

327-B-3

2012-387

1884 Forest Ave

Convenience Store and gas Station

John Chau

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PLANNING BOARD REPORT PORTLAND, MAINE

Triton Foodmart/ Gas Station
Convenience Store, Gas Station and Branch Bank
1884 Forest Avenue
#2012-387
John Chau, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: April 20, 2012	Prepared by: Shukria Wiar, Planner Date: April 24, 2012 Report #18-12
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I. INTRODUCTION

Scott Teas of TFH Architects on behalf of John Chau is requesting a hearing with the Planning Board for his project at 1884 Forest Avenue. The applicant is proposing to develop the site into a branch bank with two drive-through lanes, a convenience store with 8 fueling stations, and office space. The applicant is no longer proposing the coffee shop with a drive through. The area of the vacant parcel is 69,522 square feet. The site was rezoned from R5 Residential to B2 Community Business in 2009 to permit commercial development of the site. The primary points of discussion for the Planning Board at the workshop were the layout of the site, including internal traffic and pedestrian movement, building orientation and design, and landscaping.

This item was tabled from the last public hearing on March 27th to April 10th and postponed to April 24, 2012. The Planning Board tabled the item because the applicant needed verification from Maine Department of Transportation that the right-of-way improvements were acceptable and the final design and documentation of the shared driveway had to be finalized. The applicant has submitted revised site plans on 04.12.2012 which show the removal of the coffee shop and the associated drive-through. Since the coffee shop is no longer being proposed, the applicant is not proposing the shared driveway.

Auto Service Stations and drive-through facilities are listed as a conditional use in the B-2 zone. The proposed development is subject to review under the applicable standards for a Conditional Use in the B-2 zone, the City's Site Plan Ordinance, and the B-2 Design Standards. The project will also require a Traffic Movement Permit and a Stormwater Permit, which will be reviewed by the City under their delegated review authority.

Applicant Name: John Chau
Consultants: Scott Teas of TFH Architects

This hearing was noticed to seventy-five (75) neighbors and interested parties, and advertised in the Portland Press Herald on April 16 and 17, 2012.

II. PROJECT DATA

Existing Zoning:

Proposed Use:

Community Business B-2 zone

Branch bank with three drive-through lanes, a convenience store with eight (8) fueling stations, and office space
69, 522 sq. ft.

Parcel Size:

Impervious Surface Area:

Existing:

Proposed:

Net Change:

Undeveloped- 0 sq. ft.

50, 964 sq. ft

50, 964 sq. ft

Building Area:
Proposed Total Building Area: 8,850 sq. ft. (two buildings with one building for the convenience store, and one for the Bank)
Proposed Building Floor Area Net Change: 8,850 sq. ft
Proposed Buildings Footprint: 11, 149 sq. ft. (this includes the Gas Canopy)

Parking Spaces:
Proposed: 33 spaces
Number of Handicapped Space: Four

Bicycle Parking Spaces:
Proposed: Six spaces is proposed which meets the requirement

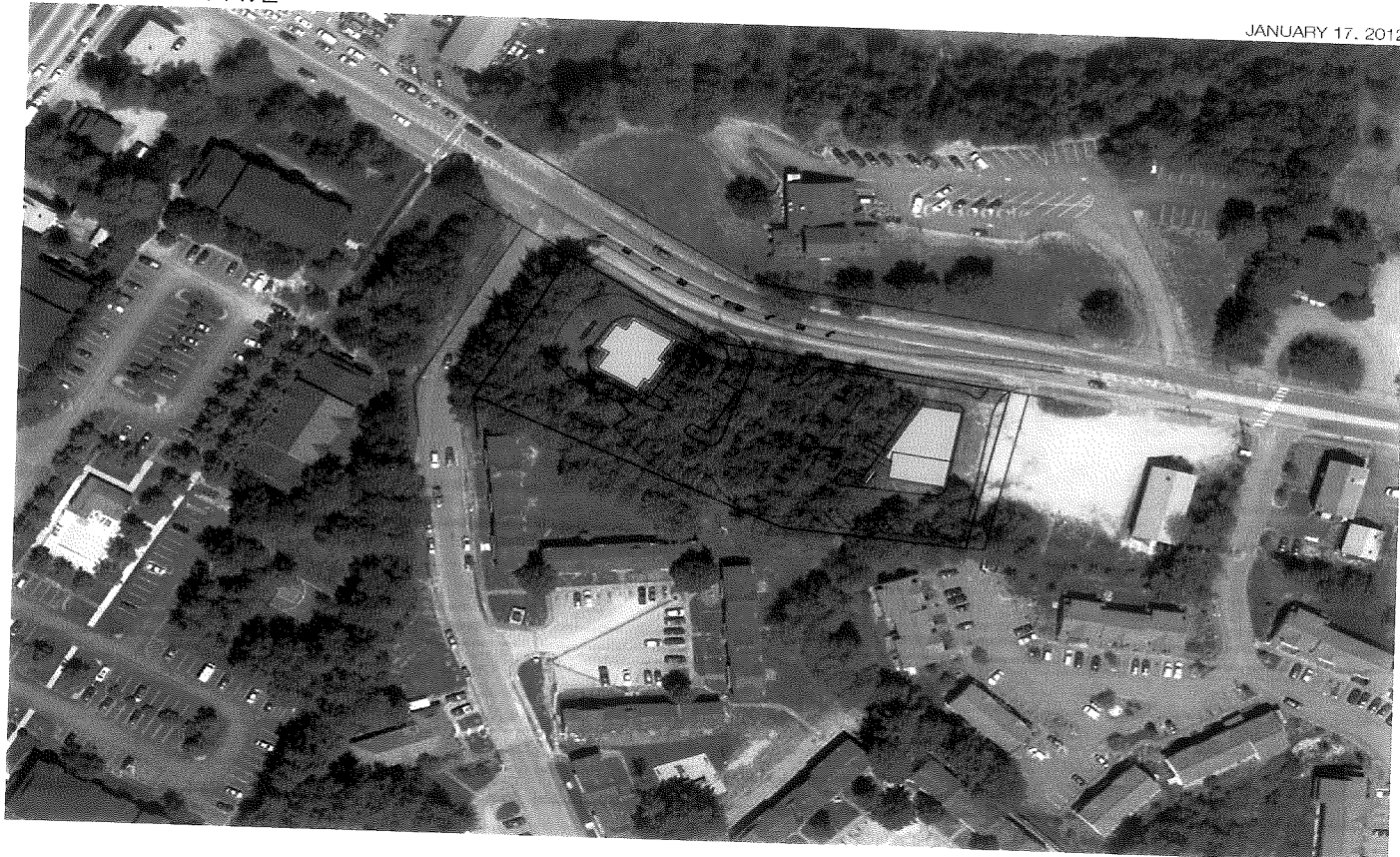
Estimated Cost of Project: \$2,600,000

Uses in Vicinity: This area is mixed of both residential and commercial entities. The site is surrounded with residential complexes, and commercial uses, such as a restaurant, convenience store/gas station and a karate studio are in the vicinity.

III. PROPOSED DEVELOPMENT

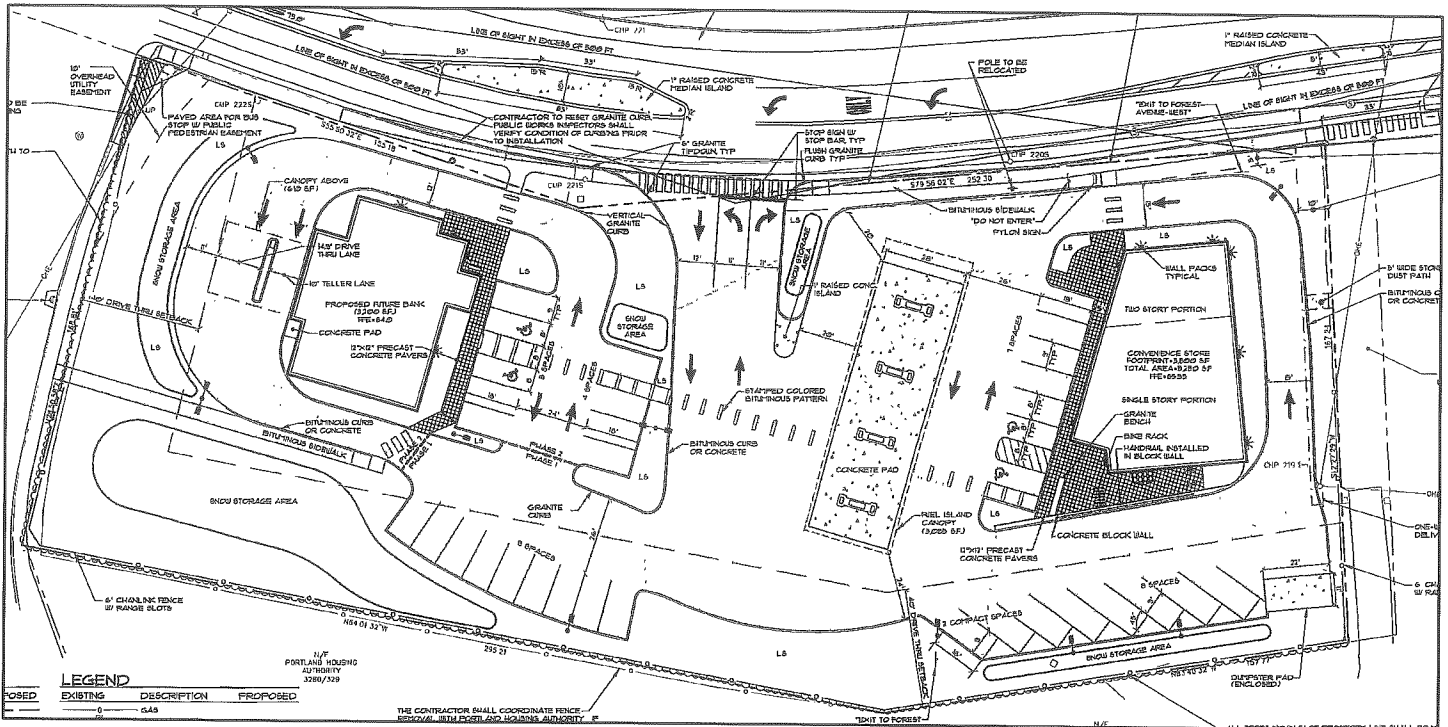
There have been a number of changes since the public hearing on March 27th. The coffee shop drive through has been eliminated and therefore the shared driveway is no longer being proposed by the applicant. The applicant in the future may come in for an amendment for the coffee shop and the drive through at a future date, which would require a conditional use review by the Planning Board.

1884 FOREST AVE



Aerial and site features provided by TFH Architects

The applicant is proposing to develop the parcel with two buildings. The primary structure has a total ground floor area of 3,050 square foot that includes a convenience store with eight (8) fueling pumps and an office space on the second floor. The second structure is a 3,600 square foot branch bank with three drive-through lanes. The site plans shows a proposed ingress/ egress driveway that measures forty-six (46) feet in width and one exit-only driveway of eighteen (18) feet located at the far northeastern corner of the site. Vehicular access is proposed around each building. The building entrances for both structures have been revised and are now oriented internally, as well as to Forest Avenue.



Currently there is a reconstruction project occurring on outer Forest Avenue by Maine Department of Transportation (MDOT) and work was planned to start on April 15th. This project will now need to finalize the design and construction details for the road, curb, driveway and sidewalk changes by May 14, 2012 at the latest. The road, curbing, driveway, sidewalk changes and new utility connections, as part of the project, all need to be installed within Forest Avenue ROW before final paving and the beginning of the new moratorium period. The Planning Division still has not received any documentation from the applicant that MDOT has reviewed and supports the proposed plan.

A potential condition of approval

Documentation shall be submitted that this project has been approved by MaineDOT prior to the issuance of a building permit.

IV. CONDITIONAL USE REVIEW (Section 14-183 and 14-474(c) (2)):

The site is located in Community Business B-2 Zone which permits automobile service stations as a conditional use. The site abuts the Residential R-3 zone and the Residential Professional Zone R-P on the northerly side of the site. The zoning definition of a major or minor auto service station as stated in Section 14-47 states:

Retail establishments combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposes and shall constitute a major or minor auto service establishment.

The proposed development will be reviewed by staff for conformance with the relevant Conditional Use standards of Portland's Zoning Ordinance Section 14-183 and Section 14-474.

Sec. 14-183. Conditional uses identifies drive through facilities and auto service stations in the B-2 zone as a conditional business use if they meet the following requirements, and "*the Planning Board shall be substituted for the board of appeals as the reviewing authority over conditional business uses*". The applicant's submission to address the conditional use criteria is included in the Applicant's packet (Attachment A.2).

Section 14-183 specifies (in relation to drive-through facilities and minor and major auto service, etc):

In addition to approval by the Planning Board with respect to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding, these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

The requirements taken from the Ordinance 14-183 are in italics below, together with a staff comment in respect of the proposals.

- a. *Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services of goods available on the premises.*

Staff comment: The applicant is proposing a number of signs on the building and the canopy which would require a sign permit under the sign ordinance.

- b. *Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.*

Staff comment: The site will have one entry to the site from Forest Avenue via a 46 foot driveway cut Riverside Drive (entrance to the Riverton Park, residential development) is about 153 feet from the main entrance to the site.

There are no playgrounds, school, church, or other place of public assembly in close proximity to the site.

- g.i. *A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland Technical Manual.*

Staff comment: The proposal now includes a twenty (20) foot wide landscaped buffer at the rear of the property between the customer parking area and the two residential neighbors in the back, incorporating existing mature trees and many shrubs. Jeff Tarling has reviewed the submitted landscape plan. Staff has recommended a six-foot solid wood or vinyl fence along the property line be installed as a buffer between this proposal and the abutting residents (see Attachment 3 for the full review comments).

Since this project now has one drive-through associated with the branch bank, Section 14-183 (a) (6) applies to this project:

Drive-throughs, where permitted, shall also specifically comply with the following conditions:

- a. Location of Drive-throughs: Features, such as windows, vacuum cleaners and menu/order boards, stacking lanes, must be placed, where practicable, to the side and rear of the principal building except where such placement will

be detrimental to an adjacent residential zone or use, and shall be located no nearer than forty (40) feet from any adjoining property located in a residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to such property line. In addition, drive-through features shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.

Staff Comments: Accesses to both drive-throughs are internal and will not create hazards to vehicular circulation on adjoining streets. The windows are placed more than 40 feet away from residential properties. The window is actually is well away from the residents and is abutting Riverton Drive.

b. Noise: Any speakers, intercom systems, or other audible means of communication shall not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.

Staff Comments: The applicant has stated that the audible means of communication will not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures will not exceed 55 dB.

c. Lighting: Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in 14-526.

Staff Comments: A photometric plan has been submitted and meets the City lighting standard. There is no spillover onto the abutting neighbors.

d. Screening and Enclosure: Where automobiles may queue, waiting for drive-through services, their impacts must be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, noise, etc. As deemed necessary by the reviewing authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts; and

Staff Comments: The applicant is proposing a buffer at the location of the branch bank drive-through. As stated above, the window for this entity does not directly abut residential properties but rather a street. The applicant has proposed a stockade fence to prevent headlights onto the abutting neighborhood. The City staff is asking that a stockade fence be proposed along the length of the entire rear property rather than the chain link fence.

e. Pedestrian access: Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.

Staff Comments: The applicant has internal pedestrian access-ways on site and these do not cross the drive-throughs for the branch bank.

f. Hours of Operation: The Board, as part of its review, may take into consideration the impact hours of operation may have on adjoining uses.

Staff Comments: The Branch bank drive-through teller will be open from 7:30 am to 8 pm; the drive through ATM will be a twenty-four (24) hour access. The convenience store and gas station will operate twenty-four (24) hours.

The following standards apply to all conditional uses:

Section 14-474(c)(2) *Standards:* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use.*

Staff comment: There are no known unique or distinctive characteristics associated with the proposed use.

- b. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*

Staff comment: There should be no adverse impact upon the health, safety or welfare of the public if the project includes well-landscaped islands on the site and introduce a solid fence between this property and the surrounding abutter's property.

- c. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

Staff comment: The proposed branch bank, convenience store, gas station is not expected to differ substantially from the current impacts or other similar uses in that zone.

VIII. DEVELOPMENT REVIEW

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527)

The applicant has submitted the material required for a final plan, although some of the requested information has not been provided at the time of this report.

B. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

Tom Errico, Consultant Traffic Engineer has reviewed the project and had a number of comments as part of the preliminary site plan application that has not been addressed. Documentations have been requested from the applicant to address the Traffic Engineer comments. Mr. Errico's memorandum is included as Attachment 2. The concerns expressed in the review of this project and at the first public hearing focused on the layout of internal site circulation and the possible negative safety impacts to condition on Forest Avenue, and concerns regarding the bank drive-through lanes having adequate vehicle storage space. The applicant has revised the plans and presented new information addressing the traffic concerns. Mr. Errico's review comments are below.

a. *Traffic Movement Permit*

The proposed development will generate over 200 net new peak hour trips in the morning peak hour and the afternoon peak hour and thus a Maine DOT Traffic Movement Permit (TMP) is required due to the significant amount of traffic to be generated during the weekday peaks hours. The TMP scoping meeting was held on January 30th. As part of the Traffic Movement Permit, the applicant was required to prepare a traffic impact study that assesses the project's impact at the driveways and at the Forest Avenue intersections with Riverside Street and Riverside Industrial Parkway. Mr. Errico has

said in his memorandum, dated March 23, 2012 that the intersection as Forest Avenue and Riverton Street intersection will operate at an unacceptable levels of service once the proposed project is complete. He goes on to state:

While the project's new traffic does not create the problem, the TMP regulations require a development to mitigate intersections that do not meet level of service standards. Given the fact that the subject intersection is constrained, the City suggests the applicant upgrades the intersection with traffic signal technology that will allow it to be integrated into the Regional Traffic Management System (RTMS) that is being implemented in the Portland region. I communicated this approach with Steve Landry, MaineDOT Assistant State Traffic Engineer, and he supports this approach to addressing the intersection capacity issue. Accordingly, it is suggested that the applicant contribute \$32,000 towards traffic signal improvements at the subject intersection.

Since there may be reduction in the traffic count due to the removal of the coffee shop drive-through, the amount of the above contribution could be reduced. Based on the revised traffic analysis, Mr. Errico determined a revised figure of \$29,500 for the contribution. The applicant can permit the project for the inclusion of the coffee shop drive-through window and make the contribution of \$32,000 now. The reason for this is that the applicant does not have to amend the TMP at a later date if the applicant decides to move forward with the coffee shop drive-through.

A potential condition of approval

The applicant shall contribute \$29,500 towards traffic signal improvement at the intersection of Forest Avenue and Riverton Street.

Mr. Errico, in his memorandum dated April 20, 2012, stated in regard to traffic:

Based upon the revised trip generation estimate provided (without drive-through window), traffic volumes are expected to be reduced by 76 vehicles during the AM peak hour and 16 vehicles during the PM peak hour. During the AM peak hour site traffic volumes would decline and operations at the main drive would improve from those documented in the traffic impact study. During the PM peak hour, approximately 20 right-turning vehicles will be added to the main drive, as compared to the original traffic study. In my professional opinion this additional volume, particularly being right-turn movements, are not expected to create any traffic operating problems.

Driveway Width

The main entrance driveway to the site was proposed at fifty two (52) feet with an island but has been reduced to forty-six (46) feet, which still exceeds the technical standards of 24 feet for two-way traffic. The applicant states the expanded curb cut and sweeping curb radii are needed to provide access for the fueling delivery truck, and to separate the left and right turns onto Forest Avenue. A waiver of the driveway is being requested in respect of the Technical Standards. The applicant has provided an auto-turn analysis and Tom Errico finds the driveway entrance to be acceptable.

The island on the west side of the entrance has increased to make the vehicular circulation safer. This island will be landscaped and will be flush. Mr. Errico requests that the applicant provide more details on the need for the flush area of the island. He would rather have raised curbing be proposed for the full extent of the island.

A potential condition of approval:

That the applicant shall provide more details on the flush area of the island at the main entrance for review and approval by the Planning Authority and Traffic Engineer prior to the issuance of a building permit.

Originally the applicant was proposing a second driveway onto Forest Avenue. The driveway as proposed did not meet

City standards for curb opening separation. The applicant is no longer proposing a second driveway to the site.

b. *Circulation on Site*

There is now one drive-through use being proposed for the bank as part of this project. There have been concerns about the stacking of the lanes. Information was requested to show that the bank drive-through lanes have adequate vehicle storage space and to clarify the circulation of the 16-foot lane in front of the fueling pumps. The information for the drive-through has been submitted from the applicant for review. The 16-foot lane is now a 20-foot circulation aisle in front of the fueling pumps. Mr. Errico finds both acceptable.

Since the coffee shop drive-through is no longer being proposed, the City review staff is recommended that the drive-through lane around the building be replaced with a landscaped area. There is a parking area behind the convenience store building that is laid out at 60° angled parking spaces, allowing the vehicles to circulate around the convenience store. These spaces could easily be turned to 90° perpendicular parking so that vehicles can access the main entrance, similar to the parking area rear of the branch bank building. Mr. Errico will also support having these parking spaces as compact spaces.

A potential condition of approval:

That prior to the issuance of a building permit, the applicant shall revise the final site plan to show the removal of the driveway lane around the building and replace with landscaping. The parking spaces at the rear of the convenience store shall be at 90° parking to access the main entrance to the site.

c. *Internal Pedestrian Access, Sidewalks and Bus Stop*

The applicant is proposing to install sidewalks along the frontage of the property. Parts of proposed sidewalk will be on the applicant's property. The bus stop is proposed to be placed at the northwest portion of the property. The City's Corporation counsel will need to review the easement language for these areas.

A potential condition of approval

Prior to the issuance of a building permit, the applicant shall convey in fee two (2) feet of his property left of the sidewalk to the State of Maine in order to allow for the Forest Avenue right-of-way to be shifted to include all the necessary roadway infrastructure (i.e. sidewalk and a bus stop)

The applicant is proposing internal pedestrian circulation from the main buildings to Forest Avenue. There is also pedestrian access from the branch bank to the convenience store. An access way is also proposed from the bank to Riverton Drive. The applicant is proposing a block /piano design for the crosswalk at the main entrance on Forest Avenue, which does not meet City design standards. Tom Errico has requested more information on the internal crosswalk material treatment for review and approval and he requested that the crosswalk design on the driveway should be parallel lines.

Potential conditions of approval:

That the internal crosswalk material treatment shall be submitted for review and approval by the Planning Board and Traffic Engineer prior to the issuance of a building permit.

That prior to the issuance of a building permit, the applicant shall show the crosswalk design on the driveway to be parallel lines on the final site plans.

2. Environmental Quality Standards

a. *Landscaping and Landscape Preservation*

The property currently has mature white pine trees that will be cleared for the proposed development. City staff members have encouraged the design team to consider opportunities to preserve the existing vegetation. The applicant is proposing plantings around the property. The applicant has removed a fuel pump and therefore has increased the landscaped buffer along the rear property line. Due to the close proximity to residential development, review staff is requesting that a stockade fence be placed at the rear of the property for a solid buffer between this property and the residential properties, Riverton Park and Wellesley Estate.

Jeff Tarling, City Arborist, has reviewed the revised site plans and his recommendations are included as Attachment 3.



A potential condition of approval

That the applicant shall submit a revised landscaping plan that addresses Jeff Tarling's memorandum dated 04.05.2012. The revised plan shall include the installation of a stockade fence at the rear property line and shall show the preservation of the existing mature trees on site, for review and approval by the Planning Authority and City Arborist, prior to the issuance of a building permit.

b. *Water Quality, Storm Water Management and Erosion Control*

This project is required to comply with the MaineDEP Basic and General Standards and the City has reviewed stormwater under its delegated review authority. In addition to the Basic and General Standards, the City of Portland requires that all Level III site plan applications conform to the Flooding Standards (Technical Manual, Section 5 (II) Applicability in Portland, Section (C) (b) and City of Portland Code of Ordinances Section 14-526 (b) (3) (b) of the Site Plan Standards). David Senus, Consultant Engineer with Woodard and Curran, has conducted a review of the project and states that all comments included in previous review memos have been adequately addressed by the applicant, except for two minor details stated below:

- Detail sheet 7 of 9 includes two trench details, one labeled "Private Typical Trench Section" and one labeled "Typical Trench Section". The notes for both trench sections state that "Storm Drain to be HDPE or approved equal". HDPE storm drain pipe is not an approved material within the City ROW. The Grading and Utility Plan, Sheet 4 of 9, does note that the storm drain within the City ROW shall be SDR 35 PVC (City approved material); the note below the "Typical Trench Section" should be revised to be consistent with the Utility Plan.
- The "Inspection, Maintenance and Housekeeping Plan" and the appended "Stormwater Inspection and Maintenance Log" submitted as part of the March 6, 2012 Stormwater Management Plan should be updated to include inspection and maintenance requirements for the detention pond and the StormTech Isolator Rows.

A potential condition of approval

That the applicant shall submit revised plans that address David Senus' memorandum of 04.18.2012 for review and approval by the Planning Authority prior to the issuance of a building permit.

3. Public Infrastructure and Community Safety Standards

a. *Public Safety and Fire Prevention*

Captain Chris Pirone has reviewed the proposed project and has requested code analysis per NFPA 1 2009 and NFPA 101 2009. The applicant is aware and will submit the information for review and approval.

A potential condition of approval:

That prior to the issuance of a building permit, the applicant shall submit code analysis per NFPA 1 2009 and NFPA 101 2009 for review and approval by the Planning Authority and Fire Department.

Since a gas station is also part of the development, the applicant will need to verify that the following requirements for the proposed Underground Storage Tank (UST) have met to the satisfaction of the appropriate agencies:

- i. UST Registration with the MaineDEP, per Section 4 of Chapter 691 Rules for Underground Oil Storage Facilities.
- ii. Design of tank, piping, pump dispensers, and appurtenant devices per Section 5 of MaineDEP Chapter 691 Rules for Underground Oil Storage Facilities.

A potential condition of approval:

That the applicant shall verify, prior to the final certificate of occupancy, that the following requirements for proposed Underground Storage Tank (UST) have been met to the satisfaction of the appropriate agencies:

- i. UST Registration with the MaineDEP, per Section 4 of Chapter 691 Rules for Underground Oil Storage Facilities; and*
- ii. Design of tank, piping, pump dispensers, and appurtenant devices per Section 5 of MaineDEP Chapter 691 Rules for Underground Oil Storage Facilities.*

b. *Availability and Adequate Capacity of Public Utilities*

Currently the electricity pole that services the abutting properties is on the applicant's site without an easement. The applicant is offering to relocate the pole, at the applicant's expense, and grant Central Maine Power utility easement. Corporation Counsel would like to see documentation from Presumpscot Grange and Wellesley Estate giving the applicant permission to do this work.

A potential condition of approval:

That the applicant shall submit documentation from Presumpscot Grange and Wellesley Estate giving permission to relocate the electricity pole on the site prior to the issuance of a building permit.

The applicant submitted adequate capacity letters of public utilities.

4. Site Design Standards

a. *Snow and Ice Loading*

The applicant is showing the snow storage on the final site plan, see Attachment C.3. City staff is okay with the location of the proposed areas.

b. *Exterior Lighting*

A lighting/ photometric plan has been submitted and meets the City Technical Standards.

c. *Noise and Vibration*

The applicant has not submitted any information on mechanical equipment (including emergency generator). All mechanical equipment is shown on the architectural plans for the convenience store and noise levels information will need to be submitted for review under a separate permit.

d. *Signage and Wayfinding*

A signage plan is superimpose onto the site plan shows the directional traffic signs. Tom Errico has stated in his memorandum that the

Pavement marking arrows on the driveway approaches do not meet MUTCD standards. All pavement markings should meet MUTCD standards.

e. *Zoning Related Design Standards*- Please see below.

C. B-2 Community Business Design Standards

Developments in the B-1, B-1b, B-2, and B-2b shall meet the following guidelines in order to meet the Site Plan Standards. The applicant has submitted a written narrative demonstrating how the proposed site plan is meeting the Design Guidelines, see Attachment 6).

The design review of the proposal was conducted by Alexander Jaegerman, Rick Knowland and Shukria Wiar. Revised architectural plans were submitted on March 5th for review. These plans show the convenience store and the branch bank being closer to Forest Avenue. Due to this, about 6 feet of additional separation from the rear property line is created to allow for more tree preservation and landscaping. The entrances of both building are brought close to Forest Avenue. The branch bank building has the main entrance at the corner of the building. The second floor of the convenience store is brought forward and now reads as a two story building. Along the front façade, more windows have been introduced. The proposed revisions meet the overall intent of the B-2 design standards.

VIII. MOTIONS FOR THE BOARD TO CONSIDER

A. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #18-12 for application #2011-387 relevant to the conditional use application and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the conditional use for drive-through facilities for the bank and auto service stations (**is / is not**) in conformance with the conditional use standards of the Land Use Code, subject to the following condition:

- a. This conditional use approval does not include a drive-through for a coffee shop and any future plans for another drive-through will require a conditional use review and all other applicable reviews.

B. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 18-12 relevant to the Portland Technical and Design Standards

and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

That the Planning Board [waives / does not waive] Section 1.7.2.4., the maximum driveway width (two-way) of twenty-four (24) feet to be forty-six (46) feet for the main entrance driveway.

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #18-12 for application #2011-387 relevant to the Site Plan, Traffic Movement Permit, Stormwater Management Permit and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. TRAFFIC MOVEMENT PERMIT

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board finds the plan (is/ is not) in conformance with the standards for Traffic Movement Permit application for 1884 Forest Avenue and (grants/does not grant) a permit subject to the following condition:

- i. That the applicant shall contribute \$29,500 towards traffic signal improvement at the intersection of Forest Avenue and Riverton Street.

2. STORMWATER MANAGEMENT PERMIT

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board finds the plan (is/ is not) in conformance with the standards for a Storm Water Permit application for 1884 Forest Avenue and (grants/does not grant) a permit subject to the following conditions:

- i. That the applicant shall submit revised plans that address David Senus' memorandum of 03.14.2012 for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan based on City of Portland standards and state guidelines.

3. SITE PLAN REVIEW

The Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

Potential conditions:

- i. That prior to the issuance of a building permit, documentation shall be submitted that this project has been approved by MaineDOT; and
- ii. That prior to the issuance of a building permit, the applicant shall provide more details on the flush area of the island at the main entrance for review and approval by the Planning Authority and Traffic Engineer, and
- iii. That prior to the issuance of a building permit, the applicant revise the final site plan to show the removal of the driveway lane around the building and replace with landscaping. The parking spaces at the rear of the convenience store shall be at 90° perpendicular parking to access the main entrance to the site; and

- iv. That prior to the issuance of a building permit, the applicant shall convey in fee two (2) feet of his property left of the sidewalk to the State of Maine in order to allow for the Forest Avenue right-of-way to be shifted to include all the necessary roadway infrastructure (i.e. sidewalk and a bus stop); and
- v. That prior to the issuance of a building permit, the applicant shall show the crosswalk design on the driveway to be parallel lines on the final site plans.
- vi. That prior to the issuance of a building permit, the internal crosswalk material treatment shall be submitted for review and approval by the Planning Board and Traffic Engineer; and
- vii. That the applicant shall submit a revised landscaping plan that addresses Jeff Tarling's memorandum dated 04.05.2012. The revised plan shall include the installation of a stockade fence at the rear property line and shall show the preservation of the existing mature trees on site, for review and approval by the Planning Authority and City Arborist, prior to the issuance of a building permit; and
- viii. That prior to the issuance of a building permit, the applicant shall submit revised plans that address David Senus memorandum of 04.18.2012 for review and approval by the Planning Authority; and
- ix. That prior to the issuance of a building permit, the applicant shall submit code analysis per NFPA 1 2009 and NFPA 101 2009 for review and approval by the Planning Authority and Fire Department; and
- x. That the applicant shall verify, prior to the final certificate of occupancy, that the following requirements for the proposed Underground Storage Tank (UST) have been met to the satisfaction of the appropriate agencies'. UST Registration with the MaineDEP, per Section 4 of Chapter 691 Rules for Underground Oil Storage Facilities; and
 - ii. Design of tank, piping, pump dispensers, and appurtenant devices per Section 5 of MaineDEP Chapter 691 Rules for Underground Oil Storage Facilities.
- xi. That prior to the issuance of a building permit, the applicant shall submit documentation from Presumpscot Grange and Wellesley Estate giving permission to relocate the electricity pole on the site; and
- xii. That prior to the issuance of building permit, the applicant shall show on final site plan that all pavement markings should meet MUTCD standards; and

Attachments:

Planning Board Report Attachments

- 1. Marge Schmuckal Memorandum, Dated 02.02.2012
- 2. Tom Errico Memorandum, Dated 04.20.2012
- 3. Jeff Tarling Memorandum, Dated 04.05.2012
- 4. David Senus Memorandum, Dated 04.18.2012
- 5. Capt. Chris Pirone Memorandum, Dated 12.07.2011
- 6. Design Standards
- 7. Design Guideline Narrative
- 8. Planning Board Report, Dated 03.27.2012

A. Applicant's Submittal

- A.1 Cover Letter
- A.2 Conditional Use Application
- A.3 Site Plan Application
- A.4 Project Description
- A.5 Warranty Deed
- A.6 Neighborhood Meeting Information
- A.7 Utility Capacity Letters
- A.8 Public Comment Letter
- A.9 Stormwater Management Plan
- A.10 Traffic Impact Study

B. Applicant's Submittal Dated 04.12.2012

- B.1 Cover Letter with Changes to Plan

C. Site Plan

- C.1 Cover Letter
- C.2 Existing Conditions Plan
- C.3 Site Plan
- C.4 Site Plan with Offsite Improvements
- C.5 Landscaping Plan
- C.6 Grading and Utility Plan
- C.7 Details
- C.8 Details
- C.9 Details
- C.10 Details
- C.10 Photometric Plan
- C.11 Elevations of Gas Station/Convenience Store
- C.12 Floor Plans of Gas Station/Convenience Store
- C.13 Elevations of Branch Bank
- C.14 Floor Plan of Branch Bank

Shukria Wiar - 1884 Forest Ave

From: Marge Schmuckal
To: Shukria Wiar
Date: 2/2/2012 1:06 PM
Subject: 1884 Forest Ave

1884 Forest Avenue - 327-B-3
#2011-387 - B-2 Zone
2/2/2012

I have reviewed the written submission from Ryan Senatore which describes the building set backs of developed land on either side of this proposed project. This information confirms that the maximum building setback requirements are being met on this project.

So, in conclusion, the B-2 Zoning requirements are being met. Separate building and sign permits will be separately required for this project. It is also noted that any HVAC equipment or other sound producing equipment will need to meet the Be-2 maximum noise requirements. I will need to see what will be emitted for dBAs on each unit when permits are submitted for review and approvals in Inspection Services.

Marge Schmuckal
Zoning Administrator

Status: No further comment.

- December 2, 2011 - I would suggest that the driveway alignment be adjusted so that it is perpendicular (as close as possible) to Forest Avenue.

February 5, 2012 - The alignment has been revised and I have no further comment.

- December 2, 2011 - I do not support a waiver for the current driveway width. I would suggest that the center island be eliminated and I do support lane encroachment for infrequent truck movements. I would also support narrower travel lane widths.

February 5, 2012 - The driveway width has been modified, but I continue to have concerns about the excessive width. I have requested an "auto-turn" analysis and information on the frequency of deliveries for the design vehicle.

March 23, 2012: The applicant has provided an Auto-Turn analysis and I find the driveway entrance to be acceptable.

- December 2, 2011 - The right-turn egress driveway may not meet City driveway spacing standards. The applicant should provide documentation on the project meeting driveway spacing standards. I would also note that the applicant should provide information on how this project will be compatible with the Emergency Access Easement to the south.

February 5, 2012 - This issue is outstanding.

March 23, 2012: The applicant has been coordinating with the abutting properties in an effort to design and implement a driveway configuration that meets City standards. Details on this driveway are outstanding and therefore this issue continues to be outstanding.

Status: The shared driveway has been eliminated from the project and I have no further comment.

- December 2, 2011 - Documentation that the bank drive-through lanes have adequate vehicle storage space should be provided.

February 5, 2012 - This issue is outstanding.

March 23, 2012: This issue is outstanding.

Status: The applicant has provided vehicle queuing information and I find the bank layout to be acceptable.

- December 2, 2011 - I am concerned about the management of traffic on the site at the entry driveway. There is little room for on-site storage, before traffic may impact safety and mobility of Forest Avenue. The applicant should be prepared to discuss how on-site circulation will operate safely.

February 5, 2012 - I continue to be concerned about the layout of internal site circulation and the potential for negative safety impacts to conditions on Forest Avenue. The applicant should address this issue.

March 23, 2012: The current plan has been modified and it has addressed my concern for poor on-site traffic circulation. I would ask that the applicant provide details on the need for the flush area of the island (I would rather see this be raised for the full extent of the island).

Status: This issue is outstanding.

- March 23, 2012 - STOP lines and STOP signs shall be installed on the driveway approaches to Forest Avenue.

Status: The plans have been revised and I have no further comment.

New Comments

- The angled parking spaces located at the rear of the site should be converted to perpendicular parking spaces given that the planning department suggests elimination of the circulatory roadway, until the drive-through window is constructed.
- Based upon the revised trip generation estimate provided (without drive-through window), traffic volumes are expected to be reduced by 76 vehicles during the AM peak hour and 16 vehicles during the PM peak hour. During the AM peak hour site traffic volumes would decline and operations at the main drive would improve from those documented in the traffic impact study. During the PM peak hour, approximately 20 right-turning vehicles will be added to the main drive, as compared to the original traffic study. In my professional opinion this additional volume, particularly being right-turn movements, are not expected to create any traffic operating problems.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

contractor. We are proposing to reduce the entrance/exit width and pull it slightly away from the other entrance left for Zappia.

Our scope of work for Forest Ave. widening will be blending into the second easterly entrance of Zappia.

This will require re-setting the curbing and expanding pavement in Forest Avenue at this current entrance. I don't feel at this time that I have a right to further reduce the Zappia entrance and eliminate the left out exclusive lane. If I had a choice I would like to see the "exit lane" one lane and enter lane "one lane", but given what the state had left Zappia, I don't believe we have that right.

Our traffic Engineer is preparing another drawing showing this improvement in scale with the Site and built or planned curb cuts on both sides of the street and east/west of our site for a better comprehensive view of what will be left when the State project is complete including our modifications. That will be presented tomorrow, but for now I would as much as I must be a glutton for punishment appreciated feedback.

James R. Seymour P.E.

Sebago Technics Inc

207 856-0277 x 277

PO Box 1339

Westbrook, ME 04098-1339

From: Chris Pirone
To: Wiar, Shukria
Date: 12/7/2011 9:18 AM
Subject: Re: 1884 Forest Avenue

Fire Comments:

Access appears to be good as shown on current plans.

Fire will need a code analysis per NFPA 1 2009 and NFPA 101 2009.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

>>> Shukria Wiar 12/05/11 2:47 PM >>>
Hello:

Just a reminder that written comments are due by this Wednesday for the project at 1884 Forest Avenue. It is a preliminary plan review so please let me know what exactly the applicant needs to submit to have a complete application.

Thanks.

Shukria

4. Windows

Windows shall be located in all building facades visible from the public way, especially on building facades along the major public street.

Retail uses with store fronts are the most desirable feature for locations adjacent to the public sidewalk; and active, transparent (minimum visible transmittance (VT) of .7 or greater), and interesting windows contribute the maximum value. Limitations on transparency, such as dark or reflective glass, or interior coverings, should be avoided. Where uses (such as office) are not conducive to transparent viewing from the public way, windows can still convey a sense of activity and presence along the street. Even these more private windows can convey occupancy and habitation when lighted from within, as during evening hours, even if the interior is screened from view.

5. Building Character, Detail, Scale, and Graphic Qualities

Building design will include various architectural and graphic amenities to provide a strong presence along a street and relate a building to its community.

Awnings, canopies, and flags may be utilized to highlight entryways and to further identify the activity and identity of a use.

Facade lighting may be used to highlight entryways or to provide visual interest along an otherwise blank facade

Building scale, roof pitch, architectural detail, and fenestration shall be designed to complement and be compatible with surrounding residential and commercial buildings.

6. Signage and Building Entrances

Building entrances and building signage in the B-1, B-1b, and B-2b zones will be designed and constructed at the pedestrian scale.

*We may need to revise the Sign Ordinance for allowed height and dimension of signs.

7. Development Relationship to Street

Building facades and site amenities shall form a cohesive wall of enclosure along a street.

Where buildings are not located at the street line, site amenities, including masonry walls, fences, and landscaping, shall be placed along the street to provide a sense of enclosure or definition.

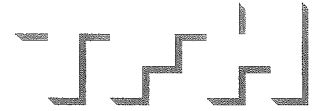
8. Parking Lots

Parking Lots shall be screened from view of the public way.

Landscaping or fencing shall be used to screen parking lots from public ways and residential neighbors. Where parking is located within the front yard (or side yard of a corner lot), a landscaped buffer or fence shall be placed along the street line to distinguish the private space from the public space and to help define the street wall.

Parking lots shall be screened from neighboring properties.

A densely planted landscape buffer or fencing shall be installed to protect neighboring properties from the impacts associated with the parking lot and the use it serves.



December 28, 2011

Ms. Shukria Wiar
Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Design Guidelines Narrative

Dear Ms. Wiar,

The following is a narrative of how the proposed development at 1884 Forest Avenue meets the B-2 Design Guidelines.

1.) Building Location and Form:

The proposed Convenience Store building façade is set back +- 28 feet from the property line, the Gas Canopy is setback +-13 feet and the proposed Branch Bank façade is setback +- 20 feet from the property line. These two building facades (and gas canopy) will be closer to the street than the existing buildings on the adjacent properties to the East (+-45' Grange Building setback) West (+-75' Apartment Building Setback) and across the street (+- 30' Restaurant Setback). The proposed building's locations in relationship to the street will begin to create more of a 'street wall' in which the buildings will have more of a presence on the streetscape than currently exists in the neighborhood. The site's unique shape serves as a transition point of two axes of Forest Avenue. The proposed buildings are located on the site to maximize their presence along Forest Ave by responding to these axes and the street curve, as illustrated in the provided street view renderings.

2.) Building Function:

The proposed multi-use site will provide a variety of uses from Gas Station, Convenience Store, Coffee and Food drive through and Branch bank. The proposed diversity of business on a single site will enhance the economic vitality of the neighborhood.

3.) Orientation of Buildings and their Entrances to the Street:

The entrances of the two proposed buildings face the vehicular and pedestrian approaches along Forest Avenue. (the Convenience store from the West) and (the Branch Bank from the East). The unique site shape and approach axes of Forest Avenue allow for these entrance locations to attract the users toward them as they approach the site. A system of pedestrian pathways interconnect the buildings' entrances to existing sidewalks on both Forest Avenue and Riverton Street, as well as to each other.

4.) Windows:

Both buildings have an extensive amount of clear glazing, visible from the public way. This transparency enhances the retail uses of the proposed buildings and is welcoming to the potential customers.



PLANNING BOARD REPORT PORTLAND, MAINE

Triton Foodmart/ Gas Station
Convenience Store, Gas Station and Branch Bank
1884 Forest Avenue
#2012-387
John Chau, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: March 27, 2012	Prepared by: Shukria Wiar, Planner Date: March 23, 2012 Report #13-12
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I. INTRODUCTION

Scott Teas of TFH Architects on behalf of John Chau is requesting a hearing with the Planning Board for his project at 1884 Forest Avenue. The applicant is proposing to develop the site into a branch bank with two drive-through lanes, a convenience store with 8 fueling stations, a coffee shop with a one lane drive through, and office space. The area of the vacant parcel is 69,522 square feet. The site was rezoned from R5 Residential to B2 Community Business in 2009 to permit commercial development of the site. The primary points of interest for the Planning Board in the workshop were on the layout of the site, including internal traffic and pedestrian movement, building orientation and design, and landscaping.

The preliminary site plan application was submitted on November 16, 2011 and staff comments were sent out on December 8, 2011. Revised site plans were submitted for the Planning Board meeting on January 10, 2012. The project was taken forward to a workshop hearing on February 14, 2012. The final site plan application was submitted March 5th (Architectural portion was submitted) and March 6th (Site Plan was submitted). Since the original application been submitted, the City review staff has tried to work closely with the applicant to address comments and recommendations. On March 14th, an email was sent to the applicant's consultants to notify them of the outstanding issues from the preliminary review that had not been addressed in the final site plan application. During the week of March 19th, three revised site plans had been submitted for review to address staff comments. There is a list of conditions of approval for the project that will need to be addressed.

Auto Service Stations and drive-through facilities are listed as a conditional use in the B-2 zone. The proposed development is subject to review under the applicable standards for a Conditional Use in the B-2 zone, the City's Site Plan Ordinance, and the B-2 Design Standards. The project will also require a Traffic Movement Permit and a Stormwater permit, which will be reviewed by the City under their delegated review authority.

Applicant Name: John Chau
Consultants: Scott Teas of TFH Architects

This hearing was noticed to seventy-five (75) neighbors and interested parties, and advertised in the Portland Press Herald on March 19 and 20, 2012.

II. PROJECT DATA

Existing Zoning:	Community Business B-2 zone
Proposed Use:	Branch bank with three drive-through lanes, a convenience store with eight (8) fueling stations, a coffee shop with a one lane drive through, and office space

There was a zoning map amendment in 2009 to change the zoning from R5 Residential to B2 Community Business to permit commercial development on the site. Presumpscot Grange Hall was included in the zoning map amendment.

IV. PROPOSED DEVELOPMENT

There have been a number of changes since the workshop meeting. The fueling pumps have been reduced from ten (10) pumps to (8) to improve internal traffic movement and increase the landscape buffer between the proposed development and the residential neighbors at the rear. The main building on site has been moved closer to Forest Avenue. The doors have been relocated closer to the street as well. Due to this, the internal pedestrian movement has improved since the original submission. The one-way driveway curb cut on Forest Avenue has now been eliminated; the applicant is proposing a shared driveway with Presumpscot Grange Hall and Wellesley Estate. This driveway will be a left and right turn on Forest Avenue. The three entities are currently working together to finalize the design and use of the driveway.

The applicant is proposing to develop the parcel with two buildings. The primary structure has a total ground floor area of 3,050 square foot that includes a convenience store with eight (8) fueling pumps, a coffee shop in the rear of the convenience store, and an office space on the second floor of the convenience store. The second structure is a 3,600 square foot branch bank with three drive-through lanes. The site plans shows a proposed ingress/ egress driveway that measures forty-six (46) feet in width and one exit-only driveway of eighteen (18) feet located at the far northeastern corner of the site. Vehicular access is proposed around each building. The building entrances for both structures have been revised and are now oriented internally, as well as to Forest Avenue.

Currently there is a reconstruction project occurring on outer Forest Avenue by Maine Department of Transportation (MDOT) and work is planned to start on April 15th. The tentative schedule for the project's pre-construction meeting is April 2nd, 2012. This project will need to finalize the design and construction details for the road, curb, driveway and sidewalk changes by April 2nd. This information was conveyed to the applicant at the Traffic Movement Permit scoping meeting on January 30th. The road, curbing, driveway, sidewalk changes and new utility connections as part of the project all need to be installed within Forest Avenue ROW before final paving and the beginning of the new moratorium period. This proposal has not been reviewed or approved by MDOT.

A potential condition of approval

Documentation shall be submitted that this project has been approved by MaineDOT prior to the issuance of a building permit.

V. PUBLIC COMMENT

Mark Adelson of the Portland Housing Authority had submitted comments in regard to the project. Currently there is an access through way in the rear of the property from Riverton Park onto this site; Portland Housing Authority would like to maintain this access as well as the pedestrian access. The survey plan does not show an access easement to Riverton Park.

A Neighborhood Meeting was held on December 1, 2011 at Riverton Elementary School. The attendance list and minutes of the meeting is included as Attachment A.6.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The owners of the property are John Chau and Phoung Neang. The applicant has provided a copy of a warranty deed, recorded at the Cumberland County Registry of Deeds (Book 26148 Page 266), which demonstrates their right, title and interest in the property. The estimated cost of the development is \$2,600,000. The applicant has submitted demonstration of their financial and technical capacity to complete the proposed development.

VII. ZONING ASSESSMENT

A. ZONING REVIEW

The site plan was reviewed by Marge Schmuckal and she had the following comments:

trees and many shrubs. Jeff Tarling has reviewed the submitted landscape plan. Staff has recommended a six-foot solid wood or vinyl fence along the property line be installed as a buffer between this proposal and the abutting residents (see [Attachment 3](#) for the full review comments).

Since this project has two drive-throughs associated with the branch bank and the convenience store, Section 14-183 (a) (6) applies to this project:

Drive-throughs, where permitted, shall also specifically comply with the following conditions:

a. Location of Drive-throughs: Features, such as windows, vacuum cleaners and menu/order boards, stacking lanes, must be placed, where practicable, to the side and rear of the principal building except where such placement will be detrimental to an adjacent residential zone or use, and shall be located no nearer than forty (40) feet from any adjoining property located in a residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to such property line. In addition, drive-through features shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.

Staff Comments: Accesses to both drive-throughs are internal and will not create hazards to vehicular circulation on adjoining streets. The windows are placed more than 40 feet away from residential properties.

b. Noise: Any speakers, intercom systems, or other audible means of communication shall not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.

Staff Comments: The applicant has stated that the audible means of communication will not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures will not exceed 55 dB.

c. Lighting: Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in 14-526.

Staff Comments: A photometric plan has been submitted and meets the City lighting standard. There is no spillover onto the abutting neighbors.

d. Screening and Enclosure: Where automobiles may queue, waiting for drive-through services, their impacts must be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, noise, etc. As deemed necessary by the reviewing authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts; and

Staff Comments: The applicant has increased the buffer at the location of the coffee shop drive-through (the one that directly abuts the residential properties). The applicant has proposed a stockade fence to prevent headlights onto the abutting neighborhood. The City staff is asking that a stockade fence be proposed along the length of the entire rear property.

e. Pedestrian access: Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.

Staff Comments: The applicant has internal pedestrian access-ways on site and these do not cross the drive-throughs for both the coffee shop and the bank.

at an unacceptable levels of service once the proposed project is complete. He goes on to state:

While the project's new traffic does not create the problem, the TMP regulations require a development to mitigate intersections that do not meet level of service standards. Given the fact that the subject intersection is constrained, the City suggests the applicant upgrades the intersection with traffic signal technology that will allow it to be integrated into the Regional Traffic Management System (RTMS) that is being implemented in the Portland region. I communicated this approach with Steve Landry, MaineDOT Assistant State Traffic Engineer, and he supports this approach to addressing the intersection capacity issue. Accordingly, it is suggested that the applicant contribute \$32,000 towards traffic signal improvements at the subject intersection.

A potential condition of approval

The applicant shall contribute \$32,000 towards traffic signal improvement at the intersection of Forest Avenue and Riverton Street.

Driveway Width

The main entrance driveway to the site was proposed at fifty two (52) feet with an island but has been reduced to forty-six (46) feet, which still exceeds the technical standards of 24 feet for two-way traffic. The applicant states the expanded curb cut and sweeping curb radii are needed to provide access for the fueling delivery truck, and to separate the left and right turns onto Forest Avenue. A waiver of the driveway is being requested in respect of the Technical Standards. The applicant has provided an auto-turn analysis and Tom Errico finds the driveway entrance to be acceptable.

The island on the west side of the entrance has increased to make the vehicular circulation safer. This island will be landscaped and will be flush. Mr. Errico requests that the applicant provide more details on the need for the flush area of the island. He would rather have raised curbing be proposed for the full extent of the island.

A potential condition of approval:

That the applicant shall provide more details on the flush area of the island at the main entrance for review and approval by the Planning Authority and Traffic Engineer prior to the issuance of a building permit.

Originally the applicant was proposing a second driveway onto Forest Avenue. This driveway as proposed did not meet City standards for curb opening separation. The applicant is now proposing to have a shared driveway with the Presumpscot Grange Hall and Wellesley Estate at the existing emergency access for Wellesley Estate. The applicant is currently coordinating with the abutting properties to design and implement a driveway configuration to meet City standards.

A potential condition of approval:

That the design and configuration of the shared driveway with the easterly abutter (Grange Hall), and documentation of reciprocal rights of access and use of said shared access shall be submitted for review and approval by the Planning Authority, the Traffic Engineer, and the Corporation Counsel prior to the issuance of a building permit.

Circulation on Site

There are two drive-through uses being proposed as part of this project, one for the bank, and one for the food service associated with the convenience store. There have been concerns about the stacking of the lanes. Information was requested to show that the bank drive-through lanes have adequate vehicle storage space and to clarify the circulation condition of the 16-foot lane in front of the fueling pumps, but this has not been submitted by the applicant.

A potential condition of approval

The Stormwater Management Plan states that treatment of stormwater runoff will be provided by the use of several BMPs, including Filterra Filter Basins. These basins are proposed without the use of a StormTech Isolator Row. In accordance with Chapter 7.5 of the MaineDEP Stormwater BMP Technical Design Manual, Filterra tree box filters must be designed upstream of, and in series with, a StormTech Isolator Row. Without the StormTech Isolator Row, the Filterra tree box filter is not an approved BMP for meeting the requirements of the General Standards (previously stated in our review memo dated 1/17/2012). The MaineDEP considers the StormTech Isolator Row to be an essential component of the Filterra BMP for achieving water quality treatment goals. The stormwater management plan will need to include this component of the BMP, or the applicant will need to modify the treatment concept to meet the General Standards.

Mr. Seymour has stated that they will install the Stormtech Isolator Row as part of the Filterra Filter Basin but has not submitted revised plans showing this. A condition of approval will need to be placed that address this, as well as the other comments in Mr. Senus's memorandum dated 03.14.2012. (Attachment 4)

A potential condition of approval

That the applicant shall submit revised plans that address David Senus memorandum of 03.14.2012 for review and approval by the Planning Authority prior to the issuance of a building permit.

3. Public Infrastructure and Community Safety Standards

Public Safety and Fire Prevention

Captain Chris Pirone has reviewed the proposed project and is fine with the plan as proposed. Since a gas station is also part of the development, the applicant will need to verify that the following requirements for the proposed Underground Storage Tank (UST) have met to the satisfaction of the appropriate agencies:

- i. UST Registration with the MaineDEP, per Section 4 of Chapter 691 Rules for Underground Oil Storage Facilities.
- ii. Design of tank, piping, pump dispensers, and appurtenant devices per Section 5 of MaineDEP Chapter 691 Rules for Underground Oil Storage Facilities.

A potential condition of approval:

That the applicant shall verify, prior to the final certificate of occupancy, that the following requirements for proposed Underground Storage Tank (UST) have been met to the satisfaction of the appropriate agencies:

- i. *UST Registration with the MaineDEP, per Section 4 of Chapter 691 Rules for Underground Oil Storage Facilities; and*
- ii. *Design of tank, piping, pump dispensers, and appurtenant devices per Section 5 of MaineDEP Chapter 691 Rules for Underground Oil Storage Facilities.*

Availability and Adequate Capacity of Public Utilities

Currently the electricity pole that services the abutting properties is on the applicant's site without an easement. The applicant is offering to relocate the pole, at the applicant's expense, and grant Central Maine Power utility easement. Corporation Counsel would like to see documentation from Presumpscot Grange and Wellesley Estate giving the applicant permission to do this work.

A potential condition of approval:

That the applicant shall submit documentation from Presumpscot Grange and Wellesley Estate giving permission to relocate the electricity pole on the site prior to the issuance of a building permit.

The applicant submitted adequate capacity letters of public utilities.

4. Site Design Standards

Snow and Ice Loading

reasons, we offer the Board two options, to approve the plan subject to the conditions as proposed below, or to table the matter until these two more critical items are more fully resolved.

DEVELOPMENT REVIEW

On the basis that the application has not been reviewed or approved by MaineDOT and the details of the shared driveway have not been resolved, the Planning Board recommends that the Project be tabled to a date certain.

Or

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #13-12 for application #2011-387 relevant to the Site Plan, Traffic Movement Permit, Stormwater Management Permit and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. TRAFFIC MOVEMENT PERMIT

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board finds the plan (is/ is not) in conformance with the standards for Traffic Movement Permit application for 1884 Forest Avenue and (grants/does not grant) a permit subject to the following condition:

- a. The applicant shall contribute \$32,000 towards traffic signal improvement at the intersection of Forest Avenue and Riverton Street.

2. STORMWATER MANAGEMENT PERMIT

That based upon the City of Portland's Delegated Review Authority, the Portland Planning Board finds the plan (is/ is not) in conformance with the standards for a Storm Water Permit application for 1884 Forest Avenue and (grants/does not grant) a permit subject to the following conditions:

- a. The applicant shall submit revised plans that address David Senus memorandum of 03.14.2012 for review and approval by the Planning Authority prior to the issuance of a building permit.
- b. Storm Water Management: Condition of Approval
The applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan based on City of Portland standards and state guidelines.

3. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 13-12 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

That the Planning Board [waives / does not waive] Section 1.7.2.4., the maximum driveway width (two-way) of twenty-four (24) feet to be forty-six (46) feet for the main entrance driveway.

4. SITE PLAN REVIEW

The Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

Potential conditions:

- a. Documentation shall be submitted that this project has been approved by MaineDOT prior to the issuance of a building permit; and

4. David Senus Memorandum, Dated 03.14.2012
5. Design Standards
6. Design Guideline Narrative

Applicant's Submittal

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- A.2 Conditional Use Application
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- B.13 Elevations of Branch Bank
- B.14 Floor Plan of Branch Bank

Applicant's Submittal

AH. A.1



TFH ARCHITECTS 80 MIDDLE STREET PORTLAND ME 04101 T 207-775-6141 www.tfharchitects.com ARCHITECTURE AND PLANNING

March 2, 2012

Ms. Shukria Wiar
Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: 1884 Forest Ave Revisions

Dear Ms. Wiar,

The following is a summary of the revisions we have made to the buildings proposed at 1884 Forest Avenue in response to comments received at the Planning Board Workshop on February 14, 2012.

The Branch Bank façade has been shifted 3' closer to Forest Avenue than the previous design. We have maintained the façade location of the Gas Station/Convenience store at its previous location, the landscape area between the façade and the driving lane provides a visual access for a pedestrian existing the store to the driving lane, we feel that reducing this space would create a less safe condition. We have however given the building more of a presence along Forest Avenue by increasing this facades height, as explained below.

We have moved the entries to both buildings toward Forest Avenue to provide better pedestrian access from the sidewalk, the entries also have a much stronger prescience from the street. The second story of the Gas Station/Convenience store has been relocated from the rear to the front of the building along Forest Avenue thus providing a 27' building height toward the street.

The pedestrian circulation between the buildings has been maintained at the center of the site and we believe that by moving the entries to both buildings toward the street it will enhance the pedestrian path between the buildings utilizing the sidewalk along Forest Avenue.

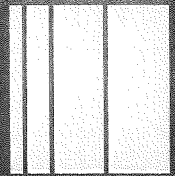
The fenestration has been increased at the Forest Avenue facades on both the Bank and Convenience store as seen on the attached drawings, providing a stronger visual connection from the street to the activities within the buildings.

Please see the narrative addressing site related issues under a separate cover.

Please contact me if you have any questions regarding the above.

Sincerely,

Ryan Senatore, AIA, LEED AP BD+C
Project Architect



March 6, 2012
11142

Shukria Wiar, Planner
City of Portland Planning Division
City Hall, 4th Floor
389 Congress St.
Portland, ME 04101

sebagotechnics.com
One Chabot Street
P.O. Box 1339
Westbrook, Maine
04098-1339
Ph. 207-856-0277
Fax 856-2206

A.I.I

Level III-Preliminary Site Plan Application Submittal
Response to Preliminary Site Review Comments
1884 Forest Avenue, Triton Foodmart/Gas Station, Portland, ME

Dear Ms. Wiar:

On behalf of John Chau, owner of the proposed Triton Foodmart/Gas Station, we have prepared the attached plans amending our Level III Site Plan of the associated site plans and design features in response to the comments forwarded prior to our last preliminary hearing on February 14th, and from our previous meetings with staff members held in January. Most comments were based on concerns over traffic impacts and Forest Avenue reconstruction efforts, compliance with B-2 Zoning Standards, stormwater impacts, and landscaping/buffering efforts.

Working with TFH Architects, we have revised the building layouts and points of building access per the design requirements for a project located in a B-2 Zone. With two distinct uses proposed on the site, each requiring drive-thru access, we have been challenged with safety of vehicle and pedestrian circulation, and feel we have reached an acceptable design layout with the owner to address several of the City's concerns.

In addition to a slight revision of the building's design and layout to meet the design standards in the B-2 Zone, we have also provided new information as it attributes to Stormwater Management Permit requirements and buffering and landscape revisions to achieve screening with the residential uses to the rear.

We have already submitted the Traffic Movement Permit (TMP) Section 7 for the City's review and continue to coordinate with the Maine Department of Transportation (MaineDOT) and the contractor, R.J. Grondin Construction, to develop estimates and schedules of the proposed Forest Avenue revisions for traffic islands necessary for left turning lanes and for resetting of curbing and sidewalks along the development's frontage.

Since our last submittal, we have again revised the Site Plans to include the following:

- Relocated the convenience store footprint to pull it closer to Forest Avenue to provide approximately 5-6 feet of additional separation from the rear property line to allow for more tree preservation and landscaping. Equally provide a pedestrian friendly main entrance closer to Forest Avenue.

Ms. Barhydt

3

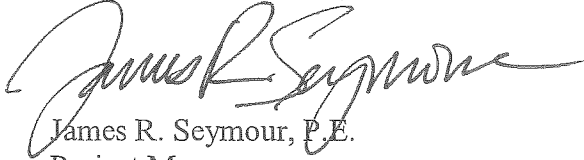
March 6, 2012

A.1.3

improvements, we would like to be as responsive as possible. We thank you for your cooperative efforts and look forward to presenting this project at the next available Planning Board Public Hearing Meeting.

Sincerely,

SEBAGO TECHNICS, INC.

A handwritten signature in black ink, appearing to read "James R. Seymour". The signature is fluid and cursive, with a long horizontal stroke at the end.

James R. Seymour, P.E.
Project Manager

JRS:jrs/kn
Enc.

cc: John Chau
Ryan Senatore, TFH Architects

A-2.1



d.) Screening and Enclosure:

Due to a concern we have with car lights aiming at the abutters, we added stockade fencing along the middle of the sites common line with Riverton Housing. Due to the projection of headlights entering the site for either gasoline service or drive-thru service and given relative close proximity to the property line by ongoing traffic (5ft) we have installed a six foot high wood stockade fence to block the aimed car lights at the turning point around the fueling island. With the recent site shifting of some features we will maintain a stand of mature trees along the common property line and will additionally screen with young evergreen plantings to address visibility of the parking lot and fencing from the Riverton Housing units. There currently are some mature stands of pines on the edge of their property as well, however the residential units are set perpendicular to the property line and are set nearly 100 feet away from this common property line. Equally we have installed chain link fencing with vinyl slats from the corner with Wellesley Estates near the dumpster enclosure to a point where a new power pole will be installed. This fence will also be 6 feet tall and approximately 90 feet long. Its purpose will be to buffer aimed drive-thru headlights to the abutting lot which is also a B-2 zoned property currently being used as a gravel parking lot.

The drive thru vehicle lighting conditions at the future bank will be slightly less intrusive on abutters, do the setback distance from the property line of almost 100 feet from the teller aisle. In addition the detention pond location and back edge and embankment will be planted with trees which will provide excellent screening, in conjunction with preserved mature white pines along the property line. Also the bank/future use will likely not be constructed until after the completion of the gas-mart and convenience store which will only give more time for landscaping to fill in and mature providing even fuller screening.

e.) Pedestrian Access:

At locations where the Branch Bank and Convenience Store drive through lanes cross pedestrian access, visual sight distance is provided to make both the pedestrian and vehicle driver aware of one another to minimize impeding on pedestrian access.

f.) Hours of Operation:

The Branch bank drive-through teller would be open from 7:30 am to 8 pm, the drive-through ATM would have 24 hour access.

The Gas Station Convenience Store drive-through would be open from 5 am to 8 pm.

Please contact me if you have any questions regarding the above.

Sincerely,

Ryan Senatore, AIA, LEED AP BD+C
Project Architect

A-2.3

STANDARDS – CRITERIA FOR CONDITIONAL USE APPEAL – Section 14-474

Address the following criteria in your written application and any applicable conditional use standards contained in the zoning code for the specific use.

Upon showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding areas;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

CONTACT INFORMATION:

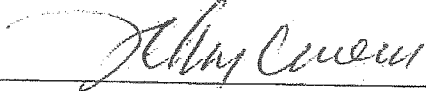
	<p>Applicant's Contact for electronic plans</p> <p>Name: RYAN SENATORE, TFH Architects</p> <p>e-mail: rjs@tfharchitects.com</p> <p>work #: 207-775-6141</p>
<p>Applicant – must be owner, Lessee or Buyer</p> <p>Name: JOHN AND PHUONG CHAU</p> <p>Business Name, if applicable:</p> <p>Address: 75 ARCADIA STREET</p> <p>City/State: PORTLAND, ME Zip Code: 04103</p>	<p>Applicant Contact Information</p> <p>Work #</p> <p>Home#</p> <p>Cell # 207-650-6294 Fax# 207 775 1024</p> <p>e-mail: chau5f@maine.rr.com</p>
<p>Owner – (if different from Applicant)</p> <p>Name:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Owner Contact Information</p> <p>Work #</p> <p>Home#</p> <p>Cell # Fax#</p> <p>e-mail:</p>
<p>Billing Information</p> <p>Name:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Billing Information</p> <p>Work #</p> <p>Cell # Fax#</p> <p>e-mail:</p>

A.2.5

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521) and the Conditional Use Standards (Section 14-474). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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

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

Signature of Applicant: 	Date: 3.2.2012
---	--------------------------

The Portland Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

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

1884 Forest Avenue

A.3.1

PROJECT NAME: _____

PROPOSED DEVELOPMENT ADDRESS:

1884 Forest Avenue

PROJECT DESCRIPTION:

New Building(s) = Convenience Store / Gas Station with Drive-through food service window,

Branch Bank with drive through window, and associate sitework

CHART/BLOCK/LOT: 327 B003 001 **PRELIMINARY PLAN** 11/2/11 (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

<p>Applicant – must be owner, Lessee or Buyer</p> <p>Name: JOHN CHAU AND PHUONG NEANG</p> <p>Business Name, if applicable:</p> <p>Address: 75 ARCADIA STREET</p> <p>City/State : PORTLAND, ME Zip Code: 04103</p>	<p>Applicant Contact Information</p> <p>Work #</p> <p>Home#</p> <p>Cell # (207) 650-6294 Fax# (207) 775-1024</p> <p>e-mail: chausf@maine.rr.com</p>
<p>Owner – (if different from Applicant)</p> <p>Name:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Owner Contact Information</p> <p>Work #</p> <p>Home#</p> <p>Cell # Fax#</p> <p>e-mail:</p>
<p>Agent/ Representative</p> <p>Name:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Agent/Representative Contact information</p> <p>Work #</p> <p>Cell #</p> <p>e-mail:</p>
<p>Billing Information</p> <p>Name:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Billing Information</p> <p>Work #</p> <p>Cell # Fax#</p> <p>e-mail:</p>

APPLICATION FEES:

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

Level III Development (check applicable reviews)	Fees Paid (office use)	Other Reviews (check applicable reviews)	Fees Paid (office use)
<input checked="" type="checkbox"/> Less than 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000) <input type="checkbox"/> over 300,000 sq. ft. (\$5,000) <input type="checkbox"/> Parking lots over 100 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Traffic Movement (\$1,000) <input checked="" type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Subdivisions (\$500 + \$25/lot) # of Lots ___ x \$25/lot = _____ <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
----- The City invoices separately for the following: - Notices (\$.75 each) - Legal Ad (% of total Ad) - Planning Review (\$40.00 hour) - Legal Review (\$75.00 hour) Third party review is assessed separately.		<input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation	
Plan Amendments (check applicable reviews) <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)	Fees Paid (office use) <input type="checkbox"/> <input type="checkbox"/>		

1884 FOREST AVE
A-3.5

PROJECT DATA

(The following information is required where applicable, in order complete the application)

Total Site Area	2,596 AC	69,522 sf	
Proposed Total Disturbed Area of the Site			sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)			
IMPERVIOUS SURFACE AREA			
• Proposed Total Paved Area	39,582		sq. ft.
• Existing Total Impervious Area	0		sq. ft.
• Proposed Total Impervious Area	50,964		sq. ft.
• Proposed Total Impervious Area	50,964		sq. ft.
• Proposed Impervious Net Change	50,964		sq. ft.
BUILDING AREA			
• Proposed Building Footprint	11,149	= Includes Gas Canopy	sq. ft.
• Proposed Building Footprint Net change	11,149		sq. ft.
• Existing Total Building Floor Area	0		sq. ft.
• Proposed Total Building Floor Area	8,850		sq. ft.
• Proposed Building Floor Area Net Change	8,850		sq. ft.
• New Building			(yes) or no
ZONING			
• Existing	B2		
• Proposed, if applicable	B2		
LAND USE			
• Existing	VACANT		
• Proposed	GAS / CONVENIENCE / BRANCA BANK		
RESIDENTIAL, IF APPLICABLE			
• Proposed Number of Affordable Housing Units	NA		
• Proposed Number of Residential Units to be Demolished			
• Existing Number of Residential Units			
• Proposed Number of Residential Units			
• Subdivision, Proposed Number of Lots			
PARKING SPACES			
• Existing Number of Parking Spaces	0		
• Proposed Number of Parking Spaces	33 33		
• Number of Handicapped Parking Spaces	4		
• Proposed Total Parking Spaces	33 33		
BICYCLE PARKING SPACES			
• Existing Number of Bicycle Parking Spaces	0		
• Existing Number of Bicycle Parking Spaces	0		
• Proposed Number of Bicycle Parking Spaces	6		
• Total Bicycle Parking Spaces	6		
ESTIMATED COST OF PROJECT			
	\$ 2,600,000		

Exhibit 3**Project Description**

Mr. John Chau currently owns a vacant lot located on a 1.61 acre parcel of land located at 1884 Forest Avenue and is within the Business 2 Zone (B2). Mr. Chau proposes to develop the site, for the purposes of an approximately 3700 SF gas filling station and convenience store coffee/food service, and additionally wishes to plan for an approximately 3500 future branch bank. Both uses will incorporate a drive thru facility for customers. The owner is currently engaged with various gasoline distributors for determining which gas station franchise to provide for the property.

The property at the current site is shown on City of Portland Tax Map 327, Block B, Lot 3. The proposed construction will involve lane expansion of Forest Avenue currently in progress to accommodate the need for a left turn lane. The improvements are necessary to accommodate the traffic potentially generated by a banking and gas station/convenience mart type use. The entrance will need to be enlarged wider than standards typically allowed by the City due to the radius needed to support fueling delivery vehicles, and also provide separate left turn and right turn exits onto Forest Avenue.

The majority of this property is vegetated with mixed pine woods and high grass/brush field. The applicant is very conscious of the proximity to the Riverton Housing neighborhood's concerns and plans to meet with abutting neighbors during the design process to invoke their involvement and opinions.

Utilities will be provided from new services for sewer as provided during the ongoing Street reconstruction and we are hopeful we can provide gas and water services for the project prior to the final paving scheduled next spring. Do to security concerns there be the need to provide ample lighting for the facility, however all lighting will meet City standards for photometric measurements, and the facility will be enclosed with a chain link fence along the residential abutting property.

In addition the site will be landscaped with plantings and trees which are compliant to the B2 zoning and City requirements. During construction efforts will be made to preserve all mature pine trees within reason, but we do not want to leave mature trees which could be compromised by construction activity and be a liability for safety in the future.

11142

Exhibit 5**State and Federal Permits**

Since the proposed development will disturb over one acre of land, a Maine Construction General Permit (MCGP) will be submitted to the Maine Department of Environmental Protection.

Under the City's delegated authority the Project will also require a Stormwater Management Permit in accordance with the Maine Department of Environmental Protection since the site creates more than 1 acre of new impervious surface. Under these thresholds the site will be required to meet both the Basic and General standards for stormwater standards.

11142

Exhibit 7Existing/Proposed Easements

There does not appear to be an existing easements or burdens on the project site. However, the owner will need to coordinate either a pedestrian easement or an actual conveyance of private land to the City of Portland for the widening of Forest Avenue if it is preferred to have the sidewalk contained in the Right of Way.

Mr. Chau has attempted to contact the ownership of Wellsley Estates to potentially share their emergency exit just east of his exclusive proposed right turn out, for the sake of keeping the curb cut width minimal and keep the curb cut limited to one shared opening. To date no contact has been completed though attempts have been made, but efforts will continue through the review process.

11142

Exhibit 9**Traffic Analysis**

Attached is a Site and Traffic Information section as preliminarily prepared for an Maine Department of Transportation (MDOT) Entrance and Movement Permit. As part of the review process we will be coordinating with both the City's Traffic Engineer and the MDOT regarding the location of entrances, impacts to the current road design and recommended widening and lane lengthening to accommodate the proposed project.

City Master Plan Consistency

The intent of the B-2 zone as directed by the City's Comprehensive Plan is to provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. The B-2 zone shall provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile and by pedestrians. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

The B-2 zone permits a broad range of business uses, including uses such as restaurants, drinking establishments, veterinary clinics, theaters, hotels or motels, and colleges. Drive-through facilities are permitted with performance standards. Conditional uses include auto related businesses, printing establishments, wholesale operations, and research establishments. A recent change to the zone encourages multifamily units above first floor commercial uses and residential developments are allowed. There is a 10,000 square foot minimum lot size for non-residential uses. There are no minimum front yard requirements, except that the front yard shall not exceed the average depth of the adjoining properties front yards (to encourage development closer to the street line). Maximum impervious surface ratio is 80%. No changes to the zone are anticipated at this time.

The proposed project at 1884 Forest Avenue definitively follows in to the neighborhood enhancement as guided by the Comprehensive Plan. The site offers banking services, neighborhood convenience mart and gas station, with provisions for coffee and food. The design will allow for vehicle access and protect the neighbor and abutting residential uses with new plantings. In addition we'll link their sidewalk network to allow for direct access from the Riverton Housing to the site, and will coordinate with the Metro Bus/Transportation system to look at enhancing the bus stop facilities possibly at the corner of Riverton Drive and Forest Avenue, to improve the neighborhood convenience, provide safe and presentable appearances while promoting public transportation, provide pedestrian connectivity for neighborhood families and easy vehicle access for necessary services.

Stormwater Management

PROPOSED STORMWATER MANAGEMENT PLAN

I. Introduction

This Stormwater Management Plan has been prepared for ChaU Property Development to evaluate stormwater runoff, quantity control and stormwater treatment. The 1.61-acre project site is located at 1884 Forest Avenue. The parcel is bordered by Riverton Drive to the west, Presumpscot Grange to the east and Riverton Park housing development to the south. Tortilla Flats Restaurant is across Forest Ave to the north. The development will consist of a 3,500sf convenience store with gas pumps and a drive through window. There is also space for a 3,700 sf future bank or similar type business. The development will be phases, the total development at full build-out will result in 1.17 acres of new impervious surface. The stormwater management controls that are outlined in this plan have been designed to best suit the proposed development and to comply with applicable regulatory requirements.

II. Existing Conditions

A. Land Cover

The site is mostly forested with mature pine growth with couple of open field areas.

B. Site Topography

Topography on the site generally slopes gentle across the parcel with some steeper embankments along Riverton Drive.

C. Surface Water Features

There are no natural water surface features on the site.

D. Soils

The Cumberland County Medium Intensity Soils Map identifies the soils on the project site as Windsor loamy sand. The Technical Release TR 55 of the Soil Conservation Service classifies the soils characteristics. A summary of these characteristics follows in Table 1.

Table 1 Soil Characteristics		
Soil Type	HSG	K Factor
Windsor	A	0.17

95% of all impervious areas and at least 80% of all developed areas are designed to be tributary to stormwater BMPs. Standard BMPs have been defined by the Maine DEP and are described thoroughly in their publication "Stormwater Management for Maine: Best Management Practices" as revised in January of 2006. Section VI, Stormwater Management BMPs, of this Stormwater Management Plan describes the BMPs to be utilized on this project and specific design information for each BMP.

VI. Stormwater Management Best Management Practices (BMPs)

BMPs have been designed for this site based upon the criteria in the current edition of the Maine DEP publication, "Stormwater Management for Maine." Given the site's subsurface conditions of well draining soil, we have chosen a vegetated underdrain soil filters to provide stormwater treatment and some attenuation.

Where there are suitable buffers, the stormwater runoff will either sheet flow directly to roadside and residential buffer areas. The preferred type of BMP designed on the site is a vegetated underdrain soil filter, located in a fill slope in the confines between the Proposed bank drive thru lanes and rear exit lanes in the southwest corner of the site and Riverton Drive. The vegetated underdrain soil filter will receive stormwater runoff from the parking lot area and the associated buildings as delineated on the *Site Plan*. This pond has been designed to meet the Maine DEP General Standards for the proposed development of this project. Additionally, the vegetated soil filter pond has been designed with detention capabilities.

the AM peak hour and the PM peak hour, which will require a Maine DOT Traffic Movement Permit and preliminary scoping meeting before the submittal of Section 7.

Table 1, below, summarizes these generated trip calculations

Table 1 –Estimated New Trip Generation

Use	AM Peak Hour	PM Peak Hour
Proposed LUC 912 Drive In Bank	48	69
Proposed LUC 853 Convenience Store With Gasoline Pumps	116	146
Proposed LUC 934 Coffee Shop with Drive Through	103	47
Total New Estimated Trips	267	262

The trip generation calculations show that the proposed development will generate 267 new trips in the AM peak hour and 262 during the PM peak hour. Tables 1.1-3 at the end of Section 1, give a more detailed breakdown of trip generation calculations.

F. Trip composition and distribution.

The ITE was also used to determine the typical breakdown of trip composition for the proposed development. Total trip composition and distribution for the Convenience Store, Coffee Business Drive Through, and Branch Bank are presented in Table 2, below.

Table 2 – Trip Composition and Distribution

Trip Type	AM Peak Hour		PM Peak Hour	
	Entering	Exiting	Entering	Exiting
Pass-By	87 (63%)	80 (63%)	80 (62%)	81 (62%)
Primary & Diverted	52 (37%)	48 (37%)	50 (38%)	50 (38%)
Total	139 (100%)	128 (100%)	130 (100%)	131 (100%)

Figures 3, 4, and 5, enclosed at the end of this Section, show the Primary, Pass-By, and Total Trips, respectively.

G. Trip assignment.

AM and PM peak hour Synchro 7 traffic models with volumes from 2010 and 2020 were provided to Sebago Technics from MaineDOT for the intersection of US Route 302 (Forest Avenue) and Riverside Street. These models were utilized to distribute newly generated trips from the proposed development on the area roadway network. MaineDOT's 2010 volumes for the easterly Forest Avenue approach were assumed to represent corridor volumes in front of the site. These volumes are shown in Figure 1 and the yearly growth adjusted counts to 2012 are shown in Figure 2 at the end of Section 1. Sebago Technics assumed that the volumes provided by MaineDOT had previously been

Tables and Figures

Trip Generation:

Table 1.1 – Drive-In Bank Trips, per 1,000 Square Feet

DRIVE-IN BANK LAND USE 912			
BY 1000 SF	SF	RATE (Trips/1000SF)	TOTAL
WEEKDAY AM PEAK HOUR	3,600	17.31	62
WEEKDAY PM PEAK HOUR	3,600	26.69	96
SATURDAY PEAK HOUR	3,600	26.53	96

Table 1.2 – Drive-In Bank, Trips per Drive Thru Lane

DRIVE-IN BANK LAND USE 912			
BY # DRIVE THRU LANES	LANES	RATE (Trips/Lane)	TOTAL
WEEKDAY AM PEAK HOUR	3	21.64	65
WEEKDAY PM PEAK HOUR	3	29.05	87
SATURDAY PEAK HOUR	3	29.88	90

Table 1.3 – Drive-In Bank, Average Trips

AVERAGE TOTALS	
WEEKDAY AM PEAK HOUR	64
WEEKDAY PM PEAK HOUR	92
SATURDAY PEAK HOUR	93

Table 2.1 – Convenience Store with Fueling Positions, Trips per 1,000 Square Feet

CONVENIENCE STORE WITH GAS PUMPS LAND USE 853			
BY 1000 SF	SF	RATE (Trips/1000SF)	TOTAL
WEEKDAY AM PEAK HOUR	3,050	45.23	138
WEEKDAY PM PEAK HOUR	3,050	62.57	191
SATURDAY PEAK HOUR	3,050	45.94	140

Table 2.2 – Convenience Store with Fueling Positions, Trips per Fueling Position

Section 2. Traffic Accidents

Recognizing the planned MaineDOT reconstruction of the Forest Avenue corridor in front of the proposed development site, review of crashes within the immediate area of the proposed development did not appear to be necessary. However, we checked the latest High Crash Location List (2008-2010) published by MaineDOT and found the following:

- Forest at Riverton Drive - 9 crashes and a CRF 1.61
- Forest at Riverside – 11 crashes and a CRF 1.70

The intersection of Forest and Riverton is being upgraded with the addition of a left turn lane on Forest Avenue as part of the MaineDOT project.

From our review of the MaineDOT Forest Avenue project we did not see where the intersection of Forest and Riverside was being upgraded.

A-4.21

as 100 feet based on a Synchro/SimTraffic7 model analysis of our proposed trip generation.

Section 5. Public or private rights-of-way

A complete Site Survey is currently underway. At this point in time, though, there have been no public or private rights-of-way encumbering the applicant's parcel identified. The adjacent Grange Parcel does have a 10' wide emergency access ROW to Welsley Estates, which abuts the applicants property, but that is all that is known at this time.

Doc#: 33674 Bk:26148 Pg: 266

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that **OLD OCEAN HOUSE BUILDERS LLC**, a Maine limited liability company with a principal place of business in Cape Elizabeth, Maine, for consideration paid, **GRANTS TO JOHN CHAU and PHUONG NEANG**, whose mailing address is 75 Acadia Street, Portland Maine, with **WARRANTY COVENANTS, AS JOINT TENANTS AND NOT AS TENANTS IN COMMON**, the land in the City of Portland, Maine, described as follows:

A CERTAIN lot or parcel of land with any buildings thereon situated on the southwesterly side of Forest Avenue, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING AT an iron on the southwesterly sideline of Forest Avenue at the northwest corner of the lot of land conveyed by the City of Portland to the Presumpscot Grange by deed dated August 21, 1947 and recorded in the Cumberland County Registry of Deeds in Book 1871, Page 406;

Thence by said Presumpscot Grange land South 29 degrees 23 1/2' West one hundred sixty-seven and eighteen hundredths (167.18) feet to a concrete monument and land of Arthur Hawkes;

Thence by said Hawkes' land and land of Arthur Serunian North 66 degrees 40' West one hundred fifty-seven and seventy-seven hundredths (157.77) feet to an iron;

Thence by said Serunian land North 47 degrees 01' West two hundred ninety-five and twenty-one hundredths (295.21) feet to a stone monument;

Thence continuing by said Serunian land North 45 degrees 51 1/2' East one hundred sixty-eight and sixty-five hundredths (168.65) feet to an iron and the southwesterly sideline of Forest Avenue;

Thence by said Forest Avenue South 38 degrees 52' East one hundred fifty-five and thirty-nine hundredths (155.39) feet to a stake marking an angle point in said road, and continuing by Forest Avenue South 62 degrees 57' East two hundred fifty-one and eighty-nine hundredths (251.89) feet to the point of beginning.

Courses are magnetic and of the date of 1964.

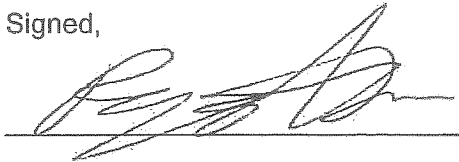
Being the same premises described in a deed from Forest Avenue Associates dated January 28, 2008 and recorded in the Cumberland County Registry of Deeds in Book 25775, Page 152.

Neighborhood Meeting Certification

I, (applicant/consultant) hereby certify that a neighborhood meeting was held on (date) at (location) at (time).

I also certify that on (date at least seven days prior to the neighborhood meeting), invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change and the residents on the "interested parties" list.

Signed,



12/1/11 (date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes






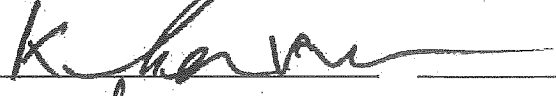





December 1, 2011 6:30 pm
At Riverton Elementary School

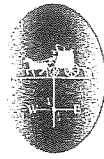
1-4	<p>Victoria Worcester question if the project has been approved by the City</p> <p>Jim Seymour indicated that we have submitted a preliminary site plan, and will have the first Planning Board workshop after the first of the year.</p> <p>Ryan Senatore indicated that Traffic Studies are being completed as traffic movement is an important part of the proposed project design</p>	
1-5	<p>Victoria Worcester indicated that the intersection of Forest Ave and Riverton Drive is dangerous</p> <p>Jim Seymour indicated that a possible bus stop shelter at the corner of this intersection may help safety issues</p>	
1-6	<p>Victoria Worcester questioned how close the Convenience store will be to the existing Grange Hall</p> <p>Jim Seymour indicated it was 200'-250' from the Grange</p>	
1-7	<p>Gabriel Zappia (the owner of the Grange Parcel) arrived at approximately 6:50, Jim Seymour summarized the previous presentation</p>	
1-8	<p>Gabriel Zappia indicated that a State Engineer has told him that a painted island without a turning lane is planned for Forest Ave in front of the 1884 Forest Ave property.</p> <p>Jim Seymour indicated that a Left Turn lane is planned as approached from the East to turn into Riverton Drive, and is proposed to be extended East as part of the 1884 Forest Development.</p> <p>Gabriel Zappia would like the Left Turn Lane extended further East in front of his property</p>	
1-9	<p>Robert Worcester asked if the convenience store will be a franchise or a private entity</p> <p>John Chau indicated it will be a private run entity</p>	
1-10	<p>Jim Seymour asked if there are any other comments or questions regarding the project</p>	
1-11	<p>Gabriel Zappia though the general use of the property is good but does not like the left turn lane stopping short of his property</p> <p>Jim Seymour showed Gabriel the proposed DOT plans for</p>	

1884 FOREST AVE

Proposed Convenience Store and Branch Bank

Neighborhood Meeting Sign-In Sheet
December 1, 2011

Name (Please print)	Signature	Address
Ryan Salvatore		80 Middle St
JOHN CHAU		75 Arcadia St
Sinwon Chan		75 Arcadia St
TOM TAY		87. RIVERTON DR
Rathana Chhen		29 Riverton Dr
K. Han		87 Riverton Dr.
YU		
ETHOUK LUON		
56 DOUGLASS ST		
NONG SOUANG		56 DOUGLASS ST PDT
JAMES SYMOUR P.E.		SEBAGO TECHNICS 1 CHARLOT ST. WESTBROOK, ME
Robert + Victoria Worcester		737 Reservoir St.
BUNRITH POK		803 Forest Ave Portland.
SAMBATH MEACH		803 Forest Ave PORTLAND
SOPHY HANG		15 HERSEY ST - PORTLAND
SOUKHA		
SCOTT TAY		90 MORNING ST PORTLAND, MAINE



Att. A-7

Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

January 18, 2012

Sebago Technics
One Chabot Street
PO Box 1339
Westbrook, ME 04098-1339

Attn: Steven Groves
Re: 1884 Forest Avenue, Portland
Ability to Serve with PWD Water

Dear Mr. Groves:

The Portland Water District has received your request for an Ability to Serve determination for the noted site submitted on December 29, 2011. Based on the information provided, we can confirm that the District will be able to serve the proposed project as further described in this letter.

Please note that this letter does not constitute approval of this project from the District. Please review this letter for any special conditions specified by the District and to determine the appropriate next steps to take to move your project through the submittal and approval process.

Existing Site Service

According to District records, the project site does not currently have existing water service.

Water System Characteristics

According to District records, there is a 12-inch diameter ductile iron water main on the south side of Forest Avenue and a public fire hydrant located adjacent to the site.

The current data from the nearest hydrant with flow test information is as follows:

Hydrant Location: Forest Avenue 400' east of Riverton Drive
Hydrant Number: POD-HYD01661
Last Tested: 07/18/1994
Static Pressure: 75 PSI
Residual Pressure: 54 PSI
Flow: 816 GPM

Public Fire Protection

It is not anticipated that this project will include the installation of new public hydrants to be accepted into the District water system. The decision to require new hydrants and to determine their locations is solely that of the local fire department. It is your responsibility to contact the





January 25, 2011

Steven Groves
Project Engineer
Sebago Technics
PO Box 1339 Suite B
Westbrook, ME 04098-1339

Dear Mr. Groves:

Re: Chau Property Development, 1884 Forest Avenue, Portland, ME

Thank you for your interest in using natural gas for the above referenced project.

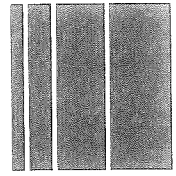
Unitil does have natural gas in the vicinity of this project. The design, costs and determining if there will be any customer contribution will need to be completed at a later date. Unitil welcomes the opportunity for further discussions regarding this project.

If you have any further questions or require additional information, please contact me directly at (207) 541-2505 or at fowler@unitil.com.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Fowler".

Kelly Fowler
Sr. Business Development Representative



Att. A-9

STORMWATER MANAGEMENT PLAN

**Chau Property Development
1884 Forest Avenue
Portland, Maine**

Prepared for

John Chau
75 Acadia Street
Portland, ME 04103

March 6, 2012

STORMWATER MANAGEMENT PLAN

Chau Property Development 1884 Forest Avenue Portland, Maine

I. Introduction

This Stormwater Management Plan has been prepared for Chau Property Development to evaluate potential impacts associated with this project due to the proposed modification in stormwater runoff characteristics. The 1.6-acre project site is located at 1884 Forest Avenue, Portland, Maine. The property will be developed in two phases; the total development at full build-out will result in 1.15 acres of new impervious surface. The initial phase development will consist of a 5,250 square foot (sf) convenience store/gas station with a donut shop and a drive through window. There is also space for a 3,600 sf future bank or similar type business. The stormwater management controls that are outlined in this plan have been designed to best suit the proposed development and to comply with applicable regulatory requirements.

II. Existing Conditions

The parcel is located on a vacant parcel of land bordered by Riverton Drive to the west, Presumpscot Grange parking lot to the east and Riverton Park housing development to the south. Tortilla Flats Restaurant is across Forest Avenue to the north.

A. Land Cover

The site is mostly forested with mature pine growth with some open field areas closer to Forest Ave. There is a drainage swale that conveys from the eastern portion of the site's stormwater runoff to the Riverton Drive catch basin system.

B. Site Topography

Topography on the site generally slopes gently across the parcel towards Riverton Park with some steeper embankments along Riverton Drive.

C. Surface Water Features

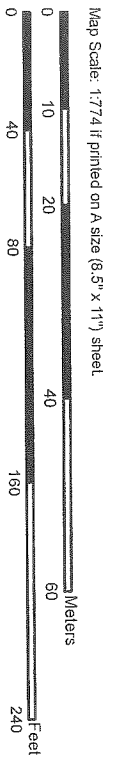
There are no natural water surface features on the site. Stormwater runoff that is collected in the City's stormwater system in Riverton Drive eventually drains through a tributary stream to the Presumpscot River.

D. Soils

Soil characteristics were obtained from the Soil Conservation Service (SCS) Medium Intensity Soil Survey of Cumberland County. The Technical Release (TR) 55 of the Soil Conservation Service classifies the soils characteristics. Soils

A.9.4

Soil Map—Cumberland County and Part of Oxford County, Maine
(Chall Property Development)



A-9.6

Map Unit Legend

Cumberland County and Part of Oxford County, Maine (ME005)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
WmB	Windsor loamy sand, 0 to 8 percent slopes	2.9	100.0%
Totals for Area of Interest		2.9	100.0%

V. Regulatory Requirements

City of Portland, Maine

Water Quality, Stormwater Management and Erosion Control:

- a. All development must demonstrate that the proposed site improvements are designed to minimize the amount of stormwater leaving the site. This must include consideration of the design and location of improvements to minimize the total area of impervious surface on the site and stormwater management techniques to minimize both the volume and rate of runoff from the lot. The Stormwater Management Plan must demonstrate the following:
 - (i) Any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots;
 - (ii) Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following the improvement can be handled on the adjacent lot without creating ponding, flooding or City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-526 Rev.7-6-11 14-745 other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot;
 - (iii) Any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the City's property; and
 - (iv) Any increase in volume or rate of stormwater draining from the lot into the City's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.
- b. All development, except Level I minor residential development, shall comply with the standards of Section 5 of the Technical Manual including Basic, General and Flooding Standards, as applicable, to prevent and control the release of pollutants to waterbodies, watercourses, wetlands and groundwater, and reduce adverse impacts associated with increases or changes in flow, soil erosion and sedimentation.
- c. All development, except Level I minor residential development, that are located within the watershed of an Urban Impaired Stream shall comply with the Urban Impaired Stream Standards pursuant to Maine Department

The “Filtterra” filtration basin Pond-3 has been designed to treat runoff from 12,197 sf of impervious parking and rooftop and 1,306 sf of landscaped area, which are tributary to the basin.

The “Filtterra” filtration basin Pond-4 has been designed to treat runoff from 15,246 sf of impervious parking and rooftop and 871 sf of landscaped area, which are tributary to the basin.

The “Filtterra” filtration basin Pond-5 has been designed to treat runoff from 6,534 sf of impervious parking and rooftop and 160 sf of landscaped area, which are tributary to the basin.

Water Quality Volume (WQV) and BMP sizing volume calculations are included in Attachment A. The calculations are summarized as follows:

Table 1: Post-Construction Stormwater Management Plan Calculations - Impervious Area/Developed Area Summary

Table 2: Post-Construction Stormwater Management Plan Calculations - Impervious Area Treatment Summary

Table 2 summarizes the total impervious area receiving treatment. In addition, it also indicates which BMP is treating which watershed. At the end of the table, it tabulates the percentage of impervious area being treated.

The results of this tabulation indicate the following:

- The post-development condition of the site will contain approximately 50,094 sf of impervious (paved/rooftop) surfaces.
- Treatment is provided for 48,788 sf, equal to 97.0% of the site impervious area.

Tables 3: Post-Construction Stormwater Management Plan Calculations - BMP Sizing Calculations

Tables 3, included in Attachment A, presents calculations to determine the required WQV for the proposed underdrained soil filter basins UDP-1 and UDP-2. Included in the stormwater water quality calculations are stage-storage tables developed for the BMP demonstrating its capacity.

Tables 4: Construction Stormwater Management Plan Calculations -- Pre- & Post-Development Peak Stormwater Flows Calculations

This section has been prepared to discuss the proposed modifications to peak flow rates as a result of the development.

D. Post-development

- In the proposed condition, the development was divided into eight subcatchments.
- Subcatchment 1 depicts a drainage area which flows to a bioretention basin (Pond 1).
- Subcatchments 2, 3, 4, and 5 depict drainage areas which flow to Filterra Soil Filters (Ponds 2, 3, 4 and 5)
- Subcatchment 6 depicts the surrounding drainage area and the detention pond.
- Subcatchment 10 depicts the off-site stormwater runoff from Forest Avenue and Riverton Drive.
- Subcatchment 1, 2, 3, 4 and 5 will be routed through a Filterra Soil Filter and a bioretention pond and piped to detention basins for attenuation of peak runoff.
- The watershed areas and BMP locations are shown on the *Stormwater Treatment Plan* and the *Post-Development Watershed Plan* included in the plan set. The detailed TR-20 stormwater calculations for the post-development stormwater model are attached to this report.

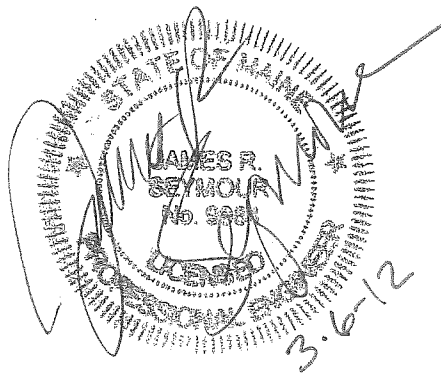
VIII. Conclusions

Erosion and sedimentation controls, inspection and maintenance procedures and general housekeeping requirements have been outlined to prevent unreasonable impacts on the site and to the surrounding environment. By utilizing BMPs, stormwater quality treatment has been provided for at least 95% of the total site impervious area.

Prepared by,

SEBAGO TECHNICS, INC.

Steven Groves
 Steven Groves
 Sr. Design Engineer
 March 6, 2012



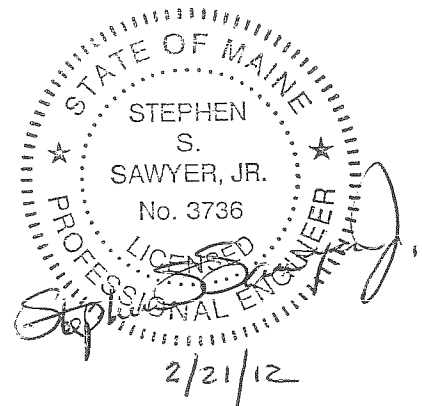
A-10.1

Response to Scoping Meeting Section 7 – Traffic Impact Study

**Chau Development
1884 Forest Avenue
Portland, Maine**

Prepared for

John Chau
75 Acadia Street
Portland, ME 04103



February 21, 2012

11142

Traffic Study
1884 Forest Avenue
Portland, Maine

- (1) **Site Plan.** A Site Plan of the proposed development is included in Tab 8.
- (2) **Existing and Proposed Site Uses.** The site is currently undeveloped and thus has no existing structures or uses.
- (3) **Site and Vicinity Boundaries.** A regional map showing the development site and its traffic influence areas as defined in Maine Department of Transportation's (MaineDOT's) Chapter 305 of the General Rules of the Department of Transportation (Section 6B) is presented in the Site Plan located in Tab 8. As determined at the Scoping Meeting with the City of Portland and MaineDOT on January 30, 2012, the range of this Study will be limited to the intersections of Forest Avenue and Riverside Street, and Forest Avenue and Riverside Industrial Parkway. This Study will not include business driveways or other side streets along Forest Avenue between these two intersections.
- (4) **Proposed Uses in the Vicinity of the Proposed Development.** The MaineDOT is currently reconstructing Forest Avenue between the intersections of Forest Avenue and Riverside Street, and Forest Avenue and Riverside Industrial Parkway. This reconstruction extends along Forest Avenue east past the proposed development and will include a left turning lane into Riverton Drive to the immediate west of the property.

Based on conversations with the City of Portland Planning Department, several small scale manufacturing expansions for existing businesses on Riverside Street are in permitting and near construction phases. These projects are not expected to have a noticeable impact on traffic volumes on Forest Avenue at the proposed site.
- (5) **Trip Generation.** Trip generation calculations were completed for the proposed development according to MaineDOT guidelines. Trips generated from the proposed 3,600 square foot (sf) branch bank, the 3,250 sf convenience store with fueling positions, and the 550 sf coffee shop were calculated utilizing Institute of Transportation Engineers (ITE) trip generation data for Land Use Code 912, Drive In Bank, Land Use Code 853, Convenience Store/Gas Station, and Land Use Code 934, Fast Food Restaurant with Drive Through, respectively. The 8th Edition of ITE's Trip Generation was used to estimate trips for the bank, whereas the 7th Edition was used for the other land uses. The proposed development will generate over 200 net peak hour trips in the AM peak hour and the PM peak hour, which will require a MaineDOT Traffic Movement Permit (TMP).

Table 1 below summarizes these generated trip calculations.

a growth rate of 1.3%/year was applied to estimate 2012 volumes. The volumes are shown in Figure 1 and the yearly growth adjusted counts to 2012 are shown in Figure 2 in Tab 3. The adjusted counts were added to the sum of the site development trips to produce the total net Build Volumes in front of the site, as seen in Figure 6 in Tab 4.

AM and PM peak hour turning movement counts adjusted for 2012 were provided to Sebago Technics from the MaineDOT for the intersections of Forest Avenue and Riverside Street, and Forest Avenue and Riverside Industrial Parkway. These volumes were utilized to distribute newly generated trips from the proposed development at these two intersections.

- (8) **Existing and Projected Traffic Volumes.** Figure 6, in Tab 4, depicts the 2012 full build traffic volumes for the Study Area. The assignment of the proposed site trips to the Study Area is discussed previously in Section (7) above.
- (9) **Capacity Analysis.** Capacity analyses of the two adjacent intersections to the site, Forest Avenue and Riverside Street, and Forest Avenue and Riverside Industrial Parkway, and the site entrance, were performed using Synchro and SimTraffic 7. The results of these analyses follow below. The full reports are located in Tab 5.

Forest Avenue and Riverside Street. Tables 4 and 5, listed below, include the delay/vehicle and Level of Service (LOS) for three scenarios at the intersection. Scenario 1 represents current conditions for 2012, pre-development, and with the existing signal timings. Scenario 2 represents pre-development conditions with optimized signal timings that minimize the large delays experienced by motorists under existing conditions. Scenario 3 represents the impact of the trips expected to be generated by the Chau development on Scenario 2.

Table 4 – Summary of Scenarios 1-3, AM Peak Hour – Forest Avenue and Riverside Street

Approach	Current Conditions		New Timings Pre-Development		Post-Development with New Timings	
	Delay/Veh (s)	LOS	Delay/Veh (s)	LOS	Delay/Veh (s)	LOS
EBL	977.1	F	459.2	F	484.7	F
EBT	1001.5	F	470.6	F	519.4	F
EBR	1054.1	F	511.7	F	556.6	F
WBL	42.5	D	54.1	D	55.7	E
WBT	29.1	C	29.7	C	27.9	C
WBR	22.5	C	25.0	C	21.6	C
NBL	37.6	D	42.2	D	42.7	D
NBT	33.6	C	48.3	D	50.1	D
NBR	24.8	C	41.3	D	40.8	D
SBL	50.6	D	62.8	E	54.4	D
SBT	38.3	D	58.5	E	55.1	E
SBR	6.7	A	8.0	A	7.3	A
TOTAL	519.0	F	284.2	F	304.0	F

Table 6 – AM Peak Hour Capacity Analysis Results, Pre- and Post-Development – Forest Avenue and Riverside Industrial Parkway

Approach	Current Conditions		POST-DEVELOPMENT	
	Delay/Veh (s)	LOS	Delay/Veh (s)	LOS
EBL	13.5	B	11.7	B
EBT	8.5	A	5.3	A
WBL	1.7	A	25.2	C
WBT	7.8	A	8.9	A
WBR	5.2	A	6.1	A
NBL	47.7	D	40.8	D
NBT	26.5	C	24.1	C
NBR	7.8	A	8.3	A
SBL	27.8	C	31.5	C
SBT	31.7	C	19.1	B
SBR	7.9	A	9.3	A
ALL	9.3	A	8.2	A

Table 7 – PM Peak Hour Capacity Analysis Results, Pre- and Post-Development – Forest Avenue and Riverside Industrial Parkway

Approach	Current Conditions		POST-DEVELOPMENT	
	Delay/Veh (s)	LOS	Delay/Veh (s)	LOS
EBL	27.4	C	24.9	C
EBT	11.4	B	8.1	A
WBL	7.9	A	7.6	A
WBT	27.0	C	25.5	C
WBR	20.6	C	29.1	C
NBL	17.4	B	26.7	C
NBT	56.5	E	52.2	E
NBR	6.4	A	6.3	A
SBL	32.2	C	32.4	C
SBT	39.3	D	10.8	B
SBR	12.1	B	22.1	C
ALL	18.1	B	21.7	C

The results of the capacity analysis at the intersection reveal small changes in the amount of delay experienced pre- and post-development. During the AM peak hour, an overall LOS of A is maintained at the intersection, while during the PM peak hour, the LOS shifts from a B during pre-development conditions to a C during post-development conditions. Both projected LOS for the AM and PM peak hours are acceptable levels of delay.

The full capacity analysis reports can be found in Tab 5.

Avenue were in excess of 500'. The speed limit on Forest Avenue is 35 mph. For a 35 mph road, the required sight distance is 305', thus both the entrance and two exits have proper sight distances. The following table summarizes required MaineDOT sight distances.

Table 10 – MaineDOT Sight Distance Guidelines for Driveways

Posted Speed (mph)	Required Sight Distance (feet)
25	200
30	250
35	305
40	360
45	425
50	495
55	570

- (12) **Traffic Accidents.** At the January 30th Scoping Meeting, it was determined that further review of the High Crash Location (HCL) at the intersection of Forest Avenue and Riverside Street was necessary. Upon request of the crash summaries and police reports from the MaineDOT, the intersection of Forest Avenue and Riverside Street is no longer categorized as a HCL.

A collision diagram of the crashes at this intersection is included in Tab 7. Of the 21 crashes, 17 were classified as rear end collisions. Weather and road conditions played no significant role in the crashes.

- (13) **Recommendations.** Based on the results of the traffic impact analysis contained herein, Sebago Technics makes the following recommendations for the proposed site development at 1884 Forest Avenue:

- **An extension to the left turn lane under construction by the MaineDOT, PIN 13107.00 to include access into the site.** The current design under construction is a 75' left turn lane into Riverton Drive. As proposed at the January 30, 2012 Scoping Meeting, an extension of this turning lane should be designed to accommodate traffic entering the proposed site. A Concept Plan of this extension is shown on the included Site Plan. A raised 1" concrete median (consistent with median material for the MaineDOT PIN 13107.00 project) is proposed to separate the left turning lane into the development from the MaineDOT's turn lane into Riverton Drive. The new turn lane will have a storage length of 75' and a 100' taper. A capacity analysis of left turning trips into the site using SimTraffic 7 produced a 95th percentile queue length of 53' and a maximum queue length of 65' (during the PM peak hour when the heaviest volume would be westbound). A 75' turn lane will accommodate these queue lengths and keep turning traffic from impeding through traffic in front of the site. Back-up for this analysis is included in Tab 5.
- **New traffic signal timings at the intersection of Forest Avenue and Riverside Street.** After review of the MaineDOT PIN 13107.00 project currently under construction, updates to the signal timings at Forest Avenue and Riverside Street were not listed as part of the scope of work. The results of the SimTraffic 7 analysis

Trip Generation:

Table 1.1 – Drive-In Bank Trips, per 1,000 Square Feet

DRIVE-IN BANK LAND USE 912			
BY 1000 SF	SF	RATE (Trips/1000SF)	TOTAL
WEEKDAY AM PEAK HOUR	3,600	17.31	62
WEEKDAY PM PEAK HOUR	3,600	26.69	96
SATURDAY PEAK HOUR	3,600	26.53	96

Table 1.2 – Drive-In Bank, Trips per Drive Thru Lane

DRIVE-IN BANK LAND USE 912			
BY # DRIVE THRU LANES	LANES	RATE (Trips/Lane)	TOTAL
WEEKDAY AM PEAK HOUR	2	21.64	43
WEEKDAY PM PEAK HOUR	2	29.05	58
SATURDAY PEAK HOUR	2	29.88	60

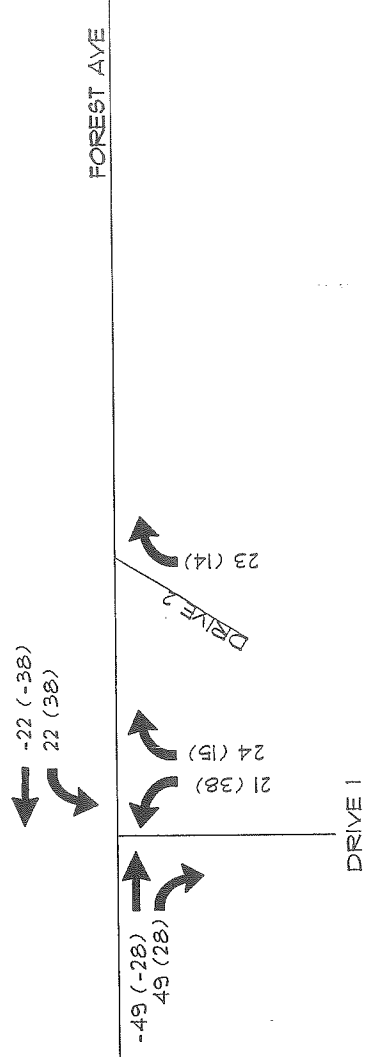
Table 1.3 – Drive-In Bank, Average Trips

AVERAGE TOTALS	
WEEKDAY AM PEAK HOUR	53
WEEKDAY PM PEAK HOUR	77
SATURDAY PEAK HOUR	78

Table 2.1 – Convenience Store with Fueling Positions, Trips per 1,000 Square Feet

CONVENIENCE STORE WITH GAS PUMPS LAND USE 853			
BY 1000 SF	SF	RATE (Trips/1000SF)	TOTAL
WEEKDAY AM PEAK HOUR	3,250	45.23	147
WEEKDAY PM PEAK HOUR	3,250	62.57	203
SATURDAY PEAK HOUR	3,250	45.94	149

A-10.13



AM PEAK HOUR (7-8 AM) = XXX
 PM PEAK HOUR (5-6 PM) = (XXX)

SITE

SCALE:	NTS
DATE:	1/12/12
SHEET:	FIGURE 3

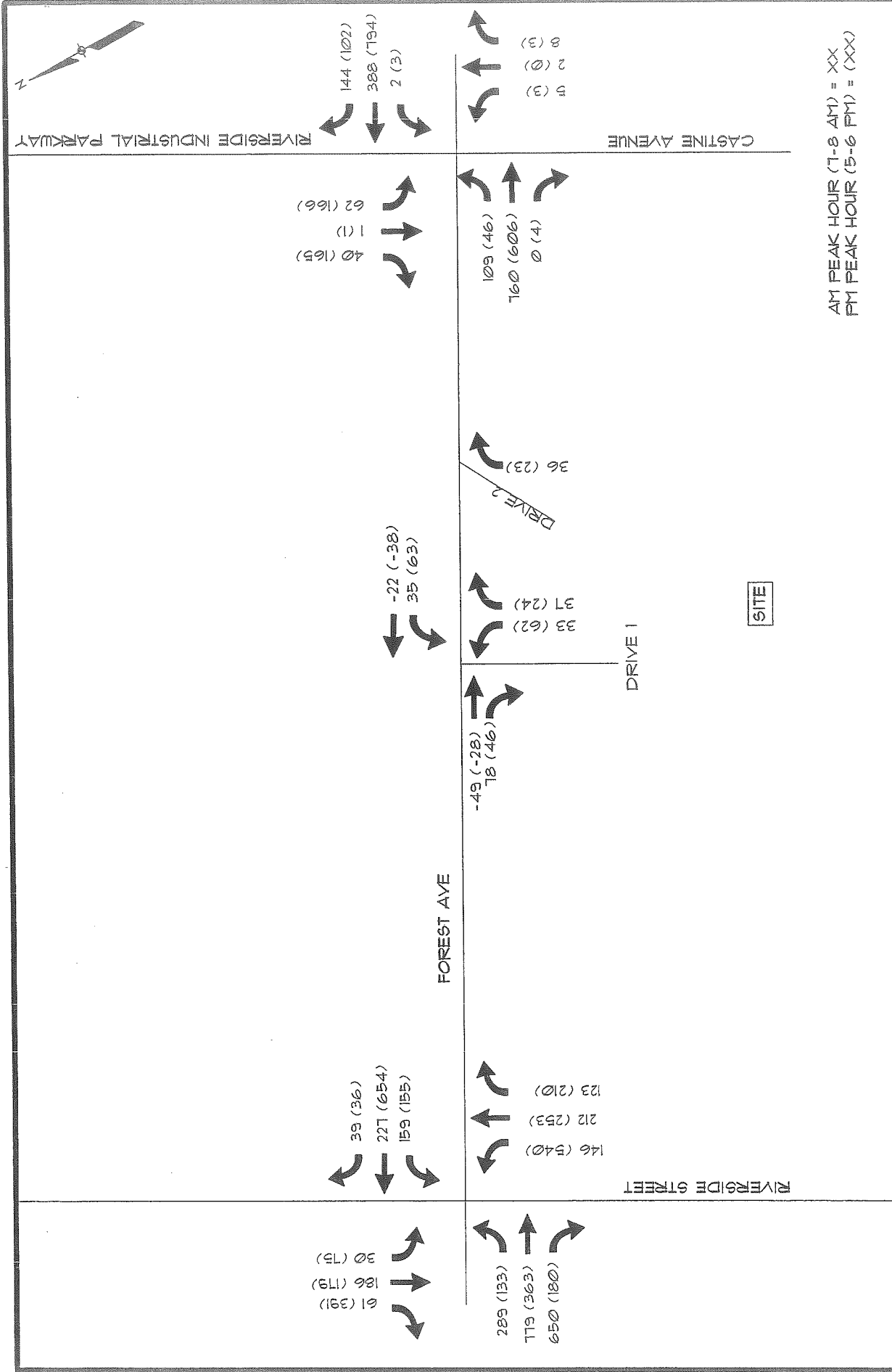
TITLE
OF
Passby Trips
Forest Avenue

LOCATION:
 1884 Forest Avenue
 Portland, Maine

FOR:
 Mr. John Chau
 1884 Forest Avenue Development
 Portland, Maine 04103

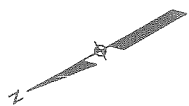


Sebago Technics
 Engineering Expertise You Can Build On
 One Chobot Street
 Westbrook, Me 04098-1339
 Tel (207) 856-0277



<p>Sebago Technics Engineering Expertise You Can Build On One Chabot Street Westbrook, Me. 04098-1339 Tel (207) 856-0277</p>	<p>TITLE OF</p> <p>Total Trips Forest Avenue</p>	<p>SCALE: NTS</p> <p>DATE: 1/12/12</p> <p>SHEET:</p>
	<p>LOCATION:</p> <p>1884 Forest Avenue Portland, Maine</p>	<p>FOR:</p> <p>Mr. John Chau 1884 Forest Avenue Development Portland, Maine 04103</p>

A-10.17




FOREST AVE

← 436 (868)

954 (666) →

SITE

AM PEAK HOUR (7-8 AM) = XX
PM PEAK HOUR (5-6 PM) = (XX)
GROWTH FACTOR OF 13%/YEAR

 Sebago Technics Engineering Expertise You Can Build On One Chobot Street Westbrook, Me 04098-1339 Tel (207) 856-0277	TITLE 2012 Adjusted Volumes OF Forest Avenue		SCALE: NTS
	LOCATION: 1884 Forest Avenue Portland, Maine	FOR: Mr. John Chau 1884 Forest Avenue Development Portland, Maine 04103	DATE: 1/12/12
			SHEET: FIGURE 2

A-10.19

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:10	7:10	7:10	7:10	7:10	7:10
End Time	8:15	8:15	8:15	8:15	8:15	8:15
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	5	5	5	5	5	5
# of Recorded Intvl	4	4	4	4	4	4
Vehs Entered	2719	2634	2609	2569	2545	2614
Vehs Exited	2641	2560	2553	2506	2489	2551
Starting Vehs	107	106	114	115	120	112
Ending Vehs	185	180	170	178	176	181
Denied Entry Before	1	0	3	1	1	0
Denied Entry After	524	497	444	478	491	487
Travel Distance (mi)	1577	1537	1546	1518	1508	1537
Travel Time (hr)	414.5	391.9	366.4	408.9	416.0	399.5
Total Delay (hr)	358.9	337.8	312.1	355.3	362.9	345.4
Total Stops	7460	7465	7574	7574	7684	7552
Fuel Used (gal)	135.0	128.9	123.3	132.4	133.7	130.6

Interval #0 Information Seeding

Start Time	7:10
End Time	7:15
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:15
End Time	7:30
Total Time (min)	15
Volumes adjusted by PHF, Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	753	751	771	708	683	732
Vehs Exited	666	690	696	630	634	663
Starting Vehs	107	106	114	115	120	112
Ending Vehs	194	167	189	193	169	180
Denied Entry Before	1	0	3	1	1	0
Denied Entry After	84	88	63	125	125	97
Travel Distance (mi)	409	420	421	390	389	406
Travel Time (hr)	50.8	48.2	44.6	54.4	51.2	49.8
Total Delay (hr)	36.4	33.5	29.7	40.6	37.5	35.5
Total Stops	1841	1952	1725	1924	1910	1872
Fuel Used (gal)	22.0	21.8	20.7	22.4	21.6	21.7

A-10-21

AM Pre Development

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Interval #4 Information Recording

Start Time 8:00

End Time 8:15

Total Time (min) 15

Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	655	621	596	622	582	614
Vehs Exited	648	626	602	628	599	620
Starting Vehs	178	185	176	184	193	183
Ending Vehs	185	180	170	178	176	181
Denied Entry Before	389	334	304	342	366	347
Denied Entry After	524	497	444	478	491	487
Travel Distance (mi)	392	372	372	380	357	375
Travel Time (hr)	158.4	148.6	136.8	148.6	154.6	149.4
Total Delay (hr)	144.6	135.7	123.8	135.2	142.1	136.2
Total Stops	1785	1831	1885	1880	1862	1848
Fuel Used (gal)	46.0	43.6	40.9	43.7	44.5	43.7

A-10.23

2: Forest Ave & Riverside Industrial Performance by movement

Movement	EBL	EBT	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	All
Total Delay (hr)	0.3	1.4	0.0	0.8	0.2	0.1	0.0	0.0	0.5	0.0	0.1	3.4
Delay / Veh (s)	13.5	8.5	1.7	7.8	5.2	47.7	26.5	7.8	27.8	31.7	7.9	9.3
Stop Delay (hr)	0.2	0.4	0.0	0.4	0.1	0.1	0.0	0.0	0.4	0.0	0.1	1.8
St Del/Veh (s)	7.0	2.6	0.2	4.2	3.1	46.3	24.4	7.7	26.1	29.8	7.0	4.9
Total Stops	60	123	0	105	45	5	2	10	52	1	32	435
Stop/Veh	0.71	0.21	0.00	0.27	0.30	1.00	1.00	1.00	0.85	0.50	0.86	0.33
Travel Dist (mi)	26.9	179.6	0.1	55.5	21.8	0.3	0.1	0.6	4.6	0.1	2.8	292.5
Travel Time (hr)	1.3	7.5	0.0	2.7	1.1	0.1	0.0	0.0	0.7	0.0	0.2	13.6
Vehicles Entered	83	579	1	381	150	5	2	10	61	2	37	1311
Vehicles Exited	84	577	1	382	150	5	2	10	61	2	37	1311
Hourly Exit Rate	84	577	1	382	150	5	2	10	61	2	37	1311
Input Volume	106	795	2	376	144	5	2	8	62	1	39	1540
% of Volume	79	73	50	102	104	100	100	121	99	200	95	85
Denied Entry Before	0	0	0	0	0	0	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0	0	0	0	0	0	0

Total Network Performance

Total Delay (hr)	345.4
Delay / Veh (s)	481.0
Stop Delay (hr)	327.2
St Del/Veh (s)	455.7
Total Stops	7552
Stop/Veh	2.92
Travel Dist (mi)	1537.2
Travel Time (hr)	399.5
Vehicles Entered	2614
Vehicles Exited	2551
Hourly Exit Rate	2551
Input Volume	7430
% of Volume	34
Denied Entry Before	0
Denied Entry After	487

A-10.25

Intersection: 1: Forest Av & Riverside St

Phase	1	2	3	4	5	6	7	8
Movement(s) Served	EBL	WBT	NBL	SBT	WBL	EBT	SBL	NBT
Maximum Green (s)	15.0	29.5	25.0	25.0	20.0	29.5	10.0	30.0
Minimum Green (s)	5.0	15.0	5.0	4.0	5.0	15.0	5.0	5.0
Recall	None	None	None	None	None	None	None	None
Avg. Green (s)	27.9	26.8	17.0	15.5	13.9	30.1	10.2	29.5
g/C Ratio	0.22	0.28	0.17	0.16	0.15	0.32	0.05	0.31
Cycles Skipped (%)	26	3	3	0	0	0	53	0
Cycles @ Minimum (%)	0	46	0	0	0	0	0	0
Cycles Maxed Out (%)	71	29	11	8	17	100	18	51
Cycles with Peds (%)	0	0	0	0	0	0	0	0

Controller Summary

Average Cycle Length (s): 94.3

Number of Complete Cycles : 34

Intersection: 2: Forest Ave & Riverside Industrial

Phase	2	4	5	6	8
Movement(s) Served	EBTL	SBTL	EBL	WBTL	NBTL
Maximum Green (s)	54.0	34.5	15.5	54.0	18.5
Minimum Green (s)	20.0	5.0	3.0	20.0	5.0
Recall	None	None	None	None	None
Avg. Green (s)	69.7	9.0	8.1	66.1	6.9
g/C Ratio	0.75	0.09	0.03	0.74	0.02
Cycles Skipped (%)	3	8	64	0	80
Cycles @ Minimum (%)	0	0	0	0	0
Cycles Maxed Out (%)	6	0	0	3	0
Cycles with Peds (%)	0	0	0	0	0

Controller Summary

Average Cycle Length (s): 89.7

Number of Complete Cycles : 35

A-10.27

Interval #2 Information Recording

Start Time 7:30
 End Time 7:45
 Total Time (min) 15

Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	672	692	667	710	690	684
Vehs Exited	701	687	653	721	666	686
Starting Vehs	193	164	174	188	168	179
Ending Vehs	164	169	188	177	192	175
Denied Entry Before	9	2	0	54	38	20
Denied Entry After	112	56	76	57	145	90
Travel Distance (mi)	418	426	398	435	410	417
Travel Time (hr)	63.8	50.5	55.6	60.8	70.1	60.2
Total Delay (hr)	49.1	35.5	41.6	45.5	55.7	45.5
Total Stops	1924	1763	2247	1948	1939	1961
Fuel Used (gal)	25.7	22.3	23.0	25.0	26.5	24.5

Interval #3 Information Recording

Start Time 7:45
 End Time 8:00
 Total Time (min) 15

Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	738	680	678	661	659	682
Vehs Exited	692	662	693	649	665	671
Starting Vehs	164	169	188	177	192	175
Ending Vehs	210	187	173	189	186	189
Denied Entry Before	112	56	76	57	145	90
Denied Entry After	176	137	165	154	204	167
Travel Distance (mi)	420	401	419	398	406	409
Travel Time (hr)	80.1	68.6	79.8	75.3	87.5	78.3
Total Delay (hr)	65.2	54.5	65.1	61.4	73.2	63.9
Total Stops	2030	1802	1976	1963	1822	1919
Fuel Used (gal)	28.9	26.0	28.8	27.5	30.3	28.3

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1: Forest Av & Riverside St Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	30.4	83.9	78.6	2.4	2.0	0.3	1.7	2.9	1.3	0.5	2.9	0.1
Delay / Veh (s)	459.2	470.6	511.7	54.1	29.7	25.0	42.2	48.3	41.3	62.8	58.5	8.0
Stop Delay (hr)	27.6	76.4	72.2	2.1	1.7	0.2	1.6	2.5	1.1	0.5	2.6	0.1
St Del/Veh (s)	417.9	428.2	469.9	49.0	25.2	21.9	39.1	40.9	36.8	59.0	52.7	4.9
Total Stops	906	2648	2340	155	162	28	131	203	107	30	191	5
Travel Dist (mi)	76.5	205.7	176.9	50.1	73.3	12.7	35.1	52.9	26.9	6.5	40.6	13.8
Travel Time (hr)	33.0	91.0	85.0	4.1	4.5	0.7	3.0	4.7	2.3	0.7	4.3	0.6
Avg Speed (mph)	5	4	4	12	16	17	12	11	12	9	9	25
Vehicles Entered	245	656	568	156	243	40	145	219	112	29	182	64
Vehicles Exited	232	628	537	158	242	40	147	219	112	28	180	63
Hourly Exit Rate	232	628	537	158	242	40	147	219	112	28	180	63
Input Volume	289	755	650	155	244	37	146	212	119	27	186	61
% of Volume	80	83	83	102	99	108	101	103	94	105	97	104
Denied Entry Before	0	0	0	0	0	0	0	0	0	0	0	0
Denied Entry After	39	101	84	0	0	0	0	0	0	0	0	0

1: Forest Av & Riverside St Performance by movement

Movement	All
Total Delay (hr)	207.0
Delay / Veh (s)	284.2
Stop Delay (hr)	188.7
St Del/Veh (s)	259.0
Total Stops	6906
Travel Dist (mi)	771.1
Travel Time (hr)	234.0
Avg Speed (mph)	6
Vehicles Entered	2659
Vehicles Exited	2586
Hourly Exit Rate	2586
Input Volume	2882
% of Volume	90
Denied Entry Before	0
Denied Entry After	224

A-10.31

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Intersection: 1: Forest Av & Riverside St

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	T	TR	L	T	TR	L	TR	L	T	R
Maximum Queue (ft)	225	1729	1727	125	235	181	262	446	145	300	90
Average Queue (ft)	176	1580	1588	103	99	90	99	212	31	144	11
95th Queue (ft)	284	2068	2046	146	205	151	188	381	87	271	91
Link Distance (ft)		1694	1694		1629	1629	1262	1262		1182	
Upstream Blk Time (%)		38	39								
Queuing Penalty (veh)		0	0								
Storage Bay Dist (ft)	200			100					200		200
Storage Blk Time (%)	7	49		24	4					7	0
Queuing Penalty (veh)	26	141		27	6					6	0

Intersection: 2: Forest Ave & Riverside Industrial

Movement	EB	EB	WB	NB	SB	SB
Directions Served	L	TR	LTR	LTR	LT	R
Maximum Queue (ft)	148	565	270	48	90	50
Average Queue (ft)	39	99	107	13	39	20
95th Queue (ft)	95	377	228	39	75	45
Link Distance (ft)		1629	766	290	398	
Upstream Blk Time (%)		0				
Queuing Penalty (veh)		0				
Storage Bay Dist (ft)	125					200
Storage Blk Time (%)	0	3				
Queuing Penalty (veh)	0	3				

Network Summary

Network wide Queuing Penalty: 209

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:10	7:10	7:10	7:10	7:10	7:10
End Time	8:15	8:15	8:15	8:15	8:15	8:15
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	5	5	5	5	5	5
# of Recorded Intvl	4	4	4	4	4	4
Vehs Entered	2948	3045	3043	2998	2991	3002
Vehs Exited	2878	2989	2941	2919	2924	2931
Starting Vehs	101	112	92	106	107	101
Ending Vehs	171	168	194	185	174	177
Denied Entry Before	6	1	2	1	0	2
Denied Entry After	329	217	269	223	229	254
Travel Distance (mi)	1698	1753	1732	1735	1721	1728
Travel Time (hr)	353.1	283.5	268.2	271.8	274.0	290.1
Total Delay (hr)	293.0	221.5	206.9	210.5	213.0	229.0
Total Stops	7521	7331	7282	7428	7561	7425
Fuel Used (gal)	124.4	109.9	105.7	107.0	106.9	110.8

Interval #0 Information Seeding

Start Time	7:10
End Time	7:15
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:15
End Time	7:30
Total Time (min)	15
Volumes adjusted by PHF, Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	790	847	860	875	804	837
Vehs Exited	692	785	777	776	744	754
Starting Vehs	101	112	92	106	107	101
Ending Vehs	199	174	175	205	167	183
Denied Entry Before	6	1	2	1	0	2
Denied Entry After	117	78	28	3	41	53
Travel Distance (mi)	427	465	464	471	440	453
Travel Time (hr)	53.0	44.1	34.9	43.6	40.6	43.3
Total Delay (hr)	38.0	27.7	18.5	27.0	25.1	27.2
Total Stops	1811	1658	1328	1692	1521	1600
Fuel Used (gal)	22.9	22.2	19.6	22.0	20.4	21.4

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Interval #4 Information Recording

Start Time 8:00
End Time 8:15
Total Time (min) 15

Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	677	744	730	723	683	709
Vehs Exited	709	744	723	706	704	717
Starting Vehs	203	168	187	168	195	182
Ending Vehs	171	168	194	185	174	177
Denied Entry Before	237	176	143	171	162	178
Denied Entry After	329	217	269	223	229	254
Travel Distance (mi)	410	429	423	422	405	418
Travel Time (hr)	114.4	90.6	97.9	92.5	94.8	98.0
Total Delay (hr)	99.9	75.5	83.0	77.6	80.4	83.3
Total Stops	1870	1852	1879	1909	1957	1893
Fuel Used (gal)	36.8	31.7	33.3	32.0	32.1	33.2

A-10.37

2: Forest Ave & Riverside Industrial Performance by movement

Movement	EBL	EBT	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	All
Total Delay (hr)	0.3	1.0	0.0	1.0	0.2	0.0	0.0	0.0	0.5	0.0	0.1	3.3
Delay / Veh (s)	11.7	5.3	25.2	8.9	6.1	40.8	24.1	8.3	31.5	19.1	9.3	8.2
Stop Delay (hr)	0.2	0.4	0.0	0.6	0.2	0.0	0.0	0.0	0.5	0.0	0.1	2.0
St Del/Veh (s)	7.7	2.1	18.9	5.2	4.0	39.6	21.9	8.3	29.6	16.7	8.1	5.0
Total Stops	66	131	3	112	41	4	2	10	54	1	30	454
Travel Dist (mi)	15.3	113.0	0.3	57.2	20.4	0.2	0.1	0.6	4.6	0.1	3.0	214.8
Travel Time (hr)	0.9	4.9	0.0	2.9	1.0	0.1	0.0	0.0	0.7	0.0	0.2	10.8
Avg Speed (mph)	18	23	12	20	20	4	6	11	7	7	16	20
Vehicles Entered	92	695	2	393	140	4	2	10	59	1	39	1437
Vehicles Exited	91	695	2	392	141	4	2	10	60	2	39	1438
Hourly Exit Rate	91	695	2	392	141	4	2	10	60	2	39	1438
Input Volume	109	816	2	388	144	5	2	8	62	1	40	1577
% of Volume	83	85	100	101	98	80	100	121	97	200	98	91
Denied Entry Before	0	0	0	0	0	0	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0	0	0	0	0	0	0

6: Forest Av & Development Driveway 1 Performance by movement

Movement	EBT	EBR	WBL	WBT	NBL	NBR	All
Total Delay (hr)	0.9	0.1	0.1	0.0	0.2	0.1	1.3
Delay / Veh (s)	4.3	3.5	7.9	0.2	20.9	11.7	3.7
Stop Delay (hr)	0.1	0.0	0.1	0.0	0.2	0.1	0.5
St Del/Veh (s)	0.5	0.5	6.2	0.0	20.0	11.8	1.3
Total Stops	20	2	21	0	32	38	113
Travel Dist (mi)	86.4	7.5	1.1	12.8	1.4	1.7	111.0
Travel Time (hr)	3.9	0.4	0.1	0.5	0.3	0.2	5.3
Avg Speed (mph)	22	20	8	28	6	8	21
Vehicles Entered	715	62	36	418	31	38	1300
Vehicles Exited	714	63	36	417	32	38	1300
Hourly Exit Rate	714	63	36	417	32	38	1300
Input Volume	854	78	35	417	33	37	1454
% of Volume	84	81	103	100	97	103	89
Denied Entry Before	0	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0	0

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Intersection: 1: Forest Av & Riverside St

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	T	TR	L	T	TR	L	TR	L	T	R
Maximum Queue (ft)	224	1732	1732	125	254	195	192	388	69	291	225
Average Queue (ft)	169	1589	1599	101	105	91	102	217	28	146	16
95th Queue (ft)	291	2117	2093	148	219	163	172	366	61	246	111
Link Distance (ft)		1694	1694		577	577	1262	1262		1182	
Upstream Blk Time (%)		41	41								
Queuing Penalty (veh)		0	0								
Storage Bay Dist (ft)	200			100					200		200
Storage Blk Time (%)	6	50		24	3					4	0
Queuing Penalty (veh)	22	143		27	5					3	0

Intersection: 2: Forest Ave & Riverside Industrial

Movement	EB	EB	WB	NB	SB	SB
Directions Served	L	TR	LTR	LTR	LT	R
Maximum Queue (ft)	129	289	308	47	103	52
Average Queue (ft)	34	91	100	14	42	20
95th Queue (ft)	85	228	227	39	82	47
Link Distance (ft)		832	766	289	408	
Upstream Blk Time (%)						
Queuing Penalty (veh)						
Storage Bay Dist (ft)	125					200
Storage Blk Time (%)	0	3				
Queuing Penalty (veh)	1	3				

Intersection: 6: Forest Av & Development Driveway 1

Movement	EB	WB	NB
Directions Served	TR	L	LR
Maximum Queue (ft)	9	65	102
Average Queue (ft)	1	18	42
95th Queue (ft)	7	51	80
Link Distance (ft)	577		238
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)		100	
Storage Blk Time (%)		0	
Queuing Penalty (veh)		1	

A-10.41

Intersection: 1: Forest Av & Riverside St

Phase	1	2	3	4	5	6	7	8
Movement(s) Served	EBL	WBT	NBL	SBT	WBL	EBT	SBL	NBT
Maximum Green (s)	32.0	24.5	18.0	15.0	15.0	41.5	10.0	23.0
Minimum Green (s)	5.0	15.0	5.0	4.0	5.0	15.0	5.0	5.0
Recall	None	None	None	None	None	None	None	None
Avg. Green (s)	39.2	27.7	15.3	13.9	13.2	42.2	10.0	26.1
g/C Ratio	0.29	0.26	0.14	0.13	0.12	0.40	0.05	0.25
Cycles Skipped (%)	23	0	0	0	0	0	44	0
Cycles @ Minimum (%)	0	36	0	0	0	0	0	0
Cycles Maxed Out (%)	74	30	30	62	55	100	19	85
Cycles with Peds (%)	0	0	0	0	0	0	0	0

Controller Summary

Average Cycle Length (s): 106.2

Number of Complete Cycles : 30

Intersection: 2: Forest Ave & Riverside Industrial

Phase	2	4	5	6	8
Movement(s) Served	EBTL	SBTL	EBL	WBTL	NBTL
Maximum Green (s)	54.0	34.5	15.5	54.0	18.5
Minimum Green (s)	20.0	5.0	3.0	20.0	5.0
Recall	None	None	None	None	None
Avg. Green (s)	75.0	9.1	10.2	71.4	6.6
g/C Ratio	0.79	0.09	0.05	0.75	0.01
Cycles Skipped (%)	3	11	59	3	82
Cycles @ Minimum (%)	0	0	0	0	3
Cycles Maxed Out (%)	6	0	3	6	0
Cycles with Peds (%)	0	0	0	0	0

Controller Summary

Average Cycle Length (s): 92.3

Number of Complete Cycles : 34

A-10:43

Interval #2 Information Recording

Start Time 7:30
End Time 7:45
Total Time (min) 15
Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	811	804	794	762	842	803
Vehs Exited	832	823	777	776	835	809
Starting Vehs	194	191	153	181	167	176
Ending Vehs	173	172	170	167	174	169
Denied Entry Before	21	44	43	14	24	29
Denied Entry After	113	72	37	112	125	92
Travel Distance (mi)	499	485	475	471	495	485
Travel Time (hr)	61.0	57.9	51.7	57.8	63.9	58.5
Total Delay (hr)	43.5	40.8	35.0	41.3	46.6	41.4
Total Stops	1539	1586	1522	1328	1569	1509
Fuel Used (gal)	26.7	25.9	24.0	25.2	27.3	25.8

Interval #3 Information Recording

Start Time 7:45
End Time 8:00
Total Time (min) 15
Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	798	787	781	781	764	782
Vehs Exited	796	791	753	794	762	778
Starting Vehs	173	172	170	167	174	169
Ending Vehs	175	168	198	154	176	177
Denied Entry Before	113	72	37	112	125	92
Denied Entry After	192	104	103	157	214	152
Travel Distance (mi)	473	466	459	470	460	466
Travel Time (hr)	79.2	62.8	63.5	74.4	85.1	73.0
Total Delay (hr)	62.5	46.3	47.4	57.9	69.1	56.6
Total Stops	1536	1456	1412	1419	1359	1437
Fuel Used (gal)	30.1	26.3	26.2	28.9	31.3	28.5

A-10.45

1: Forest Av & Riverside St Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	1.8	5.0	2.2	2.1	7.6	0.4	97.4	32.7	27.6	1.0	2.4	1.1
Delay / Veh (s)	49.6	50.4	46.1	49.3	37.2	39.3	821.5	604.1	629.2	49.0	49.1	10.3
Stop Delay (hr)	1.6	4.4	1.9	1.8	6.1	0.3	93.7	31.3	26.6	0.9	2.1	0.7
St Del/Veh (s)	44.8	44.5	41.0	41.7	29.9	32.2	789.6	578.4	606.3	45.4	42.9	6.8
Total Stops	124	358	176	201	549	30	1978	618	505	62	160	50
Stop/Veh	0.97	1.01	1.03	1.32	0.74	0.86	4.63	3.17	3.20	0.86	0.90	0.13
Travel Dist (mi)	41.3	113.5	54.9	48.6	216.7	11.1	101.5	46.1	37.5	15.9	40.1	82.0
Travel Time (hr)	3.2	8.8	4.2	3.8	15.0	0.8	101.1	34.3	29.0	1.5	3.8	4.0
Vehicles Entered	129	353	171	153	737	35	441	200	162	71	179	377
Vehicles Exited	126	354	171	150	739	35	414	190	156	73	178	378
Hourly Exit Rate	126	354	171	150	739	35	414	190	156	73	178	378
Input Volume	133	353	180	151	758	34	540	253	204	75	179	391
% of Volume	95	100	95	99	98	103	77	75	76	97	99	97
Denied Entry Before	0	0	0	0	0	0	0	0	0	0	0	1
Denied Entry After	0	0	0	0	0	0	110	46	46	0	0	1

1: Forest Av & Riverside St Performance by movement

Movement	All
Total Delay (hr)	181.3
Delay / Veh (s)	218.6
Stop Delay (hr)	171.5
St Del/Veh (s)	206.8
Total Stops	4811
Stop/Veh	1.61
Travel Dist (mi)	809.2
Travel Time (hr)	209.5
Vehicles Entered	3008
Vehicles Exited	2964
Hourly Exit Rate	2964
Input Volume	3252
% of Volume	91
Denied Entry Before	1
Denied Entry After	203

A-10-47

PM Pre Development

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2/9/2012

Intersection: 1: Forest Av & Riverside St

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	T	TR	L	T	TR	L	TR	L	T	R
Maximum Queue (ft)	202	328	367	125	392	404	1298	1288	122	325	223
Average Queue (ft)	94	160	199	105	227	235	1219	1207	53	127	55
95th Queue (ft)	176	308	345	150	360	366	1474	1505	104	223	158
Link Distance (ft)		1694	1694		1629	1629	1262	1262		1182	
Upstream Blk Time (%)							58	44			
Queuing Penalty (veh)							0	0			
Storage Bay Dist (ft)	200			100					200		200
Storage Blk Time (%)	2	5		13	36					1	0
Queuing Penalty (veh)	3	7		42	54					4	0

Intersection: 2: Forest Ave & Riverside Industrial

Movement	EB	EB	WB	NB	SB	SB
Directions Served	L	TR	LTR	LR	LT	R
Maximum Queue (ft)	113	331	698	35	209	141
Average Queue (ft)	28	127	327	7	96	46
95th Queue (ft)	76	277	594	28	167	92
Link Distance (ft)		1629	766	290	398	
Upstream Blk Time (%)			0			
Queuing Penalty (veh)			0			
Storage Bay Dist (ft)	125					200
Storage Blk Time (%)		6			1	0
Queuing Penalty (veh)		3			1	0

Network Summary

Network wide Queuing Penalty: 114

A-10.49

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:10	4:10	4:10	4:10	4:10	4:10
End Time	5:15	5:15	5:15	5:15	5:15	5:15
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	5	5	5	5	5	5
# of Recorded Intvls	4	4	4	4	4	4
Vehs Entered	3459	3488	3362	3263	3357	3385
Vehs Exited	3412	3400	3302	3225	3310	3330
Starting Vehs	131	89	129	123	117	117
Ending Vehs	178	177	189	161	164	174
Denied Entry Before	1	2	1	2	0	1
Denied Entry After	153	107	51	166	164	129
Travel Distance (mi)	2037	2047	1983	1930	1976	1995
Travel Time (hr)	245.0	212.9	191.1	232.2	249.3	226.1
Total Delay (hr)	173.2	140.7	121.5	164.4	180.3	156.0
Total Stops	6606	6317	6191	5885	5912	6182
Fuel Used (gal)	108.4	101.1	94.8	102.6	107.5	102.9

Interval #0 Information Seeding

Start Time	4:10
End Time	4:15
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by PHF, Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	951	990	881	911	883	921
Vehs Exited	887	870	862	863	837	864
Starting Vehs	131	89	129	123	117	117
Ending Vehs	195	209	148	171	163	175
Denied Entry Before	1	2	1	2	0	1
Denied Entry After	16	3	21	3	8	10
Travel Distance (mi)	537	546	516	505	498	521
Travel Time (hr)	43.5	41.1	39.7	39.0	35.7	39.8
Total Delay (hr)	24.4	21.9	21.6	21.2	18.3	21.5
Total Stops	1548	1406	1449	1425	1301	1427
Fuel Used (gal)	23.9	23.1	22.3	21.9	20.7	22.4

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Interval #4 Information Recording

Start Time 5:00
End Time 5:15
Total Time (min) 15
Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	825	911	865	788	833	844
Vehs Exited	831	906	858	784	850	845
Starting Vehs	184	172	182	157	181	173
Ending Vehs	178	177	189	161	164	174
Denied Entry Before	113	67	40	125	163	101
Denied Entry After	153	107	51	166	164	129
Travel Distance (mi)	493	539	513	468	499	502
Travel Time (hr)	78.5	68.1	58.4	77.6	81.1	72.8
Total Delay (hr)	61.2	49.2	40.4	61.1	63.6	55.1
Total Stops	1688	1777	1661	1445	1518	1620
Fuel Used (gal)	30.8	29.4	26.6	29.7	31.3	29.6

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PM Pre Development 2012

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2: Forest Ave & Riverside Industrial Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBR	SBL	SBT	SBR	All
Total Delay (hr)	0.3	1.7	0.0	0.0	4.2	0.5	0.0	0.0	1.5	0.0	0.5	8.8
Delay / Veh (s)	26.9	11.0	9.2	21.5	19.8	16.2	61.0	6.3	31.8	40.2	11.6	17.4
Stop Delay (hr)	0.2	0.8	0.0	0.0	2.4	0.3	0.0	0.0	1.4	0.0	0.4	5.7
St Del/Veh (s)	21.1	5.4	4.5	13.1	11.3	9.8	59.4	6.4	29.0	35.2	9.8	11.2
Total Stops	41	189	1	2	427	63	3	5	139	1	117	988
Travel Dist (mi)	13.1	178.0	1.1	0.3	110.7	15.9	0.1	0.3	13.4	0.1	11.8	344.9
Travel Time (hr)	0.8	7.9	0.1	0.0	8.0	1.1	0.0	0.0	2.1	0.0	1.0	21.0
Vehicles Entered	41	563	4	2	760	110	3	5	176	1	156	1821
Vehicles Exited	42	562	4	2	764	109	2	5	175	1	156	1822
Hourly Exit Rate	42	562	4	2	764	109	2	5	175	1	156	1822
Input Volume	45	594	4	3	773	102	3	3	166	1	161	1855
% of Volume	93	95	100	67	99	107	67	167	106	100	97	98
Denied Entry Before	0	0	0	0	0	0	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0	0	0	0	0	0	0

Total Network Performance

Total Delay (hr)	156.0
Delay / Veh (s)	167.3
Stop Delay (hr)	139.7
St Del/Veh (s)	149.7
Total Stops	6182
Travel Dist (mi)	1994.6
Travel Time (hr)	226.1
Vehicles Entered	3385
Vehicles Exited	3330
Hourly Exit Rate	3330
Input Volume	8518
% of Volume	39
Denied Entry Before	1
Denied Entry After	129

A-10.55

Intersection: 1: Forest Av & Riverside St

Phase	1	2	3	4	5	6	7	8
Movement(s) Served	EBL	WBT	NBL	SBT	WBL	EBT	SBL	NBT
Maximum Green (s)	13.0	25.5	25.0	16.0	13.0	25.5	11.0	30.0
Minimum Green (s)	5.0	15.0	5.0	4.0	5.0	15.0	4.0	5.0
Recall	None	None	None	None	None	None	None	None
Avg. Green (s)	13.3	25.7	25.7	13.4	12.4	25.6	15.0	29.0
g/C Ratio	0.12	0.26	0.26	0.14	0.12	0.26	0.13	0.29
Cycles Skipped (%)	8	0	0	0	3	0	17	0
Cycles @ Minimum (%)	0	0	0	0	0	0	0	0
Cycles Maxed Out (%)	69	72	100	42	72	83	60	60
Cycles with Peds (%)	0	0	0	0	0	0	0	0

Controller Summary

Average Cycle Length (s): 98.8

Number of Complete Cycles : 33

Intersection: 2: Forest Ave & Riverside Industrial

Phase	2	4	5	6	8
Movement(s) Served	EBTL	SBTL	EBL	WBTL	NBTL
Maximum Green (s)	54.0	34.5	15.5	54.0	18.5
Minimum Green (s)	20.0	5.0	3.0	20.0	5.0
Recall	None	None	None	None	None
Avg. Green (s)	60.0	16.3	7.4	56.0	8.1
g/C Ratio	0.68	0.18	0.03	0.63	0.01
Cycles Skipped (%)	0	0	62	0	94
Cycles @ Minimum (%)	0	0	0	0	0
Cycles Maxed Out (%)	43	3	0	43	0
Cycles with Peds (%)	0	0	0	0	0

Controller Summary

Average Cycle Length (s): 88.5

Number of Complete Cycles : 36

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Interval #2 Information Recording

Start Time 5:30

End Time 5:45

Total Time (min) 15

Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	877	909	865	779	820	849
Vehs Exited	908	898	873	826	850	871
Starting Vehs	208	200	193	212	196	204
Ending Vehs	177	211	185	165	166	180
Denied Entry Before	17	27	9	1	1	10
Denied Entry After	75	48	38	30	54	47
Travel Distance (mi)	517	530	500	467	478	498
Travel Time (hr)	58.4	60.3	48.4	47.9	47.6	52.5
Total Delay (hr)	40.3	41.6	30.7	31.5	30.7	35.0
Total Stops	1676	1929	1632	1506	1548	1658
Fuel Used (gal)	26.7	27.5	24.1	23.1	23.7	25.0

Interval #3 Information Recording

Start Time 5:45

End Time 6:00

Total Time (min) 15

Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	868	843	883	842	874	862
Vehs Exited	861	870	886	836	872	865
Starting Vehs	177	211	185	165	166	180
Ending Vehs	184	184	182	171	168	178
Denied Entry Before	75	48	38	30	54	47
Denied Entry After	86	107	46	46	64	69
Travel Distance (mi)	517	492	519	485	504	504
Travel Time (hr)	66.4	68.2	54.4	52.9	60.6	60.5
Total Delay (hr)	48.2	50.8	36.2	35.8	42.8	42.8
Total Stops	1803	1701	1757	1579	1715	1713
Fuel Used (gal)	28.7	28.3	26.0	24.8	27.2	27.0

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2/10/2012

1: Forest Av & Riverside St Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	2.3	6.2	2.6	2.0	7.1	0.4	67.4	22.2	18.0	1.1	2.5	1.2
Delay / Veh (s)	57.5	62.2	56.7	50.8	37.1	36.3	517.0	363.6	363.7	48.5	49.5	10.9
Stop Delay (hr)	2.0	5.6	2.4	1.8	6.0	0.3	63.3	20.6	16.8	1.0	2.2	0.7
St Del/Veh (s)	51.9	56.1	51.8	44.7	31.0	31.8	485.6	336.6	339.9	44.3	43.1	6.8
Total Stops	152	395	181	191	580	35	2102	722	574	73	171	58
Travel Dist (mi)	45.8	116.2	53.6	17.0	79.5	4.4	112.0	52.5	42.3	17.7	40.6	85.8
Travel Time (hr)	3.9	10.2	4.6	2.7	9.8	0.5	71.4	24.0	19.6	1.7	3.9	4.3
Vehicles Entered	142	362	167	143	693	36	489	225	183	79	181	395
Vehicles Exited	142	361	166	143	692	37	451	215	173	79	181	396
Hourly Exit Rate	142	361	166	143	692	37	451	215	173	79	181	396
Input Volume	133	363	180	155	713	36	540	253	210	77	179	391
% of Volume	107	100	92	92	97	103	84	85	82	102	101	101
Denied Entry Before	0	0	0	0	0	0	0	0	0	0	0	0
Denied Entry After	0	0	0	0	0	0	53	24	23	0	0	1

1: Forest Av & Riverside St Performance by movement

Movement	All
Total Delay (hr)	133.0
Delay / Veh (s)	156.1
Stop Delay (hr)	122.7
St Del/Veh (s)	144.0
Total Stops	5234
Travel Dist (mi)	667.3
Travel Time (hr)	156.4
Vehicles Entered	3095
Vehicles Exited	3036
Hourly Exit Rate	3036
Input Volume	3231
% of Volume	94
Denied Entry Before	0
Denied Entry After	101

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PM Post Development

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2/10/2012

9: Forest Av & Development Driveway 2 Performance by movement

Movement	EBT	WBT	NBR	All
Total Delay (hr)	0.1	0.7	0.0	0.8
Delay / Veh (s)	0.4	2.8	4.3	1.9
Stop Delay (hr)	0.0	0.0	0.0	0.1
St Del/Veh (s)	0.0	0.1	5.0	0.1
Total Stops	0	0	22	22
Travel Dist (mi)	20.5	153.0	0.3	173.8
Travel Time (hr)	0.8	6.0	0.1	6.9
Vehicles Entered	629	930	22	1581
Vehicles Exited	628	931	22	1581
Hourly Exit Rate	628	931	22	1581
Input Volume	666	962	23	1650
% of Volume	94	97	97	96
Denied Entry Before	0	0	0	0
Denied Entry After	0	0	0	0

Total Network Performance

Total Delay (hr)	149.8
Delay / Veh (s)	151.6
Stop Delay (hr)	132.1
St Del/Veh (s)	133.6
Total Stops	6595
Travel Dist (mi)	2052.9
Travel Time (hr)	222.2
Vehicles Entered	3586
Vehicles Exited	3530
Hourly Exit Rate	3530
Input Volume	12041
% of Volume	29
Denied Entry Before	1
Denied Entry After	101

A-10.63

PM Post Development

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2/10/2012

Intersection: 9: Forest Av & Development Driveway 2

Movement	NB
Directions Served	R
Maximum Queue (ft)	41
Average Queue (ft)	13
95th Queue (ft)	38
Link Distance (ft)	77
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 128

CURRENT FOREST AVENUE AND RIVERSIDE STREET TIMINGS

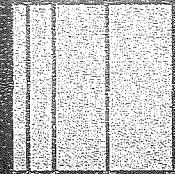
	Ø1	Ø2	Ø3	Ø4	Ø5	Ø6	Ø7	Ø8
MIN GREEN	5	15	5	4	5	15	5	5
MAX 1	20	35	30	30	25	35	15	35
YELLOW	3	3.5	3	3	3	3.5	3	3
RED	2	2	2	2	2	2	2	2
WALK	-	-	-	-	-	7	-	7
PED CLEAR	-	-	-	-	-	14	-	14

NEW AM OPTIMIZED TIMINGS

	Ø1	Ø2	Ø3	Ø4	Ø5	Ø6	Ø7	Ø8
MIN GREEN	5	15	5	4	5	15	5	5
MAX 1	37	30	23	20	20	47	15	28
YELLOW	3	3.5	3	3	3	3.5	3	3
RED	2	2	2	2	2	2	2	2
WALK	-	-	-	-	-	7	-	7
PED CLEAR	-	-	-	-	-	14	-	14

NEW PM OPTIMIZED TIMINGS

	Ø1	Ø2	Ø3	Ø4	Ø5	Ø6	Ø7	Ø8
MIN GREEN	5	15	5	4	5	15	5	5
MAX 1	18	31	30	21	18	31	16	35
YELLOW	3	3.5	3	3	3	3.5	3	3
RED	2	2	2	2	2	2	2	2
WALK	-	-	-	-	-	7	-	7
PED CLEAR	-	-	-	-	-	14	-	14



April 12, 2012
11142

Shukria Wiar, Planner
City of Portland Planning Division
City Hall, 4th Floor
389 Congress St.
Portland, ME 04101

Att. B.1

Level III-Preliminary Site Plan Application Submittal
Final Site Plan Submittal and Response to Review Comments
1884 Forest Avenue, Triton Foodmart/Gas Station, Portland, ME

Dear Ms. Wiar:

On behalf of John Chau, owner of the proposed Triton Foodmart/Gas Station, we have prepared the enclosed plans revising our Level III Site Plan Application and Design Plans in response to the comments forwarded prior to our last hearing on March 27, and from our many conversations with staff members and the Maine Department of Transportation (Maine DOT). Mr. Chau has determined that the cost to include a drive-thru coffee service is substantially more than he is prepared to invest at this time. Therefore, the coffee drive-thru has been eliminated from the design. With the drive-thru removed, the need to exit the site from the easternmost corner for a right turn out onto Forest Avenue is also eliminated. This, we feel, will simplify the State review, and both the Planning Board's and Staff's concerns with the conflicting movements with the traffic combined with the abutter's use for a fire lane and full access.

Our plans now show no drive-thru service attached to the convenience store. We have maintained the lane around the building as it is an important feature for our client to provide easier access for store deliveries, dumpster access, and emergency fire access. The lane has been reduced to a 15-foot width, which will allow for easy one way circulation around the building. An 8-foot wide landscape area has been added against the building to provide additional landscaping. The previous exit access to the abutter has been terminated; however, to allow offsite foot-traffic from the adjacent lot, we have shown a 5-foot wide stone dust path allowing access onto our project.

We have previously submitted the Traffic Movement Permit (TMP) Section 7 for the City's review and continue to coordinate with the Maine DOT. The elimination of the right exit out allows us to maintain the Forest Avenue widening as we have submitted. Any changes now necessary for the abutter's use and fire lane should no longer be at our expense nor will it be a re-design issue we will be responsible for since we no longer impact the traffic counts to the existing driveway cuts on Mr. Zappia's lot.

Ms. Wiar

-3-

April 12, 2012

B-1.3

of Leslie Lowery, Esq. to assist with the legal aspects of agreements with the City and State of Maine. We expect that all correspondence with the City's Legal Counsel will be communicated under separate cover or directly with Mr. Lowery.

We thank you for your cooperative efforts and look forward to presenting this project at the next available Planning Board Public Hearing Meeting.

Sincerely,

SEBAGO TECHNICS, INC.



James R. Seymour, P.E.
Project Manager

JRS:jrs/kn
Enc.

cc: John Chau
Ryan Senatore, TFH Architects

Shukria Wiar - 801 Washington Avenue - Traffic Comments

From: Tom Errico <thomas.errico@tylin.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>
Date: 4/18/2012 9:27 AM
Subject: 801 Washington Avenue - Traffic Comments
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portland...

Shukria – The following is a status update on my February 5, 2012 comments.

February 5, 2012 Comment - I concur with the Traffic Impact Study that the project does not require a Traffic Movement Permit.

- o **Status – No response necessary**

February 5, 2012 Comment - While the Washington Avenue/Ocean Avenue intersection operates at an acceptable level of service overall, certain turn movements are projected to operate at poor levels of service following project completion (It should be noted that the proposed project does not create the deficiency, but exacerbates an existing problem). The applicant should identify strategies for implementation that will eliminate the deficient conditions.

- o **Status – The applicant has not identified recommendations that will improve the operating condition of the intersection. Intersection capacity expansion is not an option at this location. The City has been aggressively implementing traffic signal improvements along key corridors of the City as part of a regional traffic management system and Washington Avenue is a future candidate for the system. Accordingly, the applicant should contribute \$5,000 towards the implementation of future traffic signal improvements.**

February 5, 2012 Comment - Crash numbers are significant at the Washington Avenue/Ocean Avenue intersection. I need to review the crash patterns in more detail.

- o **Status – The majority of crashes at this location are rear-end type occurring on Washington Avenue. These crashes are typical for a congested intersection and improvements in signal equipment efficiency can be expected to improve conditions. No specific action is recommended at this time, other than upgrading the existing traffic signal system. A secondary pattern was identified, left-turn movements from eastbound Ocean Avenue colliding with Ocean Avenue westbound through vehicles. Only three crashes of this type occurred over the researched three-year period. I would suggest that the City monitor future crash patterns and identify traffic signal phasing modifications if rates intensify.**

February 5, 2012 - Typically, traffic volume data should not be older than two years. The counts were conducted in 2009. However, I find the data to be acceptable given the likelihood that little traffic changes have occurred in the study area.

- o **Status – No response necessary.**

February 5, 2012 - The parking space dimensions do not meet City standards. The plans should be revised for spaces that are 9'x18' or a formal waiver from the City's Technical standards should be requested with supporting documentation.

- o **Status – I support a waiver from the technical standards for the two noted spaces that are proposed to be 9'x19'.**

February 5, 2012 - The applicant needs to provide an analysis of the existing driveways on both Washington Avenue and Ocean Avenue and whether conditions meet City standards. Specifically, driveway width, driveway separation and corner clearance standards should be reviewed. I would note that I am particularly concerned about the Washington Avenue driveway located nearest the intersection. If the driveways do not meet City standards, a

formal waiver request will need to be provided with supporting documentation.

- **Status – The driveway located on Washington Avenue nearest Ocean Avenue does not meet City corner clearance and driveway spacing standards and should be closed. The applicant has not provided documentation that supports the need to maintain this driveway from a site access/egress and on-site circulation perspective. I would also note that the proposed site exceeds the maximum number of driveways allowed per City standards (a maximum of two driveways is permitted).**

February 5, 2012 - The site should provide facilities that allow pedestrians to safely access from abutting sidewalks.

- **Status – A pedestrian connection between Ocean Avenue and the building has been provided. No such facility is provided between Washington Avenue and the building. This would be expected to be the routing of the majority of pedestrians and accordingly the site should be revised to include a safe routing from Washington Avenue.**

February 5, 2012 - Sidewalk and curb conditions abutting the property and ADA Ramp provisions at the corner will need to be reviewed by DPS.

- **Status – DPS has provided comments on this subject with the exception of sidewalk ramp condition at the corner of the Washington Avenue/Ocean Avenue intersection. This issue still needs resolution.**

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL

12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

February 9, 2012
April 13, 2012

TO: Barbara Barhydt
Shukria Wiar
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Preliminary Review Comments: 801 Washington Ave
Cumberland Farms

This Department has the following preliminary comments. Final comments may differ from the comments listed here.

1. All property needs to be located by a registered land surveyor. The southerly property corner may be difficult due to the placement of existing light poles. Please address.
The plan is now stamped by are by a professional surveyor. No further comment.
2. Please state if the survey plan is on Maine State Plane Coordinates.
This statement has been made.
3. The northwest corner of the site is shown draining onto others property. There is no clear drainage off the abutting property and ponding water is resulting. This is not allowed. It is requested that the applicant address this issue.
Site plan still shows drainage onto others property. This issue still needs to be addressed.
4. Stormwater treatment, inspection and maintenance. Please see comments by David Senus.
Please see Dave Senus' comments dated 4-12-12
5. The sidewalk and curbing are in good repair. However the sidewalk along Washington Ave is wide and does not have an esplanade. Consideration may want to given to re-installing an esplanade.
The applicant is indicating reluctance to re-instating an esplanade on Washington Ave in front of #801. By removing a 5' by 90' section of bituminous sidewalk and replacing with loam and seed, the applicant could eliminate approximately 450 sq ft of impervious area. By closing the curb cut and landscaping, additional porous could be credited to meeting stormwater treatment requirements.
6. **At the corner of Washington and Ocean Ave, adjacent to the applicant's property, the applicant is requested to install a detectable warning panel on the sidewalk ramp which crosses Ocean Ave and to install a sidewalk ramp with a detectable warning panel for the crosswalk crossing Washington Ave.**

This Department has no further comments at this time.

February 9, 2012

April 13, 2012

TO: Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Preliminary Review Comments: 801 Washington Ave
Cumberland Farms

This Department has the following preliminary comments. Final comments may differ from the comments listed here.

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This Department has no further comments at this time.

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

MEMORANDUM

TO: Shukria Wiar, Planner
FROM: David Senus, P.E.
DATE: April 12, 2012
RE: Cumberland Farms, 801 Washington Ave

Woodard & Curran has reviewed the updated plans and response to comments for the Level II Site Plan Application for a Cumberland Farms Expansion at 801 Washington Avenue in Portland, Maine. The project involves a 1,474 square foot building addition and associated site improvements, including the replacement of underground storage tanks and piping.

Documents Reviewed

- Cover Letter dated April 2, 2012 from Jisel E. Lopez to Shukria Wiar, along with referenced attachments.
- Engineering Design Plans, Sheets 1, 3, 4, 4A, 5, 5A dated September 6, 2011 and revised on March 29, 2012, prepared by MHF Design Consultants, Inc. on behalf of Cumberland Farms.

Comments

- The site plans adequately address the Basic Standards with the exception of providing for a stabilized construction exit. A stabilized construction exit should be depicted on the plans and a detail should be provided.
- The City of Portland requires that all Level II site plan applications submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including the General and Flooding Standards (*Technical Manual, Section 5. II. Applicability in Portland. C. a. and City of Portland Code of Ordinances Sec. 14-526. Site plan standards. (b). 3. b.*). The applicability of the General and Flooding standards in the City of Portland applies to all regulated development (except single and two family homes); superseding the applicability requirements outlined in the MaineDEP Chapter 500 standards. The project proposes an additional 3,308 sf of new impervious area. Because the existing site is already fully developed, the applicant is only responsible for ensuring that runoff from an impervious surface area equal to 3,308 sf is managed in accordance with the General and Flooding Standards in order to meet the City's requirements for those Standards. Additional treatment requirements apply under the Urban Impaired Stream Standard, as noted herein.
- The project appears to at least partially fall within the Fall Brook Watershed, which is classified as an Urban Impaired Stream by the MaineDEP. The City of Portland requires that all development subject to City of Portland review, except single and two-family homes, shall be required to comply with the Urban Impaired Stream Standard pursuant to MaineDEP Chapter 500 Stormwater Management Rules if they are located within an Urban Impaired Stream watershed (*Technical Manual, Section 5. II. Applicability in Portland. A.*). Applicability of these standards within the City of Portland supersedes the applicability requirements outlined in the MaineDEP Chapter 500 standards. A project in the watershed of an urban impaired stream must mitigate project impacts by treating, reducing, or eliminating an off-site or on-site impervious stormwater source following the guidance outlined in the MaineDEP Chapter 500 standards. Because the site appears to partially fall within the Fall Brook Watershed, we request that the applicant clarify the locations where their site runoff enters the City's storm drain or combined sewer systems.
- Please clarify the discharge locations for the building and canopy roof leaders.

Shukria Wiar - 801 Washington Ave

From: David Margolis-Pineo
To: Shukria Wiar
Date: 4/4/2012 7:41 AM
Subject: 801 Washington Ave
CC: Jeff Tarling

Shukria,

The sidewalk on Washington Ave is bituminous not concrete. So we would ask that a five foot strip on walk be removed next to the curb with an additional 4" of material removed and replaced with loam, seed and mulch.

Thanks

From: "David Senus" <dsenus@woodardcurran.com>
To: "Shukria Wiar" <shukriaw@portlandmaine.gov>
CC: "Barbara Barhydt" <bab@portlandmaine.gov>, "David Margolis-Pineo" <dmp@p...
Date: 4/6/2012 5:19 PM
Subject: 801 Washington Ave
Attachments: Stormwater narrative.pdf

Hi Shukria.

I took a look at the response to comments provided by the applicant for 801 Washington Ave, and it appears that this is once again a case where an applicant is citing the applicability language contained within the Chapter 500 standards, misunderstanding that the City's language in Chapter 5 of the Technical Standards is intended to supersede that language.

Have you spoken with the applicant about the City's stormwater requirements? How would you like us to proceed, should there be a meeting with the applicant?

Thanks
Dave

David Senus, PE (Maine), Project Manager
Woodard & Curran, Inc.
41 Hutchins Drive
Portland, ME 04102
Phone: (800) 426-4262 x3241
Fax: (207) 774-6635

Woodard & Curran
www.woodardcurran.com
Commitment & Integrity Drive Results

Shukria Wiar - Fwd: Cumberland Farms Washington Ave Portland, ME

From: Barbara Barhydt
To: Schmuckal, Marge; Wiar, Shukria
Date: 11/30/2011 4:19 PM
Subject: Fwd: Cumberland Farms Washington Ave Portland, ME
CC: Jaegerman, Alex
Attachments: Existing footcandles under canopy 11-16-11.pdf; 105880-3 Model (1).pdf

second e-mail

>>> "Christopher M. Tymula" <cmt@mhfdesign.com> Wednesday, November 23, 2011 3:38 PM >>>
Barbara,

This email is a follow-up to our discussion a few weeks ago relative to the needed canopy construction at the above referenced site. Since that discussion, Cumberland Farms had a lighting consultant go to the site and perform light readings under current conditions. The results of this is shown on the attached plan and based on correspondence from the consultant, the site was dimly lit and the light fixtures were beyond their time. We have also attached a proposed lighting plan which indicates the new LED lighting proposed under the current site development plans.

It is the opinion of CFI that the canopy will not last another winter season and they would like to replace the canopy decking and fascia ASAP. The structural steel would remain in place and the canopy would be refaced in the current Gulf Imaging as seen today. The only other change relative to the canopy would be that they would like to install the "proposed" LED canopy lights as shown on the attached Lighting Plan. The lighting is a flush mount unit consistent with City Lighting requirements. At this time the only work proposed is relative to the canopy due to a safety concern. **It is the desire of CFI to be allowed to move forward with this canopy work either through a building permit application or administratively through the Planning Department.**

As you are aware CFI has plans for site improvements and a building addition based on their new company imaging. This work will still need to be permitted through the City and is NOT part of this current canopy work proposal. Once the canopy safety concern is addressed and the future building addition and site development is approved by the City, the canopy will be then be refaced to match the new CFI image as approved by the City.

Please review the attached information and feel free to contact our office at your earliest convenience.

Chris Tymula
MHF Design Consultants, Inc.
44 Stiles Road, Suite One
Salem, NH 03079
(P) 603.893.0720 ext 33
(F) 603.893.0733
cmt@mhfdesign.com
www.mhfdesign.com

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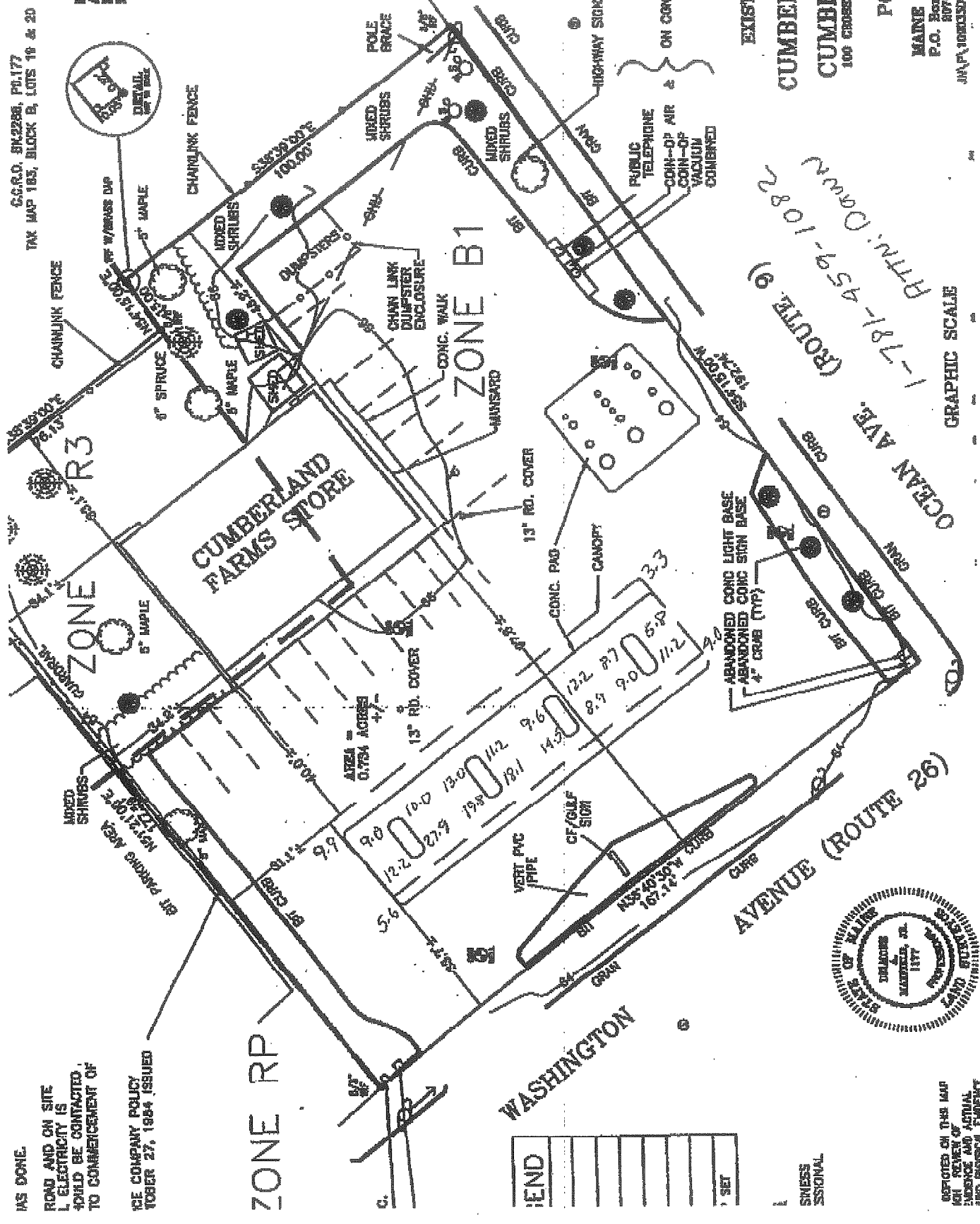
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Please review the attached information and feel free to contact our office at your earliest convenience.

Chris Tymula
MHF Design Consultants, Inc.
44 Stiles Road, Suite One
Salem, NH 03079
(P) 603.893.0720 ext 33
(F) 603.893.0733
cmt@mhfdesign.com
www.mhfdesign.com

G.S.P.D. 8142286, P.0.177
 TAX MAP 183, BLOCK B, LOTS 19 & 20

MAINE STATE 11
 AS DERIVED FROM
 MAILED SURVEY
 NOTE 1.



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 TO BE CONTACTED
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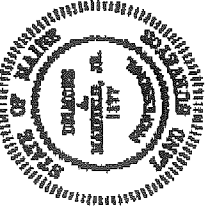
ICE COMPANY POLICY
 TOBER 27, 1984 ISSUED

ZONE RP

ZONE B1

CUMBERLAND FARMS STORE

WASHINGTON AVENUE (ROUTE 26)



EXISTING CONCRETE
 CUMBERLAND (PA)
 CUMBERLAND (R)
 100 CROSSING BUTLER ST. &
 100 CROSSING BUTLER ST. &
 PORTLAND, MA
 MAINE SURVEY COMPANY
 P.O. Box 486
 807-689-4199
 JUN 17 10 00 AM '85

OCEAN AVE. (ROUTE 9)
 1-781-459-1082
 RTN: Dan
 GRAPHIC SCALE

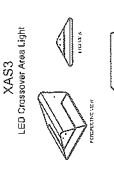
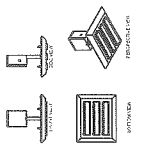
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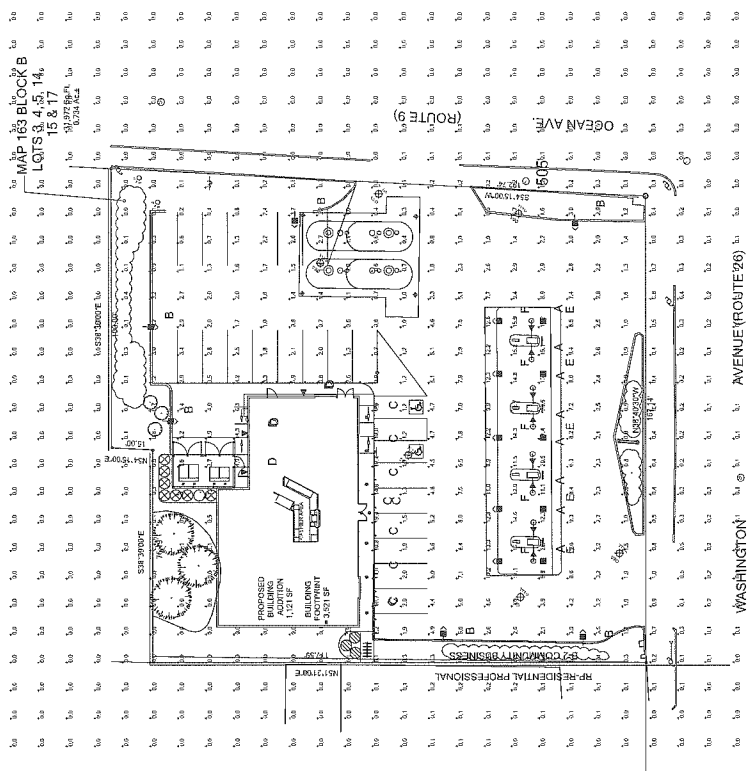
DESIGNED ON THIS MAP
 FOR REVIEW OF
 ENGINEER AND ACTUAL
 SURVEYING

**Crossover
GENERATION 3**

CRO3 FO
LED Crossover Focus (Single Deck)



NOTE: LSI INDUSTRIES WILL NOT BE RESPONSIBLE FOR THE USE OF THESE PRODUCTS IN A LIGHTING PLAN NOT MANUFACTURED OR TESTED BY LSI.



Calculation Summary

Label	Calc Type	Units	Avg	Max	Min	Height/ft	Area/ft ²
ALL CALC POINTS	Illuminance	Fc	102	266	0.0	N/A	N/A
DISPENSER VERTICAL READINGS - L	Illuminance	Fc	49.49	73.0	24.1	2.05	3.03
APPROACH AND DRIVE SUMMARY	Illuminance	Fc	2.26	3.2	1.0	2.26	3.20
CANOPY SUMMARY	Illuminance	Fc	15.29	26.6	11.1	1.38	2.58
PARKING SUMMARY	Illuminance	Fc	1.65	3.4	0.5	3.30	6.80

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Description	LUF	Lumen/ft ² emp	Avg. Lum. Lumens	Area. WBES
F	5	F	SINGLE	CRO3-A-LED-64-350-CW-U/E	1,000	N.A.	6872	76
D	2	D	SINGLE	CRO3-E-LED-64-350-CW-U/E	1,000	N.A.	6772	75
E	8	E	SINGLE	XAWS3-A-LED-64-350-CW-U/E	1,000	N.A.	4922	75
C	8	C	SINGLE	OMGLED27U-AR-LED-3000K-MCS	1,000	N.A.	1416	26.9
B	8	B	SINGLE	XAS3-F-LED-50-350-CW-U/E-SS1 SINGLE ON 14 POLE	1,000	N.A.	3764	75
A	8	A	SINGLE	CRO3-F-LED-50-CW-U/E-240V	1,000	3004	3604	40

LSI INDUSTRIES... LIGHTING PROFESSIONAL...
 LUMINAIRE SCHEDULE...
 TOTAL FOOTCANDLES: 100,000
 TOTAL LUMENS: 1,000,000

12. SITE LIGHTING STANDARDS

12.1. APPLICABILITY

The following types of development proposals are required to submit a lighting management plan for review and approval:

- All developments subject to site lighting standards of Section 14-526 of the Land Use Code.
- Other projects where the Reviewing Authority determines that special conditions warrant a lighting management plan.

12.2. STANDARDS

12.2.1. Unless otherwise specified below, exterior lighting shall conform to the recommendations put forth in Lighting for Exterior Environments RP-33-99, or its successor, published by the Illuminating Engineering Society of North America (IESNA). Proposed uses that demonstrate a need to exceed the specific site lighting limits shown below for safe and reasonable exercise of the proposed use must provide a professionally produced lighting plan which adheres to the current Illuminating Engineering Society of North America (IESNA) recommendations for the proposed use.

12.2.2. Uniformity: As measured in foot candles at grade, maximum to minimum illumination levels shall not exceed a ratio of twenty (20) to one (1.)

12.2.3. Illumination Levels: Minimum, Maximum, and Average illumination levels for areas intended to be lighted, as measured at grade, shall be:

Minimum	0.2 foot candles (fc)
Maximum	5.0 foot candles (fc)
Average	1.25 foot candles (fc)

12.2.4. Wattage: No fixture shall exceed 250 watts, except in industrial areas.

12.2.5. Light Trespass: The maximum illumination level at a property line shall not exceed 0.1 foot candle, as measured at grade, except where abutting industrial, or other non-sensitive uses. All residential uses and natural resource protection areas are to be considered sensitive to light trespass. In certain instances where a proposed development is adjacent to a sensitive use, house-side shielding may be necessary to comply with this standard.

12.2.6. Luminaire Types: All fixtures, including pole mounted and wall mounted luminaires, shall be a "cut-off" type where lenses, refractors or lamp sources do not extend below the surface of the fixture housing and no direct light shall be directed at or above the horizontal plane. Sites which are part of an historic district or require specific decorative lighting fixtures as means to achieve

compatibility within an existing architectural context may propose non-cutoff fixtures providing that they have built in reflectors to mitigate uplighting and that photometrics fall within IESNA guidelines. Low pressure sodium bulbs are prohibited.

12.2.7. Fixture Height: Fixtures shall be mounted at the lowest height necessary with no fixture height to exceed twenty (20) feet above grade, except in sites proposed for large industrial and/or commercial uses, where the fixture height shall not exceed thirty (30) feet above grade. For the purposes of this standard only, a large industrial and/or commercial use is defined to have greater than fifty thousand (50,000) gross square feet of building space.

12.2.8. Lighting Curfew: For non-residential uses, lighting in vehicle parking areas containing twenty (20) or more parking spaces shall be reduced to 50% of permitted levels from one hour after the business closing to one hour before business opening. If lighting levels are already below 50% of permitted levels, no curfew adjustment is required. Motion sensor activated lighting shall be permitted during closed hours to activate additional lighting above the 50% permitted, for the purposes of public safety.

12.3. Reserved.

12.4. ARCHITECTURAL AND SPECIALTY LIGHTING AND UPLIGHTING:

12.4.1. Lighting shall be designed to minimize lighting of night sky and shall accentuate individual architectural or aesthetic elements, not the entire structure.

12.4.2. The light shall only be directed onto the building façade and not spillover beyond the plane of the building.

12.4.3. Lighting shall be directed downward unless the development is located in an area of the city where uplighting is permitted as described in section 14-526 (a) of the City Code. Lighting shall be mounted as close to the architectural feature being lit as possible and shall be fully shielded from view off site.

12.4.4. Uplighting: Where permitted, upward aimed lighting (uplighting) shall not exceed 4,000 mean lumens per accent feature, shall be placed as close as possible to the base of the building or feature that is being illuminated and shall be fully shielded from view off-site.

12.5. ILLUMINANCE STANDARDS FOR SPECIFIED EXTERIOR AREAS:

Average illuminance levels for exterior areas specified below shall not exceed the following levels:

Automated Teller Machine (ATM) Surrounding Area (10 ft perimeter)	10.0 fc average
	3:1 average to minimum uniformity ratio
	20.0 fc maximum
Drive-through Canopy	10.0 fc average
	3:1 average-to-minim uniformity ratio
	20.0 fc maximum

12.6. AUTO SERVICE STATION ILLUMINANCE STANDARDS:

Illuminance levels for major and minor auto service stations, as defined in City Code 14-47 shall not exceed the following levels:

Minor Gasoline Service Stations and Major Gasoline Service Stations abutting residential zones, illuminance levels shall not exceed the following:

Minor Gasoline Service Stations:

Approaches and Drives	1.5 fc average
	3:1 average to minimum uniformity ratio
	3.0 fc maximum
Service Areas	2.0 fc average
	3:1 average-to-minim uniformity ratio
	4.0 fc maximum
Pump Island Areas	10.0 fc average
	3:1 average-to-minim uniformity ratio
	20.0 fc maximum

Major Gasoline Service Stations, illuminance levels shall not exceed the following:

Major Gasoline Service Stations:

Approaches and Drives	2.0 fc average
	3:1 average to minimum uniformity ratio
	6.0 fc maximum
Service Areas	3.0 fc average
	3:1 average-to-minim uniformity ratio
	6.0 fc maximum
Pump Island Areas	10.0 fc average
	3:1 average-to-minim uniformity ratio
	20.0 fc maximum

12.7. Reserved.**12.8. SUBMISSION REQUIREMENTS, PHOTOMETRIC PLANS:**

A photometric plan shall be provided at 20 scale or larger which shall show the extent of the areas designed and intended for lighting, and within those specific areas show a photometric grid of maximum 10' point spacing, and within those areas provide foot candle calculations of maximum, average, minimum, maximum to minimum ratio, and average to minimum ratio. On the same or additional plan, a photometric plot shall extend to all lot lines and as necessary to reach illumination levels of 0 (zero) foot candles. Additionally, the applicant shall provide descriptive information, including manufacturers catalog excerpts, for all proposed light fixtures, lamps, and poles.

City of Portland
 Development Review Application
 Planning Division Transmittal form

Application Number: 2012-418 **Application Date:** 1/25/2012 12:00:00
CBL: 163-B-3 AM
Project Name: Cumberland Farms
Address: 801 Washington Avenue

Project Description: Building Addition
Zoning: B2

Other Reviews Required:
Review Type: Conditional Use with Level II Site Plan

Distribution List:

<input checked="" type="checkbox"/> Planner	Shukria Wiar	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic Engineer	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Civil Engineer	David Senus	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Chris Pirone	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> DRC Coordinator	Phil DiPierro
		<input type="checkbox"/> Outside Agency	

Comments needed by: April 11, 2012

Shukria Wiar - Fwd: RE: Cumberland Farms Washington Ave Portland, ME

From: Barbara Barhydt
To: Schmuckal, Marge; Wiar, Shukria
Date: 11/30/2011 4:18 PM
Subject: Fwd: RE: Cumberland Farms Washington Ave Portland, ME
CC: Jaegerman, Alex
Attachments: SKMBT_65211112910160.pdf

Hi Marge and Shukria:

I did not have time to get to this request. Could you discuss and get back to him. I think we thought that they could do the replacement in kind through a building permit, but I want to be sure a site plan or site plan amendment is not triggered. There is a second e-mail that I will forward also.

Thank you.

Barbara

>>> "Christopher M. Tymula" <cmt@mhfdesign.com> Tuesday, November 29, 2011 11:23 AM >>>
Barbara,

As a follow-up to the below email, I have one clarification from Cumberland Farms. The Canopy will not be imaged to Gulf as stated below. It will be built per the proposed plan attached (white panels). The CF signs and green stripe on the proposed canopy will not be installed at this time. They will be installed when building is upgraded in spring.

Have you had a chance to review the previously submitted information or discuss this matter with Marge?

Thanks you,
Chris Tymula
MHF Design Consultants, Inc.
44 Stiles Road, Suite One
Salem, NH 03079
(P) 603.893.0720 ext 33
(F) 603.893.0733
cmt@mhfdesign.com
www.mhfdesign.com

From: Christopher M. Tymula [mailto:cmt@mhfdesign.com]
Sent: Wednesday, November 23, 2011 3:39 PM
To: 'bab@portlandmaine.gov'; 'mes@portlandmaine.gov'
Cc: 'Frank C Monteiro'; 'Dawn Johnson'; 'James Scholes'
Subject: Cumberland Farms Washington Ave Portland, ME

Barbara,

This email is a follow-up to our discussion a few weeks ago relative to the needed canopy construction at the above referenced site. Since that discussion, Cumberland Farms had a lighting consultant go to the site and perform light readings under current conditions. The results of this is shown on the attached plan and based on correspondence from the consultant, the site was dimly lit and the light



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

To: Carol Morrissette, Chair, and Members of the Portland Planning Board
From: Shukria Wiar, Planner
Date: March 9, 2012
Re: 801 Washington Avenue- Cumberland Farms
Project #: 2012-418 **CBL:** 163-B-003
Meeting Date: March 13, 2012

I. INTRODUCTION

Jisel Lopez, Attorney with Petrucci, Martin and Haddow, LLP, on behalf of Cumberland Farms, has requested Planning Board review of a Conditional Use for a minor auto service station in the Community Business B-2 zone and a Level II site plan for the proposed building addition and site improvements to the existing convenience store and the gas station at 801 Washington Avenue.

The site is at the corner of Washington and Ocean Avenues. The applicant is proposing to construct a 1,474 square feet addition to its existing convenience store for a total retail gross floor area of 3,874 sq. ft. This proposed addition also has prompted additional site improvements to the site. The total area of the parcel is 31,972 sq ft.

In 2010, this site was rezoned from Neighborhood Business (B-1) and Residential (R-3) to Community Business (B-2). Prior to its rezoning, the use of the property (major/minor auto service establishments) was a grandfathered non-conforming use in the B-1 and R-3 zones. Auto Services Stations are listed as a conditional use in the B-2 zone. The proposed development is subject to review under the applicable standards for a Conditional Use in the B-2 zone, the City's Site Plan Ordinance, and the B-2 Design Standards.

Applicant: Cumberland Farms

Consultants: Jisel Lopez, Attorney, Petrucci, Martin and Haddow, LLP

II. PROJECT DATA

Existing Zoning:	Community Business B-2
Existing Use	Convenience Store and Gas Station
Proposed Use:	Convenience Store and Gas Station
Parcel Size:	31, 972 sq ft
Impervious Surface Area:	
Existing:	22,056 sq ft
Proposed:	25,364 sq ft
Net Change:	3,308 sq ft
Building Area:	
Existing Building Area and foot print:	2,400 sq ft
Proposed Building Area and footprint:	3,874 sq ft
Proposed Building Net Change:	1,474 sq ft

Parking Spaces:	
Existing:	22 (including 8 spaces at the pump)
Proposed:	32
Number of Handicapped Spaces:	2
Bicycle Parking Spaces:	
Existing:	0
Proposed:	10
Estimated Cost of Project:	\$979,250

III. EXISTING CONDITIONS

The site currently is fully developed with a convenience store with a footprint of 2,400 sq ft, four (4) fuel pumps, and twenty-two (22) parking spaces, including the parking spaces at the pump. The site has some existing landscaping.

Currently the site is a legally non-conforming gasoline station with two access points onto Washington Ave. and one access point onto Ocean Ave. An established neighborhood is located to the northeasterly portion of the site and directly behind the gas station is the Portland East Deering Fire Station.

Proposed Building Addition Site



IV. PROPOSED DEVELOPMENT

The proposed development is outlined in the applicant's cover letter (Attachment A.3) and shown in the plans in Attachment B.4. Cumberland Farms is proposing to construct a 1,474 sq ft addition to its existing 2,400 sq ft convenience store for a total retail gross floor area of 3,874 sq ft. The exterior of the building will be renovated to reflect the new corporate colors and design themes. The applicant is also increasing the number of parking spaces onsite, as well as other site improvements that include enhancing the landscaping, new concrete walk, and addition of bicycle parking.

The four existing gas islands, concrete pad, and fuel dispensers will be replaced in kind. There are three (3) existing 8,000 gallon underground storage tanks on site that will be replaced with two (2) 20,000 gallon underground tanks. This change will reduce the number of fuel deliveries to the site.

The applicant will be updating and replacing the existing commercial signage on site. There are a number of signage changes that will need to be reviewed under a separate signage permit through the Inspection Division.

V. PUBLIC COMMENT

Peggy McGehee of Perkins and Thompson, on behalf of Nancy Hersey and Dave Powers of 17 Slemon Road phoned and emailed her concerns about the project. They request that the Board require a seven foot stockade fence be installed along the rear property line and along portions of the sidelines of site, for reasons of safety, and to minimize visual impact. They also request that hour limitations be imposed so there is no early morning or late night noise with the dumpsters

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

a. The owner of the property is Gulf Oil Corporation. The applicant has provided a copy of a Quitclaim Deed, recorded at the Cumberland County Registry of Deeds (Book 6310 Page 145), which demonstrates their right, title and interest in the property.

b. The estimated cost of the development is \$979,250. The applicant has submitted a letter from Cumberland Farms, dated 09.15.2011 as demonstration of their financial and technical capacity to complete the proposed development.

VII. ZONING ASSESSMENT

The site is located in the B-2 Business Community zone where auto service stations are permitted as a Conditional Use. Marge Schmuckal, Zoning Administer, has submitted comments confirming that the proposal meets the requirements of the B-2. According to the Ms. Schmuckal's review (see Attachment 1), the addition would not meet the maximum building setback requirement, however, in Section 14-185(b)(3)(7) there is a relief of the maximum building setback requirements for building additions. This addition, therefore, is exempt from the maximum setback requirement.

New and replacement of the existing commercial signs are proposed and will need to be reviewed under a separate permits. Separate permits are also required for any HVAC units that may be installed or upgraded. The B-2 zone does have a maximum noise limit that will need to be met.

B. CONDITONAL USE REVIEW (*Section 14-183*):

The site is located in Community Business B-2 Zone which requires automobile service stations as a condition use. The

site abuts the Residential R-3 zone and the Residential Professional Office Zone R-P on the northerly side of the site. The zoning definition of a major or minor auto service station as stated in Section 14-47 states:

Retail establishments combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposed and shall constitute a major or minor auto service establishment.

Even though there are no changes to the fueling stations on (i.e. the number of fuel pumps and locations is staying the same), the addition of the building is triggering the conditional use review.

The proposed development will be reviewed by staff for conformance with the relevant Conditional Use standards of Portland's Zoning Ordinance Section 14-183 and Section 14-474.

Sec. 14-183. Conditional uses identifies auto service stations in the B-2 zone as a conditional business use if they meet the following requirements, and "*the Planning Board shall be substituted for the board of appeals as the reviewing authority over conditional business uses*". The applicant's submission to address the conditional use criteria is included in the Applicant's packet (Attachment A.2).

Section 14-183 specifies (in relation to automobile dealerships):

In addition to approval by the Planning Board with respect to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding, these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

The requirements taken from the Ordinance 14-183 are in italics below, together with a staff comment in respect of the proposals.

- a. *Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services of goods available on the premises.*

Staff comment: The applicant is proposing a number of signs, either new or replacement, on the building and the canopy which would require a sign permit under the sign ordinance. The proposed structure signs (except for roof top sign are not allowed in any zone) and freestanding sign, which will actually be reduced from the existing signage and will not adversely affect visibility at intersections or access drives.

- b. *Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.*

Staff comment: The site currently has three driveway cuts from the two streets: two (24 feet and 22 feet) on Washington Avenue and one (about 45 feet) on Ocean Avenue. The 22 foot driveway on Washington Ave is at the intersection. The applicant is proposing to use all three existing curb cuts. Tom Errico, Consultant Engineer has reviewed the proposed site plan and has requested that applicant provide an analysis of the these existing driveways on avenues and whether City standards are being met, specifically driveway widths, driveway separations and corner clearances. If City standards are not being met, a formal waiver request will need to be submitted with the supporting documentations for the Board's review

g.i. A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland Technical Manual.

Staff comment: The proposals include a 20 foot wide landscaped buffer at the rear of the property between the customer parking area and the Portland East Deering Fire Station, incorporating two existing trees and many shrubs. There is also existing landscaping around the site as well. Jeff Tarling has reviewed the submitted landscape plan. Mr. Tarling has recommended a six-foot solid wood or a black vinyl chain link with privacy slat fence along the property line (see Attachment 3 for the full review comments). There are four street trees on Ocean Avenue and none on Washington Avenue, which has the wide sidewalk. While Mr. Tarling's preliminary review focused on the buffer between the use and the residential uses on the northerly side of the property and he intends to look at the Washington frontage again.



Property Directly Behind the Building Addition



Property Diagonal from the Building Addition

The following standards apply to all conditional uses:

Section 14-474(c)(2) *Standards: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:*

- a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use.*

Staff comment: There are no known unique or distinctive characteristics associated with the proposed use.

- b. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*

Staff comment: There should be no adverse impact upon the health, safety or welfare of the public if the project includes well-landscaped islands on the site and introduce a solid fence between this property and the surrounding abutter's property.

- c. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

Staff comment: The auto service station is a longstanding use at this major intersection. The proposed expansion of the retail component of this project and the upgrade of the gas pumps is not expected to differ substantially from the current impacts or other similar uses in that zone.

VIII. DEVELOPMENT REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of Section 14-526- Site Plan. Staff comments are highlighted in this report.

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527)

The proposal is subject to a level II Site Plan and the submission requirements are listed in 14-527. Additional information meeting the submittal requirements for a final plan will be required at the time the final site plan is submitted.

B. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. *Transportation Standards*

Traffic:

The proposal has been reviewed in terms of its impact on the surrounding street systems, access and circulation, loading and servicing, sidewalk and parking.

The overall parcel has three (3) curb cuts: two (24 feet and 22 feet) on Washington Avenue and one (about 45 feet) on Ocean Avenue. The 22 foot driveway on Washington Ave is at the intersection. The applicant is proposing to use all three existing curb cuts. Tom Errico, Consulting Traffic Engineer, has reviewed the proposed site plan and has

requested that applicant provide an analysis of the these existing driveways on avenues and whether City standards are being met, specifically driveway widths, driveway separations and corner clearances. If City standards are not being met, the applicant will need to submit a formal waiver request with the supporting documentation for the Board's consideration

Sidewalks:

The Department of Public Services has confirmed (Attachment 5) that the existing sidewalk and curbing are in good condition. The sidewalk along Washington Avenue is wide and does not have an esplanade, so Mr. Margolis has suggested (not a requirement) that consideration be given to re-installing an esplanade.

Parking:

The applicant is proposing to increase the parking spaces from 22 parking spaces to 32 parking spaces. The parking space dimension does not meet the City standards. The plans will need to be revised for spaces that are meeting the dimensions of 9'x18. The applicant could also request a formal waiver from the City's Technical standards should be requested with supporting documentation.

Bicycle Parking:

Division 20 of the City Code- Off-Street Parking requires three bicycle parking spaces for this proposal, which have been included and meet the City's Technical Standards.

The proposals identify a new bike hitch that provides 10 spaces and a snow storage area at the rear property line (See Site Plan, Attachments B.4).

Tom Errico, Consultant Traffic Engineering, has submitted the following review comments (Attachment 2):

- a. I concur with the Traffic Impact Study that the project does not require a Traffic Movement Permit.
- b. I continue to review the Traffic Impact Study in detail but my initial observations are noted below:
 - i. While the Washington Avenue/Ocean Avenue intersection operates at an acceptable level of service, certain turn movements are projected to operate at poor levels following project completion (It should be note that the proposed project does not create the deficiency, but exacerbates an existing problem). The applicant should identify strategies for implementation that will eliminate the deficient conditions.
 - ii. Crash numbers are significant at the Washington Avenue/Ocean Avenue intersection. I need to review the crash patterns in more detail.
 - iii. Typically, traffic volume data should not be older than two years. The counts were conducted in 2009. However, I find the data to be acceptable given the likelihood that little traffic changes have occurred in the study area.
- c. The applicant needs to provide an analysis of the existing driveways on both Washington Avenue and Ocean Avenue and whether conditions meet City standards. Specifically, driveway width, driveway separation and corner clearance standards should be reviewed. I would note that I am particularly concerned about the Washington Avenue driveway located nearest the intersection. If the driveways do not meet City standards, a formal waiver request will need to be provided with supporting documentation.
- d. The site should provide facilities that allow pedestrians to safely access from abutting sidewalks.
- e. Sidewalk and curb conditions abutting the property and ADA Ramp provisions at the corner will need to be reviewed by DPS.

2. Environmental Quality Standards

Preservation of Significant Natural Features:

There are no significant natural features on this site, which is largely paved or built. There are about four to six large trees along the rear boundary line of which a couple will be saved by the proposal.

Water quality; Stormwater Management; Erosion control:

The City requires that all Level II site plan applications submit a stormwater management plan per the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including the Basic, General, and Flooding Standards. Since the project proposes an additional 3,308 sq ft of new impervious area, the applicant has to submit a stormwater management plan that addresses the general and flooding standards for the increased impervious area. The site plan does not appear to include stormwater best management practices in conformance with the general standards. The project site also seems to fall within the Fall Brook Watershed, which is classified as an Urban Impaired Stream by the MaineDEP. David Sensus, Consultant Engineer, has reviewed the submitted project and stated in his comments that:

The City of Portland requires that all development, except single and two-family homes, subject to City of Portland review shall be required to comply with the Urban Impaired Stream Standard pursuant to MaineDEP Chapter 500 Stormwater Management Rules if they are located within an Urban Impaired Stream watershed (*Technical Manual, Section 5. II. Applicability in Portland. A.*). A project in the direct watershed of an urban impaired stream must pay a compensation fee (as allowable by the City) or mitigate project impacts by treating, reducing, or eliminating an off-site or on-site pre-development impervious stormwater source following the guidance outlined in MaineDEP Chapter 500 standards.

Please refer to Attachment 4 for Mr. Sensus full review.

3. Public Infrastructure and Community Safety Standards

Consistency with Master Plans:

The DPS have confirmed the proposals are consistent with the sidewalk facilities plans (see above). Please refer to Attachment 5 for David Margolis- Pineo, Deputy City Engineer, full review.

4. Site Design Standards

Historic Resources:

The proposed site alterations do not affect any historic resource.

Exterior Lighting:

The proposals include new wall mounted lights, canopy lights, and new pole-mounted site lights around the parking /circulation area, as shown on the Lighting Plan in Attachment B.14. The applicant has submitted lighting specifications and photometric information; the illumination at the property line is not meeting the City's Technical Standards at some locations on the site. Catalogue cuts have been requested from the applicant for all proposed lighting on site since lighting fixtures need to be full cut off to meet the lighting standards.

Noise and Vibration:

Two dumpsters are proposed on the property at the rear property line. These dumpsters will be screened six-foot chain link fence with green slats. The applicant will also need to submit information the schedule of pick-up times.

Signage and Wayfinding:

A plan has not been submitted for traffic signage and wayfinding. A plan should be submitted for review.

Zoning Related Design Standards:

Developments in the B-1, B-1b, B-2, and B-2b shall meet the following guidelines in order to meet the Site Plan Standards. The design review of the proposal was conducted by Alexander Jaegerman, Rick Knowland and Shukria Wiar.

The Site Plan Standard for B-2 design review is as follows:

(iii)B1, B1-b, B2, B2-b Zones: Development in the B1, B1-b, B2 and B2-b business zones shall provide an established street wall with entrances and public portions of the building oriented to and directly accessible from the public sidewalk and shall be designed and scaled to be compatible with surrounding residential and commercial development as demonstrated by compliance with all applicable design standards listed in the Design Manual.

In review of the design standards for any zone, the Design Manual contains the following guidance:

Review and Determination of Compliance:

To be approved, site plans must adhere to the applicable design standards taken as a whole, and present the best design response to the standards achievable for the overall design program. A project shall be rejected as not meeting the applicable design standards if the project, taken as a whole, fails to meet or address applicable design criteria.

A preliminary design review was conducted by staff. The proposal generally meets the B-2 design standards. The task before the Planning Board is to assess the overall standard quoted from the site plan ordinance, above, as informed by the detailed assessment of each standard. The Design Manual emphasizes that the review authority must assess the project “as a whole” and determines that it is “the best design response to the standards achievable for the overall design program”.

In this case, the use of a convenience store and gas station is existing on site and many of these conditions cannot apply to the project. The standards where improvements could be considered include:

1. Standard 4: Windows. The applicant should consider installing one more window panel in the proposed building addition, on the façade facing Washington Avenue and maintain 50% visibility through the windows.
2. Standard 7: Development Relationship to the Street. Since the building sets back from the street, it is recommended to the applicant that more landscaping be introduced at the existing landscaped island. Addition street trees will add vertical height and create a cohesive wall of enclosure along the two streets.

IV. NEXT STEPS

1. Address any additional information requested by the Planning Board.
2. Address technical issues raised in the memorandums from Jeff Tarling, Tom Errico, David Senus, David Margolis-Pineo, and any others identified in this report.
3. Prepare final plan submission for a Planning Board Hearing.

Attachments:

Planning Board Report Attachments

1. Marge Schmuckal Memorandum, Dated 03.09.2012
2. Tom Errico Memorandum, Dated 02.05.2012
3. Jeff Tarling Memorandum, Dated 03.08.2012
4. David Senus Memorandum, Dated 03.08.2012
5. David Margolis-Pineo Memorandum, Dated 02.09.2012
6. Captain Chris Pirone Memorandum
7. Design Standards for B-2
8. Abutter Comment

A - Applicant's Submittal

- A.1 Application for Conditional Use
- A.2 Application for Site Plan
- A.3 Project Description
- A.4 Evidence of Right, Title and Interest
- A.5 Copies of State and/or Federal Permits
- A.6 Evidence of Financial Capacity
- A.7 Evidence of Utility Capacity
- A.8 Management of Solid Waste Generated On-Site
- A.9 Wastewater Application

B – Site Plan

- B.1 Cover Letter
- B.2 Existing Conditions Plan
- B.3 Demolition Plan
- B.4 Site Plan
- B.5 Grading and Utility Plan
- B.6 Landscaping Plan
- B.7 Details
- B.8 Canopy Elevations
- B.9 Existing/ Proposed sign Drawing
- B.10 Proposed Floors Plans
- B.11 Exterior Elevations
- B.12 Exterior Elevations
- B.13 Proposed Life Safety Plan
- B.14 Lighting Plan/ Photometric Plan

February 9, 2012

TO: Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Preliminary Review Comments: 801 Washington Ave
Cumberland Farms

This Department has the following preliminary comments. Final comments may differ from the comments listed here.

1. All property need to be located by a registered land surveyors. The southerly property corner may be difficult due to the placement of existing light poles. Please address.
2. Please state if the survey plan is on Maine State Plane Coordinates.
3. The northwest corner of the site is shown draining onto others property. There is no clear drainage off the abutting property and ponding water is resulting. This is not allowed. It is requested that the applicant address this issue.
4. Stormwater treatment, inspection and maintenance. Please see comments by David Senus.
5. The sidewalk and curbing are in good repair. However the sidewalk along Washington Ave is wide and does not have an esplanade. Consideration may want to given to re-installing an esplanade.

This Department has no further comments at this time.

COMMITMENT & INTEGRITY
DRIVE RESULTS

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MEMORANDUM



TO: Shukria Wiar, Planner
FROM: Ashley Auger, E.I.T. & David Senus, P.E.
DATE: February 8, 2012
RE: Cumberland Farms, 801 Washington Ave

Woodard & Curran has reviewed the Level II Site Plan Application for the Cumberland Farms Expansion at 801 Washington Avenue in Portland, Maine. The project involves a 1,474 square foot building addition and associated site improvements, include replacing underground storage tanks and piping.

Documents Provided (*Documents Reviewed in italics*)

- *Site Plan Application and attachments.*
- *Engineering Plans, Sheets 1-11, dated September 6, 2011, prepared by MHF Design Consultants, Inc. on behalf of Cumberland Farms.*
- Architectural Plans, Sheets A1.1, A3.1 & A3.2, dated July 18, 2011, prepared by Aharonian & Associates Inc. on behalf of Cumberland Farms.
- Traffic Impact and Access Study, dated September 2011, prepared by GPI on behalf of Cumberland Gulf Group of Companies.
- City of Portland Wastewater Capacity Application, dated September 19, 2011.
- Conditional Use Application, dated January 20, 2012.

Comments

- The City of Portland requires that all Level II site plan applications submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including the Basic, General, and Flooding Standards (*Technical Manual, Section 5. II. Applicability in Portland. C. a. and City of Portland Code of Ordinances Sec. 14-526. Site plan standards. (b). 3. b.*). The project proposes an additional 3,308 sq ft of new impervious area. The applicant has not submitted a stormwater management plan addressing the general and flooding standards for this increase in impervious area, and the site plan does not appear to include stormwater best management practices in conformance with the general standards.
- The project appears to fall within the Fall Brook Watershed, which is classified as an Urban Impaired Stream by the MaineDEP. The City of Portland requires that all development, except single and two-family homes, subject to City of Portland review shall be required to comply with the Urban Impaired Stream Standard pursuant to MaineDEP Chapter 500 Stormwater Management Rules if they are located within an Urban Impaired Stream watershed (*Technical Manual, Section 5. II. Applicability in Portland. A.*). A project in the direct watershed of an urban impaired stream must pay a compensation fee (as allowable by the City) or mitigate project impacts by treating, reducing, or eliminating an off-site or on-site pre-development impervious stormwater source following the guidance outlined in MaineDEP Chapter 500 standards.
- The following details should be provided:
 - Concrete walkway
 - Bituminous pavement section
 - Stabilized construction exit
- The Applicant should verify that the following requirements for the proposed Underground Storage Tank (UST) are being coordinated with the appropriate agencies:
 - Registration of the new UST system with the MaineDEP, per Section 4 of Chapter 691 Rules for Underground Oil Storage Facilities; the facility has a MaineDEP registration certificate for the existing three active USTs.



- Per Section 11 of Chapter 691 Rules for Underground Oil Storage Facilities, the Applicant must submit a completed Notice of Intent to Remove an Underground Storage Tank Facility or Underground Product Piping application to the MaineDEP, and to the City Fire Department. The UST system removal must be supervised by a Maine Certified Underground Oil Storage Tank Installer and a Site Assessment must be performed in accordance with Appendix P of the Rules.

Shukria Wiar - Cumberland Farms -- Washington Avenue

From: Tom Errico <thomas.errico@tylin.com>
To: SHUKRIAW@portlandmaine.gov
Date: 2/5/2012 5:03 PM
Subject: Cumberland Farms -- Washington Avenue
CC: KAS@portlandmaine.gov; JST@portlandmaine.gov; DMP@portlandmaine.gov

Shukria – I have reviewed the materials provided for the project and offer the following preliminary comments.

- I concur with the Traffic Impact Study that the project does not require a Traffic Movement Permit.
- I continue to review the Traffic Impact Study in detail but my initial observations are noted below:
 - While the Washington Avenue/Ocean Avenue intersection operates at an acceptable level of service, certain turn movements are projected to operate at poor levels following project completion (It should be note that the proposed project does not create the deficiency, but exacerbates an existing problem). The applicant should identify strategies for implementation that will eliminate the deficient conditions.
 - Crash numbers are significant at the Washington Avenue/Ocean Avenue intersection. I need to review the crash patterns in more detail.
 - Typically, traffic volume data should not be older than two years. The counts were conducted in 2009. However, I find the data to be acceptable given the likelihood that little traffic changes have occurred in the study area.
- The parking space dimensions do not meet City standards. The plans should be revised for spaces that are 9'x18' or a formal waiver from the City's Technical standards should be requested with supporting documentation.
- The applicant needs to provide an analysis of the existing driveways on both Washington Avenue and Ocean Avenue and whether conditions meet City standards. Specifically, driveway width, driveway separation and corner clearance standards should be reviewed. I would note that I am particularly concerned about the Washington Avenue driveway located nearest the intersection. If the driveways do not meet City standards, a formal waiver request will need to be provided with supporting documentation.
- The site should provide facilities that allow pedestrians to safely access from abutting sidewalks.
- Sidewalk and curb conditions abutting the property and ADA Ramp provisions at the corner will need to be reviewed by DPS.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

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Appendix 2

City of Portland Technical Standards and Design Guidelines

Development in the B-1, B-1b, B-2, B-2b shall meet the following guidelines in order to meet the Site Plan Standards

1. Building Location and Form

Buildings shall be located near the street so as to create an urban street wall.

An urban street wall is created by a pattern of buildings which line the street in a consistent manner, thereby establishing a desirable spatial relationship between the building in the commercial district and the major object. Location is one of several related factors defining the street environment.

Building Form, including height, bulk, and massing, contribute to the development of a street wall.

The desired condition is to have the building frame and enclose the street, which is achieved by providing building height that is proportionate to the width of the adjoining major street. A ratio of building height to street width of one-to-two creates a strong "room-like" street, while a one-to-three ratio provides good street definition and proportion. Shorter buildings of one story facing broad streets will not achieve the desired relationship.

In the B-2b zone, buildings adjacent to streets should approach 1:2 height to street width, with a minimum of 1:3.

For a fifty-foot street right-of-way, therefore, a minimum height of 15' is required, with 25' height preferred. An eighty-foot right-of-way requires about 27' to achieve the 1:3 proportion., with 40'-height preferred. Obviously, buildings located as close as possible to the street right-of-way will provide better definition and proportion than buildings set further back.

2. Building Function

An urban street and business district requires a substantial intensity and variety of uses.

It is beneficial to have mixed uses within portions of buildings situated near the street. For example, a retail first floor might have office or residential on the second or third floors. This provides both the scale of building height desired, as well as the economic vitality of the business district.

3. Orientation of Buildings and their Entrances to the Street

Major building entries shall be designed and located to provide the primary building access oriented to the public street and sidewalk.

Doorways should be prominent and obvious in appearance, so as to attract the users toward the entry. Major entry features should primarily address the street, with entry courts, display windows, signage, lights, walkways, and vestibules, as appropriate. Major entries should be adjacent to, or very close to, the street and public sidewalk.

Addition to existing building

- consistently w/ existing building.



Matching in height w/ existing

Retail

meets standard

• Consider putting one more window panel, near cooler in addition, facing Washington Ave.

4. Windows

• What kind of glass. Maintain 50% ~~open~~ ^{visibility} into the store through the windows.

Windows shall be located in all building facades visible from the public way, especially on building facades along the major public street.

Retail uses with store fronts are the most desirable feature for locations adjacent to the public sidewalk; and active, transparent (minimum visible transmittance (VT) of .7 or greater), and interesting windows contribute the maximum value. Limitations on transparency, such as dark or reflective glass, or interior coverings, should be avoided. Where uses (such as office) are not conducive to transparent viewing from the public way, windows can still convey a sense of activity and presence along the street. Even these more private windows can convey occupancy and habitation when lighted from within, as during evening hours, even if the interior is screened from view.

• 7% - ask the Architect. Internal coverings should not be covered less than 50%

5. Building Character, Detail, Scale, and Graphic Qualities

Building design will include various architectural and graphic amenities to provide a strong presence along a street and relate a building to its community.

Awnings, canopies, and flags may be utilized to highlight entryways and to further identify the activity and identity of a use.

Facade lighting may be used to highlight entryways or to provide visual interest along an otherwise blank facade

Building scale, roof pitch, architectural detail, and fenestration shall be designed to complement and be compatible with surrounding residential and commercial buildings.

6. Signage and Building Entrances

Building entrances and building signage in the B-1, B-1b, and B-2b zones will be designed and constructed at the pedestrian scale.

*We may need to revise the Sign Ordinance for allowed height and dimension of signs.

N/a

7. Development Relationship to Street

Building facades and site amenities shall form a cohesive wall of enclosure along a street.

Where buildings are not located at the street line, site amenities, including masonry walls, fences, and landscaping, shall be placed along the street to provide a sense of enclosure or definition.

Vertical height w/ trees.

Beef up landscaping talk to Jeff

8. Parking Lots

Parking Lots shall be screened from view of the public way.

Landscaping or fencing shall be used to screen parking lots from public ways and residential neighbors. Where parking is located within the front yard (or side yard of a corner lot), a landscaped buffer or fence shall be placed along the street line to distinguish the private space from the public space and to help define the street wall.

Parking lots shall be screened from neighboring properties.

A densely planted landscape buffer or fencing shall be installed to protect neighboring properties from the impacts associated with the parking lot and the use it serves.

• Driveway - Tom

• Stormwater treatment plan - what is being proposed for treatment

Crosswalks shall be provided within parking lots and across entrance driveways, directing pedestrians to building entrances.

Street trees shall be planted along property street frontage 25ft. on center.

9. Transit Connections

Development proposed along established transit corridors must design uninterrupted access from the proposed development to the transit stop.

An easement to place a transit shelter may be requested for development located along a transit corridor.

PETRUCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

Two Monument Square, Suite 900
Post Office Box 17555
Portland, Maine 04112-8555

JISEL E. LOPEZ
jlopez@pmhlegal.com

April 4, 2012

Via Hand Delivery

Ms. Shukria Wiar, Planner
Planning & Urban Development Dept.
389 Congress Street, 4th Floor
Portland, ME 04101-3509

Re: Cumberland Farms, Inc.—801 Washington Avenue

Dear Shukria:

As discussed, enclosed please find a full-size copy of the revised final site plans, as well as a CD copy, for the Cumberland Farms project on 801 Washington Avenue. If you have any questions regarding the enclosed, please do not hesitate to contact me.

Sincerely,


Jisel E. Lopez

JEL/jp

Shukria Wiar - RE: 1884 Forest Ave- Stormwater comments

From: "James Seymour" <jseymour@sebagotechnics.com>
To: "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>
Date: 4/10/2012 2:24 PM
Subject: RE: 1884 Forest Ave- Stormwater comments
CC: <11142@sebagotechnics.com>

Shukria,

We are adjusting the stormwater alignment. Gabriel is closing on the land with Adam Mack this afternoon, and Lee Lowry and John are already talking to the other parties attorney. If this gets too complicated with the Grange mixed entrance with our right out, we have discussed with John possibly removing the Coffee Drive thru component. Then the right goes away, and the design should be as we have shown, which I think Tom and MDOT will accept. This Combined entrance with the Grange properties design needs of a full entrance is complicating the entrance design, and Forest Avenue.

Even though Mike Farmer wants us to utilize and recreate state design from PDF's I don't think that the City or State, will be real thrilled with us tracing a design from a scanned image, from an accuracy standpoint. Recreating that data is a major undertaking under normal conditions. I am frustrated by the resistance to just attain electronic data so we can do this right from the beginning.

I know Mr Lowry and John are also reviewing the agreements forwarded.

Thanks

James R. Seymour P.E.

Sebago Technics Inc

207 856-0277 x 277

PO Box 1339

Westbrook, ME 04098-1339

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]
Sent: Tuesday, April 10, 2012 11:36 AM
To: James Seymour
Subject: 1884 Forest Ave- Stormwater comments

Hello:

We will need to see final plans that address David Senus comments in his last memo. Also to let you know that the DEP's Filterra BMP requires the overflow catch basin and Filterra discharge pipe to both tie into the StormTech isolator row (Volume III. BMP Technical Design Manual, Section 7.5):

"The Filterra(r) system will be configured in series upstream of a StormTech Isolator Row. The treated and bypass flow will be combined and directed to the Isolator Row which shall be sized to treat the flow from a 1-year, 24-hour storm event."

The most recent plans do not depict this configuration.

Thanks.

Shukria

Shukria Wiar - RE: 1884 Forest Avenue Zappia/Mack /Chau

From: Tom Errico <thomas.errico@tylin.com>
To: James Seymour <jseymour@sebagotechnics.com>, Michael Farmer <Mfarmer@por...>
Date: 3/29/2012 4:25 PM
Subject: RE: 1884 Forest Avenue Zappia/Mack /Chau
CC: "11142@sebagotechnics.com" <11142@sebagotechnics.com>, Ryan Senatore <RJ...>

Jim – I think it is important that you illustrate the proposed driveway on your plans (configuration of the driveway, width, number of lanes, traffic control, radii, etc). We also want to see the entire Zappia Lot on the plan, so that we can understand the implication of this driveway on the entire site and adjacent driveways. I also want a recommendation on whether any changes to Forest Avenue are necessary given the shared driveway. It seems to me that it will be more convenient to exit the drive-thru and use this shared driveway for left-turns to outbound Forest Avenue, rather than circulate to the main entrance. Signs will not prevent this from happening. I'd like you to provide an estimate of traffic that would be expected to make this movement.

Thanks and please feel free to call me if you would like to discuss.

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director
TYLIN INTERNATIONAL
 12 Northbrook Drive
 Falmouth, ME 04105
 207.347.4354 direct
 207.400.0719 mobile
 207.781.4753 fax
thomas.errico@tylin.com
 Visit us online at www.tylin.com

Admin Authorization

"One Vision, One Company"
 Please consider the environment before printing.

From: James Seymour [mailto:jseymour@sebagotechnics.com]
Sent: Thursday, March 29, 2012 1:37 PM
To: Tom Errico; Michael Farmer; David Margolis-Pineo; Shukria Wiar; Barbara Barhydt
Cc: 11142@sebagotechnics.com; Ryan Senatore; John
Subject: 1884 Forest Avenue Zappia/Mack /Chau

As of this morning, it is my understanding that Gabriel Zappia and Adam Mack have agreed on price and terms for the fire lane property. As soon as they execute the transfer, we can prepare an easement with Zappia for the use of the westernmost entrance. As of right now, I can not see any substantial change in the driveway layout, or location.

Our current site plan shows the location of the driveways on the Zappia lot. What will the City want to see? I assume that you will want to see the location as it relates to our property, Forest Avenue improvements, and install some barriers which make it a deterrent for drivethru traffic exiting to be able to cross to the other end of the Zappia lot and exit on his eastern exit.

I can take our site plan and show the new entrance and some restriction curbing or barriers to discourage cut thru-s on Zappia's lot.

Also when and where is the meeting Monday. I would at least like to meet with the State and Crews to discuss the plans which will be coming, but I cannot get them on Monday as Mike had wished.

I could have the other site information and conditions addressed, by Tuesday.

Thoughts?

James R. Seymour P.E.
 Sebago Technics Inc
 207 856-0277 x 277
 PO Box 1339
 Westbrook, ME 04098-1339



May 21, 2012
11142

Danielle P. West-Chuhta, Esq.
Portland City Hall
389 Congress Street
Portland, ME 04101

1884 Forest Avenue - Triton Food Mart/Gas Station

Dear Attorney West-Chuhta:

Thank you for your assistance in the preparation of agreements between Mr. Chau/Ms. Neang and the City of Portland for roadway improvements at 1884 Forest Avenue. As you are aware, the timing of this project has become critical since MDOT project improvements are nearly complete and surface paving is scheduled in June (we understand the end of June). Once surface paving is completed, the street will be under moratorium making it difficult to complete the additional improvements necessary for the Chau/Neang project. We are hopeful to work with the City and MDOT to avoid this situation.

During the past week, we have been in communication with staff at the Portland Department of Public Services and MDOT. Our efforts have focused on providing final improvement plans for road, sidewalk and curbing modifications and options to accommodate the timing of the improvements. We also understand our clients' written Agreement has been provided to the City for the frontage improvements along with an executed Warranty Deed for the land conveyance to the State of Maine of additional Right-of-Way.

Given the final paving schedule and required approvals to gain authorization to move forward with the frontage improvements, it may not be possible to complete these improvements prior to finish paving. In an effort to accommodate the necessary Forest Avenue improvements, we understand there are two potential alternatives as follows:

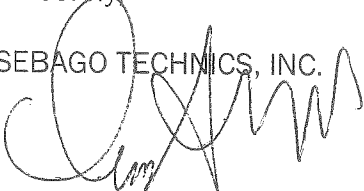
1. Postpone finish paving until the additional frontage improvements are completed. Once the final design plans are approved by the City and MDOT, Mr. Chau will have R.J. Grondin & Sons complete the work either under a MDOT change order or independently as directed by the City and MDOT. This can be documented with an addition to the Agreement previously delivered. We believe this schedule modification will only delay the finish paving for a few weeks beyond the original completion date.
2. Complete finish paving with the exception of the frontage section along Mr. Chau's property (approximately 550 feet of roadway). This would allow the MDOT

project work to be completed for the vast majority of the project while providing the additional time necessary to undertake the frontage improvements. Once the work is completed, the finish paving will be placed along the frontage.

We are willing to meet with City and MDOT staff to review these options to determine which approach would be agreeable and any associated requirements or agreements between the City and Mr. Chau/Ms. Neang. Upon your review of this request, please contact me if you have any questions.

Sincerely,

SEBAGO TECHNICS, INC.



Owens A. McCullough, P.E., LEED AP
V.P. Engineering

cc: David Margolis-Pineo
Kathy Earley
Barbara Barhydt

OAM:oam

May 21, 2012
11142

Danielle P. West-Chuhta, Esq.
Portland City Hall
389 Congress Street
Portland, ME 04101

1884 Forest Avenue - Triton Food Mart/Gas Station

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2. Complete finish paving with the exception of the frontage section along Mr. Chau's property (approximately 550 feet of roadway). This would allow the MDOT

Shukria Wiar - 1884 Forest Avenue

From: Michael Farmer
To: Wiar, Shukria
Date: 5/14/2012 9:45 AM
Subject: 1884 Forest Avenue
CC: Barhydt, Barbara; Bobinsky, Michael; Earley, Katherine; Margolis-Pine...

Shukria:

I met on Friday with Mike Bolbinsky, Katherine Earley, Dave Margolis-Pineo, and Danielle West-Chuta to discuss the project at 1884 Forest Avenue and the tentative proposal to include certain improvements (in Forest Avenue) for the private development project in the MDOT construction contract for its project in Forest Avenue. In addition to the private development project, we also discussed the request from MDOT staff to the City to decide, as soon as possible, how it wants to proceed with the MDOT project. We reached the following consensus at the meeting.

It was decided that if all of the developer's required road improvement plans and required agreements had not been completed, reviewed, approved, and signed, as appropriate, by noon on May 14th (today), the City would communicate to MDOT and the developer that the City's decision was to proceed with the MDOT construction contract as it is currently written. The City would not support and recommend that final paving in front of the 1884 Forest Ave. project site be deleted from the MDOT construction contract. It was also decided that the Planning Department would best suited to communicate these decisions to Sebago Technics and the developer, and that this information should be communicated to them after noon on May 14th.

Michael Farmer, Project Engineer
Portland Dept. of Public Services
55 Portland Street
Portland, ME 04101
phone: 207-874-8845
fax: 207-874-8852

**JENSEN BAIRD
GARDNER HENRY**

Attorneys at Law

TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112-4510
(207) 775-7271 (Phone)
(207) 775-7935 (Fax)
www.jbgh.com

KENNETH M. COLE III
NICHOLAS S. NADZO
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
LAWRENCE R. CLOUGH
ALAN R. ATKINS
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III
F. BRUCE SLEEPER
DEBORAH M. MANN
LESLIE E. LOWRY III
PATRICIA M. DUNN

MICHAEL J. QUINLAN
R. LEE IVY
ROGER P. ASCH
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
NICHOLAS J. MORRILL
SUZANNE R. SCOTT
LORAIN L. HITE
MARCIA G. CORRADINI
KATHLEEN T. KONKOLY
MARK A. BOWER
JENNIFER W. PETERS

MERTON G. HENRY
FRANK H. FRYE
OF COUNSEL

RAYMOND E. JENSEN
(1908-2002)

KENNETH BAIRD
(1914-1987)

M. DONALD GARDNER
(1918-2003)

YORK COUNTY
OFFICE
11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676 (Phone)
(207) 985-4932 (Fax)

May 14, 2012

Hand delivery.

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


Re: 1884 Forest Avenue

Dear Barbara:

Enclosed please find the original of the Agreement Between City of Portland and John Chau and Phuong Neang, signed by my clients, and the original Warranty Deed from John Chau and Phuong Neang to the State of Maine, signed and notarized.

In the event that any corrections or editing is required, my clients are prepared to do what is necessary to have these documents conform to the project documentation.

Very truly yours,


Leslie E. Lowry

cc. John Chau and Phuong Neang

**AGREEMENT BY AND BETWEEN
CITY OF PORTLAND
AND
JOHN CHAU and PHUONG NEANG**

This AGREEMENT is entered into on the day and date below by and between the City of Portland (the "CITY") and John Chau and PHUONG NEANG (collectively, the "OWNER") the owners of 1884 Forest Avenue, Portland, Maine (the "Property").

WHEREAS, the CITY has contracted with the State of Maine Department of Transportation ("DEPARTMENT") for road improvements on Forest Avenue (see agreement attached hereto as Exhibit A) (hereinafter "original road work"); and

WHEREAS, the OWNER desires to have the DEPARTMENT (through the agreement attached hereto as Exhibit A) perform additional road work including, but not limited to, paving, curbs, islands, and connections to gas and water services in the roadway, as detailed in the Plan attached hereto as Exhibit B (hereinafter "additional road work") as a result of OWNER's proposed development (i.e. gas station and bank) on the Property.

NOW THEREFORE, the parties hereby agree as follows:

1) OWNER shall be responsible for any and all costs associated with the additional road work on Forest Avenue. These costs may include, but are not limited to, paving, installation of curb, installation of sidewalk, gas and water connections, construction engineering costs and any and all costs described in paragraph (F) of Exhibit A (i.e. any over-run costs if the original road work budget is exceeded as a result of the additional road work). Prior to commencement of the additional road work, CITY, DEPARTMENT and/or the contractor shall provide OWNER with an estimate of the cost of the additional road work, and OWNER shall have ten (10) business days, but in no event later than April 30, 2012, to determine whether it wishes to proceed further with this Agreement, and if OWNER elects to not proceed, then OWNER's liability hereunder shall be limited to any cost or expense chargeable as a result of reviewing the proposed additional road work and cost estimate.

2) OWNER shall obtain any and all necessary and required approvals (CITY, State, PACTS, etc.) for the additional road work and for its proposed development project on the Property.

3) OWNER shall obtain and provide to the CITY and/or State any and all necessary land in fee, easements and/or licenses required to complete the additional road work. This requirement includes, but is not be limited to, providing the CITY and/or State with the land required for the proposed sidewalk and abutting utilities (i.e. the two (2) feet behind the proposed sidewalk) along the Property on Forest Avenue.

4/24/2012

4) CITY shall provide OWNER with bills rendered to it by the DEPARTMENT for the additional road work described herein and the OWNER shall promptly pay said bills to the CITY within thirty (30) days of receipt thereof.

5) OWNER shall indemnify and hold harmless the CITY and its agents, servants, employees and independent contractors from any and all claims or liabilities arising out of Owner's failure to pay for the cost of the additional road work or, if Owner has not elected to have such additional road work done, for any cost or expense chargeable as a result of reviewing the proposed additional road work and cost estimate. Nothing herein shall nor is it intended to waive any defense, immunity or limitation of liability which may be available to the City, its officers, agents, servants, independent contractors or employees under the Maine Tort Claims Act, 14 M.R.S.A. Section 8101, *et seq.* or any other privileges or immunities provided by law or in equity.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on this 14th day of MAY, 2012.

WITNESS

WITNESS

fish

CITY OF PORTLAND

By: _____
Michael J. Bobinsky
Director of Public Services

By: _____
Mark Rees
Its City Manager

OWNER

John Chau

John Chau

Phuong Neang

Phuong Neang

<i>Internal use only</i>	
TEDOCS #:	<u>1127708</u>
CT #:	<u>DOT 011-28513</u>
CSN #:	<u>28513</u>
End Date:	<u>6/16/14</u>



MUNICIPAL/STATE AGREEMENT

BETWEEN THE

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

AND THE

CITY OF Portland

REGARDING

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. NH-1310(700)E
STATE PROJECT IDENTIFICATION NUMBER (PIN) 013107.00

This AGREEMENT is entered into on the day and date last signed below by and between the STATE OF MAINE DEPARTMENT OF TRANSPORTATION (hereafter the DEPARTMENT) and the CITY OF PORTLAND, a municipal corporation located in the County of CUMBERLAND (hereafter the MUNICIPALITY) regarding the planning, development, design, right of way, construction, cost sharing and reimbursement for a project to make improvements to this will consist of Highway reconstruction on FOREST AVENUE beginning at Industrial Parkway and extending 0.37 of a mile to Riverside St. in PORTLAND, Maine, under Federal Aid Project No. NH-1310(700)E/State Project Identification Number (PIN) 013107.00, (hereafter PROJECT) as follows:

- A. The DEPARTMENT agrees to procure and administer a contract to construct the PROJECT in accordance with the plans and specifications developed by the DEPARTMENT, to which reference is hereby made for a more particular description thereof.

Please refer to APPENDIX A of this AGREEMENT for a brief outline of the scope, limits of work and cost sharing for the entire PROJECT.

- B. The DEPARTMENT, as administrator of this contract, agrees to pay all project costs subject to cost sharing by the MUNICIPALITY as specified below in Paragraphs D, E, and in Appendix A. The

DEPARTMENT reserves the right to terminate the PROJECT for any reason prior to the award of a contract to construct the PROJECT.

- C. This Paragraph has been omitted intentionally.
- D. Upon acceptance of plans, specifications and estimates, the DEPARTMENT shall solicit for competitive bids for the PROJECT. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the PROJECT and fulfillment of all terms set forth above, the DEPARTMENT shall award a contract to construct the PROJECT. All decisions pertaining to the administration of such a contract and all payments there under shall be the sole discretion of the DEPARTMENT.
- E. The MUNICIPALITY also agrees to pay to the DEPARTMENT upon receipt of an invoice immediately following the award of a contract to construct the PROJECT, its local share towards the cost of the PROJECT. Such payment shall be based upon 10 percent (10 %) of the total estimated cost of the PROJECT as estimated in detail upon such award using updated cost information, including the bid prices contained in such a contract.
1. A final bill will be created at the closeout of the project, after all quantities are verified, and any required adjustments have been made. The cost of the work for which the DEPARTMENT will bill the MUNICIPALITY shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of PROJECT development cost to the point of termination as stipulated above.
 2. The MUNICIPALITY shall review all invoices and submit payment to the DEPARTMENT within 30 days.
 3. In the event of PROJECT termination, all provisions of this AGREEMENT shall become null and void except for those set forth under *Paragraphs B and E* as aforesaid.
- F. The MUNICIPALITY, at its election, may request that changes be made or work added to the PROJECT during the period of construction which benefits the MUNICIPALITY, provided the MUNICIPALITY agree in writing to pay any additional cost therefor based upon the cost of construction plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to approval by the DEPARTMENT. In the event that such changes or work are approved for federal participation in the cost thereof, such additional cost may be reduced to the non-federal share of such cost.
- G. The MUNICIPALITY agrees to allow the DEPARTMENT's contractor to control all traffic through the work areas on the PROJECT as necessary to permit construction thereof in the manner specified in a Traffic Control Plan approved by the DEPARTMENT.
- H. The MUNICIPALITY agrees to alter, move, relocate or remove any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, which might become necessary to permit construction of the PROJECT, which has not otherwise been provided for during the development of the PROJECT, without any cost to the PROJECT whatsoever. Any work

necessary to do so during the period of construction shall be coordinated with the contractor for the PROJECT.

- I. The MUNICIPALITY agrees to assure proper adjustment, relocation, or repair of any portion of a service that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the PROJECT. The MUNICIPALITY agrees to hold the DEPARTMENT harmless from any claims for damages occurring as a result thereof.
- J. The MUNICIPALITY agrees to prohibit the excavation of the highway within the limits of the PROJECT for a period of at least five (5) years after completion of the PROJECT, except for any emergency, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any city government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the PROJECT shall be regulated and controlled in the manner specified by the DEPARTMENT in its "Rules, Regulations and Policies for Highway Openings", to which reference is hereby made.
- K. The MUNICIPALITY agrees to maintain all improvements and fixtures constructed, installed or furnished as a part of the PROJECT in such a manner as is necessary to preserve the use and function thereof as intended by the PROJECT.
- L. The MUNICIPALITY agrees to keep the right-of-way of the PROJECT inviolate from all encroachments and agrees to remove, or cause to be removed, any private installation, advertising sign, device or fixture which may encroach thereon.
- M. The MUNICIPALITY agrees to regulate all entrances to the highway within the limits of the PROJECT in accordance with the provisions of 23 M.R.S.A. § 704
- N. The MUNICIPALITY agrees to limit all on-street parking along Forest Avenue to the parking spaces as designed and constructed under the PROJECT and prohibit all other such parking along the remainder of said street within the limits of the PROJECT.
- O. The DEPARTMENT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to the Department's option to withhold for the purposes of set-off any monies owed to the MUNICIPALITY with regard to this AGREEMENT and any other agreement with the DEPARTMENT, including any agreement for a term commencing prior to the term of this AGREEMENT, plus any amounts owed to the MUNICIPALITY for any other contract with any State of Maine department or agency.
- P. The DEPARTMENT may postpone, suspend, abandon or otherwise terminate this AGREEMENT upon thirty (30) days written notice to the MUNICIPALITY and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by the DEPARTMENT or specifically as the result of any failure by the MUNICIPALITY to perform any of the services required under this AGREEMENT to the satisfaction of the DEPARTMENT.
- Q. The MUNICIPALITY certifies, by signing this Agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. If the MUNICIPALITY

is unable to certify to this statement, it shall attach an explanation to this Agreement. The MUNICIPALITY shall promptly notify MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

- R. The MUNICIPALITY and the DEPARTMENT agree to function within all applicable laws, statutes, regulations, MUTCD, OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this AGREEMENT.
- S. All provisions of this AGREEMENT, *except those provided above in Paragraphs J-O*, shall expire at PROJECT final voucher, or upon final payment by the MUNICIPALITY of any PROJECT costs as hereinbefore provided, whichever occurs later.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT in duplicate effective on the day and date last signed below.

MUNICIPALITY

6-8-2011
Date

By: Patricia A. Finnigan, Acting City Manager
[Name & Title - Typed or Printed]
PATRICIA A. FINNIGAN

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

6-16-11
Date

By: Joyce Noel Taylor
Joyce Noel Taylor, Director
Bureau of Project Development

APPENDIX A

MUNICIPAL/STATE AGREEMENT

BETWEEN THE

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

AND THE

City OF PORTLAND

REGARDING

PROPOSED IMPROVEMENTS TO FOREST AVENUE

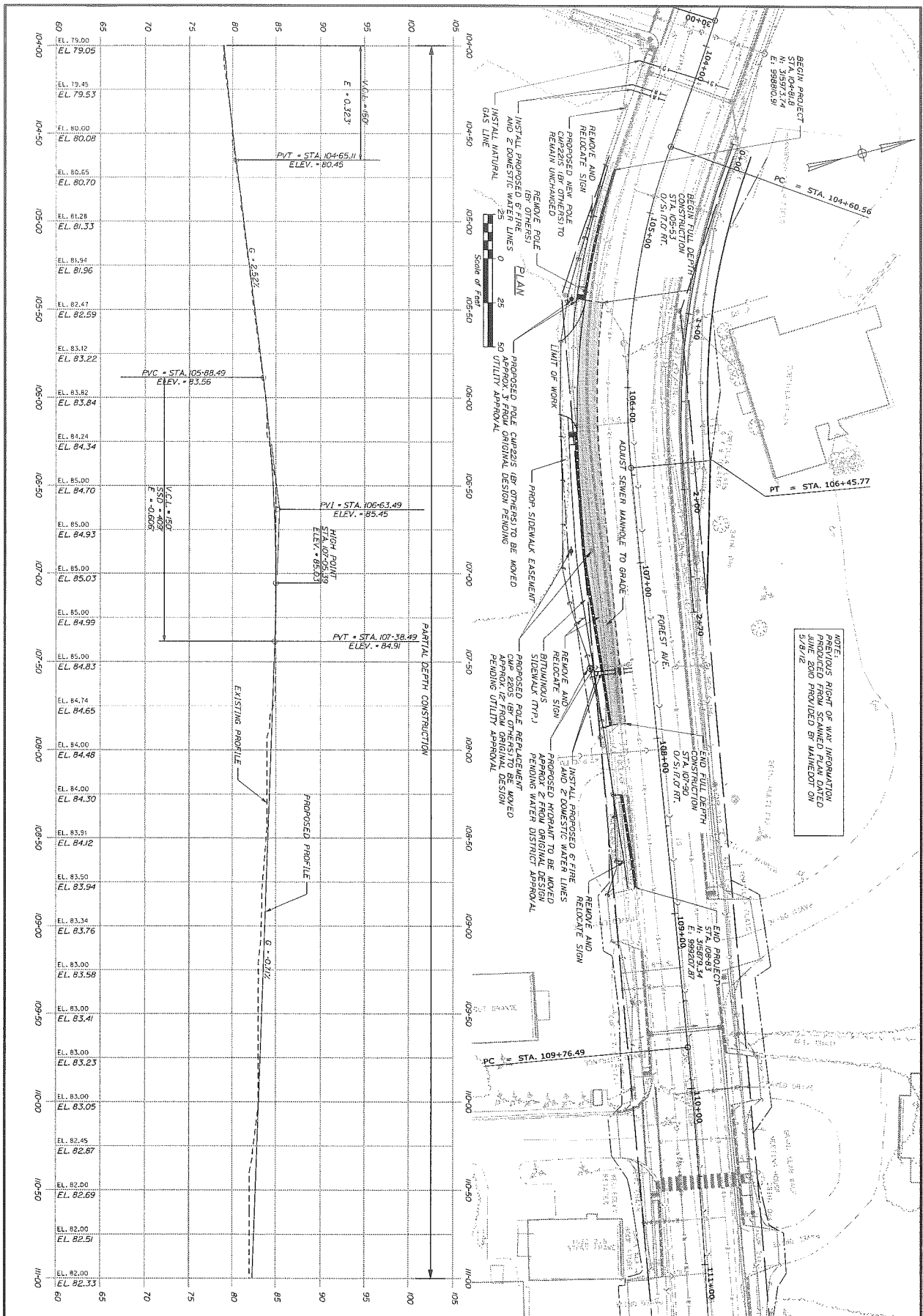
FEDERAL AID PROJECT NO. NH-1310(700)E
STATE PROJECT IDENTIFICATION NUMBER (PIN) 013107.00

Project Scope: Highway Reconstruction: Beginning at Riverside Industrial Parkway and extending 0.37 of a mile to Riverside St.

Work Element	Municipal Share	State Share	Federal Share	Total Cost
			MPO Portion	
Design	\$32,500.00	\$32,500.00	\$260,000.00	\$325,000.00
Preliminary Engineering, Final Design, Preparation of Plans, Advertise				
Right of Way	\$14,522.40	\$15,749.47	\$114,952.13	\$145,224.00
Preliminary & Final Mapping, Appraisals, Negotiations				
Construction	\$178,616.00	\$178,616.00	\$1,428,928.00	\$1,786,160.00
Payments to Contractor				
Construction Engineering	\$17,861.60	\$17,861.60	\$142,892.80	\$178,616.00
Testing, Inspection, Documentation, Project Close out				
Total Funding	\$243,500.00	\$244,727.07	\$1,946,772.93	\$2,435,000.00

Payment Schedule:

Project Milestone	Payment Amount	Estimated Invoice Date
Contract Award (15% of Municipal Share)	\$36,525.00	09/30/2011
Construction Begin (35% of Municipal Share)	\$85,225.00	10/17/2011
Construction Effort Complete (50% of Municipal Share)	\$121,750.00*	10/02/2012
*This is an estimate, final to be determined at closeout		



NOTE:
PREVIOUS RIGHT OF WAY INCORPORATION
LINE 500 PROVIDED BY WAHEDOT ON
5/8/12

CONSTRUCTION PLANS
OF:
TRITON FOODMART / GAS STATION
184 FOREST AVE
PORTLAND, MAINE
FOR:
JOHN CHAU
75 ACADIA ST.
PORTLAND, MAINE 04103

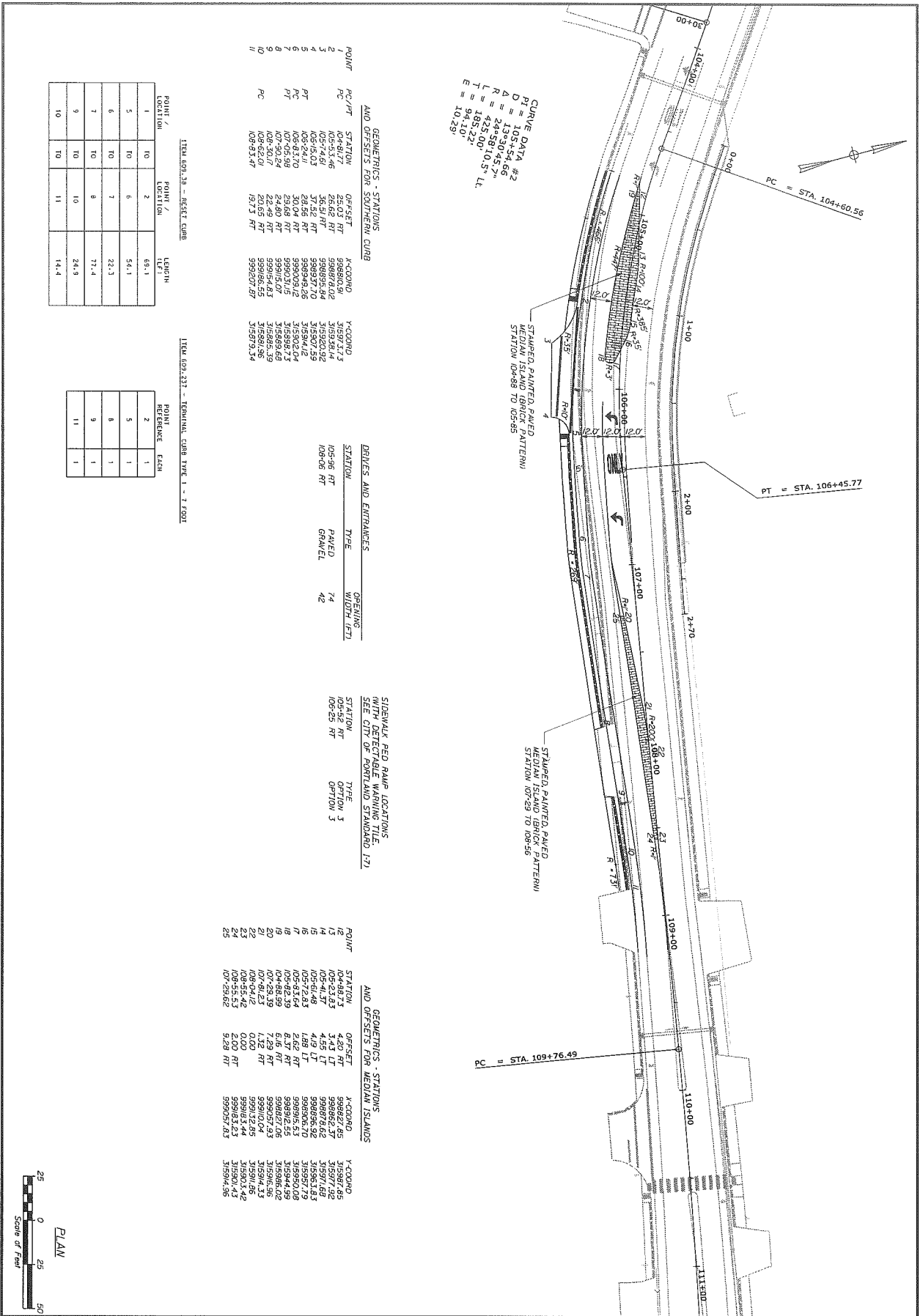
Sebago Technics
Engineers, Scientists, You Can Build On
One Oxford Street 200 Goodpastor Road - Suite 8
Watson, ME 04092-1378 Lewiston, ME 04242
Tel (207) 854-0777 Fax (207) 753-8856
www.sebagotechnics.com

PROJECT NO.	FIELD BOOK	DESIGN	CHECK	DRAWN
1142		BRL	SSS	BRL

1	BRL	5/12	SUBMITTED FOR REVIEW
REV.	BY:	DATE:	STATUS:

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CURVE DATA #2
 PI = 103+54.66
 D = 133+54.66
 R = 24+50+45.7"
 L = 425+00+10.5" LL
 T = 98.532'
 E = 10.28'

GEOMETRICS - STATIONS AND OFFSETS FOR SOUTHERN CURB

POINT	PC/PT	STATION	OFFSET	ACCORD	V-CURVE
1	PC	105+53.46	28.62 RT	998879.02	315938.14
2	PT	105+53.46	28.62 RT	998879.02	315938.14
3	PC	105+74.61	36.51 RT	998925.84	315920.92
4	PT	105+74.61	36.51 RT	998925.84	315920.92
5	PC	107+05.99	30.04 RT	999003.15	315938.14
6	PT	107+05.99	30.04 RT	999003.15	315938.14
7	PC	107+20.52	23.68 RT	999152.75	315938.14
8	PT	107+20.52	23.68 RT	999152.75	315938.14
9	PC	108+62.01	20.65 RT	999166.55	315938.14
10	PT	108+62.01	20.65 RT	999166.55	315938.14
11	PC	108+83.47	19.73 RT	999207.87	315938.14

DRIVES AND ENTRANCES

STATION	TYPE	OPENING WIDTH (FT)
105+96 RT <td>PAVED</td> <td>74</td>	PAVED	74
109+06 RT <td>GRAVEL</td> <td>42</td>	GRAVEL	42

CURB AND PAVE LOCATIONS WITH DETECTABLE WARNING TILE SEE CITY OF PORTLAND STANDARD 1-71

GEOMETRICS - STATIONS AND OFFSETS FOR MEDIUM ISLANDS

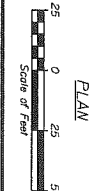
POINT	STATION	OFFSET	ACCORD	V-CURVE
12	105+12 RT	0.00	998925.84	315920.92
13	105+23.83	3.43 LT	998862.37	315977.92
14	105+41.37	4.55 LT	998879.02	315977.92
15	105+41.37	4.55 LT	998879.02	315977.92
16	105+63.64	2.62 RT	998925.84	315920.92
17	105+63.64	2.62 RT	998925.84	315920.92
18	105+86.29	6.37 RT	999152.75	315938.14
19	105+86.29	6.37 RT	999152.75	315938.14
20	107+04.12	1.32 RT	999166.55	315938.14
21	107+04.12	1.32 RT	999166.55	315938.14
22	108+04.12	0.00	999207.87	315938.14
23	108+04.12	0.00	999207.87	315938.14
24	108+25.62	5.28 RT	999207.87	31594.26
25	108+25.62	5.28 RT	999207.87	31594.26

ITEM 609.38 - RESET CURB

POINT / LOCATION	POINT / LOCATION	LENGTH (FT)
1 10	2	68.1
5 10	6	54.1
6 10	7	23.3
7 10	8	71.4
9 10	10	24.9
10 10	11	14.4

ITEM 609.237 - TERMINAL CURB TYPE 1 - 1 FOOT

POINT / LOCATION	POINT / LOCATION	LENGTH (FT)
2	1	1
5	1	1
8	1	1
9	1	1
11	1	1



GEOMETRIC & CURB LAYOUT PLAN
 TRITON FOREST MART / GAS STATION
 JOHN CHAU
 75 ACADIA ST.
 PORTLAND, MAINE 04103

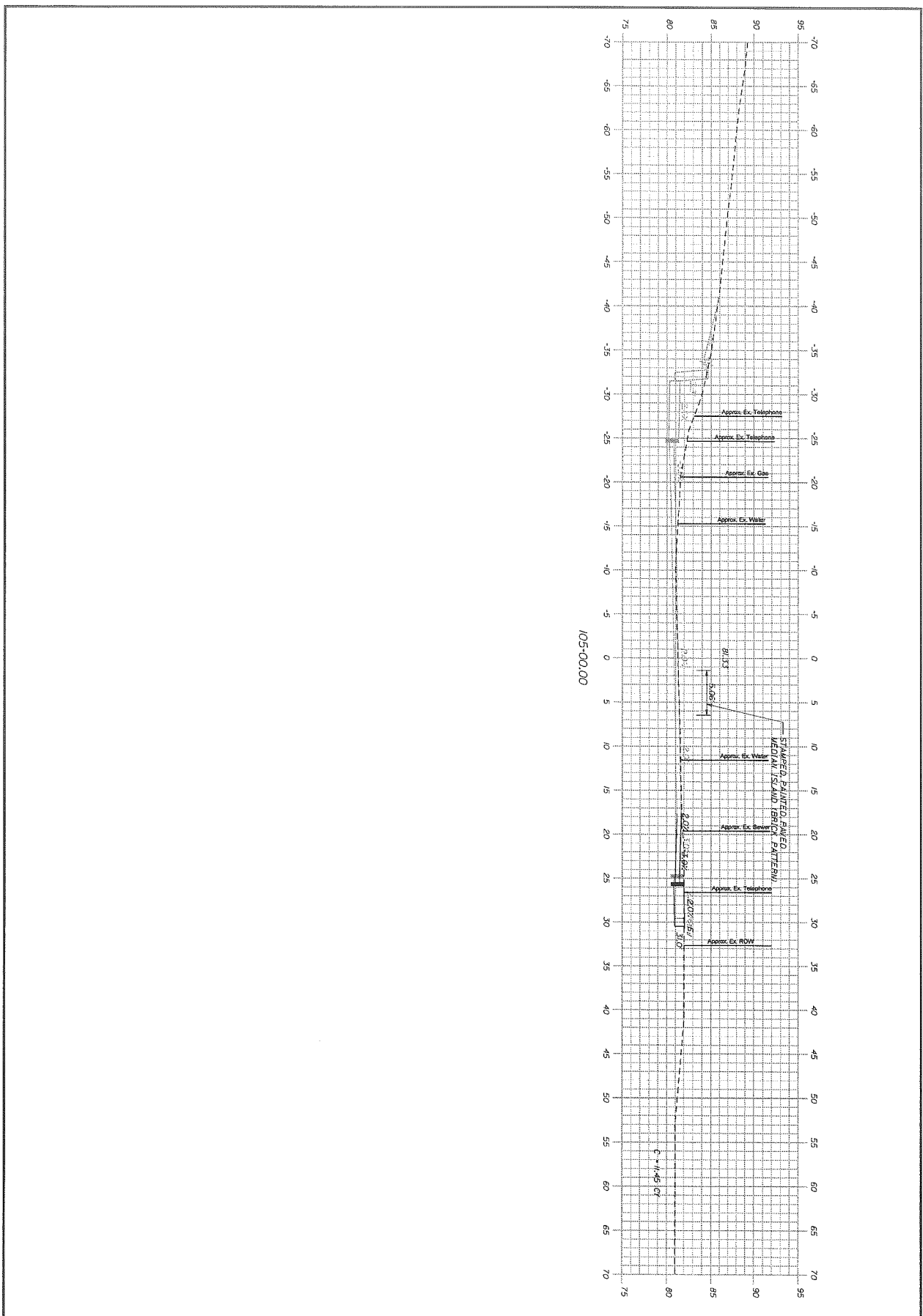
Sebago Technics
 Engineering Expertise You Can Build On
 250 Oakland Road - Suite 6
 Westbrook, ME 04090-1209
 Tel: (207) 688-8277
 Fax: (207) 688-8282
 WWW.SEBAGOENGINEERING.COM

PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
11142		BRL	SSS	BRL

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 1604 FOREST AVE.
 PORTLAND, MAINE
 FOR:
JOHN CHAU
 75 ACADIA ST.
 PORTLAND, MAINE 04103

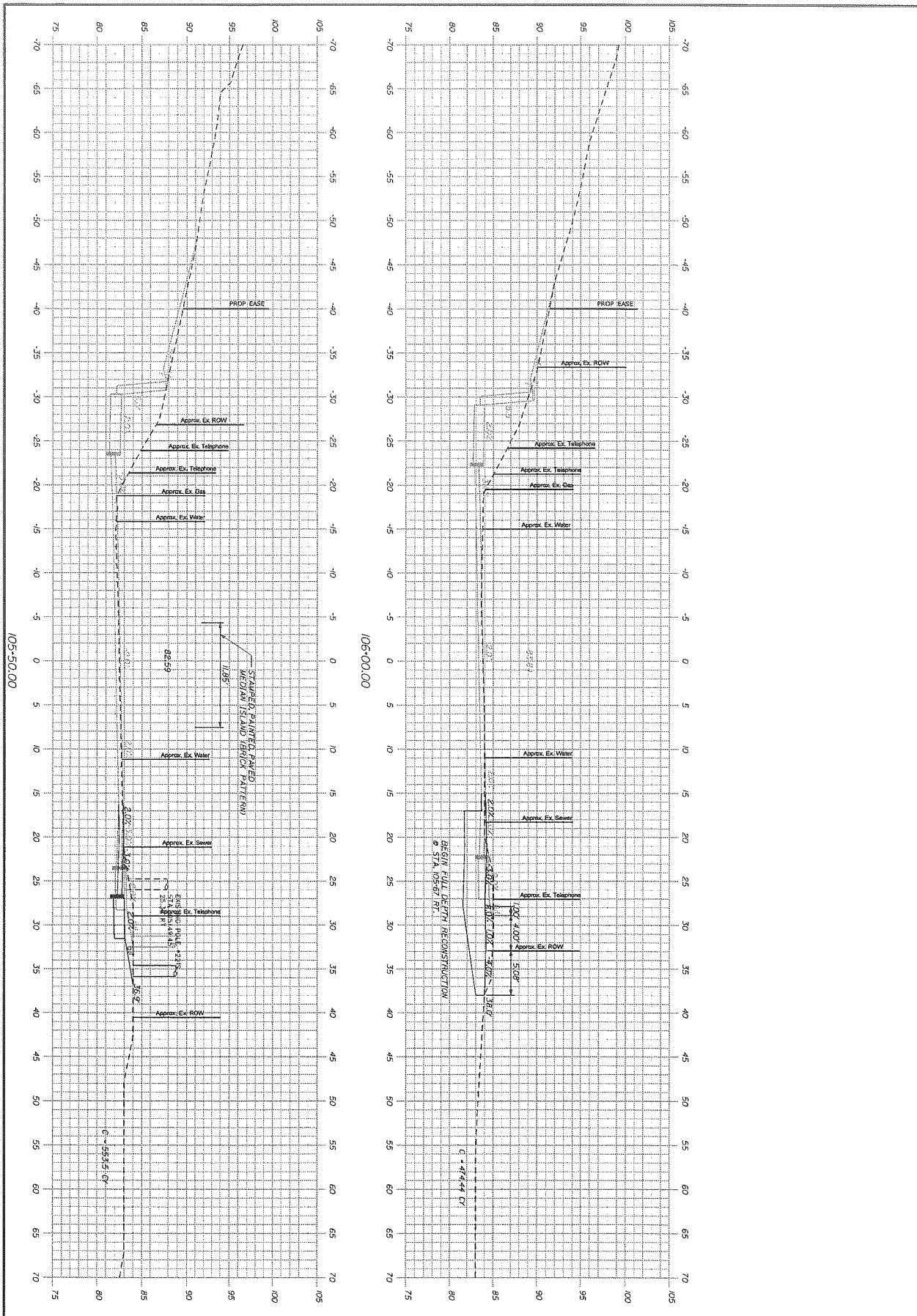
Sebago Technics
 Environmental, Scientific, Inc. Civil, Survey, etc.
 One Chapel Street, 250 Grand Street, Suite 8
 Westbrook, ME 04092-1325, Lewiston, ME 04240
 Tel: (207) 584-0277, Tel: (207) 510-4659
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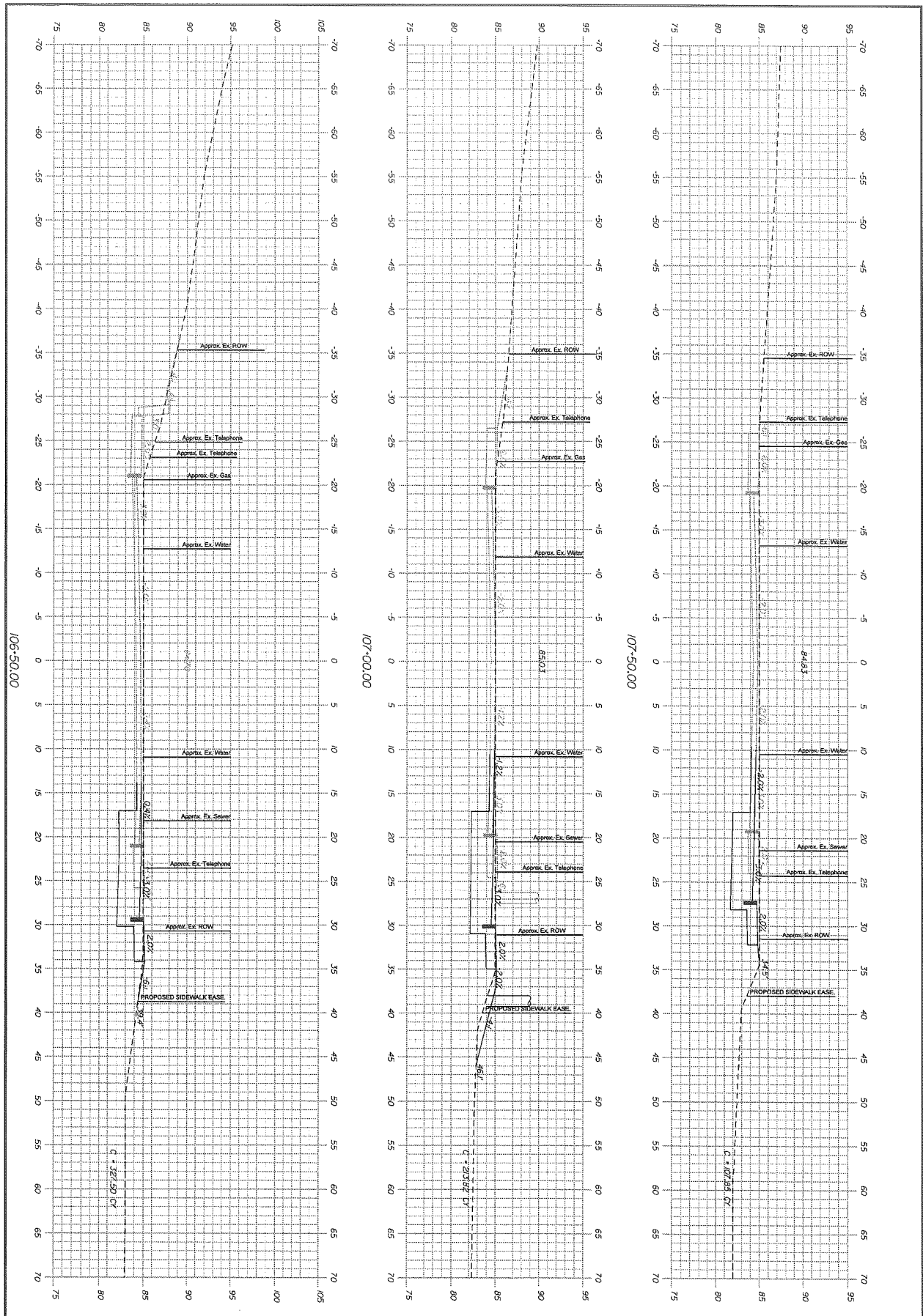


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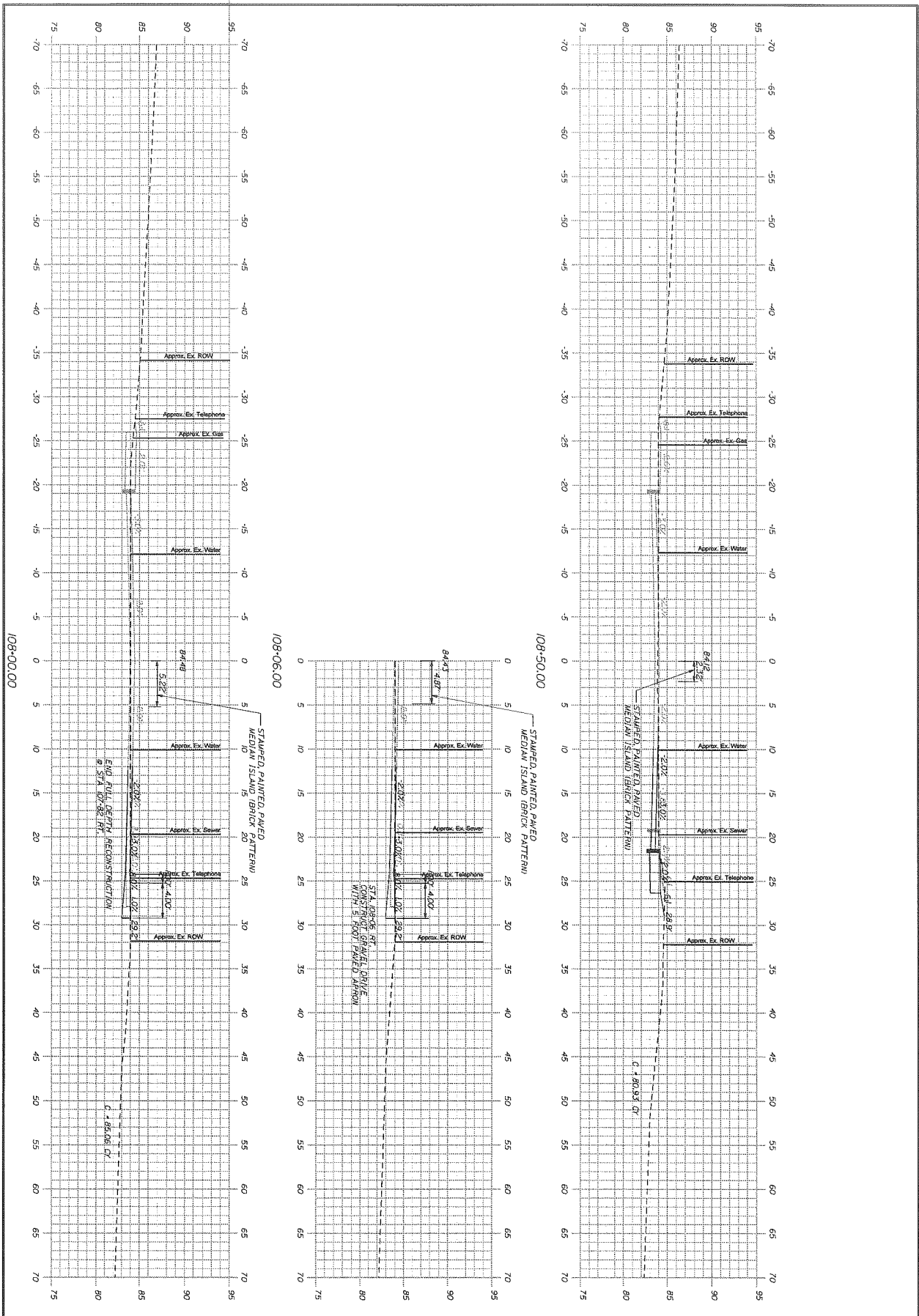
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PROJECT NO. | FIELD BOOK | DESIGN | CIVIL | DRAWN |
 11142 | - | BRL | SSS | BRL

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1142		BR	SSS	BR

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