

April 18th, 2014

Bill Needelman, Waterfront Coordinator
City of Portland
389 Congress Street
Portland, ME 04101

Project Name: Ocean Gateway amendments for catwalk, fencing and security enhancements
Project ID: # 2014-020
Address: 40-46 Commercial Street
CBL: 444 A005 001
Applicant: City of Portland, Waterfront Coordinator (Bill Needelman)
Planner: Jean Fraser

Dear Bill:

On April 18th, 2014, the Planning Authority approved with conditions a Level II: Site Plan for amendments for a catwalk, fencing, waterlines, temporary trailer, and security enhancements associated with the reuse of the Ocean Gateway facility by the Nova Star Ferry service.

The decision is based upon the application, documents and plans submitted March 4, 2014 and prepared by TEC Associates. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance and it was determined that the project did not comprise a modification to the 2004 Traffic Movement Permit, as the trip generation is below the permitted level, nor a modification to the 2004 approved Subdivision Plat.

SITE PLAN REVIEW

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval:

1. That the applicant shall obtain all required NRPA and SLOD permits from MDEP; and
2. That the applicant shall submit for review and approval, prior to project opening, a detailed **traffic management plan** that will outline specifics on how traffic and pedestrians will be managed at the egress location at the Commercial Street/Franklin Street/Maine State Pier intersection and at the access location on Thames Street. This information shall include information on traffic control personnel, barriers, and signs. A monitoring program, to involve City DPS staff, shall be employed over the first few weeks of activity to determine if adjustments to the plan are necessary. The applicant shall provide a report to the City's Planning Authority documenting conditions and suggestions for any necessary adjustments in the plan; and
3. That the temporary trailer installation for Customs and Border Protection use shall be constructed in accordance with Section 14-450.8 (h) of the City Code of Ordinances; and

4. That a traffic monitoring effort shall be performed as it relates to the loading of trucks to the site. The proposal indicated that trucks will be routed from South Portland in platoons via I-295 and Franklin Street. Changes to travel routes, traffic control, queuing areas, etc. may be required. The applicant shall provide a report documenting truck loading activities following the first few weeks of operations; and
5. That the applicant shall arrange for a traffic signal warrant study to be conducted in the summer of 2014 (time to be coordinated with DPS staff) to address a requirement of the original approval of the site that a traffic signal be installed at the India Street/Fore Street intersection. At this time DPS do not consider that there is a need for this signal, from a formal warrant perspective. If the warrant study determines that a traffic signal is required, the applicant shall implement the installation of the traffic signal. If the intersection does not meet the signal warrant, it is suggested that the applicant coordinate with MaineDOT, to remove the original obligation for installing the traffic signal; and
6. That this approval is based on estimates of the timing and passenger/vehicle volumes of the Nova Star and cruise ship operations over the next two seasons, which indicates a minimal overlap in these operations. Any proposed additional scheduled ferry or cruise ship operations (new or expansion/change to existing) to the Ocean Gateway facility that results in a regular or substantial overlap; significant vehicular and/or pedestrian circulation changes; additional on-site parking demand over 25 spaces, or major facility infrastructure expansion, shall be considered as a further amendment to the 2004 approval and be referred to the Planning Board for review and approval in accordance with the outcome of the monitoring studies referred to in the conditions, City site plan standards, and the TMP requirements; and
7. That prior to the commencement of the Nova Star Ferry operations as described in the application: 1) the applicant shall prepare and submit a Fire Protection Strategy and Timetable to address the recommendations in the Fire Safety Assessment Report (dated April 4, 2014, prepared by W. Mark Cummings) that is satisfactory to the Fire Department; and 2) the applicant and the operator shall each prepare consistent and complementary Emergency/Safety Plans for the facility and operations respectively, to be reviewed and approved by the Fire Department prior to the commencement of the described ferry operations at this facility; and
8. That prior to the commencement of Nova Star operations, the applicant shall confirm the address of the facility re 911 emergency access with DPS and the Fire Department (and others as appropriate), including the addresses for/identification and signage of gates, so that accurate information is provided to first responders in the event of an emergency;
9. That the Nova Star operation shall not allow hazardous materials in the Ocean Gate facility; and
10. Separate building permits shall be obtained for some elements of the project prior to construction or installation on site; and
11. The applicant shall work with the City in identifying long-term permanent improvements to the Maine State Pier Egress location as it relates to providing safe and ADA compliant pedestrian facilities. This is not to be a condition of approval, only to note that future improvements will be required; and
12. That this approval relates only to minor improvements associated with infrastructure, access and safety measures required for the Nova Star operations, and not to any other use of the site, including concerts and other similar activities;

The site plan approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

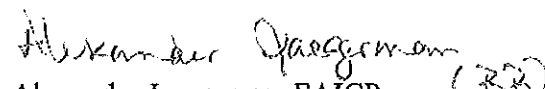
Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Inspection Fees** An inspection fee payment of \$300 and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Preconstruction Meeting** Prior to the release of a building permit for site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
7. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

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

Sincerely,


Alexander Jaegeman, FAICP (BJP)
Planning Division Director