

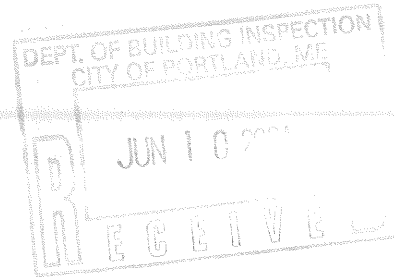
**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

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June 8, 2004

Capt. Jeffrey Monroe, Director  
City of Portland Department of Ports and Transportation  
Portland Ocean Terminal  
40 Commercial Street  
Portland, Maine 04101



RE: Ocean Gateway Approval

CBL: 444 A005001

Dear Capt. Monroe,

On May 25, 2004, the Portland Planning Board voted unanimously to approve the following motions regarding the Ocean Gateway Marine Passenger Terminal:

**Subdivision**

1. That the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:
  - a) That a final subdivision recording plat with all appropriate easements and rights of way be provided for review and approval of the City Planning Authority, Public Works and Legal staff and for signature by the Planning Board prior to issuance of a building permit.
  - b) That the applicant receives written permission from the owners of One India Street for the construction of public infrastructure on the 12 foot strip of land running southerly along the One India Street building.
  - c) That the State of Maine Department of Transportation provides an executed deed for the change of railroad right of way, as shown on the approved subdivision plans.

**Flood Plain**

2. That the plan is in conformance with the Flood Plain Management standards of the land use code, subject to the following conditions of approval:
  - a) That the terminal building be designed with a finished floor elevation of not less than 12.3 feet NGVD.

- b) That an elevation certificate (FEMA form 81-31) be provided by a registered professional engineer or architect to the Zoning Administrator prior to issuance of a Building Permit.
- c) That proof of approval of all other applicable Local, State and Federal permits be provided prior to issuance of a Building Permit

**Shoreland**

- 3. That the plan is in conformance with the Shoreland Management standards of the land use code.

**Waiver of Site Lighting Standards**

- 4. That the proposed lighting plan (**will not**) produce unacceptable levels of glare and/or light trespass and therefore the Site Lighting Standards for this application (**are**) waived, subject to the following condition of approval:
  - a) That all flood type fixtures used in the Ocean Gateway vehicle queuing area be turned off except during active operations, or as required by regulatory authorities or for security.

**Site Plan**

- 5. That the plan is in conformance with the Site Plan standards of the land use code, subject to the following conditions of approval:
  - a) That any proposed additional scheduled ferry or cruise ship operations to the Ocean Gateway facility (such as international or coastal ferry service, or permanent home port cruise operations) that results in significant vehicular circulation changes, additional on-site parking demands over 25 spaces, or major facility infrastructure expansion, over that proposed with this application, shall come to the Planning Board for review and approval consistent with City ordinances. Said services, as appropriate, shall be reviewed as amendments to the site plan and shall need to demonstrate adequate parking and traffic management to satisfy all applicable site plan standards.
  - b) That final construction drawings for the Ocean Gateway site plan be provided for the review and approval of the Planning Authority staff prior to issuance of a building permit.
  - c) In the event that a parking garage, with spaces available for use by the Ocean Gateway facility, is not constructed prior to commencement of ferry operations, then a park and ride shuttle service will be implemented as needed to ensure the functional viability of industrial uses at the Maine State Pier.
  - d) That any dumpster locations proposed for the site be shown on the final site plan with fully screened dumpster enclosure details added to the Site Details for Planning staff review and approval.
  - e) That a signage plan be submitted for review and approval of the Planning Staff.

- f) That any revisions to the containment area landscape treatment incorporating a percent for art project shall be submitted to the Planning Authority for review and approval.
- g) At such time as a parking garage, located in the Franklin Arterial/Fore Street/Commercial Street/Portland Yacht Services block is constructed, then the 97-space easterly parking lot shall be removed and re-vegetated in accordance with a plan to be approved by the Planning Board. If no such garage structure is constructed within five years of the issuance of a building permit (for Ocean Gateway), then the applicant shall prepare and submit a plan for the review and approval of the Planning Board for the replacement of the 97 parking spaces, and for the elimination of such existing 97-space easterly lot and for re-vegetation of such area.

The approval is based on the submitted plan and the findings related to the applicable review standards as contained in Planning Board #19-04, which is attached.

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

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with the final plans."
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work'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 preconstruction meeting.
6. 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. The 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 the Planning Department 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 regarding the Board's actions, please contact Bill Needelman, Senior Planner at 874-8722.

Sincerely,

  
Orlando Delogu, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
Bill Needelman, Senior Planner  
Jay Reynolds, Development Review Coordinator  
— Marge Schmuckal, Zoning Administrator  
Inspections  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
Rick Blackburn, City Assessor  
Approval Letter File  
Paul Pottle, PE, Project Manager, MDOT  
Barry Sheff, PE, Project Manager Woodard and Curran Engineers