

CITY OF PORTLAND, MAINE

PLANNING BOARD

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January 27, 2009

David Latulippe
The Richmond Company
23 Concord Street
Wilmington, MA 01887

Maureen M. McGlone
Gorrill-Palmer Consulting Engineers
P.O. Box 1237
15 Shaker Road
Gray, ME 04039

**RE: Walgreens Pharmacy with Pharmacy Drive-Thru
340 Allen Avenue
Application # 2007-0189
CBL 344 E 8, 12, 36, 37, 42, 27, 50**

Dear Mr. Latulippe and Ms. McGlone:

On January 13, 2009, the Portland Planning Board considered the proposal for a 14,014 sq ft Walgreens Pharmacy with drive-thru service located at 340 Allen Avenue. The Planning Board reviewed the proposal for conformance with the B2 Conditional Use Standards and Site Plan Ordinance. The Planning Board voted 7-0 to approve the application with the following motions, waivers and conditions as presented below.

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 02-09, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 7-0 that the proposed conditional use for a drive-thru adjacent to a residential use or zone is in conformance with the standards of the Land Use Code, Section 14-183 for the B2 zone, subject to the following condition(s):

- i. That the applicant shall submit, for the City's Associate Corporation Counsel review and approval prior to the issuance of a building permit, final easement documentation/ agreements that allow for the access and boundary revisions and associated works on the properties owned by Allen Avenue Extension LLC (Espo's) and Ritco Properties, Inc (Laundromat) properties, and by which agreement such owners agree that no site changes other than shown on the approved plan shall be made to their properties without Planning Authority approval; and
- ii. That the applicant shall conduct a detailed Traffic Monitoring Study, as described in the January 7, 2009 comments from Tom Errico, 18 months following the opening of the pharmacy to the public, such date to be informed to the City Planning Authority. A report summarizing the outcomes of the Traffic Monitoring Study, including the identification of deficiencies and corrective measures (if any), shall be submitted to the City Planning Authority immediately upon completion and no later than one month after the Study is conducted; and

- iii. That if mitigation actions are identified, the City of Portland shall be responsible for all costs associated with implementation of improvements within the public right of way and the four foot easement area referenced below in item iv., provided the applicant shall be responsible for reasonable on-site signage or similar improvements as required by the Planning Authority. Such improvements shall not include the elimination of either the right-turn entry or the exit movements as approved, provided that the City can make whatever other improvements, the nature and scope at the City's sole discretion, within the public right of way and the four foot easement area referenced below in item iv.; and
- iv. That the applicant shall provide, prior to the issuance of a building permit, a four foot wide easement along the applicant's Washington Avenue property boundary for possible improvement requirements as identified in the Traffic Monitoring Study; and
- v. That the applicant shall implement, prior to the issuance of a Certificate of Occupancy, pavement reconstruction, pavement markings and signing improvements to create a central turning lane along Allen Avenue from west of their site to their easterly site drive (similar to that shown in an indicative plan titled "Off-site Improvements" dated 9.22.2008 and referenced as Attachment M21 to Report #02-09.) The applicant shall be responsible for preparing construction design plans and documents for such work, which shall be subject to review and approval by the Planning Authority prior to issuance of a building permit; and
- vi. That the existing "stamped" islands on Allen Avenue, that are to be modified as part of Walgreens Off -site Improvements plan referenced in condition v. above, shall not be painted black, but milled and replaced with new bituminous pavement; and.
- vii. That the applicant shall submit, prior to the issuance of a building permit, a more detailed design to clarify the layout and operation of the area adjacent to joint access with the Ritco; and
- viii. That deliveries to the site and trash removal shall be restricted to between the hours of 8am and 8pm everyday, and that the pharmacy drive-thru hours shall be limited to 7am to 11pm everyday; and

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 # 02-09 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

- i. The Planning Board voted 7-0 to waive the requirements of Section III.2.A.(b) of the Technical and Design Standards and Guidelines which requires driveway widths to be no greater than 30 feet, to allow the Washington Avenue drive and easterly Allen Avenue drive to exceed this width as shown on the approved Plan C1.1 Rev B (Attachment M7 to Report #02-09).
- ii. The Planning Board voted 7-0 to waive the requirement of Section III.3.A of the Technical and Design Standards and Guidelines for parking spaces to be 9 feet by 19 feet, to allow 9 feet by 18 feet parking spaces as shown on the approved Plan C1.1 Rev B (Attachment M7 to Report #02-09).

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 02-09 relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board voted 7-0 that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. That the applicant shall submit, for the City's Associate Corporation Counsel review and approval prior to the issuance of a building permit, final easement documentation/ agreements that allow for the access and boundary revisions and associated works on the properties owned by Allen Avenue Extension LLC (Espo's) and Ritco Properties, Inc (Laundromat) properties, and by which agreement such owners agree that no site changes other than shown on the approved plan shall be undertaken to their properties without Planning Authority approval; and
- ii. That the applicant shall conduct a detailed Traffic Monitoring Study, as described in the January 7, 2009 comments from Tom Errico, 18 months following the opening of the pharmacy to the public, such date to be informed to the City Planning Authority. A report summarizing the outcomes of the Traffic Monitoring Study, including the identification of deficiencies and corrective measures (if any), shall be submitted to the City Planning Authority immediately upon completion and no later than one month after the Study is conducted; and
- iii. That if mitigation actions are identified, the City of Portland shall be responsible for all costs associated with implementation of improvements within the public right of way and the four foot easement area referenced below in item iv., provided the applicant shall be responsible for reasonable on-site signage or similar improvements as required by the Planning Authority. Such improvements shall not include the elimination of either the right-turn entry or the exit movements as approved, provided that the City can make whatever other improvements, the nature and scope at the City's sole discretion, within the public right of way and the four foot easement area referenced below in item iv.; and
- iv. That the applicant shall provide, prior to the issuance of a building permit, a four foot wide easement along the applicant's Washington Avenue property boundary for possible improvement requirements as identified in the Traffic Monitoring Study; and
- v. That the applicant shall implement, prior to the issuance of a Certificate of Occupancy, pavement reconstruction, pavement markings and signing improvements to create a central turning lane along Allen Avenue from west of their site to their easterly site drive (similar to that shown in an indicative plan titled "Off-site Improvements" dated 9.22.2008 and referenced as Attachment M21 to Report #02-09.) The applicant shall be responsible for preparing construction design plans and documents for such work, which shall be subject to review and approval by the Planning Authority prior to issuance of a building permit for new construction; and
- vi. That the existing "stamped" islands on Allen Avenue, that are to be modified as part of Walgreens Off -site Improvements plan referenced in condition v. above, shall not be painted black, but milled and replaced with new bituminous pavement; and
- vii. That the easterly drive from Allen Avenue shall have the channelization island comprise of sloped granite curbing and the main body of the island be of a material that can carry the weight of a fire truck and not be obstructed by landscaping; and

- viii. That the applicant shall submit, prior to the issuance of a building permit, a more detailed design to clarify the layout and operation of the area adjacent to joint access with the Ritco Properties Inc; and
- ix. That the Landscape Plan be revised and submitted for review and approval; such revisions to 'crown' or slightly berm the landscape and turf area between the parking lot and Washington Avenue along with the 'bump-outs' or islands that project out into the parking area; and
- x. That the sprinkler connection shall be located on the Allen Avenue side of the pharmacy building to facilitate Fire Department operations; and
- xi. That the applicant shall submit, for review and approval prior to the issuance of a building permit, a construction mobilization plan that will include, but is not limited to, access, demolition, sequencing, site stabilization, hours of operation, and interim lighting; and
- xii. That deliveries to the site and trash removal shall be restricted to between the hours of 8am and 8pm everyday and that the pharmacy drive-thru hours shall be limited to 7am to 11pm everyday; and
- xiii. That the applicant shall revise the site plan as necessary to resolve any conflict between the landscape and snow storage areas, for Planning Authority review and approval; and
- xiv. That the applicant agrees that the employee's parking area lighting shall be turned off not later that one hour after the Walgreens store closes.

The approval is based on the submitted plans and the findings related to site plan and conditional use review standards as contained in Planning Report #02-09, which is attached.

Please note the following provisions and requirements for all site plan and subdivision approvals:

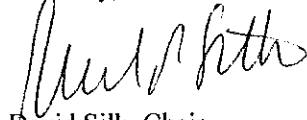
1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

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

Sincerely,



David Silk, Chair
Portland Planning Board

Attachments:

1. Tom Errico (Traffic Engineering Reviewer) comments of January 7, 2009
2. Planning Board Report #02-09
3. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
 Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
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 Philip DiPierro, Development Review Coordinator
 Marge Schmuckal, Zoning Administrator
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 Assessor's Office
 Approval Letter File
Hard Copy: Project File