of J & J Gove Development, LLC with supportive data, agency review and other related materials on file.

PROJECT DESCRIPTION

The project consists of 550,000 SF of mixed-use retail development. Access to the site is via four full movement entrances, one signalized entrance on Main Street, one signalized entrance on Larrabee Road, one stop-controlled entrance on Larrabee Road and one signalized entrance on the Westbrook Arterial. The project is estimated to generate 1,853 trip ends during a typical Saturday peak hour and 1,217 trips during a typical weekday PM peak hour.

Findings

Based on a review of the files and related information, MaineDOT approves the Traffic Movement Permit Application of J & J Gove Development, LLC subject to the following conditions:

MITIGATION

The mitigation is intended to describe that conceptually shown on the following plans provided by Vanasse & Associates, Inc. and Jones & Beach Engineers, Inc.:

1. "Conceptual Improvement Plan Riverside Street Corridor" Last Rev 6-10-16 [Rev 9-15-16 – Staff Note]
2. "Conceptual Improvement Plan Riverside Street At Larrabee Road and I-95 Exit 48 Ramps" Last Rev 6-10-16 [Rev 9-15-16 – Staff Note]
3. "Rand Road At I-95 Exit 47 Ramps Conceptual Improvement Plan" Last Rev 6-10-16
4. "Figure 14 Conceptual Improvement Plan" Sheets 1 thru 5, Last Rev 9-6-16
5. "Stroudwater Street At Forest Street Conceptual Improvement Plan" Last Rev 6-3-16
6. "Cumberland Street At Bridge Street Conceptual Improvement Plan" Last Rev 6-3-16

If the descriptions contained herein conflict with the plans, these descriptions shall take precedence over the plans. Not all of the mitigation discussed herein maybe shown on those or any plan. The following mitigation shall be constructed or implemented to MaineDOT's satisfaction prior to the opening of the facility, unless otherwise approved by MaineDOT.

All proposed traffic signals and traffic signal upgrades shall be designed and specified to be in compliance with the PACTS, City of Westbrook, City of Portland and MaineDOT traffic signal specifications. All traffic signals will be fully-functional, integrated and have full communications with the PACTS existing Streetwise ATMS.

On-Site Mitigation

Site Entrance / Main Street (Signalized)

The site entrance shall consist of one ingress lane and two egress lanes. The entrance shall have all appropriate lane, center line, and directional pavement markings. All markings shall be supplied, installed/painted and maintained yearly.

Modify raised median to accommodate dedicated left-turn pocket on Main Street to the site entrance with appropriate storage lengths and tapers.

Reconstruct sidewalks to meet ADA requirements.

Install new fully actuated traffic signal and design and implement an optimal traffic signal timing, phasing and coordination plan. Install a hardwire interconnect to the signal at Main and Larrabee Rd. and the signal at Main St. and Riverside St.

Site Entrance / Larrabee @ Terminal Street (Signalized)

The site entrance shall consist of one ingress lane and two egress lanes. The entrance shall have all appropriate lane, center line, and directional pavement markings and shall be supplied, installed/painted and maintained yearly.

Construct a dedicated left-turn pocket into site entrance with appropriate storage lengths and tapers.

Widen Larrabee Road to provide five-foot bicycle lanes for both directions of travel.

Provide six-foot sidewalks along both sides of Larrabee Road.

Install new fully actuated traffic signal and design and implement an optimal traffic signal timing, phasing and coordination plan. The traffic signal shall be set to flash until MUTCD traffic signal warrants are met. Install a hardwire interconnect to the signal at Main and Larrabee Rd. and the signal at Larrabee Rd. and Westbrook Arterial.

Site Entrance / Larrabee @ Saunders Way (Unsignalized)

The site entrance shall consist of one ingress lane and two egress lanes. The entrance shall have a STOP bar and all appropriate lane, center line, and directional pavement markings and shall be supplied, installed/painted and maintained yearly.

Site Entrance / Westbrook Arterial (Signalized)

The site entrance shall consist of one ingress lane and two egress lanes. The entrance shall have all appropriate lane, center line, and directional pavement markings and shall be supplied, installed/painted and maintained yearly.

Construct a dedicated left-turn pocket into site entrance with appropriate storage lengths and tapers. Construct a dedicated right-turn pocket into the site entrance with appropriate storage lengths and tapers.

Install new traffic signal and design and implement an optimal traffic signal timing, phasing and coordination plan. Install a hardwire interconnect to the signal at Westbrook Arterial and Larrabee Rd. and to the signal at Westbrook Arterial (Rand Rd.) and Exit 47 ramps.

General Requirements For All Entrances

A. The entrances shall provide overhead illumination, if not existing, to illuminate the intersections per MaineDOT standards at a minimum. Overhead lighting shall have an average of 0.6 to 1.0 foot candles, with the maximum to minimum lighting ratio of not more than 10:1 and an average to minimum light level of not more than 4:1.

Off-Site Mitigation

Optimize traffic signal timings in the coordinated system on Riverside St / Main St / Brighton Ave.

Riverside Street

Intersection of Riverside St / Larrabee Rd (Exit 48)

Construct a second dedicated left-turn lane on the Riverside southbound approach to Exit 48. Restripe the southbound approach to include two dedicated left-turn lanes, a dedicated thru lane and a share thru-right lane. Lane widths shall be a minimum of 11 feet.

Install appropriate overhead lane-usage signs for the Riverside southbound approach both in advance of the intersection and at the intersection. Install appropriate lane-use signs at the intersection for the other intersection approaches.

Construct a second left-turn lane on Larrabee. *[MaineDOT staff note: Do we need this? General consensus is to remove this item. How does this impact LOS?]*

Remove channelizing island for the right-turn movements from the Riverside Street northbound approach and the I-95 exit ramp. Construct a right turn lane with appropriate length and Taper

Reconstruct the traffic signal system to accommodate the new geometry and interconnect to the toll plaza. Provide overlap phasing when possible.

Design and implement an optimal traffic signal timing, phasing and coordination plan. Install a hardwire interconnect to the signal at Main and Larrabee Rd.

Note: Work on Maine Turnpike Authority (MTA) property requires an MTA work permit and MTA review.

Intersection of Riverside St / Forest Ave

Design and implement an optimal traffic signal timing, phasing and coordination plan.

Intersection of Riverside St / Warren Ave

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.

Intersection of Riverside St / Home Depot

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.

Intersection of Riverside St / Home Depot

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.

Intersection of Riverside St / Brighton Ave / Main St

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.

Segment between Riverside Court (Berlin City) and Exit 48

Restripe to provide a two-way left-turn lane.

Construct sidewalk along the west side of Riverside, eliminating existing sidewalk gaps.

Segment between Exit 48 / Brighton Ave

Construct sidewalk along the east side of Riverside, eliminating existing sidewalk gaps.

Main Street

Intersection of Main St / Larrabee Rd

Remove existing raised triangular islands from Larrabee approaches to Main Street. Construct dedicated right-turn pockets on the Larrabee approaches to Main Street with appropriate storage lengths and tapers.

Provide ADA improvements to the sidewalks and signal equipment. Provide a hardwire interconnect between adjacent intersections.

Upgrade traffic signal equipment, design and implement an optimal traffic signal timing, phasing and coordination plan.

Westbrook Arterial

Intersection of Rand Rd / Westbrook Arterial (Exit 47)

Widen I-95 ramp to provide a second left-turn lane to the Westbrook Arterial. Widen Rand Road to accept the dual-left turn lanes.

Install raised medians along Rand Road approaching the intersection.

Upgrade traffic signal equipment, design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire or wireless interconnect to the adjacent intersection at the site entrance at Westbrook Arterial.

Note: Work on Maine Turnpike Authority (MTA) property requires an MTA work permit and MTA review.

William Clarke Drive

The applicant should design and implement an optimal traffic signal timing, phasing and coordination plan for the weekday and weekend post construction

Overall Requirements

A. Provide all necessary auxiliary signs, striping and pavement markings to implement the improvements described herein according to MaineDOT and/or National standards.

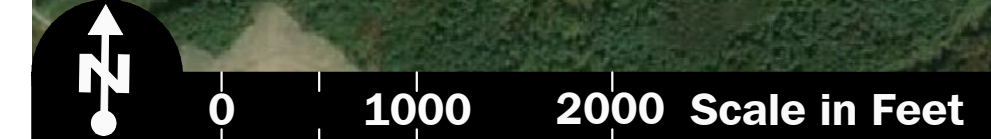
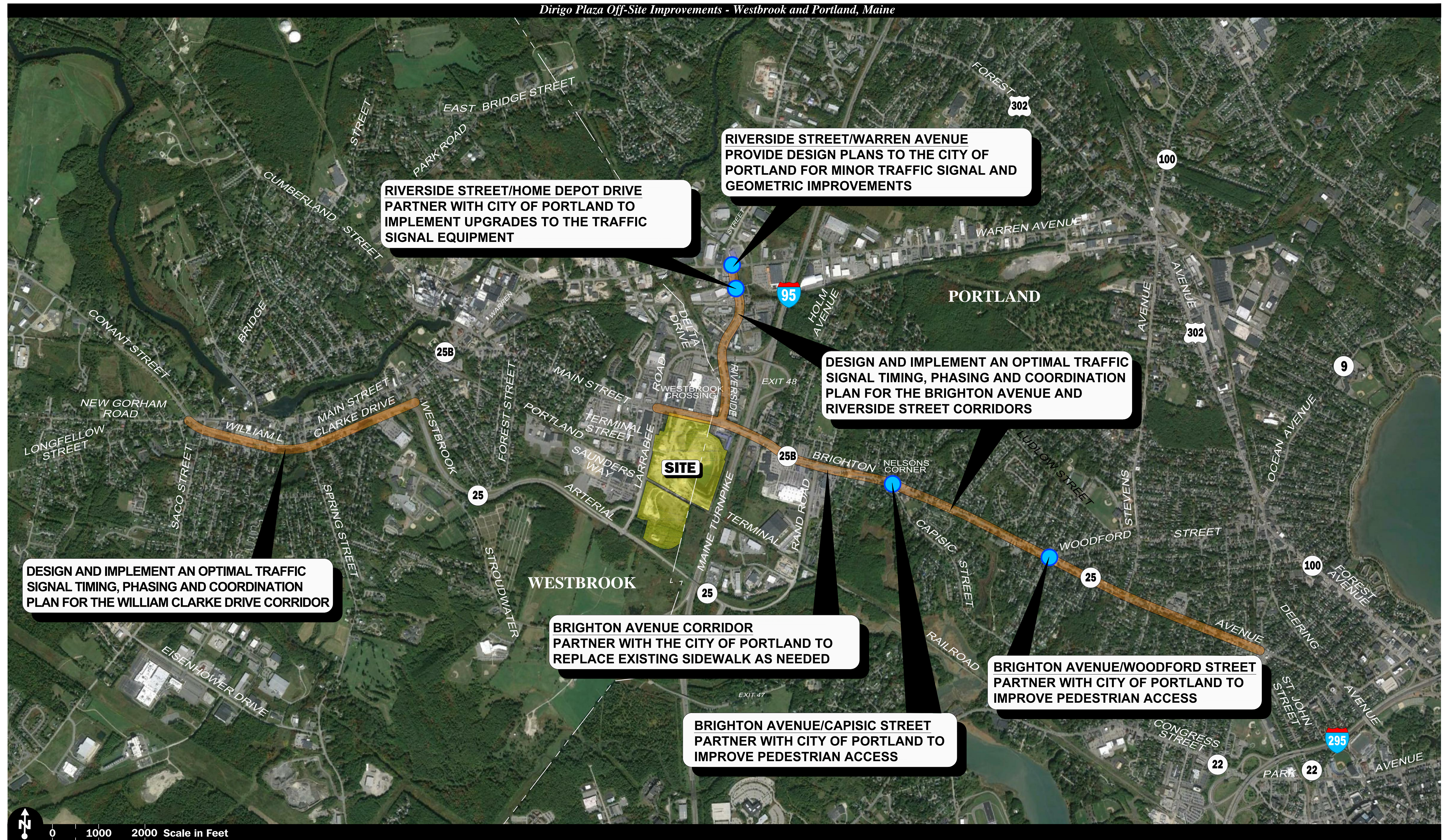
B. All plantings and signs (existing and/or proposed; permanent and/or temporary) shall be placed and maintained such that they do not block available sight distances and do not violate the State’s “Installations and Obstructions” law. No signage, plantings or structures shall be allowed within the “clear zone” if they constitute a deadly fixed object as determined by MaineDOT. All signs shall meet MRSA Title 23, Chapter 21, Section 1914: “On-Premise Signs”.

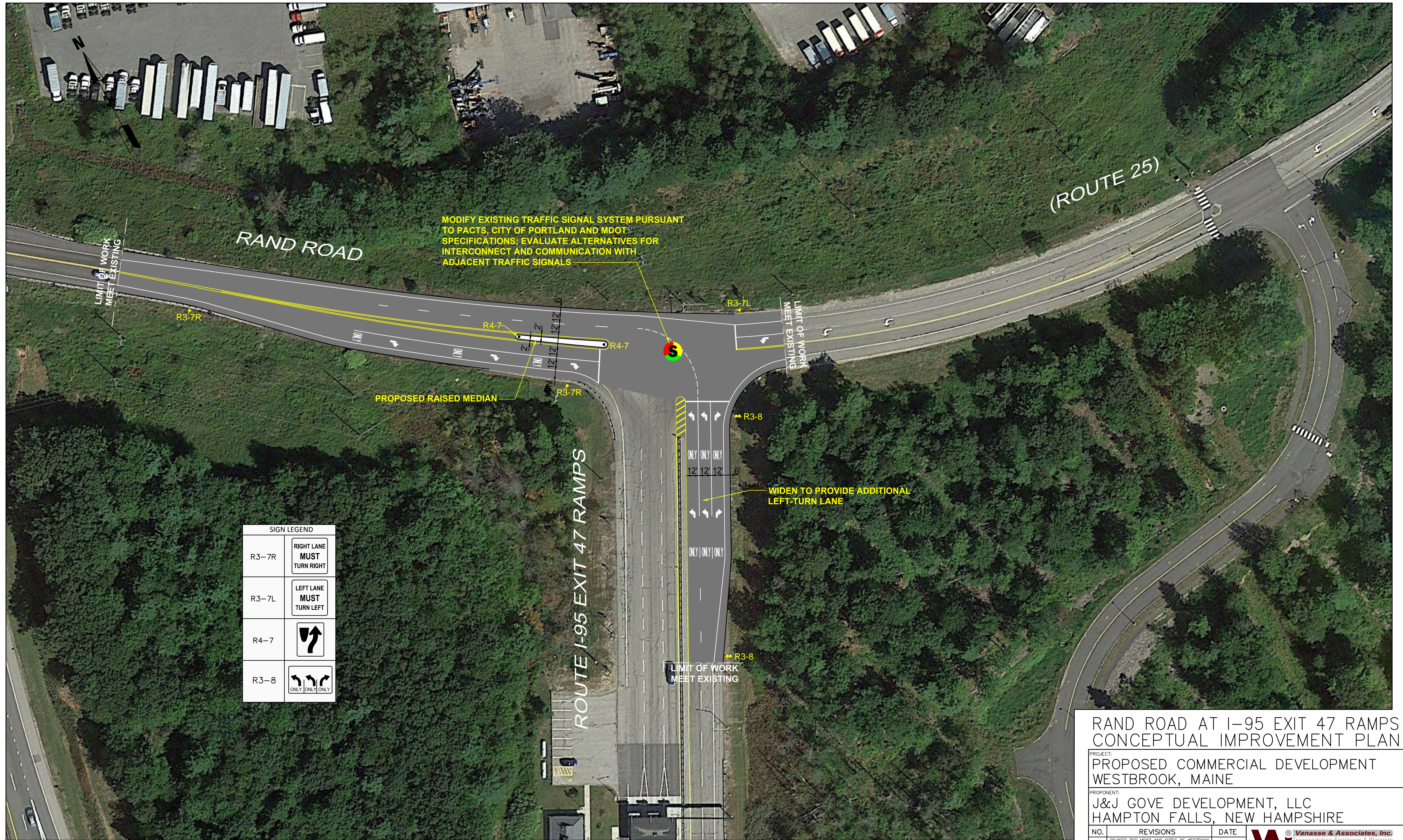
C. If any of the supporting data or representations for which this permit is based changes in any way or is found to be incorrect / inaccurate, the applicant shall request in writing from MaineDOT a decision of what impacts those changes will have on the permit. The applicant will then be required to submit those changes for review and approval and additional mitigation as a result of those changes may be required at the expense of the applicant.

By:

Stephen Landry, P.E.
State Traffic Engineer

Date: _____





SIGN LEGEND	
R3-7R	RIGHT LANE MUST TURN RIGHT
R3-7L	LEFT LANE MUST TURN LEFT
R4-7	
R3-8	



NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.
 2. BASE PLAN INFORMATION OBTAINED FROM GOOGLE EARTH.

**RAND ROAD AT I-95 EXIT 47 RAMPS
 CONCEPTUAL IMPROVEMENT PLAN**

PROJECT:
 PROPOSED COMMERCIAL DEVELOPMENT
 WESTBROOK, MAINE

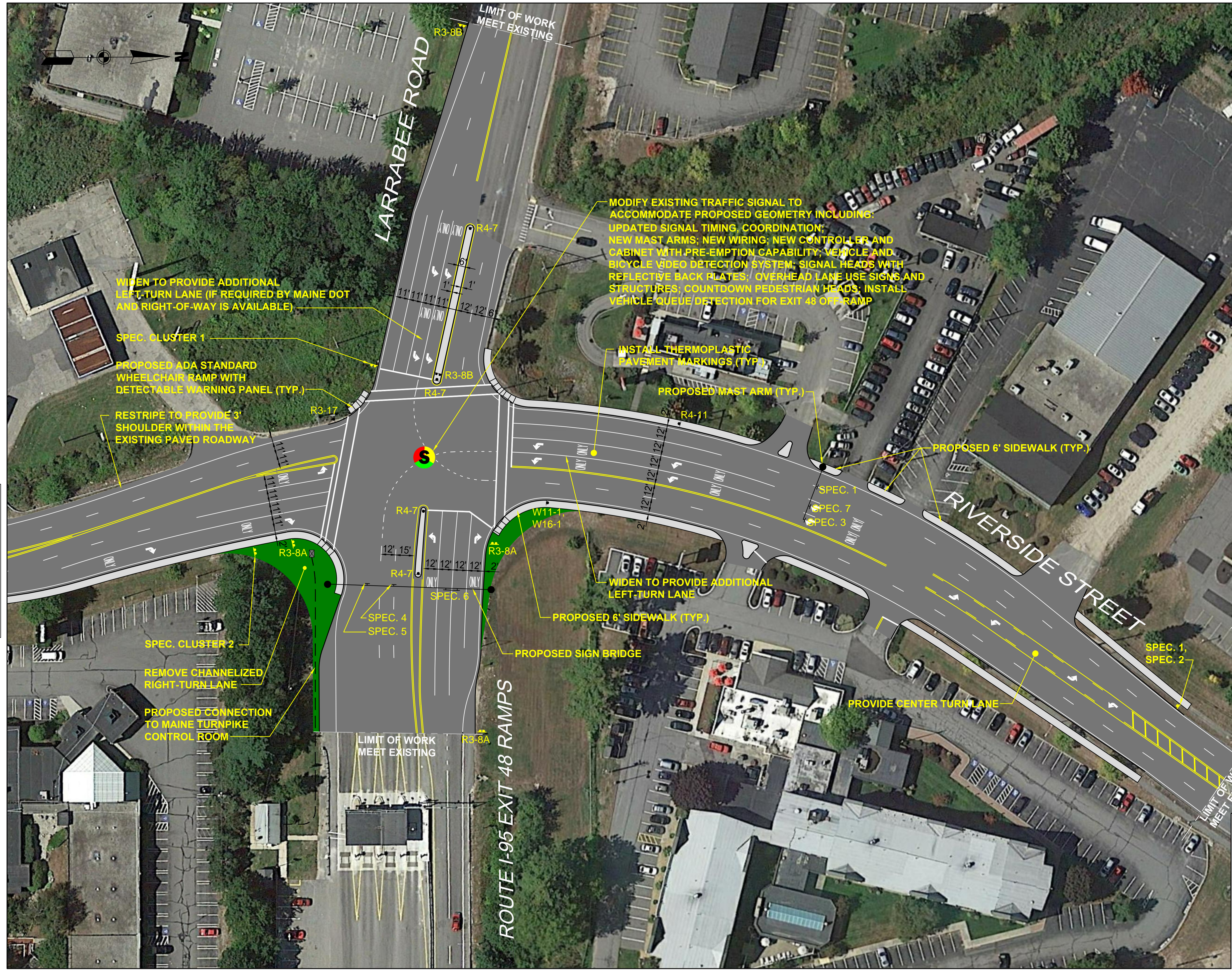
PROPOSER:
 J&J GOVE DEVELOPMENT, LLC
 HAMPTON FALLS, NEW HAMPSHIRE

NO.	REVISIONS	DATE
1.	REVISED PER MDT AND CITIES OF WESTBROOK AND PORTLAND COMMENTS	9/13/16

Vai Vanasse & Associates, Inc.
 Transportation Engineers & Planners
 35 New England Business Center Drive
 Suite 140
 Andover, MA 01810
 Office (978) 474-8800
 FAX (978) 688-6508

DESIGNED BY: BG	DATE: 6/10/16
DRAWN BY: JTG	SCALE: 1" = 40'
CHECKED BY: JSD	SHEET 1 OF 1

SEE SHEET 1 OF 2



SIGN LEGEND			
R4-11 MAY USE FULL LANE	W11-1	SHARE THE ROAD	SPEC. 2 WEST 95 NEXT LEFT
R4-7	W16-1		SPEC. 3 EZPass ONLY LEFT LANE NO CASH
R3-8A			SPEC. 4 EZPass ONLY LEFT LANES NO CASH
R3-8B			SPEC. 5 CASH OR EZPass
SPEC. 1			SPEC. 6 25 PORTLAND WESTBROOK GORHAM 302 ONLY ONLY ONLY ONLY
SPECIAL CLUSTER 1			SPEC. 7 CASH OR EZPass
			SPECIAL CLUSTER 2 TO 95 TO MAINE TURNPIKE



NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.
2. BASE PLAN INFORMATION OBTAINED FROM GOOGLE EARTH.

**CONCEPTUAL IMPROVEMENT PLAN
RIVERSIDE STREET AT LARRABEE ROAD
AND I-95 EXIT 48 RAMPS**

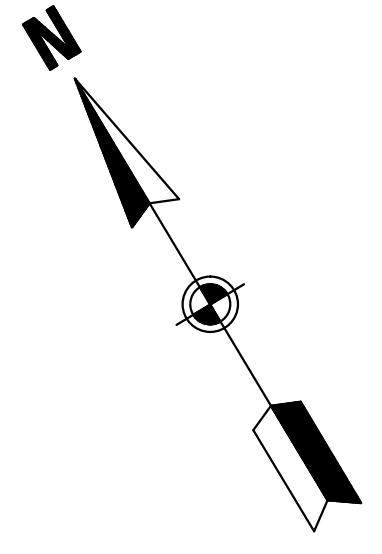
PROJECT:
PROPOSED COMMERCIAL DEVELOPMENT
WESTBROOK, MAINE

PROPOSER:
J&J GOVE DEVELOPMENT, LLC
HAMPTON FALLS, NEW HAMPSHIRE

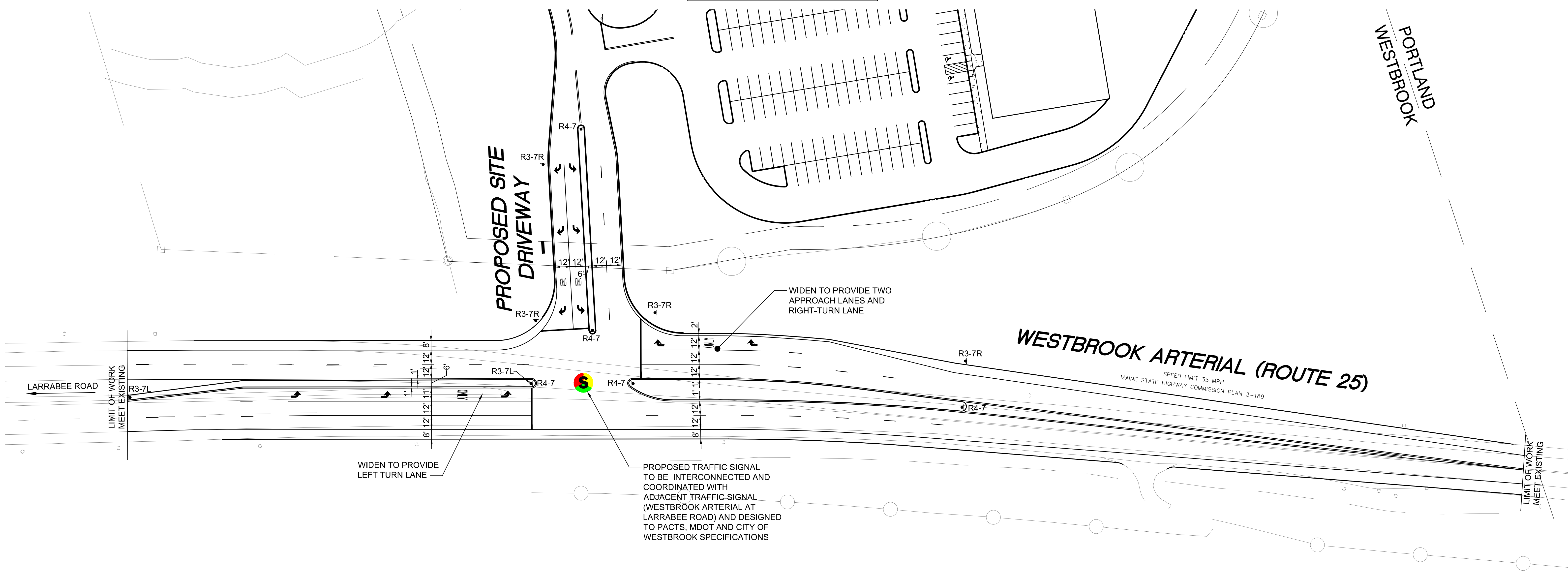
NO.	REVISIONS	DATE
1.	INCORPORATE CITY OF PORTLAND COMMENTS.	9/6/16
2.	INCORPORATE MDT CITY OF PORTLAND COMMENTS.	9/15/16

VAI Vanasse & Associates, Inc.
Transportation Engineers & Planners
35 New England Business Center Drive
Suite 140
Andover, MA 01810
Office (978) 474-8800
Fax (978) 688-6508

DESIGNED BY: BG	DATE: 6/10/16
DRAWN BY: JTG	SCALE: 1" = 40'
CHECKED BY: JSD	SHEET 2 OF 2



REFER TO SITE PLANS PREPARED BY JONES & BEACH ENGINEERS, INC.



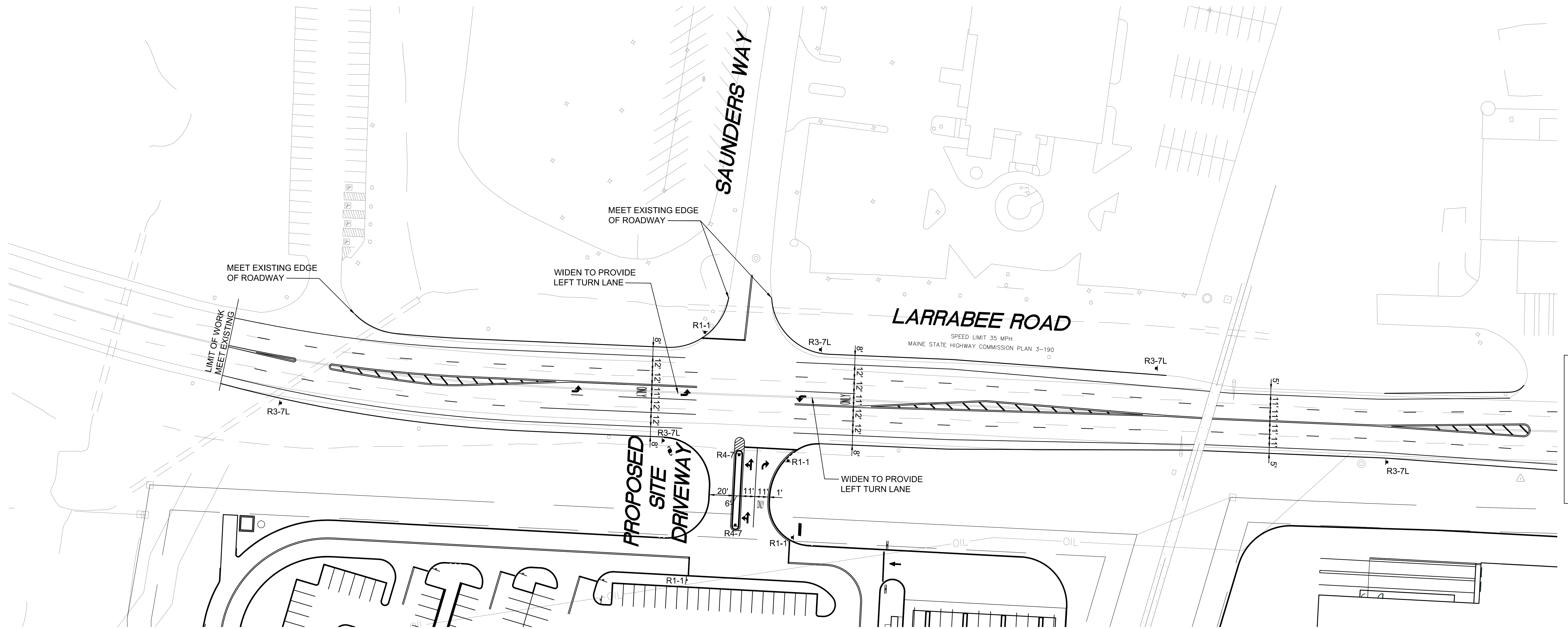
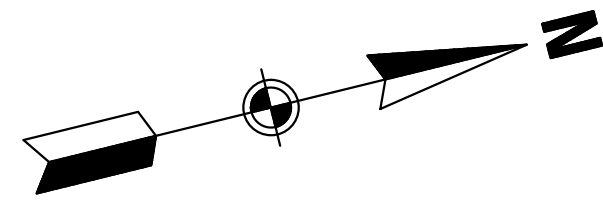
SIGN LEGEND	
R3-7R	RIGHT LANE MUST TURN RIGHT
R3-7L	LEFT LANE MUST TURN LEFT
R4-7	



NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.
 2. BASE PLAN INFORMATION OBTAINED FROM JONES & BEACH ENGINEERS, INC.

FIGURE 14
CONCEPTUAL IMPROVEMENT PLAN

PROJECT: PROPOSED COMMERCIAL DEVELOPMENT WESTBROOK, MAINE		
PROPOSER: J&J GOVE DEVELOPMENT, LLC HAMPTON FALLS, NEW HAMPSHIRE		
NO.	REVISIONS	DATE
1.	ADDED SITE PLAN REFERENCE	6/3/16
2.	REVISED PER MDOT AND CITY OF WESTBROOK COMMENTS	9/13/16
Viasse & Associates, Inc. Transportation Engineers & Planners 35 New England Business Center Drive Suite 140 Andover, MA 01810 Office (978) 474-8800 FAX (978) 688-6508		
DESIGNED BY:	BG	DATE: 5/5/16
DRAWN BY:	JTG	SCALE: 1" = 40'
CHECKED BY:	JSD	SHEET 1 OF 5



SEE SHEET 3 OF 5

REFER TO SITE PLANS PREPARED BY
JONES & BEACH ENGINEERS, INC.

SIGN LEGEND	
R1-1	
R4-7	



- NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.
2. BASE PLAN INFORMATION OBTAINED FROM JONES & BEACH ENGINEERS, INC.

FIGURE 14
CONCEPTUAL IMPROVEMENT PLAN

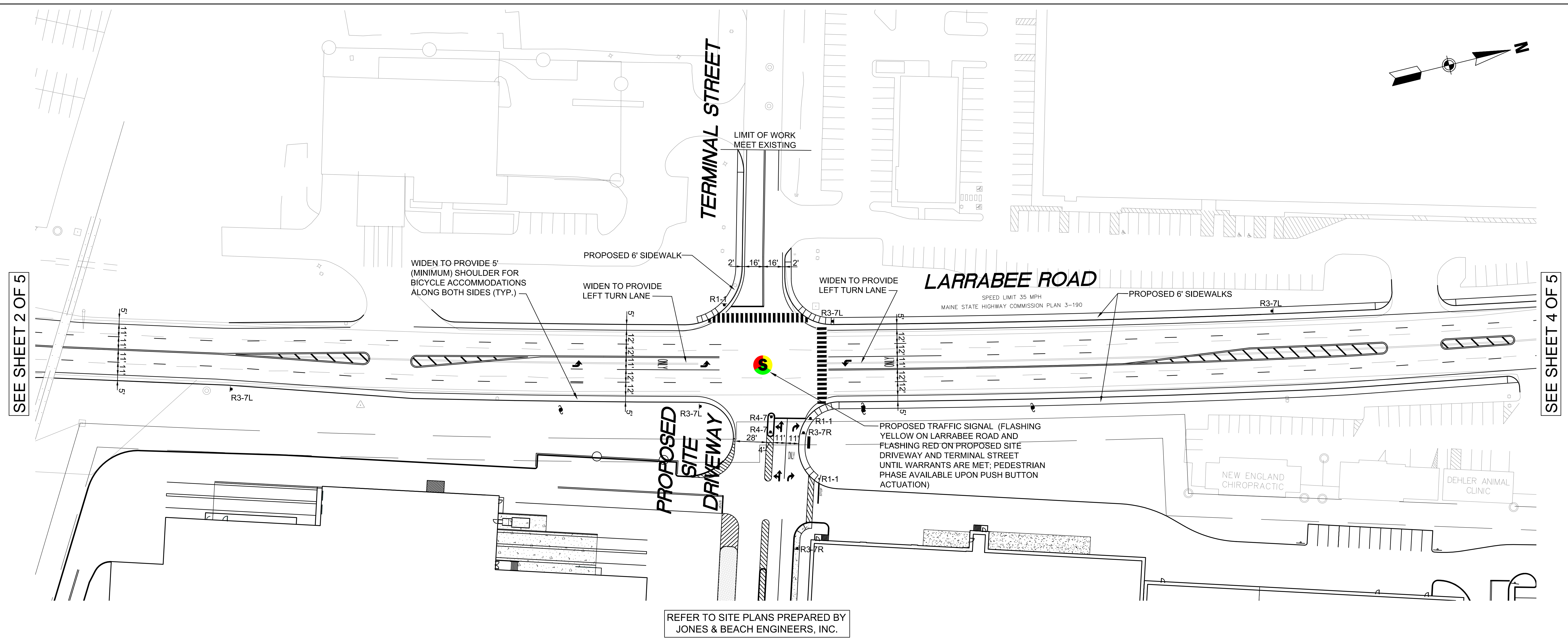
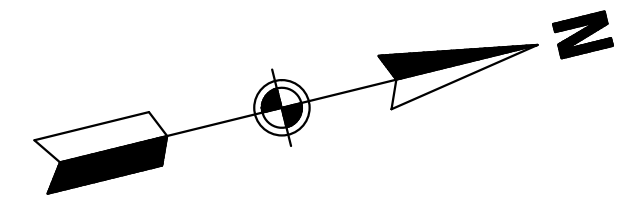
PROJECT:
PROPOSED COMMERCIAL DEVELOPMENT
WESTBROOK, MAINE

PROPOSER:
J&J GOVE DEVELOPMENT, LLC
HAMPTON FALLS, NEW HAMPSHIRE

NO.	REVISIONS	DATE
1.	INCREASED SHOULDER WIDTH TO 5' MINIMUM.	6/3/16

Vanasse & Associates, Inc.
Transportation Engineers & Planners
35 New England Business Center Drive
Suite 140
Andover, MA 01810
Office (978) 474-8800
FAX (978) 688-6508

DESIGNED BY: BG DATE: 5/5/16
DRAWN BY: JTG SCALE: 1" = 40'
CHECKED BY: JSD SHEET 2 OF 5



REFER TO SITE PLANS PREPARED BY JONES & BEACH ENGINEERS, INC.

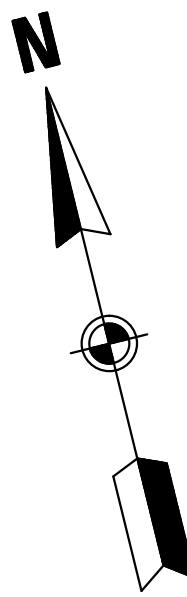
SIGN LEGEND	
R1-1	
R4-7	
R3-7R	RIGHT LANE MUST TURN RIGHT
R3-7L	LEFT LANE MUST TURN LEFT



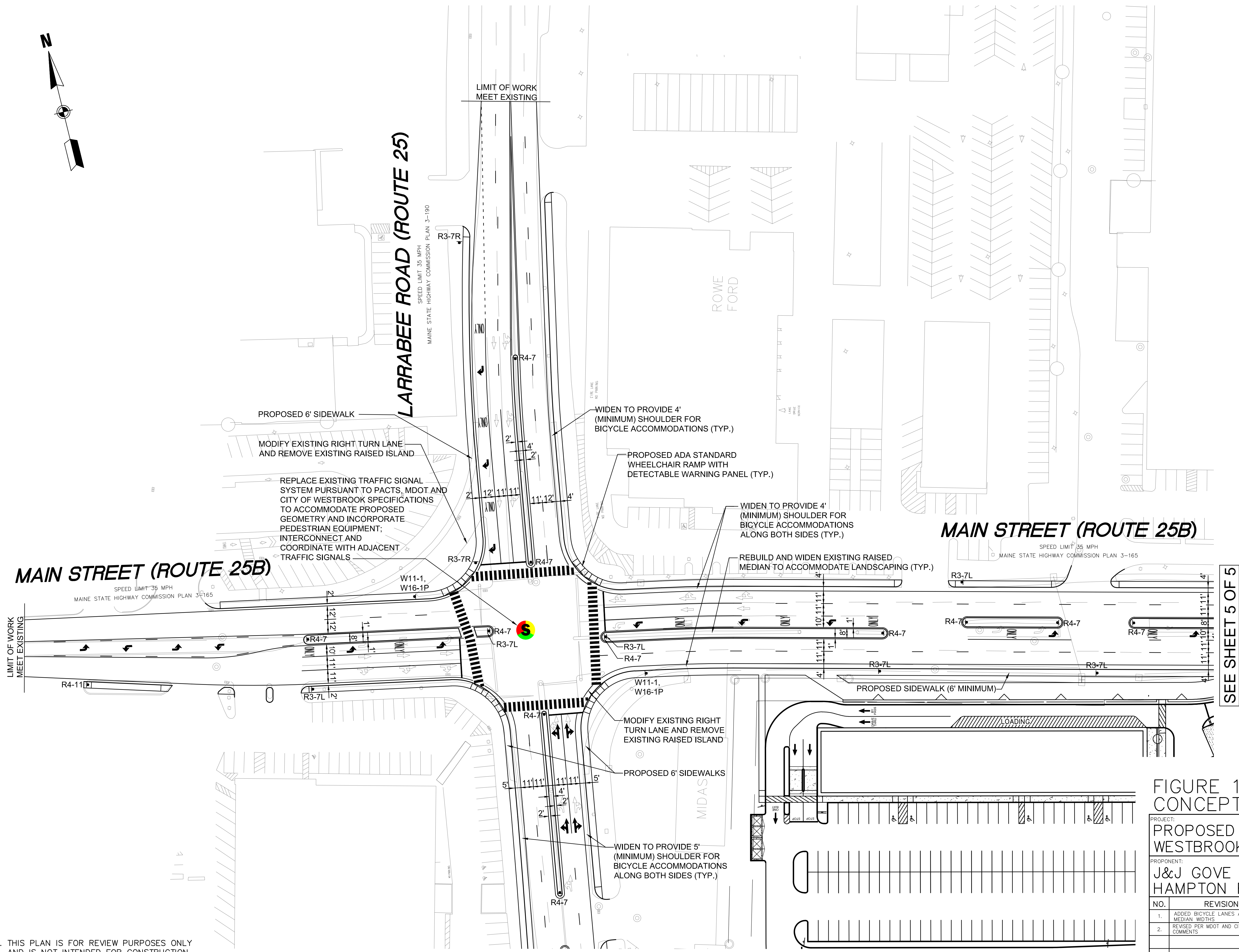
NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.
2. BASE PLAN INFORMATION OBTAINED FROM JONES & BEACH ENGINEERS, INC.

FIGURE 14
CONCEPTUAL IMPROVEMENT PLAN

PROJECT: PROPOSED COMMERCIAL DEVELOPMENT WESTBROOK, MAINE		
PROPOSER: J&J GOVE DEVELOPMENT, LLC HAMPTON FALLS, NEW HAMPSHIRE		
NO.	REVISIONS	DATE
1.	ADDED SIDEWALKS AND INCREASED SHOULDER WIDTHS TO 5' MINIMUM.	6/3/16
2.	REVISED PER MDOT AND CITY OF WESTBROOK COMMENTS	9/13/16
DESIGNED BY:	BG	DATE: 5/5/16
DRAWN BY:	JTG	SCALE: 1" = 40'
CHECKED BY:	JSD	SHEET 3 OF 5



SIGN LEGEND			
R3-7R	RIGHT LANE MUST TURN RIGHT	R4-11	MAY USE FULL LANE
R3-7L	LEFT LANE MUST TURN LEFT	W11-1	
R4-7		W16-1	SHARE THE ROAD



SEE SHEET 5 OF 5

SEE SHEET 3 OF 5



REFER TO SITE PLANS PREPARED BY JONES & BEACH ENGINEERS, INC.

FIGURE 14
CONCEPTUAL IMPROVEMENT PLAN

PROJECT:
PROPOSED COMMERCIAL DEVELOPMENT
WESTBROOK, MAINE

PROPOSER:
J&J GOVE DEVELOPMENT, LLC
HAMPTON FALLS, NEW HAMPSHIRE

NO.	REVISIONS	DATE
1.	ADDED BICYCLE LANES AND INCREASED MEDIAN WIDTHS	6/3/16
2.	REVISED PER MDT AND CITY OF WESTBROOK COMMENTS	9/13/16

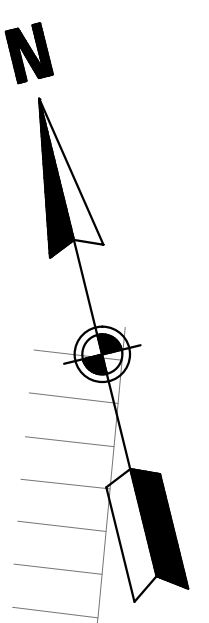
VAI Vanasse & Associates, Inc.
Transportation Engineers & Planners
35 New England Business Center Drive
Suite 140
Andover, MA 01810
Office (978) 474-8800
FAX (978) 688-6508

DESIGNED BY:	BG	DATE:	5/5/16
DRAWN BY:	JTG	SCALE:	1" = 40'
CHECKED BY:	JSD	SHEET	4 OF 5

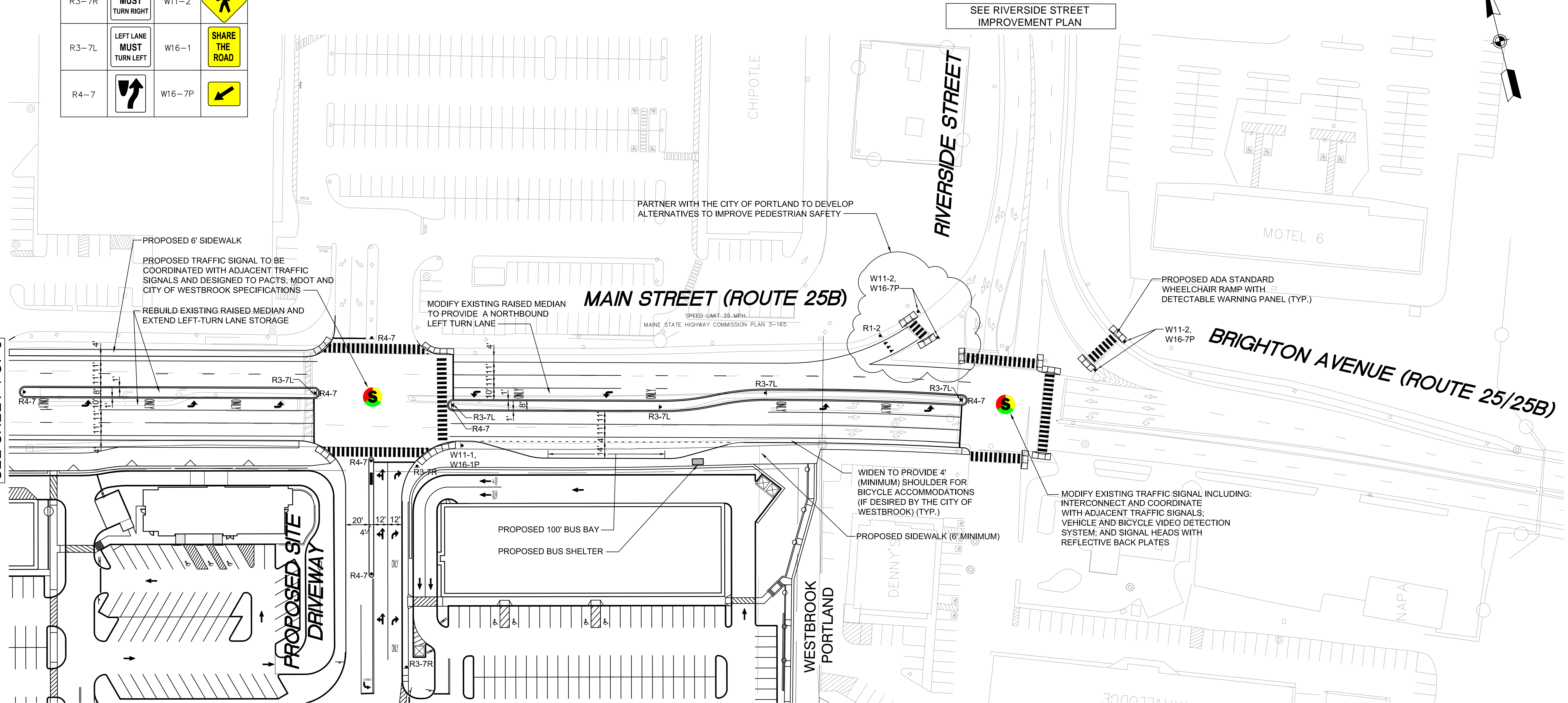
NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.

2. BASE PLAN INFORMATION OBTAINED FROM JONES & BEACH ENGINEERS, INC.

SIGN LEGEND			
R1-2		W11-1	
R3-7R		W11-2	
R3-7L		W16-1	
R4-7		W16-7P	



SEE SHEET 4 OF 5



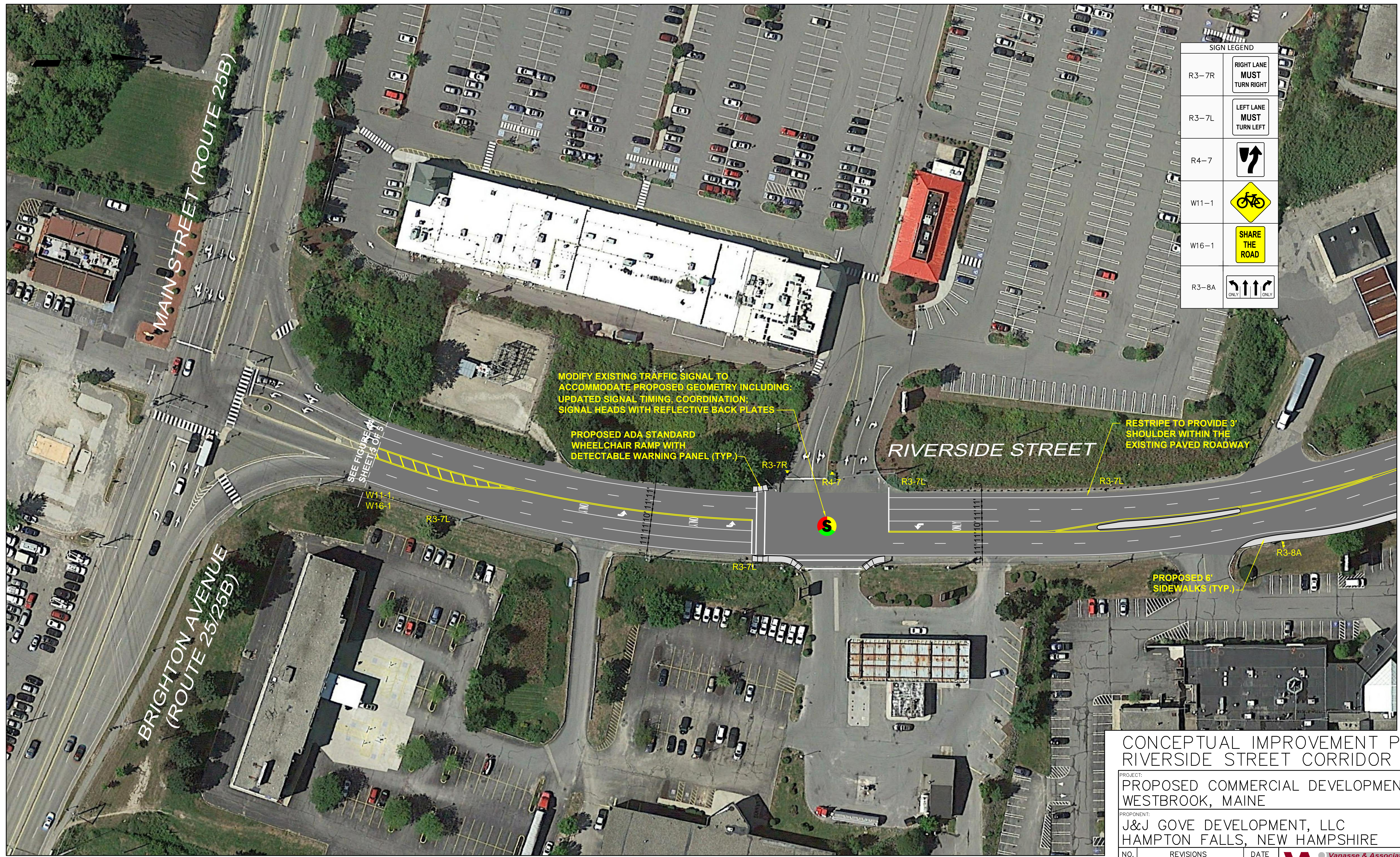
REFER TO SITE PLANS PREPARED BY JONES & BEACH ENGINEERS, INC.



NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.
2. BASE PLAN INFORMATION OBTAINED FROM JONES & BEACH ENGINEERS, INC.

FIGURE 14
CONCEPTUAL IMPROVEMENT PLAN

PROJECT:		PROPOSED COMMERCIAL DEVELOPMENT WESTBROOK, MAINE		
PROPOSER:		J&J GOVE DEVELOPMENT, LLC HAMPTON FALLS, NEW HAMPSHIRE		
NO.	REVISIONS	DATE	 Transportation Engineers & Planners 35 New England Business Center Drive Suite 140 Andover, MA 01810 Office (978) 474-8800 FAX (978) 688-6508	
1.	ADDED BICYCLE LANES AND INCREASED MEDIAN WIDTHS	6/3/16		
2.	ADDED 100' BUS BAY AND BUS SHELTER	8/3/16		
3.	INCORPORATE CITY OF PORTLAND COMMENTS	9/6/16		
4.	REVISED PER MDT AND CITY OF WESTBROOK COMMENTS	9/13/16	DESIGNED BY: BG	DATE: 5/5/16
			DRAWN BY: JTG	SCALE: 1" = 40'
			CHECKED BY: JSD	SHEET 5 OF 5



SIGN LEGEND	
R3-7R	RIGHT LANE MUST TURN RIGHT
R3-7L	LEFT LANE MUST TURN LEFT
R4-7	
W11-1	
W16-1	SHARE THE ROAD
R3-8A	

MODIFY EXISTING TRAFFIC SIGNAL TO ACCOMMODATE PROPOSED GEOMETRY INCLUDING: UPDATED SIGNAL TIMING, COORDINATION; SIGNAL HEADS WITH REFLECTIVE BACK PLATES

PROPOSED ADA STANDARD WHEELCHAIR RAMP WITH DETECTABLE WARNING PANEL (TYP.)

RESTRIPE TO PROVIDE 3' SHOULDER WITHIN THE EXISTING PAVED ROADWAY

PROPOSED 6' SIDEWALKS (TYP.)

SEE FIGURE SHEETS 3 OF 6

SEE SHEET 2 OF 2

CONCEPTUAL IMPROVEMENT PLAN RIVERSIDE STREET CORRIDOR

PROJECT:
PROPOSED COMMERCIAL DEVELOPMENT
WESTBROOK, MAINE

PROponent:
J&J GOVE DEVELOPMENT, LLC
HAMPTON FALLS, NEW HAMPSHIRE

NO.	REVISIONS	DATE
1.	INCORPORATE CITY OF PORTLAND COMMENTS.	9/6/16
2.	INCORPORATE MDT CITY OF PORTLAND COMMENTS.	9/15/16

Vai Vannasse & Associates, Inc.
Transportation Engineers & Planners
35 New England Business Center Drive
Suite 140
Andover, MA 01810
Office (978) 474-8800
Fax (978) 688-6508

DESIGNED BY: BG	DATE: 6/10/16
DRAWN BY: JTG	SCALE: 1" = 40'
CHECKED BY: JSD	SHEET 2 OF 2



NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.
2. BASE PLAN INFORMATION OBTAINED FROM GOOGLE EARTH.

[Staff Note: These are The Applicant's updated comments (dated 10/6/16) on the MaineDOT draft Traffic Movement Permit (dated 9/20/16).]

Applicant: Dirigo Center Developments, LLC
7 Swain Drive
Hampton Falls, NH 03844
Project Location: Main Street / Larrabee Road / Westbrook Arterial, Westbrook, ME
Westbrook Tax Map #32 Lot(s) #46-47
Project: Commercial Shopping Center
Identification #: Reg. 01-00185-A-N
Permit Category: 200 Plus PCE
Traffic Engineer: Vanasse & Associates, Inc.
Attn: [Jeffery Jeffrey S. Dirk](#), PE
35 New England Business Center Drive, Suite 140
Andover, MA 01810-1071

Pursuant to the provision of 23 M.R.S.A. § 704-A and Chapter 305 of the MaineDOT's Regulations, the Maine Department of Transportation has considered the application of J & J Gove Development, LLC with supportive data, agency review and other related materials on file.

PROJECT DESCRIPTION

The project consists of ~~550~~500,000 SF of mixed-use retail development. Access to the site is via four full movement entrances, one signalized entrance on Main Street, one signalized entrance on Larrabee Road, one stop-controlled entrance on Larrabee Road and one signalized entrance on the Westbrook Arterial. The project is estimated to generate 1,853 trip ends during a typical Saturday peak hour and 1,217 trips during a typical weekday PM peak hour.

Findings

Based on a review of the files and related information, MaineDOT approves the Traffic Movement Permit Application of J & J Gove Development, LLC subject to the following conditions:

MITIGATION

The mitigation is intended to describe that conceptually shown on the following plans provided by Vanasse & Associates, Inc. and Jones & Beach Engineers, Inc.:

1. "Conceptual Improvement Plan Riverside Street Corridor" Last Rev ~~6-10-169-15-16~~
2. "Conceptual Improvement Plan Riverside Street At Larrabee Road and I-95 Exit 48 Ramps" Last Rev ~~6-10-169-22-16~~
3. "Rand Road At I-95 Exit 47 Ramps Conceptual Improvement Plan" Last Rev ~~6-10-169-13-16~~
4. "Figure 14 Conceptual Improvement Plan" Sheets 1 thru 5, Last Rev 9-~~622-16~~

5. “Stroudwater Street At Forest Street Conceptual Improvement Plan” Last Rev ~~6-39-~~
13-16
6. “~~Cumberland Street At Bridge Street~~Stroudwater Street at Forest Street Conceptual
Improvement Plan” Last Rev ~~6-3-16~~9-13-16

If the descriptions contained herein conflict with the plans, these descriptions shall take precedence over the plans. Not all of the mitigation discussed herein may be shown on those or any plan. The following mitigation shall be constructed or implemented to MaineDOT’s satisfaction prior to the opening of the facility, unless otherwise approved by MaineDOT.

All proposed traffic signals and traffic signal upgrades shall be designed and specified to be in compliance with the PACTS, City of Westbrook, City of Portland and MaineDOT traffic signal specifications. All traffic signals will be fully-functional, integrated and have full communications with the PACTS existing Streetwise ATMS.

On-Site Mitigation

Site Entrance / Main Street (Signalized)

The site entrance shall consist of one ingress lane and two egress lanes. The entrance shall have all appropriate lane, center line, and directional pavement markings. All markings shall be supplied, installed/painted and maintained yearly.

Modify raised median to accommodate dedicated left-turn pocket on Main Street to the site entrance with appropriate storage lengths and tapers.

Reconstruct sidewalks to meet ADA requirements.

Install new fully actuated traffic signal and design and implement an optimal traffic signal timing, phasing and coordination plan. Install a hardwire (fiber optic) interconnect to the signal at Main and Larrabee Rd. and the signal at Main St. and Riverside St.

Site Entrance / Larrabee @ Terminal Street (Signalized)

The site entrance shall consist of one ingress lane and two egress lanes. The entrance shall have all appropriate lane, center line, and directional pavement markings and shall be supplied, installed/painted and maintained yearly.

Construct a dedicated left-turn pocket into site entrance and Terminal Street with appropriate storage lengths and tapers.

Widen Larrabee Road to provide five-foot shoulders to accommodate bicycle ~~lanes-travel~~ for both directions of travel.

Provide six-foot sidewalks along both sides of Larrabee Road.

Install new fully actuated traffic signal and design and implement an optimal traffic signal timing, phasing and coordination plan. The traffic signal shall be set to flash until MUTCD traffic signal warrants are met. Install a hardwire interconnect to the signal at Main and Larrabee Rd. and the signal at Larrabee Rd. and Westbrook Arterial.

Site Entrance / Larrabee @ Saunders Way (Unsignalized)

The site entrance shall consist of one ingress lane and two egress lanes. The entrance shall have a STOP bar and all appropriate lane, center line, and directional pavement markings and shall be supplied, installed/painted and maintained yearly.

Construct a dedicated left-turn pocket into site entrance and Saunders Way with appropriate storage lengths and tapers.

Site Entrance / Westbrook Arterial (Signalized)

The site entrance shall consist of one ingress lane and two egress lanes. The entrance shall have all appropriate lane, center line, and directional pavement markings and shall be supplied, installed/painted and maintained yearly.

Construct a dedicated left-turn pocket into site entrance with appropriate storage lengths and tapers. Construct a dedicated right-turn pocket into the site entrance with appropriate storage lengths and tapers.

Install new traffic signal and design and implement an optimal traffic signal timing, phasing and coordination plan. Install a hardwire interconnect to the signal at Westbrook Arterial and Larrabee Rd. and extending thereafter to the signal at Westbrook Arterial (Rand Rd.) and Exit 47 ramps to the extent that an overhead hardwire interconnect can feasibly be provided. If a hardwire interconnect cannot be provided to Exit 47, a communications link will be provided within the traffic signal controller at Exit 47 to allow remote access to the traffic signal system by PACTS.

General Requirements For All Entrances

A. The entrances shall provide overhead illumination, if not existing, to illuminate the intersections per MaineDOT standards at a minimum. Overhead lighting shall have an average of 0.6 to 1.0 foot candles, with the maximum to minimum lighting ratio of not more than 10:1 and an average to minimum light level of not more than 4:1.

Off-Site Mitigation

Optimize traffic signal timings in the coordinated system on Riverside St / Main St / Brighton Ave.

Riverside Street

Intersection of Riverside St / Larrabee Rd (Exit 48)

Construct a second dedicated left-turn lane on the Riverside southbound approach to Exit 48. Restripe the southbound approach to include two dedicated left-turn lanes, a dedicated thru lane and a share thru-right lane. Lane widths shall be a minimum of 11 feet.

Install appropriate overhead lane-usage signs for the Riverside southbound approach both in advance of the intersection and at the intersection. Install appropriate lane-use signs at the intersection for the other intersection approaches.

Subject to the availability of public right-of-way and if so directed by MaineDOT, ~~C~~construct a second left-turn lane on Larrabee Road.

Remove channelizing island for the right-turn movements from the Riverside Street northbound approach and the I-95 exit ramp. Construct a right turn lane with appropriate length and Taper

Reconstruct the traffic signal system to accommodate the new geometry and ~~interconnect~~ installation of conduit to the toll plaza to facilitate ramp pre-emption. Provide overlap phasing when possible.

Design and implement an optimal traffic signal timing, phasing and coordination plan. Install a hardwire interconnect to the signal at Main and Larrabee Rd.

Note: Work on Maine Turnpike Authority (MTA) property requires an MTA work permit and MTA review.

Intersection of Riverside St / Forest Ave

Design and implement an optimal traffic signal timing, phasing and coordination plan.

Intersection of Riverside St / Warren Ave

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.

Provide design plans to the City of Portland for minor geometric and traffic signal improvements that will be constructed by the City.

Intersection of Riverside St / Home Depot

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.

Intersection of Riverside St / Home Depot

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections.

Provide design plans to the City of Portland for minor geometric and traffic signal improvements that will be constructed by the City.

Intersection of Riverside St / Brighton Ave / Main St

Design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire interconnect between adjacent intersections. Update signal heads with reflective back plates and install thermal detection in accordance with City of Portland standards.

Segment between Riverside Court (Berlin City) and Exit 48

Restripe to provide a two-way left-turn lane.

Construct sidewalk along the west side of Riverside, eliminating existing sidewalk gaps.

Segment between Exit 48 / Brighton Ave

Construct sidewalk along the east side of Riverside, eliminating existing sidewalk gaps.

Main Street

Intersection of Main St / Larrabee Rd

Remove existing raised triangular islands from Larrabee approaches to Main Street. Construct a dedicated right-turn pockets on the Larrabee Road southbound approaches to Main Street with appropriate storage lengths and tapers.

Provide ADA improvements to the sidewalks and signal equipment. Provide a hardwire (fiber optic) interconnect between adjacent intersections.

Upgrade traffic signal equipment, design and implement an optimal traffic signal timing, phasing and coordination plan.

Westbrook Arterial

Intersection of Rand Rd / Westbrook Arterial (Exit 47)

Widen I-95 ramp to provide a second left-turn lane to the Westbrook Arterial. Widen Rand Road to accept the dual-left turn lanes.

Install a raised medians along the Rand Road eastbound approaching to the intersection.

Upgrade traffic signal equipment, design and implement an optimal traffic signal timing, phasing and coordination plan. Ensure there is a hardwire or wireless interconnect to the adjacent intersection at the site entrance at Westbrook Arterial to the extent that an overhead hardwire interconnect can feasibly be provided. If a hardwire interconnect cannot be provided to Exit 47, a communications link will be provided within the traffic signal controller at Exit 47 to allow remote access to the traffic signal system by PACTS.

Note: Work on Maine Turnpike Authority (MTA) property requires an MTA work permit and MTA review.

William Clarke Drive

The applicant should design and implement an optimal traffic signal timing, phasing and coordination plan for the weekday and weekend post construction

Stroudwater Street

Construct a dedicated left-turn lane on Stroudwater Street to Forest Street and reconstruct the sidewalk and crosswalk for crossing Stroudwater Street at Forest Street as necessary to provide an ADA compliant crossing at the intersection.

Overall Requirements

- A. Provide all necessary auxiliary signs, striping and pavement markings to implement the improvements described herein according to MaineDOT and/or National standards.
- B. All plantings and signs (existing and/or proposed; permanent and/or temporary) shall be placed and maintained such that they do not block available sight distances and do not violate the State’s “Installations and Obstructions” law. No signage, plantings or structures shall be allowed within the “clear zone” if they constitute a deadly fixed object as determined by MaineDOT. All signs shall meet MRSA Title 23, Chapter 21, Section 1914: “On-Premise Signs”.
- C. If any of the supporting data or representations for which this permit is based changes in any way or is found to be incorrect / inaccurate, the applicant shall request in writing from MaineDOT a decision of what impacts those changes will have on the permit. The applicant will then be required to submit those changes for review and approval and additional mitigation as a result of those changes may be required at the expense of the applicant.

Westbrook – Dirigo Plaza

Reg. 01-00185-A-N

Page 7 of 7

By:

Stephen Landry, P.E.
State Traffic Engineer

Date: _____

Ref: 6846

October 5, 2016

Ms. Elizabeth Boepple, Chair
City of Portland Planning Board
389 Congress Street, 4th Floor
Portland, ME 04101

Attn: Ms. Barbara Barhydt, Development Review Services Manager

Re: Response to Staff Comments
Dirigo Plaza - Main Street Westbrook, 1190 Brighton Avenue
Project No. 2016-073; CBL: 264-A002

Dear Chair Boepple and Members of the Portland Planning Board:

Vanasse & Associates, Inc. (VAI) is providing responses to the staff comments that were raised in the September 23, 2016 memorandum from the Planning Division of the Planning and Urban Development Department concerning the Dirigo Plaza mixed-use commercial development to be located on an assemblage of parcels bounded by Main Street (Route 25B), Westbrook Arterial, and Larrabee Road, in Westbrook, Maine (hereafter referred to as the "Project"). Specifically, we are responding to the Staff comments concerning the MaineDOT Traffic Movement Permit and the associated elements of the transportation improvement program. Listed below are each of the Staff comments identified in the subject memorandum followed by our response on behalf of the Applicant.

Traffic Movement Permit Process

Proposed MaineDOT Draft TMP-required Off-site Improvements

Riverside Street

Intersection of Riverside St / Larrabee Rd (Exit 48)

Portland Staff Comment: at the City of Portland's request, the need for this second left turn lane is being evaluated for its necessity and impacts to LOS if not required. Its presence greatly impacts the size of the intersection, degrading pedestrian crossings and impacting traffic signal timing. City staff also urges the consideration of Lead Pedestrian Interval phasing to improve the safety and comfort of pedestrian crossings.

Response: The Applicant concurs with City Staff that provision of the second left-turn lane on the Larrabee Road approach to Riverside Street, while desirable, is not necessary to achieve improved operating conditions and enhanced safety at the intersection. With the elimination of the second left-turn lane, overall intersection operations will be improved to a level-of-service (LOS) of "D" or better (considered "acceptable" operating conditions) with the balance of the planned improvements, noting that the Larrabee Road

approach would operate at LOS D during the weekday evening peak-hour and at LOS E during the Saturday midday peak-hour with predicted vehicle queues of 251 feet and 386 feet respectively. These predicted operating conditions with the elimination of the second Larrabee Road left-turn lane continue to represent a general improvement over current conditions. Accordingly and pending concurrence from MaineDOT, **the Applicant agrees that the second left-turn lane on Larrabee Road should be removed from the planned improvements at the subject intersection given the resulting negative impacts to pedestrian and bicycle accommodations. In addition, the Applicant will include lead pedestrian interval as a part of the planned traffic signal timing plan for the intersection.**

Intersection of Riverside St / Warren Ave

Portland Staff Note: The applicant, in subsequent comments to the MaineDOT, suggests a wireless or hardwire interconnect at this location. City staff urges hardwire interconnect be provided due to the problems/maintenance issues that can be associated with wireless systems. Also, the optimal timing plan should include adjustment of the westbound Warren Avenue approach to consist of two left turn lanes, and a shared through/right turn lane, as well as related signal head adjustments (if needed). This is described more fully in non-TMP-related items further below.

Response: **The Applicant agrees to provide a hardwire interconnect along the Riverside Street corridor** to include the intersection of Riverside Street at Warren Avenue. Based on discussions with City Staff, the interconnect will include a combination of overhead and underground cable, with underground cable to be provided where new traffic signal conduit is to be installed. In addition, **the Applicant will develop an optimal traffic signal timing and coordination plan that will reflect the adjustment of the westbound Warren Avenue approach to consist of two left turn lanes and a shared through/right turn lane, as well as related signal head adjustments.**

Intersection of Riverside St / Home Depot

Portland Staff Note: The applicant, in subsequent comments to the MaineDOT, suggests a wireless or hardwire interconnect at this location. City staff urges hardwire interconnect be provided due to the problems/maintenance issues that can be associated with wireless systems. Also, the TMP should require design plans for minor geometric and traffic signal improvements, which include updates to pedestrian equipment and ADA accommodations. The applicant suggests “partnering” with the City to provide these upgrades.

Response: **The Applicant agrees to provide a hardwire interconnect along the Riverside Street corridor** to include the intersection of Riverside Street at The Home Depot driveway. Based on discussions with City Staff, the interconnect will include a combination of overhead and underground cable, with underground cable to be provided where new traffic signal conduit is to be installed. In addition, **the Applicant will work with the City to prepare design plans for minor geometric and traffic signal improvements at this intersection, which will include updates to pedestrian equipment and ADA accommodations that will be constructed by the City.**

Ms. Elizabeth Boepple, Chair
City of Portland Planning Board
Attn: Ms. Barbara Barhydt, Development Review Services Manager
October 5, 2016
Page 3 of 3

Intersection of Riverside St / Brighton Ave / Main St

Portland Staff Note: The TMP should require updated signal heads with reflective back plates (as proposed on the applicant's Conceptual Improvement Plan, Sheet 4 of 5), and updated thermal (not video) detection to the City's standard.

Response: **The Applicant agrees to include the requested traffic signal equipment upgrades** as a part of the improvements that are to be implemented at the intersection of Riverside Street at Brighton Avenue and Main Street.

Intersection of Rand Rd / Westbrook Arterial (Exit 47)

Portland Staff Note: City staff strongly prefers hardwire interconnects where they are feasible to be provided.

Response: **The Applicant agrees to provide hardwire interconnect along Westbrook Arterial between Larrabee Road and Rand Road/Westbrook Arterial (Exit 47) to the extent feasible.** Should such accommodations be deemed infeasible as a result of excessive cost or other conditions, the Applicant will install a communications link to the traffic signal controller at the Rand Road/Exit 47 intersection to allow remote access to the traffic signal system.

We trust that this information is responsive to the Staff comments that were raised in the September 23, 2016 memorandum concerning the Project. If you should have any questions or would like to discuss our responses in more detail, please feel free to contact me.

Sincerely,

VANASSE & ASSOCIATES, INC.



Jeffrey S. Dirk, P.E., PTOE, FITE
Principal

JSD/jsd

cc: B. Hyman – Planning & Urban Development Department, Transportation Program Manager (via email)
 J. Gove – J&J Gove Development, LLC (via email)
 J. Katsiaficas, Esquire – Perkins Thompson (via email)
 W. Morrill – Jones & Beach Engineers, Inc. (via email)
 BG, File

LICENSE REVIEW ROUTING SHEET

PROJECT MANAGER: Robert L. Green, Jr.
ORDER TYPE:

	DRAFT
X	3PI
X	SEND TO REGISTRY
	CORRECTED ORDER

X	ORIGINAL ORDER (N)		CONDITION COMPLIANCE (C)	X
	MINOR REVISION (M)		TRANSFER (T)	X
	AMENDMENT (A)		AFTER-THE-FACT	

All Site Orders **must** be sent to the registry.


APPLICANT NAME:	Dirigo Center Developers, LLC C/o Jeffrey Gove		
APPLICANT ADDRESS:	7 Swain Drive Hampton Falls, NH 03844	FAX#:	
E-MAIL ADDRESS: (License will be e-mailed to this address when decision is made)	jeffreygove@yahoo.com		
PROJECT LOCATION:	City of Westbrook Cumberland County	PROJECT #	L-02734-23-C-N L-02734-TG-D-N
APPLICATION TYPE:(Use Site/NRPA or NRPA/SW)	Site/NRPA	ATS#:	80316, 80317
ISSUES/COMMENTS:			
ACCEPTANCE DATE:	March 18, 2016		
AGENT NAME:	Wayne Morrill, PE, Jones & Beach Engineers, Inc.		
AGENT ADDRESS:	85 Portsmouth Avenue Stratham, NH 03885	FAX#	
E-MAIL ADDRESS: (License will be e-mailed to this address when decision is made)	wmorrill@jonesandbeach.com		

Final copies of Site orders go automatically to the **Registry, Town & IFW**. List others to receive a copy here:

Jennie Franceschi Westbrook city Engineer jfranceschi@westbrook.me.us		
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ABSTRACT

- Dirigo Center Developers, LLC (Westbrook) (approval):* In Department Order #L-02734-23-C-N/L-02734-TG-D-N, the Department approved the development of Dirigo Plaza, commercial and retail center located on an 82-acre parcel. The project will result in the creation of approximately 52.6 acres of new developed area of which approximately 43.3 acres will be impervious area. The project is located between the Westbrook Arterial, Larrabee Road, and Main Street in the City of Westbrook. (Green)

REVIEWED BY:	SIGNATURE	OK DATE
ENFORCEMENT STAFF (if enforcement involved):		
REGIONAL SUPER:		10/7/16
Ret'd to PROJ. MGR:		
Div. Director:		



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

October 2016

Dirigo Center Developers, LLC
C/o Jeffrey Gove
7 Swain Drive
Hampton Falls, NH 03844

RE: Site Location of Development Act and Natural Resources Protection Act Applications
Westbrook, DEP #L-02734-23-C-N/L-02734-TG-D-N

Dear Mr. Gove:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at 207- 822-6300 or at robert.green@maine.gov

Sincerely,

Robert L. Green, Jr., Project Manager
Bureau of Land Resources

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



DEPARTMENT ORDER

IN THE MATTER OF

DIRIGO CENTER DEVELOPERS, LLC) SITE LOCATION OF DEVELOPMENT ACT
Westbrook, Cumberland County) NATURAL RESOURCES PROTECTION ACT
DIRIGO PLAZA) FRESHWATER WETLAND ALTERATION
L-02734-23-C-N (approval)) WATER QUALITY CERTIFICATION
L-02734-TG-D-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. Sections 481 *et seq.* and 480-A *et seq.*, and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of DIRIGO CENTER DEVELOPERS, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-02734-14-A-X dated October 10, 1971, the Department approved the development of a quartzite stone quarry. In Department Order #L-02734-80-B-T dated May 25, 2006, the Department approved the transfer of the quarry from Blue Rock Industries to Pike Industries, Inc. The development covers an area of approximately 82 acres. Activities that were conducted on site include open pit mining, rock crushing, asphalt recycling, and concrete mixing. The quarry pit lies along the municipal boundaries of the Cities of Westbrook and Portland. Development on the parcel is located in the City of Westbrook and bounded by the Westbrook Arterial, Larrabee Road, Main Street (Westbrook) and Interstate I-95.

B. Summary: The applicant proposes to redevelop the 82-acre parcel with approximately 490,000 square feet of mixed use retail and restaurant space. The parcel is bisected by a Maine Central Railroad line that divides the proposed project into a North and South Campus. The North Campus will include eight buildings covering approximately 305,300 square feet, seven parking areas, and access roads. The South Campus will include two buildings covering approximately 186,600 square feet, three parking areas, and access roads. Overall, the proposed project will result in the creation of approximately 52.6 acres of new developed area of which 43.3 acres will be new impervious area. The proposed project is shown on a set of plans, the first of which is entitled "Commercial Development: Dirigo Plaza," prepared by Jones & Beach Engineers, Inc., and dated October 20, 2015, with a last revision date of October 7, 2016. The project site is located between the Westbrook Arterial, Larrabee Road, and Main Street in the City of Westbrook. No new development is proposed for the portion of the site located within the City of Portland.

The applicant is also seeking approval under the Natural Resources Protection Act (NRPA) to alter approximately 64,218 square feet of freshwater wetlands at five locations and the replacement of an existing culvert crossing of for Nason Brook.

C. Current Use of Site: The site of the proposed project is currently developed with an open pit quarry, the remains of asphalt recycling and concrete mixing operations, staging areas for construction material, parking lots, and an administrative office building. Approximately seven acres of undeveloped woodland and freshwater wetlands are located at the southeastern corner of the parcel.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$70,500,000. The applicant submitted a letter from The Washington Trust Company (a commercial lending institution), dated August 20, 2015 indicating that it intends to provide financing for this project.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards.

3. TECHNICAL ABILITY:

The applicant provided resume information for key persons involved with the project and a list of projects successfully constructed by the applicant. The applicant also retained the services of Jones & Beach Engineering, Inc., a professional engineering firm, and Gove Environmental Services, Inc. to assist in the design and engineering of the project.

The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

The project site is located adjacent to a heavily travelled, commercially developed section of Westbrook. The proposed project will generate minor noise sources associated with traffic moving through the project site. The applicant proposes to comply with the City of Westbrook's Noise Ordinance, including during construction of the project.

Based on the information contained in the application, the Department anticipates that the project will have a minor sound impact and will be in compliance with the Department's Noise Rules, Chapter 375(10).

5. SCENIC CHARACTER:

The project site is located between the Westbrook Arterial, Larrabee Road, and Main Street, which are busy travel routes. The adjacent land uses are commercial in nature. The access roads through the project site will be planted with ornamental trees and shrubs. A landscape plan was submitted that depicts the plantings for the site. The

photometric model shown on the Lighting Plans indicate that light intensities of 0.5 foot-candles will not intrude beyond the project site, except for those buildings that front Main Street.

The quarry pit will be allowed to fill with water and will serve as a visual attraction. The applicant proposes to construct a bituminous asphalt path with security fencing around the pond. Trees, shrubs, and ground cover will be planted along developed portions of the new pond edge for enhancement.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. WILDLIFE AND FISHERIES:

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project. In its comments, MDIFW stated that it found no records of any Essential or Significant Wildlife Habitats, or other wildlife habitats of special concern associated with this site. MDIFW visited the site on July 14, 2015, September 11, 2015 and September 17, 2015 to determine if New England cottontail were present on the site. Game cameras did not capture evidence that this species of rabbit was present. Based on this information and that the site does not have suitable habitat for New England cottontail, MDIFW concluded that the proposed project will not have a significant impact to New England cottontail or its habitat.

To address potential stream impacts, the applicant proposes to maintain 100-foot wide undisturbed buffers along both sides of Nason Brook which flows west to east through the middle of the South Campus. Protection of the stream buffers is outlined in Finding 8.

An existing 60-inch concrete culvert in Nason Brook will be replaced with a 17-foot wide, open-bottomed, precast concrete culvert. MDIFW recommended that the proposed instream work must be performed during low water from July 15 to October 1 of any calendar year. All work within 100 feet of the streams must be permanently stabilized by October 1 or the applicant must implement and maintain overwinter stabilization prior to November 1 in accordance with the Maine Erosion and Sediment Control BMP Manual. No other fisheries concerns were identified.

The Department finds that the applicant has made adequate provision for the protection of wildlife and fisheries provided that all instream work is performed from July 15 to October 1 of any calendar year.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission reviewed the proposed project and stated that it will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

The Maine Natural Areas Program database does not contain any records documenting the existence of rare or unique botanical features on the project site and, as discussed in Finding 6, MDIFW did not identify any unusual wildlife habitats located on the project site.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites or unusual natural areas either on or near the development site.

8. BUFFER STRIPS:

The applicant proposes to provide no-disturbance buffers for the protection of Nason Brook as discussed in Finding 6. The applicant proposes to use the deed restriction language for forested, no-disturbance buffers and meadow buffers contained in the Stormwater Rules, Chapter 500, Appendix G, to protect the stream buffers discussed in Finding 6.

Prior to the start of construction of the South Campus, the location of the stream buffers must be permanently marked on the ground. The applicant must execute and record all required deed restrictions, including the appropriate buffer deed restrictions, within 60 days of the date of this Order and must submit a copy of the recorded deed restriction, including the plot plan, to the Bureau of Land Resources (BLR) within 60 days of its recording.

Provided buffer areas are protected from future disturbance as outlined above, the Department finds that the applicant has made adequate provision for buffer strips.

9. SOILS:

The applicant submitted a soil survey map and report, prepared by a certified soils scientist and a geotechnical report prepared by a registered professional engineer, based on the soils found at the project site. This material was reviewed by staff from the Division of Environmental Assessment (DEA) of the Bureau of Water Quality (BWQ).

The applicant indicated that blasting associated with construction of the project may be necessary and submitted a generic blasting plan in the application. DEA also reviewed a Blasting Plan (last revised August 2, 2016) submitted by the applicant and outlining the proposed procedures for removing ledge and recommended that the applicant be required to submit a site-specific Blasting Plan for blasting that occurs within 500 feet of non-owned off-site structures such as buildings and wells. Prior to the start of any blasting on

the project site, the applicant must submit a site map showing blast areas and a blasting plan to the BLR for review and approval. The blasting plan must be prepared by a qualified blaster and include the blasting standards contained in 38 M.R.S. § 490-Z(14), and the plan must include an anticipated blast design/shot pattern specifically tailored to the project.

If a rock crusher is being utilized on site, the applicant must ensure that the crusher is licensed by the Department's Bureau of Air Quality and is being operated in accordance with that license.

The Department finds that, based on these reports and Blasting Plan, and DEA's review, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices provided that a site-specific blasting plan is submitted for review and approval prior to commencement of blasting activities.

10. STORMWATER MANAGEMENT:

The proposed project includes approximately 52.6 acres of new developed area of which 43.3 acres will be new impervious area. The site lies within the watershed of Nason Brook, an urban impaired stream. The applicant submitted a stormwater management plan based on the Basic, General, Urban Impaired Stream, and Flooding standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of catch basins, subsurface drainage systems, 13 underdrained soil filters, three gravel wetland units, four Filterra units with chambered system, four Oldcastle sand filters with chambered systems, and 14 FocalPoint Biofiltration systems. The quarry pit will be allowed to fill with water and then used, in part, as a wet pond to provide stormwater detention.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan (Section 14 of the application) that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the BLR.

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor. Prior the start of construction, the applicant must conduct a pre-construction meeting to discuss the construction schedule and the erosion and sediment control plan with the appropriate parties. This meeting must be attended by the applicant's representative, Department staff, the design engineer, the contractor, and the third-party inspector.

Given the size and nature of the project site, the maximum area that may be exposed, and not temporarily or permanently stabilized, at any one time will be limited to no more than 10 acres, and the applicant must retain the services of a third party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short- and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, BLR. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

The application included executed long-term maintenance contracts (minimum of 5 years and renewable) for the on-going maintenance of the proprietary stormwater control structures.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(A) provided that a pre-construction meeting is held; the applicant retains the services of a third-party inspector; the maximum area that is exposed, and not temporarily or permanently stabilized; is limited to no more than 10 acres; and storm sewer grit and sediment are disposed as described above.

B. General Standards:

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the General Standards contained in Chapter 500(4)(B) and recommended the applicant retain its design engineer or other qualified professional engineer to oversee the construction of the

stormwater management structures according to the details and notes specified on the approved plans. Within 30 days of completion of the whole system or at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review. The applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and the date of each inspection to the BLR for review.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the General Standards contained in Chapter 500(4)(B) provided that a professional engineer is retained to oversee construction of the stormwater management structures as described above.

C. Urban Impaired Stream Standard:

The proposed project is in the watershed of Nason Brook, an urban impaired stream. The Department has approved a compensation fee utilization plan (CFUP) developed by the City of Portland to accept compensation fees to reduce the impact of stormwater pollution in the watershed of urban impaired streams. The proposed project will mitigate for portions of the existing impervious area; however, given the size of the new development, payment of a compensation fee will still be required. To comply with Chapter 500(4)(E)(2), the applicant proposes to submit a payment of \$208,875 to the City of Portland to be utilized in accordance with the approved CFUP at other sites in the watershed.

Based on the payment of a compensation fee, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Urban Impaired Stream Standard provided that prior to the start of construction, the applicant submits the compensation fee as described above.

D. Flooding Standard:

The applicant is proposing to utilize a stormwater management system based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20, U.S.D.A., Soil Conservation Service and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The post-development peak flow from the site will not exceed the pre-development peak flow from the site.

BLR commented that the proposed system is designed in accordance with the Flooding Standard contained in Chapter 500(4)(F).

Based on the system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Flooding Standard contained in Chapter 500(4)(F) for peak flow from the project site, and channel limits and runoff areas.

The Department further finds that the proposed project will meet the Chapter 500 standards for: (1) management of stormwater discharges; (2) discharge to freshwater wetlands; and (3) discharges to public storm sewer systems.

11. GROUNDWATER:

The project site is not located over a mapped sand and gravel aquifer. The proposed project does not propose any withdrawal from the groundwater.

The Department finds that the proposed project will not have an unreasonable adverse effect on ground water quality or quantity.

12. WATER SUPPLY:

Once complete, the proposed project is anticipated to use 47,500 gallons of water per day. Water will be supplied by the Portland Water District. The applicant submitted a letter from the District, dated January 19, 2016, indicating that it will be capable of servicing this project.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply.

13. WASTEWATER DISPOSAL:

Once complete, the proposed project is anticipated to discharge 47,500 gallons of wastewater per day to the City of Westbrook's wastewater treatment facility. The applicant submitted a letter from the City of Westbrook, dated March 17, 2016, stating that it will accept these flows. This project was reviewed by the Division of Water Quality Management (DWQM) of the BWQ, which commented that the City of Westbrook's wastewater treatment facility has the capacity to treat these flows and is operating in compliance with the water quality laws of the State of Maine.

Based on DWQM's comments, the Department finds that the applicant has made adequate provision for wastewater disposal at a facility that has the capacity to ensure satisfactory treatment.

14. SOLID WASTE:

Once complete, the proposed project is anticipated to generate 78.3 tons of recyclable material and 53.8 tons of municipal solid waste per month. All general solid wastes from the proposed project will be disposed of at Waste Management's Crossroads Landfill in Norridgewock, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

The proposed project will generate an indeterminate amount of stumps and grubblings. All stumps and grubblings generated will be ground on site and the resulting material utilized for erosion control, in compliance with the Maine Solid Waste Management Rules.

The proposed project will generate approximately 3,263 cubic yards of construction debris and demolition debris. All construction and demolition debris generated will be disposed of at Waste Management's Crossroads Landfill in Norridgewock, which is currently in substantial compliance with the Maine Solid Waste Management Rules.

Based on the above information, the Department finds that the applicant has made adequate provision for solid waste disposal.

15. FLOODING:

The proposed project is not located within the 100-year flood plain of any river or stream.

The Department finds that the proposed project is unlikely to cause or increase flooding or cause an unreasonable flood hazard to any structure.

16. WETLAND IMPACTS:

The applicant proposes to directly alter 64,218 square feet (1.5 acres) of freshwater wetland at five locations to construct the proposed project. Wetland impacts are shown on the set of plans referenced in Finding 1. Given the disturbed nature of the project site, the undeveloped areas that include freshwater wetland are found in disconnected pockets throughout the site. Wetland impact #1 involves filling an approximately 21,000 square foot area located between existing buildings and a parking lot. This wetland drains into the city's storm sewer system. Wetland impact #2 is located along the Westbrook Arterial and drains into Nason Brook. This wetland is located at the proposed entrance into the site from the Westbrook Arterial. Traffic constraints, such as sight distance and an existing median, limit the southern entrance into the project site to this location. Wetland impacts #3 and #4 are located within the undeveloped area in the South Campus. Given the location of Nason Brook and the condition of disturbed soils in this portion of the site, building in the wetlands is unavoidable. Developing this area is necessary to ensure the financial feasibility of the overall project. Wetland impact #5 is located adjacent to Nason Brook and will be filled as a result of the construction of wingwalls associated with the new stream crossing.

In addition to the proposed wetland alterations, the applicant proposes to replace the existing 60-inch concrete culvert in Nason Brook with a 17-foot wide, open-bottomed, precast concrete culvert. Recreating the stream bottom conditions after replacing the culvert will temporarily affect approximately 1,319 square feet of wetland.

The Wetland and Waterbodies Protection Rules, 06-096 CMR 310, interpret and elaborate on the NRPA criteria for obtaining a permit. The rules guide the Department in

its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a freshwater wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicant submitted an alternative analysis for the proposed project completed by Jones & Beach Engineers and dated February 2, 2016. The project purpose is to construct a large retail center that includes food services and restaurant facilities. The applicant considered several locations in Portland, Scarborough, Falmouth, and Westbrook. After considering each location's development costs, site restrictions, and impacts to the environment, the proposed site was selected as the most practicable location.

Given the scale of the proposed project and the location of Nason Brook and the freshwater wetlands on the project site, filling wetlands to construct the proposed project is unavoidable. The applicant considered multiple layouts before deciding that the selected alternative was the most practicable in terms of development costs and the amount of wetlands that would be lost as a result of the construction of the proposed project.

B. Minimal Alteration. The amount of freshwater wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. Given the scope of the proposed development and the location of the wetland pockets, the applicant considered multiple layouts before deciding that the selected alternative was the most practicable in terms of development costs and the amount of wetlands that would be lost as a result of the construction of the proposed project.

C. Compensation. Compensation is required to achieve the goal of no net loss of wetland functions and values. In accordance with Chapter 310, Section 5(C), compensation is required when the Department determines that a wetland alteration will cause a wetland function or functions to be lost or degraded as identified by a functional assessment or by the Department's evaluation of the project.

The applicant submitted a functional assessment, dated February 2, 2016, that described the wetlands to be altered by the proposed project and identified primary functions and values as floodflow alteration, sediment and toxicant retention, and nutrient removal. Lesser wetland functions occurring in the wetland areas to be filled included production export and wildlife habitat.

The applicant proposes to make a contribution into the In-Lieu Fee (ILF) program of the Maine Natural Resource Conservation Program (MNRCP) in the amount of \$271,137 for the cumulative wetland impacts totaling 64,218 square feet. Prior to the start of construction, the applicant must submit a payment in the amount of \$271,137, payable to

“Treasurer, State of Maine”, and directed to the attention of the ILF Program Administrator at 17 State House Station, Augusta, Maine 04333.

The Department finds that the applicant has avoided and minimized freshwater wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project provided that prior to the start of construction, the location of the wetlands on the parcel not proposed to be altered are permanently marked on the ground, and the applicant submits the ILF payment as described above.

17. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-2734-14-A-X, and subsequent Orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that all instream work is performed from July 15 to October 1 of any calendar year; that buffer areas are protected from future disturbance as outlined in Finding 8; prior to the start of construction the applicant makes a contribution to the ILF program; and the location of the wetland edges adjacent to any development are permanently marked on the ground.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. Section 480-P.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities provided that prior to the start of construction of the South Campus, the location of the stream buffers are permanently marked on the ground.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil provided that a site-specific blasting plan is submitted for review and approval prior to commencement of blasting activities.
- D. The proposed development meets the standards for stormwater management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided that the pre-construction meeting is held; a third-party inspector is hired; the maximum area that may be exposed, and not temporarily or permanently stabilized, at any one time is limited to no more than 10 acres; storm sewer grit and sediment materials are disposed of properly; a professional engineer is retained to inspect and document the installation of stormwater components; and, a payment is submitted to the City of Portland Stormwater Compensation Fee Utilization Plan, all as described in Finding 10.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of DIRIGO CENTER DEVELOPERS, LLC to construct the Dirigo Plaza commercial and retail center as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All instream work shall be limited to the period from July 15 to October 1 of any calendar year.
5. Prior to the start of construction of the South Campus, the location of the stream buffers shall be permanently marked on the ground.
6. Prior the start of construction, the applicant shall conduct a pre-construction meeting. This meeting shall be attended by the applicant's representative, Department staff, the design engineer, the contractor, and the third-party inspector.
7. The applicant shall retain the services of a third-party inspector in accordance with the Special Condition for Third-Party Inspection Program, which is attached to this Order.
8. The applicant shall retain the design engineer or another qualified engineer to oversee the construction of the stormwater management system according to the details and notes specified on the approved plans. Within 30 days of completion of the whole system or at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.
9. Prior to the start of any blasting on the project site within 500 feet of non-owned off-site structures such as buildings and wells, the applicant shall submit a site-specific Blasting Plan to the BLR for review and approval.
10. Prior to start of construction, the applicant shall submit a total payment of \$208,875 to the City of Portland Stormwater Compensation Fee Utilization Plan for Nason Brook.
11. The maximum area that may be exposed, and not temporarily or permanently stabilized, at any one time shall be limited to no more than 10 acres.

12. Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities shall be disposed of in compliance with the Maine Solid Waste Management Rules.
13. If a rock crusher is being utilized on site, the applicant shall ensure that the crusher is licensed by the Department's Bureau of Air Quality and is being operated in accordance with that license.
14. The applicant shall execute and record all required deed restrictions, including the appropriate stream buffer deed restrictions, within 60 days of the date of this Order. The applicant shall submit a copy of the recorded deed restriction, including the plot plan, to the BLR within 60 days of its recording.
15. Prior to start of construction, the location of the wetlands on the parcel not authorized for alteration shall be permanently marked on the ground.
16. Prior to the start of construction, the applicant shall submit a payment in the amount of \$271,137, payable to "Treasurer, State of Maine", to the attention of the ILF Program Administrator at 17 State House Station, Augusta, Maine 04333.
17. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-2734-14-A-X, and subsequent Orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

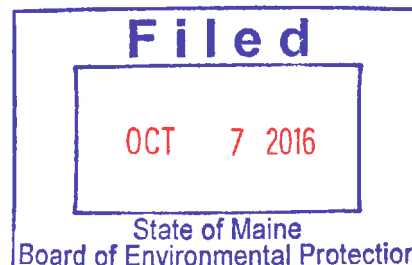
DONE AND DATED IN AUGUSTA, MAINE, THIS 7TH DAY OF OCTOBER, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Paul Mercer, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

RLG/L02734CNDN/ATS#80316 & 80317



Department of Environmental Protection
SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

- A. Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- B. Compliance with All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- G. Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised December 27, 2011



Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S.A. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

STORMWATER STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. §420-D(8) and is subject to penalties under 38 M.R.S.A. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance

- with the approval and conditions. Completed certification forms must be forwarded to the department.
- (7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
- (9) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised December 27, 2011)

Special Condition
for
Third Party Inspection Program

THIRD-PARTY INSPECTION PROGRAM

1.0 THE PURPOSE OF THE THIRD-PARTY INSPECTION

As a condition of this permit, the Maine Department of Environmental Protection (MDEP) requires the permit applicant to retain the services of a third-party inspector to monitor compliance with MDEP permit conditions during construction. The objectives of this condition are as follows:

- 1) to ensure that all construction and stabilization activities comply with the permit conditions and the MDEP-approved drawings and specifications,
- 2) to ensure that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations, and
- 3) to ensure communication between the contractor and MDEP regarding any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan.

This document establishes the inspection program and outlines the responsibilities of the permit applicant, the MDEP, and the inspector.

2.0 SELECTING THE INSPECTOR

At least 30 days prior to starting any construction activity on the site, the applicant will submit the names of at least two inspector candidates to the MDEP. Each candidate must meet the minimum qualifications listed under section 3.0. The candidates may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or agency except that the MDEP may accept subcontractors who worked for the project's primary consultant on some aspect of the project such as, but not limited to, completing wetland delineations, identifying significant wildlife habitats, or conducting geotechnical investigations, but who were not directly employed by the applicant, as Third Party inspectors on a case by case basis. The MDEP will have 15 days from receiving the names to select one of the candidates as the inspector or to reject both candidates. If the MDEP rejects both candidates, then the MDEP shall state the particular reasons for the rejections. In this case, the applicant may either dispute the rejection to the Director of the Bureau of Land Resources or start the selection process over by nominating two, new candidates.

3.0 THE INSPECTOR'S QUALIFICATIONS

Each inspector candidate nominated by the applicant shall have the following minimum qualifications:

- 1) a degree in an environmental science or civil engineering, or other demonstrated expertise,
- 2) a practical knowledge of erosion control practices and stormwater hydrology,
- 3) experience in management or supervision on large construction projects,
- 4) the ability to understand and articulate permit conditions to contractors concerning erosion control or stormwater management,
- 5) the ability to clearly document activities being inspected,
- 6) appropriate facilities and, if necessary, support staff to carry out the duties and responsibilities set forth in section 6.0 in a timely manner, and
- 7) no ownership or financial interest in the development other than that created by being retained as the third-party inspector.

4.0 INITIATING THE INSPECTOR'S SERVICES

The applicant will not formally and finally engage for service any inspector under this permit condition prior to MDEP approval or waiver by omission under section 2.0. No clearing, grubbing, grading, filling, stockpiling, or other construction activity will take place on the development site until the applicant retains the MDEP-approved inspector for service.

5.0 TERMINATING THE INSPECTOR'S SERVICES

The applicant will not terminate the services of the MDEP-approved inspector at any time between commencing construction and completing final site stabilization without first getting written approval to do so from the MDEP.

6.0 THE INSPECTOR'S DUTIES AND RESPONSIBILITIES

The inspector's work shall consist of the duties and responsibilities outlined below.

- 1) Prior to construction, the inspector will become thoroughly familiar with the terms and conditions of the state-issued site permit, natural resources protection permit, or both.
- 2) Prior to construction, the inspector will become thoroughly familiar with the proposed construction schedule, including the timing for installing and removing erosion controls, the timing for constructing and stabilizing any basins or ponds, and the deadlines for completing stabilization of disturbed soils.
- 3) Prior to construction, the inspector will become thoroughly familiar with the project plans and specifications, including those for building detention basins, those for installing the erosion control measures to be used on the site, and those for temporarily or permanently stabilizing disturbed soils in a timely manner.
- 4) During construction, the inspector will monitor the contractor's installation and maintenance of the erosion control measures called for in the state permit(s) and any additional measures the inspector believes are necessary to prevent sediment discharge to off-site properties or natural resources. This direction will be based on the approved erosion control plan, field conditions at the time of construction, and the natural resources potentially impacted by construction activities.
- 5) During construction, the inspector will monitor the contractor's construction of the stormwater system, including the construction and stabilization of ditches, culverts, detention basins, water quality treatment measures, and storm sewers.
- 6) During construction, the inspector will monitor the contractor's installation of any stream or wetland crossings.
- 7) During construction, the inspector will monitor the contractor's final stabilization of the project site.
- 8) During construction, the inspector will keep logs recording any rain storms at the site, the contractor's activities on the site, discussions with the contractor(s), and possible violations of the permit conditions.
- 9) During construction, the inspector will inspect the project site at least once a week and before and after any significant rain event. The inspector will photograph all protected natural resources both before and after construction and will photograph all areas under construction. All photographs will be identified with, at a minimum the date the photo was taken, the location and the name of the individual taking the photograph.
Note: the frequency of these inspections as contained in this condition may be varied to best address particular project needs.
- 10) During construction, the inspector will prepare and submit weekly (*or other frequency*) inspection reports to the MDEP.

- 11) During construction, the inspector will notify the designated person at the MDEP immediately of any sediment-laden discharges to a protected natural resource or other significant issues such as the improper construction of a stormwater control structure or the use of construction plans not approved by the MDEP.

7.0 INSPECTION REPORTS

The inspector will submit weekly written reports (*or at another designated frequency*), including photographs of areas that are under construction, on a form provided by the Department to the designated person at the MDEP. Each report will be due at the MDEP by the Friday (*or other designated day*) following the inspection week (Monday through Sunday).

The weekly report will summarize construction activities and events on the site for the previous week as outlined below.

- 1) The report will state the name of the development, its permit number(s), and the start and end dates for the inspection week (Monday through Sunday).
- 2) The report will state the date(s) and time(s) when the inspector was on the site making inspections.
- 3) The report will state the date(s) and approximate duration(s) of any rainfall events on the site for the week.
- 4) The report will identify and describe any erosion problems that resulted in sediment leaving the property or sediment being discharged into a wetland, brook, stream, river, lake, or public storm sewer system. The report will describe the contractor's actions to repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.
- 5) The report will list the buildings, roads, parking lots, detention basins, stream crossings or other features open to construction for the week, including those features or areas actively worked and those left unworked (dormant).
- 6) For each area open to construction, the report will list the date of initial soil disturbance for the area.
- 7) For each area open to construction, the report will note which areas were actively worked that week and which were left dormant for the week. For those areas actively worked, the report will briefly state the work performed in the area that week and the progress toward final stabilization of the area -- e.g. "grubbing in progress", "grubbing complete", "rough grading in progress", "rough grading complete", "finish grading in progress", "finish grading complete", "permanent seeding completed", "area fully stable and temporary erosion controls removed", etc.
- 8) For each area open to construction, the report will list the erosion and sedimentation control measures installed, maintained, or removed during the week.
- 9) For each erosion control measure in-place, the report will note the condition of the measure and any maintenance performed to bring it to standard.

Third Party Inspection Form

This report is prepared by a Third Party Inspector to meet the requirements of the Third Party Inspector Condition attached as a Special Condition to the Department Order that was issued for the project identified below. The information in this report/form is not intended to serve as a determination of whether the project is in compliance with the Department permit or other applicable Department laws and rules. Only Department staff may make that determination.

TO: <i>PM, Maine DEP (@maine.gov)</i>	FROM:
PROJECT NAME/ LOCATION:	DEP #:
DATE OF INSPECTION:	DATE OF REPORT:
WEATHER:	CONDITIONS:

SITE CHARACTERISTICS:

# ACRES OPEN:	# ACRES ACTIVE:	# ACRES INACTIVE:
LOCATION OF OPEN LAND:	LOCATION OF ACTIVE LAND:	LOCATION OF INACTIVE LAND:
OPEN SINCE:	OPEN SINCE:	OPEN SINCE:

PROGRESS OF WORK:

INSPECTION OF:	Satisfactory	Minor Deviation (corrective action required)	Unsatisfactory (include photos)
STORMWATER CONTROL (VEGETATIVE & STRUCTURAL BMP'S)			
EROSION & SEDIMENTATION CONTROL (TEMPORARY & PERMANENT BMP'S)			
OTHER: (PERMIT CONDITIONS, ENGINEERING DESIGN, ETC.)			

COMMENTS/CORRECTIVE ACTIONS TAKEN (attach additional sheets as necessary):

Photos (must be labeled with date, photographer and location):

Cc:		
<i>Original and all copies were sent by email only.</i>		



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

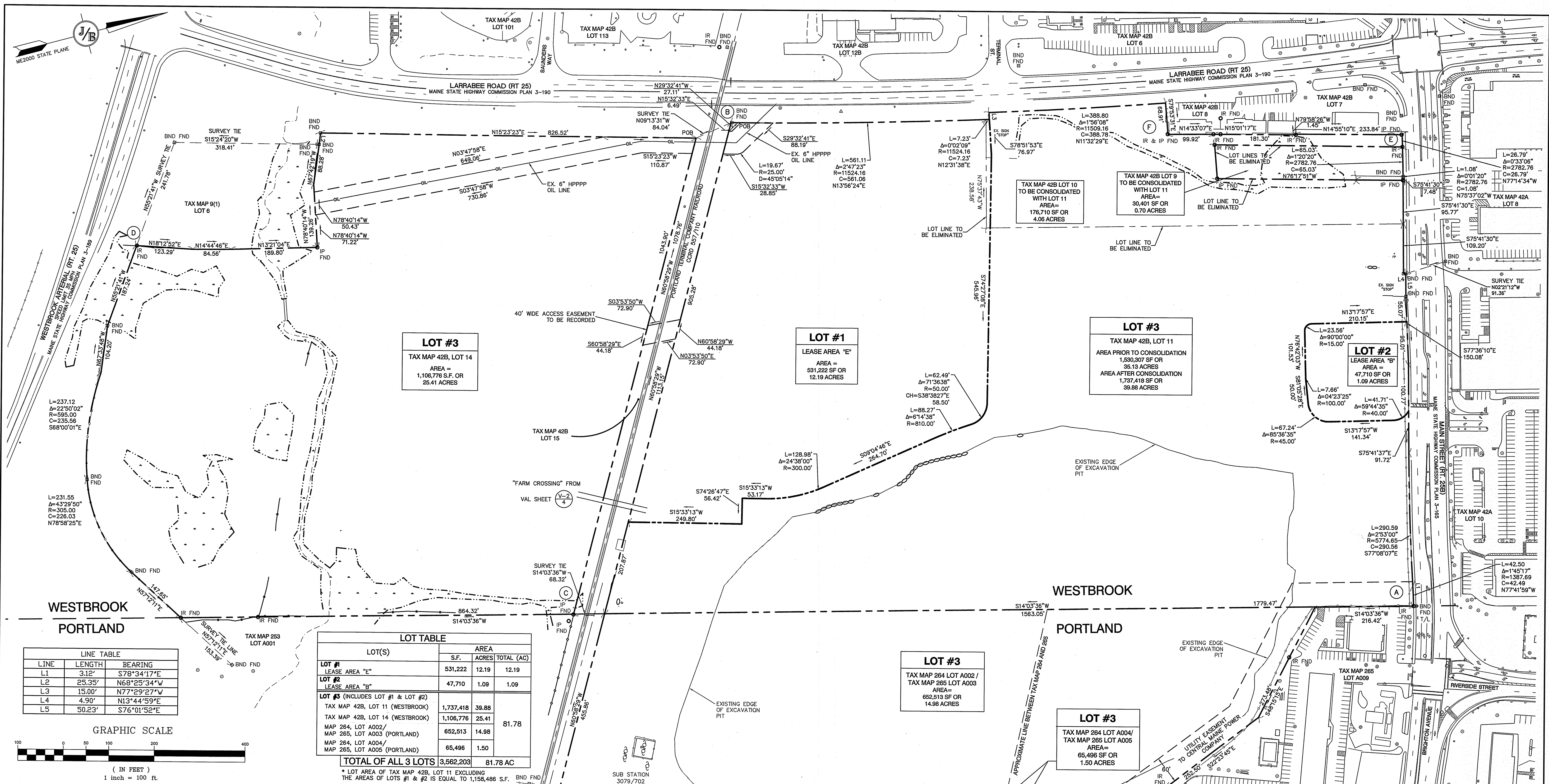
An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

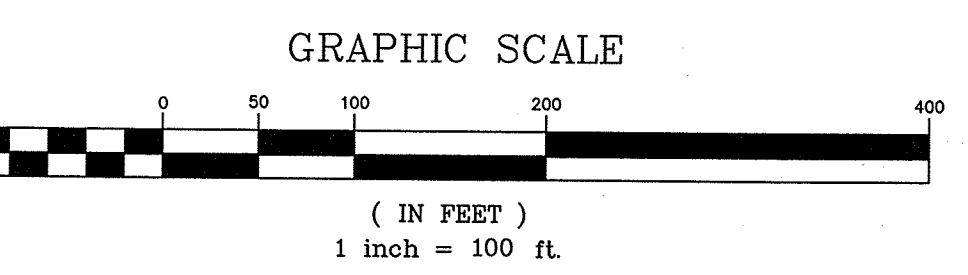
If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



LINE TABLE

LINE	LENGTH	BEARING
L1	3.12'	S78°34'17"E
L2	25.35'	N68°25'34"W
L3	15.00'	N77°29'27"W
L4	4.90'	N13°44'59"E
L5	50.23'	S76°01'52"E



LOT TABLE

LOT(S)	AREA	
	S.F.	TOTAL (AC)
LOT #1 LEASE AREA "E"	531,222	12.19
LOT #2 LEASE AREA "B"	47,710	1.09
LOT #3 (INCLUDES LOT #1 & LOT #2)		81.78
TAX MAP 42B, LOT 11 (WESTBROOK)	1,737,418	39.88
TAX MAP 42B, LOT 14 (WESTBROOK)	1,106,776	25.41
MAP 264, LOT A002/ MAP 265, LOT A003 (PORTLAND)	652,513	14.98
MAP 264, LOT A004/ MAP 265, LOT A005 (PORTLAND)	65,496	1.50
TOTAL OF ALL 3 LOTS	3,562,203	81.78 AC

* LOT AREA OF TAX MAP 42B, LOT 11 EXCLUDING THE AREAS OF LOTS #1 & #2 IS EQUAL TO 1,158,486 S.F.

APPROVED - PORTLAND, ME PLANNING BOARD

DATE: _____

APPROVED - WESTBROOK, ME PLANNING BOARD

DATE: _____

CERTIFICATION:
THIS SURVEY MAP IS IN ACCORDANCE WITH CHAPTER 80, PARTS 1 & 2 OF THE STATE BOARD OF LICENSES FOR PROFESSIONAL LAND SURVEYORS EXCEPTING A WRITTEN REPORT AND LEASE LINE MONUMENTS TO BE SET PRIOR TO BUILDING PAD TURNOVER.

GORDON D. HISLOP, JR. PLS #2293 DATE: _____
ON BEHALF OF JONES & BEACH ENGINEERS, INC.

NOTES:
1. ON JULY 19, 2016, THE WESTBROOK PLANNING BOARD GRANTED DIRIGO CENTER DEVELOPERS, LLC A WAIVER FROM THE SUBMISSION REQUIREMENTS OF SECTION 502.4 OF THE LAND ORDINANCES OF THE CITY OF WESTBROOK THAT THE SUBDIVISION FINAL PLAN FOR DIRIGO PLAZA MUST CONTAIN ALL OF THE INFORMATION REQUIRED BY SECTION 502.4, SO THAT THE APPLICANT IS NOT REQUIRED TO SHOW ALL OF THE INFORMATION ON THE FINAL PLAN, BUT INSTEAD MAY PROVIDE ALL OF THAT REQUIRED INFORMATION IN THE DIRIGO PLAZA PLAN SETS AS SUBMITTED.
2. ACCESS TO LEASE LOTS "E" AND "B" WILL BE IN ACCORDANCE WITH INTERIOR ACCESS ROADS SHOWN ON SITE PLAN, PART OF A SITE PLAN APPLICATION ON FILE WITH THE CITY OF WESTBROOK DATED SEPTEMBER 6, 2016, WHICH ABUT LEASE LINES AS INDICATED HEREON.
3. REFER TO SHEET A2 FOR ALL ASSOCIATED EASEMENTS AND CONDITIONS OF APPROVAL FROM THE CITIES OF WESTBROOK AND PORTLAND.

Design: WGM Draft: MJS Date: 2/23/16
Checked: WGM Scale: AS NOTED Project No.: 14110
Drawing Name: 14110-LLC.DWG

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

DRAFT

REV.	DATE	REVISION	BY
4	10/14/16	REVISED PLAN LAYOUT AND NOTES	ISM
3	9/12/16	MINOR PLAN REVISIONS	ISM
2	5/11/16	REVISED BOUNDARY AND LOT AREAS	MJS
1	4/20/16	REVISED PORTLAND LOT AREA	MJS
0	2/2/16	ISSUED FOR REVIEW	BWG

J/B Jones & Beach Engineers, Inc.
Civil Engineering Services
85 Portsmouth Ave. PO Box 219 Stratham, NH 03885
Designed and Produced in NH
603-772-4746 FAX: 603-772-0227 E-Mail: JBE@JONESANDBEACH.COM

Plan Name: **SUBDIVISION - LOT CONSOLIDATION PLAT**
Project: **"DIRIGO PLAZA" 80 MAIN ST. & 11 LARRABEE RD., WESTBROOK, ME**
Owner of Record: **PIKE INDUSTRIES, INC. - 3 EASTGATE PARK ROAD, BELMONT, NH 03220 LL LATHROP LLC - 10 MOULTON STREET SUITE 4, PORTLAND, ME 04101**

DRAWING No. **A3**
SHEET 2 OF 2
JBE PROJECT NO. 14110

W:\14110-WESTBROOK-TEST.DWG - DO NOT USE GO TO V. DRIVE\14110-EX-CONDITIONS.dwg 10/17/2015 10:21:06 AM EDT

SITE NOTES:

- THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF WESTBROOK TAX MAP 42B, LOTS 10, 11 & 14, AND PORTLAND TAX MAP 264, LOTS A002 AND A004.
- OWNER OF RECORD: PIKE INDUSTRIES, INC. CORD BOOK 23504, PAGE 113, CORRECTED BY BOOK 23578, PAGE 296.
 - WESTBROOK TAX MAP 42B, LOT 14 REFERENCE DEED 8964/221, 2001/491, 2198/493.
 - WESTBROOK TAX MAP 42B, LOT 11 REFERENCE DEED 2198/493, 1737/445.
 - WESTBROOK TAX MAP 42B, LOT 10 REFERENCE DEED 4165/68 (18274/222).
 - PORTLAND TAX MAP 264, LOT A002 REFERENCE DEED 3162/899, 1921/59.
 - PORTLAND TAX MAP 264, LOT A004 REFERENCE DEED 2755/81.
- OWNER OF RECORD: L. LATHROP, INC. CORD BOOK 21632, PAGE 224; WESTBROOK TAX MAP 42B, LOT 9.
- WESTBROOK ZONING DISTRICT: GATEWAY COMMERCIAL DISTRICT
 LOT AREA MINIMUM = 20,000 SF
 LOT FRONTAGE MINIMUM = 200'
 BUILDING SETBACKS (MINIMUM):
 FRONT SETBACK = 20'
 SIDE SETBACK = 20'
 REAR SETBACK = 20'
 MAX. BUILDING HEIGHT = 50'
- PORTLAND ZONING DISTRICT: B-4 COMMERCIAL CORRIDOR ZONE
 LOT AREA MINIMUM = 10,000 SF
 LOT FRONTAGE MINIMUM = 60'
 BUILDING SETBACKS (MINIMUM):
 FRONT SETBACK = 20'
 SIDE SETBACK 1-2 STORIES = 10'
 SIDE SETBACK 3 OR MORE STORIES = 12'
 REAR SETBACK = 20'
 WETLAND SETBACK = 50'
 MAX. BUILDING HEIGHT = 65'
 MAX. SEALED SURFACE = 80%
- THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE AGENCIES FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNPREDICATED CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED.
- BASIS OF BEARING FOR THIS SURVEY IS MAINE ME2000 STATE PLANE COORDINATES. ELEVATIONS ARE BASE ON NAVD 29. STATIONS "POR 4" AND "CHARTER" WERE USED TO ESTABLISH HORIZONTAL CONTROL. STATIONS "CHARTER", "GERALD" AND "GERALD 10" WERE USED TO ESTABLISH VERTICAL CONTROL.
- LOT AREAS:
 MAP 42B LOT 9: 30,401 SQ. FT., 0.70 ACRES
 MAP 42B LOT 10: 176,685 SQ. FT., 4.056 ACRES
 MAP 42B LOT 11: 1,530,307 SQ. FT., 35.131 ACRES
 MAP 42B LOT 14: 1,106,776 SQ. FT., 25.408 ACRES
 MAP 264 LOT A002 (265/A003): 852,513 SQ. FT., 14.980 ACRES
 MAP 264 LOT A004 (265/A005): 65,497 SQ. FT., 1.504 ACRES
 TOTAL AREA: 35,31897 SQ. FT., 81.077 ACRES
- PART OF THE SUBJECT PROPERTY IS LOCATED WITHIN FEDERALLY DESIGNATED "C" ZONE - AREAS OF MINIMAL FLOODING. REFERENCE FEMA COMMUNITY PANEL NO. 230054 0006 B, DATED JANUARY 2, 1981; 230051 006 C, DATED DECEMBER 8, 1998; AND 230051 0012C, DATED DECEMBER 8, 1999.
- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY WESTBROOK AND PORTLAND PERMITS, FEES AND BONDS.
- ALL CONSTRUCTION WILL CONFORM TO TOWN AND CITY STANDARDS AND REGULATIONS, AND MEET STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.
- ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
- GRANITE BOUNDS TO BE SET AT ALL ROADWAY POINTS OF CURVATURE AND TANGENCY. IRON RODS WITH SURVEY CAPS TO BE SET AT ALL PROPERTY CORNERS AND ANGLE POINTS, UNLESS OTHERWISE INDICATED. ALL MONUMENTS SET ARE 5/8" IRON RODS WITH ALUMINUM CAPS MARKED "JONES & BEACH ENGINEERS BOUNDARY, DO NOT DISTURB, STRATHAM, N.H." AS SHOWN.
- THE LIMITS OF JURISDICTIONAL WETLANDS WERE DELINEATED BY BRENDAN QUIGLEY OF GOVE ENVIRONMENTAL SERVICES DURING THE MONTH OF OCTOBER 2014, IN ACCORDANCE WITH THE FOLLOWING GUIDANCE DOCUMENTS:
 - THE CORPS OF ENGINEERS FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS.
 - THE NORTH CENTRAL & NORTHEAST REGIONAL SUPPLEMENT TO THE FEDERAL MANUAL.
 - THE CURRENT VERSION OF THE FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, AS PUBLISHED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION AND/OR THE CURRENT VERSION OF THE FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, AS PUBLISHED BY THE USDA, NRCS, AS APPROPRIATE.
 - THE CURRENT NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS, AS PUBLISHED BY THE US FISH AND WILDLIFE SERVICE.
- LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
- ALL BOOK AND PAGE NUMBERS REFER TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- THE TAX MAP AND LOT NUMBERS AND ABUTTING OWNERS ARE BASED ON THE CITY OF WESTBROOK AND CITY OF PORTLAND TAX RECORDS AND ARE SUBJECT TO CHANGE.
- RESEARCH WAS PERFORMED AT THE CITY OF WESTBROOK ASSESSOR'S OFFICE, THE CITY OF PORTLAND ASSESSOR'S OFFICE, AND THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO RETRACE THE BOUNDARY LINES OF DEEDS REFERENCED HEREON. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES EXPRESSED, IMPLIED OR PRESCRIPTIVE.
- ANY USE OF THIS PLAN AND OR ACCOMPANYING DESCRIPTIONS SHOULD BE DONE WITH LEGAL COUNSEL TO BE CERTAIN THAT TITLES ARE CLEAR, THAT INFORMATION IS CURRENT, AND THAT ANY NECESSARY CERTIFICATES ARE IN PLACE FOR A PARTICULAR CONVEYANCE, OR OTHER USES.
- PER PLAN REFERENCE 6, WESTBROOK TAX MAP 42B LOT 11 IS ALLOWED ONE ENTRANCE TO STATE HIGHWAY 12, AND TAX MAP 42B LOT 14 IS ALLOWED TWO ENTRANCES TO STATE HIGHWAY 12.
- SUBJECT LOT MAY BENEFIT FROM A "FARM CROSSING" SHOWN ON THE RAILROAD PLAN, REFERENCE 3. THE PLAN LOCATION IS SHOWN HEREON.
- A SITE-SPECIFIC CLASS "B" HIGH INTENSITY SOIL SURVEY WAS PERFORMED BY MICHAEL CUOMO, SOIL SCIENTIST, DURING JUNE, 2015, BASED ON THE STANDARDS OF THE MAINE ASSOCIATION OF PROFESSIONAL SOIL SCIENTISTS. THE MAP IS WITHIN THE TECHNICAL STANDARDS OF THE NATIONAL COOPERATIVE SOIL SURVEY.

ABUTTERS

WESTBROOK

TAX MAP 9(1) LOT 5
 PORTLAND WATER DISTRICT
 PO BOX 3553
 PORTLAND, ME 04104-3553

TAX MAP 9(1) LOT 6
 LLEWELLYN A. RANDALL, SR, DEVISEES
 C/O LLEWELLYN A. RANDALL, JR
 681 STROUDWATER STREET
 WESTBROOK, ME 04092
 BK 2885/PG 105

TAX MAP 9(1) LOT 8B
 MAINE TURNPIKE AUTHORITY
 430 RIVERSIDE STREET
 PORTLAND, ME 04103
 BK 16036/PG 331

TAX MAP 42A LOT 8
 WALLACE E. CAMPT, SR., TRUSTEE
 CAMP SIBLING TRUST
 PO BOX 103
 WESTBROOK, ME 04098
 BK 30134/PG 136

TAX MAP 42A LOT 10
 PORTLAND ASSOC. LLC
 C/O WS ASSET MANAGEMENT INC.
 33 BOLSTON STREET, SUITE 3000
 CHESTNUT HILL, MA 02467
 BK 25490/PG 39

TAX MAP 42B LOT 6
 W E 100 LARRABEE ROAD LLC
 C/O WINSTANLEY ENTERPRISES LLC
 150 BAKER AVENUE EXT. SUITE 303
 CONCORD, MA 01742
 BK 26693/PG 280

TAX MAP 42B LOT 7
 MIDAS PROPERTIES, INC.
 C/O MARVIN F. POER & CO.
 ATLANTA, GA 30355
 BK 6662/PG 169

TAX MAP 42B LOT 8
 SHOEMAKER LLC
 C/O CHARLOTTE SHOEMAKER
 5100 SW 111 LANE ROAD
 OCALA, FL 34475
 BK 20854/PG 0074

TAX MAP 42B/LOT 9
 LL LATHROP LLC
 10 MOULTON STREET SUITE 4
 PORTLAND, ME 04101
 BK 21632/PG 224

TAX MAP 42B LOT 12B
 DAVID B. MOORE REVOC. TRUST
 DAVID B. MOORE, TRUSTEE
 C/O HARCROS CHEMICAL INC.
 5200 SPEAKER ROAD
 KANSAS CITY, KS 66106
 BK 20960/PG 218

TAX MAP 42B LOT 15
 PORTLAND TERMINAL COMPANY
 GULFORD TRANSPORTATION
 IRON HORSE PARK
 NORTH BILLERICA, MA 01862-1681
 BK 2590/PG 301

TAX MAP 42B LOTS 101 & 113
 W/S PROPERTIES LLC
 C/O BILL DODGE AUTO GROUP INC.
 PO BOX 9567
 WESTBROOK, ME 04098-5067

TAX MAP 243 LOT B001001
 CITY OF PORTLAND
 389 CONGRESS STREET
 PORTLAND, ME 04101

TAX MAP 264 LOT A001
 SAI PRASAD LLC
 1150 BRIGHTON AVENUE
 PORTLAND, ME 04102
 BK 29899/PG 331

TAX MAP 264 LOT A005
 RAND ROAD HOLDINGS LLC
 7 RAND ROAD
 PORTLAND, ME 04104
 BK 31342/PG 191

TAX MAP 265 LOT A001, A008 & A009
 PORTLAND HOTELS REALTY INC.
 1200 BRIGHTON AVENUE
 PORTLAND, ME 04102
 BK 26152/PG 307

TAX MAP 266 LOT C002
 CENTRAL MAINE POWER CO.
 LOCAL TAX
 70 FARM VEW DRIVE
 NEW GLoucester, ME 04260
 BK 26152/PG 307

MAINE DEPT. OF TRANSPORTATION
 REGION 1
 51 PLEASANT HILL ROAD
 SCARBOROUGH, ME 04070-0358

MAINE DEPT. OF TRANSPORTATION
 REGION 3
 PO BOX 817
 ROUTE 2
 DIXFIELD, ME 04224

ABUTTERS

PORTLAND

TAX MAP 243 LOT B001001
 CITY OF PORTLAND
 389 CONGRESS STREET
 PORTLAND, ME 04101

TAX MAP 264 LOT A001
 SAI PRASAD LLC
 1150 BRIGHTON AVENUE
 PORTLAND, ME 04102
 BK 29899/PG 331

TAX MAP 264 LOT A005
 RAND ROAD HOLDINGS LLC
 7 RAND ROAD
 PORTLAND, ME 04104
 BK 31342/PG 191

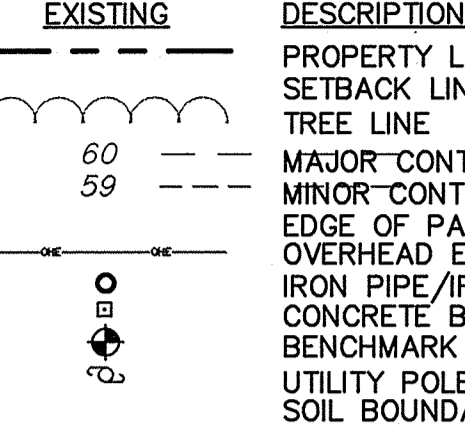
TAX MAP 265 LOT A001, A008 & A009
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 BK 26152/PG 307

TAX MAP 266 LOT C002
 CENTRAL MAINE POWER CO.
 LOCAL TAX
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MAINE DEPT. OF TRANSPORTATION
 REGION 1
 51 PLEASANT HILL ROAD
 SCARBOROUGH, ME 04070-0358

MAINE DEPT. OF TRANSPORTATION
 REGION 3
 PO BOX 817
 ROUTE 2
 DIXFIELD, ME 04224

GENERAL LEGEND



AREA TABLE:

TAX MAP	AREA (SQ. FT.)	TAX MAP	AREA (SQ. FT.)
42B LOT 9	30,401	264 LOT A002	652,513
42B LOT 10	176,710	264 LOT A004	65,496
42B LOT 11	1,530,307	TOTAL PORTLAND AREA	718,009
42B LOT 14	1,106,776		16.48 AC.
	25,417		

PLAN REFERENCES

- "PROPERTY OF BLUE ROCK QUARRY, WESTBROOK, MAINE" DATED: FEBRUARY 24, 1965, SCALE 1" = 100', BY ENGINEERING LABORATORY SERVICE. CORD PAGE 68 VOLUME 40.
- "ALTA/ASCM LAND TITLE SURVEY FOR SUSSE CHALET PROJECT, B&C SITE NO. 97620-6, 1200 BRIGHTON AVENUE, PORTLAND, MAINE" DATED: MAY 2, 1997, SCALE 1" = 30', BY BOOK & CLARK'S NATION SURVEYORS NETWORK.
- "RIGHT-OF-WAY AND TRACK MAP, THE PORTLAND & OGDENSBURG RY., OWNED & OPERATED BY THE PORTLAND TERMINAL COMPANY. STATION 158+40 TO STATION 211+20" DATED: JUNE 10, 1916, SCALE 1" = 100', OFFICE OF CHIEF ENGINEER, PORTLAND, MAINE. SHEET V-2/4.
- "MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP, STATE HIGHWAY '12' PORTLAND-WESTBROOK CUMBERLAND COUNTY, STATE PROJECT NO U-012-1(502)" DATED: AUGUST 1963, SCALE 1" = 50'. S.H.C FILE NO 3-165. CORD PLAN BOOK 74, PAGES 3-4.
- "MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP, STATE HIGHWAY '12' WESTBROOK CUMBERLAND COUNTY, FEDERAL AID PROJECT NO SU-0127(2) SECT. 1" DATED: MAY 1968, SCALE 1" = 50'. S.H.C FILE NO 3-190. CORD PLAN BOOK 103, PAGE 26.
- "MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP, STATE HIGHWAY '12' WESTBROOK CUMBERLAND COUNTY, FEDERAL AID PROJECT NO F-012-1(9)" DATED: OCTOBER 1972, SCALE 1" = 50'. S.H.C FILE NO 3-189. CORD PLAN BOOK 127, PAGES 25-26.
- "MAINE TURNPIKE AUTHORITY, MAINE TURNPIKE, SECTION 2-PORTLAND TO AUGUSTA, PROPERTY PLAN, CITY OF PORTLAND CUMBERLAND COUNTY" SHEET 4. DATED: AUGUST 18, 1952, SCALE 1" = 100'.
- "MAINE TURNPIKE AUTHORITY, MAINE TURNPIKE, SECTION 2-PORTLAND TO AUGUSTA, PROPERTY PLAN, CITY OF PORTLAND CUMBERLAND COUNTY" SUPPLEMENTAL SHEET 14, DATED: JANUARY 1955, SCALE 1" = 200'.
- "MAINE TURNPIKE AUTHORITY, MAINE TURNPIKE, PROPERTY AND RIGHT-OF-WAY PLAN, SECTION 2 - PORTLAND TO AUGUSTA, BRIDGE REPLACEMENT PROJECT, BRIGHTON AVENUE UNDERPASS, PORTLAND, MAINE. SUPPLEMENTAL DRAWING 1 OF 1. DATED: APRIL 2004, SCALE 1" = 25'.
- "MIDAS REALTY CORP., BOUNDARY AND TOPOGRAPHIC SURVEY, MAIN ST. AND LARRABEE ROAD, WESTBROOK, MAINE" DATED: APRIL 15, 1980, SCALE 1" = 20', BY TIMOTHY O. BROWN PE.
- "PLAN OF STATE AID ROAD, LOWER MAIN STREET, CITY OF WESTBROOK, MAINE" DATED: JUNE 1916, SCALE 1" = 50', BY D. R. DURAN. ON FILE AT CITY OF WESTBROOK ENGINEERING OFFICE.
- "CITY OF PORTLAND, MAINE DEPARTMENT OF PUBLIC WORKS, TOWN LINE BETWEEN PORTLAND AND WESTBROOK" DATED JANUARY 3, 1946, SCALE 1" = 500', CITY OF PORTLAND PLAN 471/45.
- "CITY OF PORTLAND MAINE DEPT. OF PUBLIC WORKS, BRIGHTON AT RIVERSIDE" DATED OCTOBER 1, 1973, SCALE 1" = 30', CITY OF PORTLAND PLAN 574/1.
- "BOUNDARY & TOPOGRAPHIC SURVEY AT 1200 BRIGHTON AVENUE, PORTLAND, MAINE FOR WALSH ENGINEERING, 1 KAREN DRIVE #2A, WESTBROOK, MAINE 04092" DATED: JULY 2, 2014, SCALE 1" = 30', BY OWEN HASKELL, INC.
- "CITY OF PORTLAND PROPERTY REVALUATION SHEET" SHEETS 141 AND 142. SCALE 1" = 300'.
- "DIVISION OF PROPERTY OF LARRABEE OFFICE PARK FOR ROBERT BILLINGS" DATED JANUARY 22, 2003, SCALE 1" = 20', BY SEBAGO TECHNICS. PROJECT #98490.

LINE TABLE

LINE	LENGTH	BEARING
L1	3.12'	S78°34'17"E
L2	25.35'	N68°25'34"W
L3	15.00'	N77°29'27"W
L4	4.90'	N13°44'59"E
L5	50.23'	S76°01'52"E

CURVE TABLE

CURVE	LENGTH	DELTA	RADIUS	CHORD	BEARING
C1	7.23'	0°02'09"	11524.16'	7.23'	N12°31'38"E

ADDITIONAL NOTES:

- ON JULY 19, 2016, THE WESTBROOK PLANNING BOARD GRANTED DIRIGO CENTER DEVELOPERS, LLC A WAIVER FROM THE SUBMISSION REQUIREMENTS OF SECTION 502.4 OF THE LAND ORDINANCES OF THE CITY OF WESTBROOK THAT THE SUBDIVISION FINAL PLAN FOR DIRIGO PLAZA MUST CONTAIN ALL OF THE INFORMATION REQUIRED BY SECTION 502.4, SO THAT THE APPLICANT IS NOT REQUIRED TO SHOW ALL OF THE INFORMATION ON THE FINAL PLAN, BUT INSTEAD MAY PROVIDE ALL OF THAT REQUIRED INFORMATION IN THE DIRIGO PLAZA PLAN SETS AS SUBMITTED.
- THE PARCELS INCLUDED WITHIN THIS SUBDIVISION PLAN ARE TO BE USED FOR RETAIL AND OTHER COMMERCIAL USES.
- REFER TO SHEET A3 FOR SUBDIVISION-LOT CONSOLIDATION PLAT.

EASEMENTS:

- RIGHTS AND EASEMENTS SET FORTH IN A DEED FROM HANS NYHOLM HANSEN TO FRANZ M. HANSEN DATED MAY 14, 1947 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 1886, PAGE 483.
- RIGHTS AND EASEMENTS FROM HANS NYHOLM HANSEN TO SCONY-VACUUM OIL COMPANY, INCORPORATED, AS SET FORTH IN AN INSTRUMENT DATED AUGUST 20, 1947 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 1891, PAGE 15. PLOTTED AS SHOWN.
- RIGHTS AND EASEMENT GRANTED TO CENTRAL MAINE POWER COMPANY ALONG THE WESTERLY AND SOUTHERLY LINE OF PARCEL 2 AS REFERENCED IN A DEED FROM THE CITY OF PORTLAND TO BLUE ROCK QUARRY DATED JULY 13, 1948 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 1921, PAGE 59. NOT PLOTTABLE.
- RIGHTS AND EASEMENTS FROM BLUE ROCK QUARRY TO CENTRAL MAINE POWER COMPANY AS SET FORTH IN AN INSTRUMENT DATED OCTOBER 28, 1950 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 2024, PAGE 115. NOT PLOTTABLE.
- RIGHTS AND EASEMENTS GRANTED TO CENTRAL MAINE POWER COMPANY AS DESCRIBED IN A DEED FROM THE CITY OF PORTLAND TO THE MAINE TURNPIKE AUTHORITY DATED APRIL 8, 1955 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 2244, PAGE 15. NOT PLOTTABLE.
- RIGHTS AND EASEMENTS FROM BLUE ROCK QUARRY TO CENTRAL MAINE POWER COMPANY AS SET FORTH IN AN INSTRUMENT DATED SEPTEMBER 20, 1963 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 2783, PAGE 216, AS AFFECTED BY AN INSTRUMENT BETWEEN BLUE ROCK INDUSTRIES AND CENTRAL MAINE POWER COMPANY DATED DECEMBER 10, 1971 AND RECORDED IN BOOK 3204, PAGE 758. PLOTTED AS SHOWN.
- RIGHTS AND EASEMENT FROM BLUE ROCK QUARRY TO THE STATE OF MAINE AS SET FORTH IN AN INSTRUMENT DATED APRIL 13, 1964, RECORDED IN BOOK 2817, PAGE 85, AND AS DEPICTED ON RIGHT OF WAY MAP STATE HIGHWAY '12', WESTBROOK DATED AUGUST 1963 AND RECORDED IN PLAN BOOK 74, PAGE 4. AS SHOWN.
- RIGHTS AND EASEMENTS FROM BLUE ROCK QUARRY TO PORTLAND PIPE LINE CORPORATION AS SET FORTH IN AN INSTRUMENT DATED FEBRUARY 8, 1965 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 2881, PAGE 459. PLOTTED AS SHOWN.
- RIGHTS AND EASEMENTS FROM BLUE ROCK QUARRY TO CENTRAL MAINE POWER COMPANY AS SET FORTH IN AN INSTRUMENT DATED MARCH 8, 1969 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3079, PAGE 702. PLOTTED AS SHOWN.
- EASEMENT FROM CARL N. HANSEN AND THERESA HANSEN TO THE CITY OF WESTBROOK DATED SEPTEMBER 12, 1963 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 2817, PAGE 77 (AFFECTS PARCEL ONE) PLOTTED AS SHOWN.

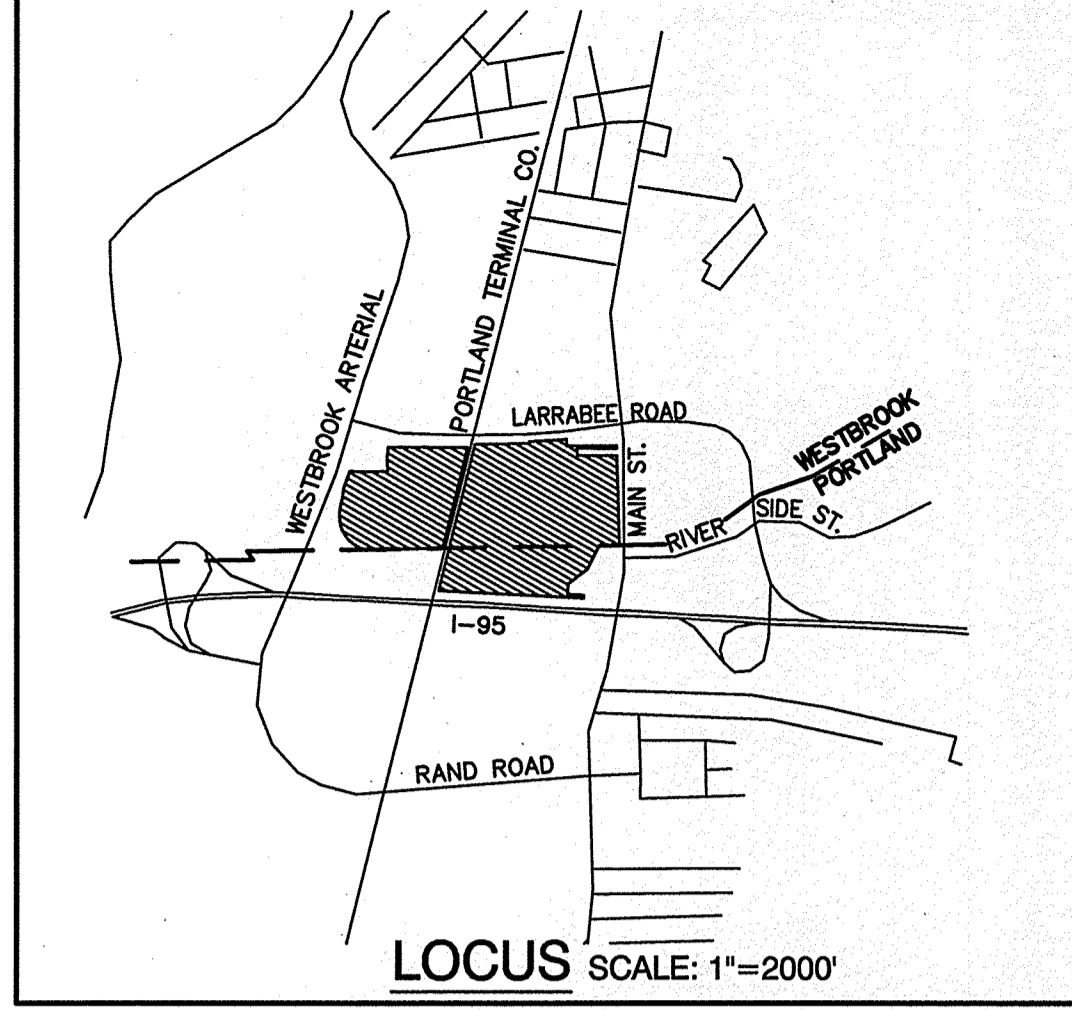
CONDITIONS OF APPROVAL:

CITY OF WESTBROOK:

- APPROVAL IS DEPENDENT UPON, AND LIMITED TO, THE PROPOSALS AND PLANS CONTAINED IN THE APPLICATION DATED SEPTEMBER 13, 2016 AND SUPPORTING DOCUMENTS AND ORAL REPRESENTATIONS SUBMITTED AND AFFIRMED BY THE APPLICANT, AND CONDITIONS, IF ANY, IMPOSED BY THE PLANNING BOARD, AND ANY VARIATION FROM SUCH PLANS, PROPOSALS AND SUPPORTING DOCUMENTS AND REPRESENTATIONS ARE SUBJECT TO REVIEW AND APPROVAL BY THE CITY PLANNER OR THE PLANNING BOARD.

CITY OF PORTLAND:

- THE APPLICANT SHALL PROVIDE EVIDENCE OF ALL REQUIRED STATE AND LOCAL APPROVALS, INCLUDING BUT NOT LIMITED TO MAINE DOT TRAFFIC MOVEMENT PERMIT, DEP SITE LOCATION OF DEVELOPMENT ACT, STORMWATER PERMIT, NATURAL RESOURCES PROTECTION ACT PERMIT, AND WESTBROOK SUBDIVISION REVIEW. PRIOR TO THE ISSUANCE OF A STREET OPENING PERMIT FROM PORTLAND'S DEPARTMENT OF PUBLIC WORKS.
- THE APPLICANT SHALL PROVIDE THE MONETARY COMPENSATION OF \$220,000 FOR MITIGATION OF TRAFFIC IMPACTS ALONG BRIDTON AVENUE FOR THE INSTALLATION OF PEDESTRIAN AND ADA IMPROVEMENTS, PRIOR TO THE ISSUANCE OF A STREET OPENING PERMIT FROM PORTLAND'S DEPARTMENT OF PUBLIC WORKS.
- IF ANY REVISIONS ARE PROPOSED TO THE TRAFFIC MOVEMENT PERMIT OR OFF-SITE TRAFFIC MITIGATION MEASURES PLANNED IN PORTLAND, WHICH DIFFER FROM THOSE PRESENTED IN THE APPLICATION REVIEWED ON OCTOBER 18, 2016, THEN THE APPLICANT SHALL SUBMIT AN AMENDED SUBDIVISION PLAN FOR REVIEW PURSUANT TO PORTLAND'S SUBDIVISION ORDINANCE.



CERTIFICATION:

THIS SURVEY MAP IS IN ACCORDANCE WITH CHAPTER 80, PARTS 1 & 2 OF THE STATE BOARD OF LEASURES FOR PROFESSIONAL LAND SURVEYORS EXCEPTING A WRITTEN REPORT AND LEASE LINE MONUMENTS TO BE SET PRIOR TO BUILDING PAD TURNOVER.

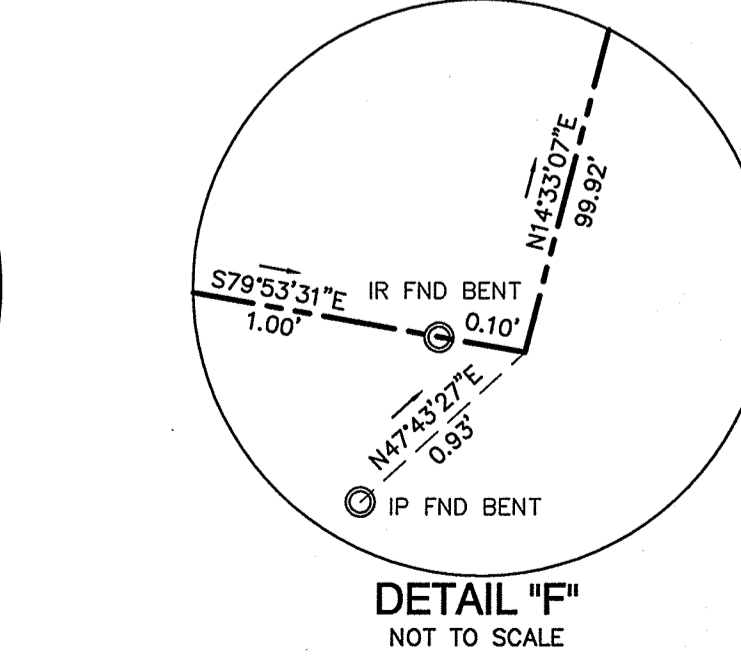
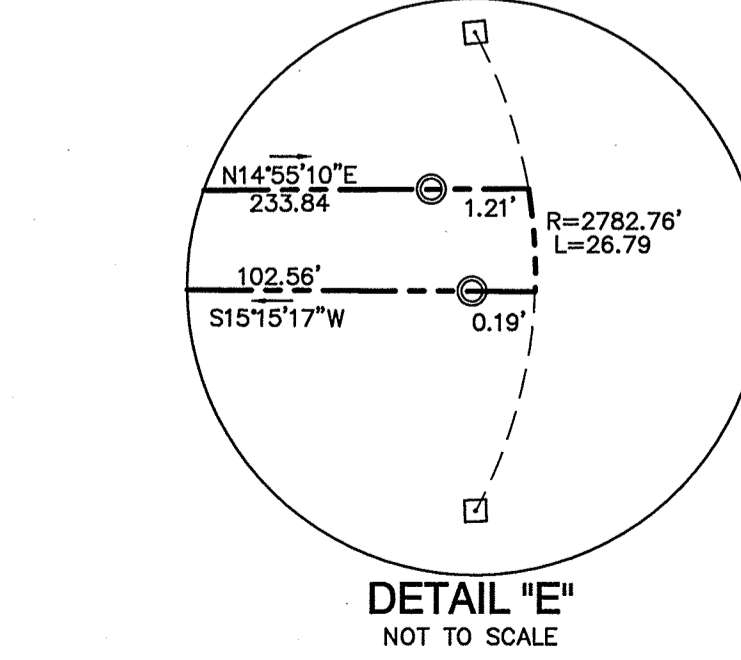
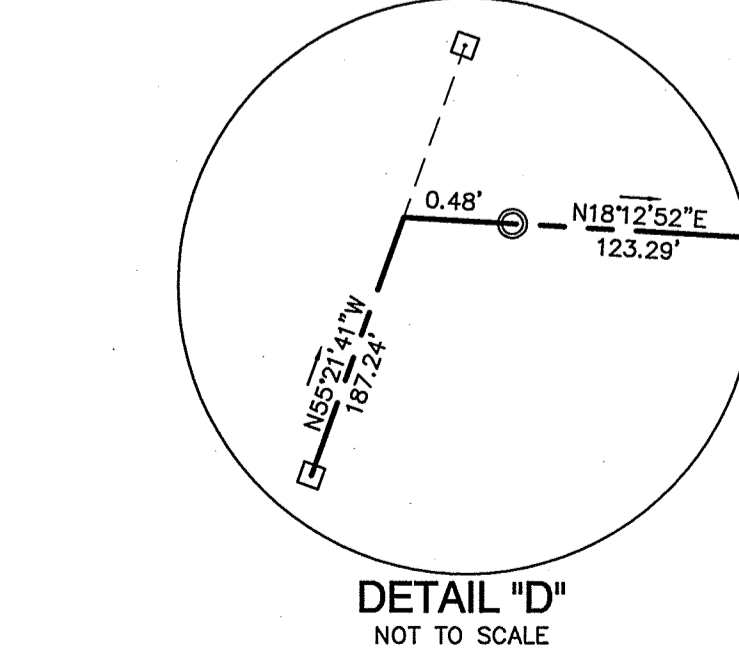
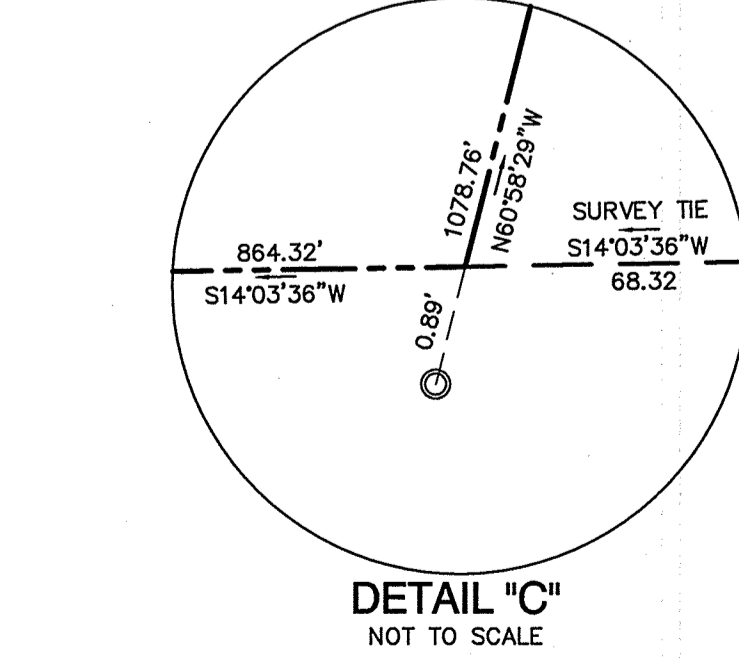
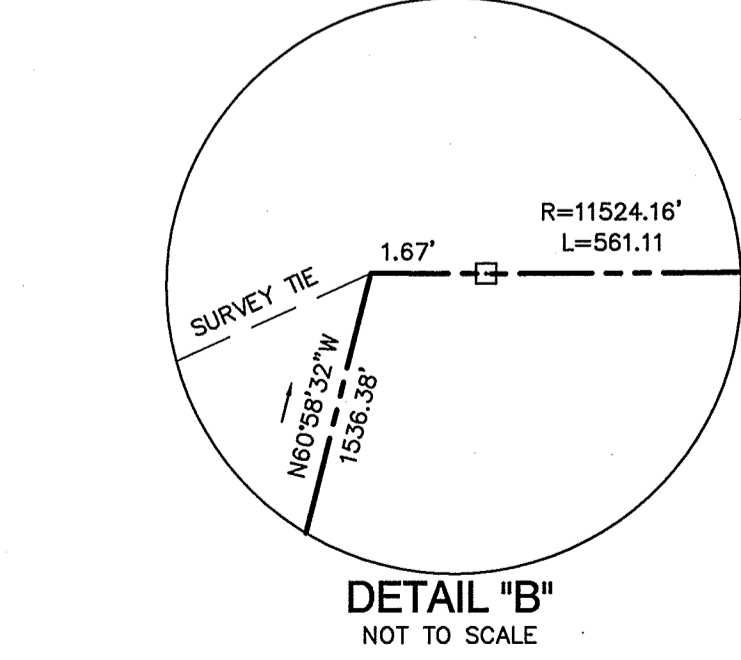
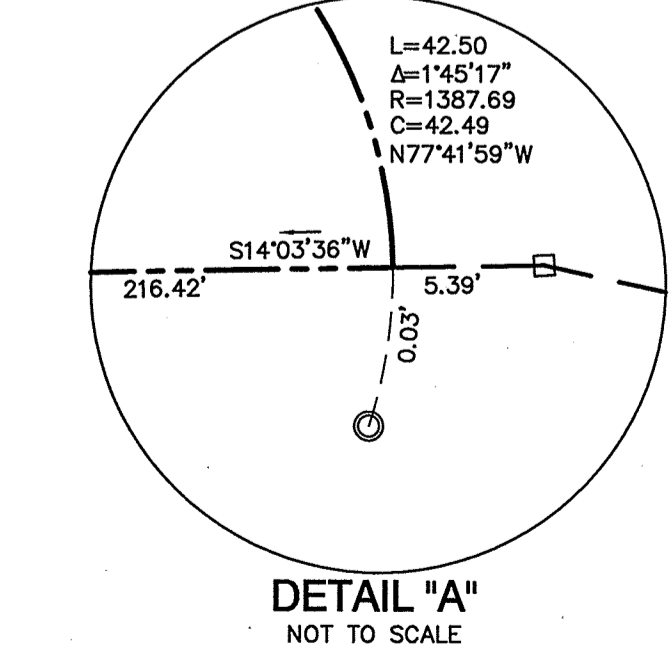
GORDON D. HISLOP, JR. PLS #2293 DATE:
 ON BEHALF OF JONES & BEACH ENGINEERS, INC.

APPROVED - WESTBROOK, ME
 PLANNING BOARD

DATE: _____

APPROVED - PORTLAND, ME
 PLANNING BOARD

DATE: _____



W:\14110-VESTBROOK-TEST.DWG - DID NOT USE GO TO V DRIVE\14110-EX-CONDITIONS.dwg 10/7/2015 10:21:06 AM EDT

Design: WGM	Draft: MJS	Date: 2/23/15
Checked: WGM	Scale: AS NOTED	Project No.: 14110
Drawing Name: 14110-EX-CONDITIONS.DWG		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE).		
ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		



REV.	DATE	REVISION	BY
2	10/14/16	REVISED PER NEW SURVEY & PLANNING BOARD COMMENTS	ISM
1	6/23/16	REVISED PER ADDITIONAL SURVEY	ISM
0	2/21/16	ISSUED FOR REVIEW	BWG

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

85 Portsmouth Ave.
 PO Box 219
 Stratham, NH 03888

Civil Engineering Services

603-772-4746
 FAX: 603-772-0227
 E-Mail: JBE@JONESANDBEACH.COM

Plan Name:	SUBDIVISION-LOT CONSOLIDATION PLAT NOTES & CONDITIONS
Project:	"DIRIGO PLAZA" 58 & 80 MAIN STREET, WESTBROOK, ME
Owner of Record:	PIKE INDUSTRIES, INC. 3 EASTGATE PARK ROAD, BELMONT, NH 03220

DRAWING No.

A2

SHEET 1 OF 2
 JBE PROJECT NO. 14110

PROJECT PARCEL
 CITY OF WESTBROOK
 TAX MAP 42B, LOTS 9, 10, 11 & 14
 CITY OF PORTLAND
 TAX MAP 264, LOT A002 & A004
 TAX MAP 265, LOT A003 & A005

APPLICANT
 DIRIGO CENTER DEVELOPERS, LLC
 7 SWAIN DRIVE
 HAMPTON FALLS, NH 03844

TOTAL LOT AREA
 3,562,203 SQ. FT.
 81.78 ACRES