

1. Legal Ad

Documents: [PB LGL AD 6-10-14.PDF](#)

2. Agenda

Documents: [PB AGENDA 6-10-14.PDF](#)

3. 81 East Oxford Street

3.I. E. Oxford St. - 81 (Planning Board Workshop Memo)

Documents: [E. OXFORD ST. - 81 \(PLANNING BOARD WORKSHOP MEMO\).PDF](#)

3.II. E. Oxford St. - 81 (Staff Submissions)

Documents: [E. OXFORD ST. - 81 \(STAFF SUBMISSIONS\).PDF](#)

3.III. E. Oxford St. - 81 (Applicants Submittal)

Documents: [E. OXFORD ST. - 81 \(APPLICANTS SUBMITTAL\).PDF](#)

3.IV. E. Oxford St. - 81 (Plans)

Documents: [E. OXFORD ST. - 81 \(PLANS\).PDF](#)

4. 528 Commercial Street

4.I. Commercial St. - 528 (PB Memo)

Documents: [COMMERCIAL ST. - 528 \(PB MEMO\).PDF](#)

4.II. Commercial St. - 528 (Applicant Post 5-13-14 Workshop Submission)

Documents: [COMMERCIAL ST. - 528 \(APPLICANT POST 5-13-14 WORKSHOP SUBMISSIONS\).PDF](#)

4.III. Commercial St. - 528 (Applicant Prior Workshop Submissions For 5-13-14)

Documents: [COMMERCIAL ST. - 528 \(APPLICANT PRIOR WORKSHOP SUBMISSIONS FOR 5-13-14\).PDF](#)

4.IV. Commercial St. - 528 (Staff Attachments)

Documents: [COMMERCIAL ST. - 528 \(STAFF ATTACHMENTS\).PDF](#)

5. Zoning Text Amendments For Definition Of Lot And Lots Of Record

5.I. Memo

Documents: [MEMO.PDF](#)

6. 134 Washington Avenue

6.I. Washington Ave. - 134 (Planning Board Report)

Documents: [WASHINGTON AVE. - 134 \(PLANNING BOARD REPORT\).PDF](#)

6.II. Washington Ave. - 134 (Report Attachments)

Documents: [WASHINGTON AVE. - 134 \(REPORT ATTACHMENTS\).PDF](#)

6.III. Washington Ave. - 134 (Applicants Submittal)

Documents: [WASHINGTON AVE. - 134 \(APPLICANTS SUBMITTALS\).PDF](#)

6.IV. Washington Ave. - 134 (Public Comment)

Documents: [WASHINGTON AVE. - 134 \(PUBLIC COMMENT\).PDF](#)

6.V. Washington Ave. - 134 (Plans)

Documents: [WASHINGTON AVE. - 134 \(PLANS\).PDF](#)

7. 802-828 Ocean Avenue

7.I. Ocean Ave. - 802 (PB Report)

Documents: [OCEAN AVE. - 802-828 \(PB REPOR\).PDF](#)
7.II. Ocean Ave. - 802 (Staff Attachments)

Documents: [OCEAN AVE. - 802-828 \(STAFF ATTACHMENTS\).PDF](#)
7.III. Ocean Ave. - 802 (Applicants Submittal)

Documents: [OCEAN AVE. - 802-828 \(APPLICANTS SUBMITTAL\).PDF](#)
7.IV. Ocean Ave. - 802 (Public Comment)

Documents: [OCEAN AVE. - 802-828 \(PUBLIC COMMENT\).PDF](#)
7.V. Ocean Ave. - 802 (Plans)

Documents: [OCEAN AVE. - 802-828 \(PLANS\).PDF](#)
8. 783 Forest Avenue

8.I. Forest Ave. - 783 (Tabling Report)

Documents: [TABLING PB REPORT 783 FOREST.PDF](#), [FOREST AVE. - 783 \(TABLING REPORT\).PDF](#)

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on June 10, 2014, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at both the workshop and public hearing.** The agenda includes the following items:

Workshop – 3:30 p.m.

- i. Bayside Anchor; 81 East Oxford Street; Level III Site Plan; Portland Housing Authority, Applicant. The Board will consider a proposal to construct the Bayside Anchor project, which consists of 45 rental apartments and community support spaces in a new 4 story building with associated site improvements.
- ii. International Marine Terminal, 528 Commercial Street, Level III Site Plan Maine Department of Transportation, Applicant. The Board will hold a second workshop on a proposal to expand the International Marine Terminal (IMT) at 460 Commercial Street. The proposal includes rail improvements, site improvements for shipping container and chassis storage yard, coordination with adjoining uses, West Commercial Street improvements; and repairs to existing fenders east of Casco Bay Bridge.
- iii. Zoning Text Amendments for definition of lot and lots of record, Sheridan CER, LLC, Applicant. The Board will consider a proposal to amend the definition of lots and add a new definition for lots of record.

Public Hearing – 7:00 p.m.

- i. 134 Washington Avenue; Level III Site Plan and Subdivision Review; Avesta Housing, Applicant. The Planning Board will consider and application for the development of 18 affordable housing units in a 4-story building. The dwellings are efficiency units and two parking spaces are proposed on-site.
- ii. Amendment to Conditional Rezoning Agreement; Casco Heights Condominiums (formerly Graves Hill Development); 802-828 Ocean Avenue; Ridge Development, LLC., Applicant. The Board will consider amendments to a conditional rezoning agreement to include, but are not limited to, changing the name to Ridge Development, LLC.; reducing the total number of units allowed from 98 to 96; eliminating the project amenities; reducing building height, changing the zone line and modifying the amount of area within the ROS and R-5A zones; and changing the parking ratio to allow 2 spaces for multi-bedroom units and 1 space per 1 bedroom unit.
- iii. Car Dealership Conditional Use Review; 783 Forest Avenue, Mr. Changiz Fard, Applicant. The Board will consider an conditional use permit and site plan applications for a used car dealership for 6 to 10 vehicles plus 6 spaces for employees and customers, located on a developed site with an existing small building and parking lot.

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE
PLANNING BOARD

Stuart G. O'Brien, Chair
Timothy Dean, Vice Chair
Elizabeth Boepple
Sean Dundon
Bill Hall
Carol Morrisette
Jack Soley

AGENDA
PORTLAND PLANNING BOARD

The Portland Planning Board will hold a meeting on June 10, 2014, **Council Chambers**, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at both meetings.**

WORKSHOP – 3:30 p.m.

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- ii. International Marine Terminal, 528 Commercial Street, Level III Site Plan Maine Department of Transportation, Applicant. The Board will hold a second workshop on a proposal to expand the International Marine Terminal (IMT) at 460 Commercial Street. The proposal includes rail improvements, site improvements for shipping container and chassis storage yard, coordination with adjoining uses, West Commercial Street improvements; and repairs to existing fenders east of Casco Bay Bridge.
- iii. Zoning Text Amendments for definition of lot and lots of record, Sheridan CER, LLC, Applicant. The Board will consider a proposal to amend the definition of lots and add a new definition for lots of record.

PUBLIC HEARING – 7:00 p.m.

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATIONS AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETING HELD ON MAY 27, 2014:**
Workshop: Dean, Boepple, Dundon, Hall and Soley present. O'Brien and Morrisette absent.
Public Hearing: Dean, Boepple, Dundon, Hall and Soley present. O'Brien and Morrisette absent.
4. **REPORT OF ATTENDANCE AT THE SITE WALK HELD ON June 3, 2014:**
Site Walk: Dean, Boepple, Dundon, Hall, Morrisette and Soley present. O'Brien absent.
5. **REPORT OF DECISIONS AT THE MEETING HELD ON MAY 27, 2014:**
 - i. Waiver of Joint Meeting with South Portland Planning Board on the Amended Johnson Road Subdivision, Transport Leasing Corp., Applicant. Bill Hall moved and Elizabeth Boepple seconded a motion to grant a waiver for a joint review with South Portland. Vote: 5-0 (O'Brien and Morrisette absent).

- ii. Level III Site Plan Review : 421 Warren Ave.; 6 unit Commercial Complex – PH Warren Avenue, LLC, Applicant. Bill Hall moved and Elizabeth Boepple seconded a motion to approve the Level III site plan application with 11 conditions of approval. Vote: 5-0 (O'Brien and Morrisette absent).

5. NEW BUSINESS

- i. 134 Washington Avenue; Level III Site Plan and Subdivision Review; Avesta Housing, Applicant. The Planning Board will consider an application for the development of 18 affordable housing units in a 4-story building. The dwellings are efficiency units and two parking spaces are proposed on-site.
- ii. Amendment to Conditional Rezoning Agreement; Casco Heights Condominiums (formerly Graves Hill Development); 802-828 Ocean Avenue; Ridge Development, LLC., Applicant. The Board will consider amendments to a conditional rezoning agreement to include, but are not limited to, changing the name to Ridge Development, LLC.; reducing the total number of units allowed from 98 to 96; eliminating the project amenities; reducing building height, changing the zone line and modifying the amount of area within the ROS and R-5A zones; and changing the parking ratio to allow 2 spaces for multi-bedroom units and 1 space per 1 bedroom unit.
- iii. **Request for Tabling to Date Certain of June 24th, 2014 - Car Dealership Conditional Use Review; 783 Forest Avenue, Mr. Changiz Fard, Applicant.** The Board will consider a conditional use permit and site plan applications for a used car dealership for 6 to 10 vehicles plus 6 spaces for employees and customers, located on a developed site with an existing small building and parking lot.

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD

Memorandum
Planning and Urban Development Department
Planning Division



To: Stuart O'Brien, Chair and Members of the Portland Planning Board

From: Richard Knowland, Senior Planner

Date: June 6, 2014

Re: Bayside Anchor; Corner of Boyd St. and East Oxford St.; Portland
Housing
Development Corp.

Project #: 2014-079

CBL: 22-01-04 and 01

Meeting Date: June 10, 2014

I. INTRODUCTION

A workshop has been scheduled to consider a proposal by Bayside Anchor Development, LLC for a 45 unit housing development on the corner of Boyd Street and East Oxford Street. The development is called Bayside Anchor. Recently the City Council approved a rezoning of this property from R-6 to R-7 after review and recommendation by the Planning Board.

The property is part of the East Bayside residential campus of the Portland Housing Authority (PHA) which includes Kennedy Park, Bayside Terrace and Bayside East. For development and financing purposes, Bayside Anchor will be owned by an affiliate corporation and have its own lot but function as part of the PHA campus.

The development is subject to site plan and subdivision review.

Attachment 1 includes the initial Bayside Anchor site plan and subdivision application. Attachment 2 includes responses to staff comments received on June 5th. Attachment P includes site plans and other drawings.

Notice of this workshop consisted of a legal ad item appearing in the Portland Press Herald on June 2nd and June 3rd. Notices were sent to 103 notices area property owners.

II. FINDINGS

Existing Zoning: R-7

Land Area: 20,147 sf

Existing Use: Parking lot

Proposed Use: Residential, first floor (Head Start and day care, PHA offices, community policing office)

Dwelling Units: 45 (5 efficiencies; 34 one bedrooms; 6 two bedrooms)

Building Footprint: 9,610 sf

Building Floor Area: 38,770 sf

Residential Space: 35,870 sf

Non-Residential Space: 2,900 sf

Lot Coverage: 68%

Building Height: 45 ft

Existing Parking Spaces: 26 (on-site)

Proposed Parking Spaces: 34 (off-site from campus parking surplus)

Project Cost: \$5,293,654

The submission lists Portland Development Corporation and Bayside Anchor Development Company, LLC as co-applicants. The property owner is listed as the Portland Housing Authority. Bayside Anchor will be owned by an affiliate corporation for development and financing purposes but will function as part of the PHA campus.

The Bayside Anchor was the subject of a zone change from R-6 to R-7 which was reviewed by the Planning Board at a public hearing on April 22, 2014 and then subsequently approved by the City Council on May 19, 2014. For purposes of holding a public hearing the entire East Bayside R-6 was advertised for a R-7 designation although in the end the Board's recommendation reduced the size of the map change to several blocks near Franklin Street which are part of the PHA campus. Bayside Anchor is within the new R-7 district. See enacted zoning map (Attachment A).

III. PROPOSED DEVELOPMENT

PHA proposes to construct a 45 unit multi-family building at the corner of Boyd Street and Oxford Street on the site of an existing parking lot. A significant portion of the building's first floor will be devoted to non-residential space including PHA campus offices, Head Start pre-school and a community policing office. These services are presently located elsewhere on the PHA campus but will now be consolidated in one location. Of the 45 units, 9 are expected to be market rate.

The building hugs the street frontage of Oxford Street and is within several feet of the street line. The building continues this pattern along Boyd Street except that

a portion of the building has been recessed to accommodate an outdoor play area for Head Start as well as a patio (court yard) and open space on the northerly side of property. The patio (1,385 sf) and Head Start outdoor area (370 sf) feature an unspecified "special paving surface". Other amenities within the patio area include an extended seating wall, space for picnic tables, and a rain garden area. Between the patio area and the property line is a lawn area encompassing about 6,000 sf.

No on-site parking is provided. Off-street parking will be provided within the existing PHA campus parking lots.

The submission describes Bayside Anchor as an example of "innovative sustainable design practices including incorporation of Passivhaus ultra-low-energy design principles, including plentiful fresh air, passive and active solar design, superinsulation and airtightness, used in conjunction with highly efficient energy recovery ventilation, to dramatically reduce energy demand and cost of expensive multi-family mechanical systems."

IV. DEVELOPMENT REVIEW

Traffic/Parking

Applicant has submitted a report entitled "Traffic Forecast, Parking Assessment and TDM Plan for Bayside Anchor" dated May 2014, authored by Gorrill-Palmer Consulting Engineers (G-P). Comments from Tom Errico, Traffic Review Consultant, are shown on Attachment B.

Parking

As PHA is not proposing on-site parking for Bayside Anchor and is relying on existing campus parking resources, documentation of existing campus parking supply and demand is critical.

G-P has provided documentation that PHA's existing East Bayside campus has a parking demand of 0.56 spaces per dwelling unit. This was based on a May 4, 2014 Sunday night survey (9:00 PM to midnight) that found the highest demand of PHA parking lots was 91. With 157 spaces this translates into a surplus of 66 spaces.

As some PHA residents are likely to park on-street, G-P also surveyed the number parking spaces occupied by vehicles during the study period which was found to be 58 spaces. Adding these spaces to the 91 spaces results in parking ratio of 0.92 spaces per occupied housing unit.

G-P determined the number of unoccupied on and off-street parking spaces within certain distances of the Bayside Anchor site.

Unoccupied parking within 300 feet of the project:

- Parking lots:18
- On Street spaces: 73
- Total: 91

Unoccupied parking within 500 feet of the project:

- Parking lots: 58
- On Street spaces:130
- Total:188

G-P also reviewed occupancy counts for other peninsula projects including 53 Danforth St., 645 Congress St., Walker Terrace, Oak Street Lofts and Franklin Towers. The average parking demand for these projects was calculated by G-P at 0.48 spaces per unit.

Based on the above analysis, G-P is forecasting an appropriate parking demand for Bayside Anchor to be 0.75 spaces per dwelling unit. Based upon Bayside Anchor's 45 units, this translates into a parking demand of 34 spaces.

Parking Supply is summarized below

Within 300 feet of the project: 118 spaces on street; 36 in PHA lots [total:154]

Within 500 feet of the project: 227 spaces on street; 109 in PHA lots [total:336]

Parking Demand is summarized below

Within 300 feet of the project: 123 spaces

Within 500 feet of the project: 208 spaces

Net Available Parking to Bayside Anchor: A comparison of parking demand and parking supply shows there is projected to be 31, and 128 spaces within 300 and 500 feet respectively upon completion of the project for the projected demand of 34 spaces. Most of these spaces are on-street.

Transportation Demand Management Plan

The submission includes a brief description of the elements of a proposed TDM plan

1. The PHA Property manager will coordinate the TDM plan.
2. PHA will adopt policies limiting each household to one parking permit per household.
3. Automobile Parking Reduction Strategies...38 bicycle parking spaces are proposed with 30 of these located within the building.

Traffic Analysis

G-P analysis indicates the following trip generation forecast for all uses (residential and non-residential uses associated with Bayside Anchor.

Weekday	237 trip ends
AM Peak Hour	24 trip ends

G-P indicates “this level of traffic increase will not have a notable effect on the adjacent roadway system”. Consultant also indicates a review of 2010-2012 found no high crash locations in the project vicinity.

Building Design

Submitted building elevation drawings indicate the four story building is just under 45 feet tall. See Attachment P. Solar panels are shown on top of the flat roof with screening for mechanical equipment below.

The primary façade treatment is described as fiber-cement panel siding. A manufacturer’s catalogue sheet has been provided. See Attachment 2.

The primary residential entrance appears to be along Oxford Street with a separate entrance for PHA offices. A canopy and accompanying signage has been integrated into the building to demark the building entrances.

Along Boyd Street a similar canopy has been provided for the HeadStart entrance although the sign is smaller in scale. The site plan indicates that a ramp is proposed along the face of the building (5 feet wide and 16 feet long with railing) to provide access into the entrance. Presumably this will require an easement or license from the City. Applicant indicates grade differences require this arrangement. As the ramp and rail are located within the street right-of-way we have requested an explanation why this is necessary and whether the entrance could be located outside the street right-of-way (closer to the corner of the building within the patio area). See Attachment 2 for this explanation.

Streetscape

Applicant is proposing new granite curb and brick sidewalk along the Boyd and Oxford project frontage.

The sidewalk along Oxford Street varies from 6’- 4” to 8’- 4” wide with a typical 5 foot wide esplanade. The esplanade includes 5 street trees and 2 bike racks.

A new handicap ramp and crosswalk will line up with Bayside Anchor residential entrance. The mid-block crosswalk extends across the street where a new handicap ramp will be installed which provides direct access to two handicap parking spaces in a PHA parking lot.

Along Boyd Street the curb line has been extended out to accommodate a ramp that runs along the face of the building. The ramp is about 16 feet long (with railing) and 5 feet wide. The curb line tapers back to the normal curb line just past the northerly edge of the building. Along Boyd Street space limitations preclude an esplanade but 6 street trees are proposed. The sidewalk along Boyd Street ranges from 6 to 7 feet wide.

Stormwater Management

The proposed development will result in a net increase of 7,000 sf. in impervious area.

Quantity - Applicant proposes to disconnect an existing stormdrain on the site that discharges a combined sewer so that stormwater runoff will be by surface flow. Detention will be provided to temporarily store stormwater and release it slowly over time, thus keeping the post development discharge rates below the existing rates. Storage will be provided by a modular box underdrain system that will be installed under the proposed patio.

Quality - Stormwater treatment is achieved by a rain garden that will be installed adjacent to the patio area. Site plan indicates that a FocalPoint biofiltration system will be used which will treat at a minimum, the first inch of rainfall from the site's new impervious area.

Comments from David Senus, Development Review Engineer, are shown as Attachment C. See summary below.

- 1) The application is preliminary. As such, we anticipate that additional documents will be submitted with the final application, including details, confirmation of capacity to serve the development from utilities, stormwater design calculations, and a Construction Management Plan. The Applicant should note that all work proposed within the City Right-of-Way should comply with the City of Portland Technical Manual. .
- 2) In accordance with Section 5 of the City of Portland Technical Manual, a Level III Site Plan project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:
- 3) Basic Standards: The Applicant should provide a plan, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500.
- 4) General Standards: The project will result in a net increase in impervious area of approximately 6,235 square feet. As such, the project is required to include stormwater management features for stormwater quality control. The Applicant is proposing to treat one inch of rainfall from the site's new impervious area utilizing the FocalPoint bio-filtration system. The Applicant has noted that the proposed system will be sized and designed in accordance with Chapter 7.5 of Volume III of the MaineDEP Stormwater BMP Manual. The Applicant should provide additional information and calculations demonstrating that the proposed treatment unit will be adequately sized and will provide sufficient treatment, in accordance with the General Standards.
- 5) Flooding Standard: The project will result in a net increase in impervious area of approximately 6,235 square feet. As such, the project is required to include specific stormwater management features to control the rate of stormwater runoff from the site. The Applicant is proposing to provide detention via an R-Tank system. The Applicant has noted that, although flow rates will be decreased, the volume of water discharged to the downstream basin area may increase, and additional information on the results of this scenario will be provided in the final site plan

application. The Applicant is also proposing to disconnect the existing stormdrain that currently discharges to the combined sewer, but requests the ability to reconnect should unanticipated future conditions require the use of this drain. As part of the final submission package, the Applicant should provide adequate documentation, such as a HydroCAD model, demonstrating that stormwater runoff from the proposed site will not exceed the peak runoff rates from the existing site and that the infiltration area will have adequate capacity to infiltrate the design storm events without impacting adjacent infrastructure. If in the future the Applicant determines that the system must be reconnected to the City's combined sewer system, the Applicant will be required to receive approval by Planning and the Department of Public Services for the change.

- 6) The Applicant "propose(s) to disconnect the existing storm drain that discharges to the combined sewer and outlet stormwater runoff to the surface only", relying on infiltration of stormwater on an area of adjacent property under common ownership. The Applicant states "It should be noted that, although flow rates will be decreased, the volume of water discharged to the downstream basin area may increase. We will provide an opinion on this in the final site plan application". The Applicant's approach to stormwater management is keeping with the City's interests and design standards for the management of stormwater on sites; however, as indicated by the Applicant, additional engineering data, calculations and information will need to be presented to ensure that the approach will provide for a functional system. As part of the additional information, the Applicant should perform a test pit and document soil type, presence of groundwater, and soil infiltration rates in the infiltration area.
- 7) The Applicant should provide additional design information and details for the stormwater features as part of the final application.
- 8) The Plans should depict the routing of the existing drainage system on the site and should show how the existing storm drain pipe will be demolished and plugged or capped at the main.
- 9) The Applicant should provide a Stormwater Management Plan, which should include a stormwater inspection and maintenance plan developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.
- 10) Final plans must be stamped by a professional engineer (Section 14-527, sub-section (e) of the City of Portland Land Use Ordinance).

Landscaping

Eleven street trees are proposed with 5 on Oxford Street and 6 on Boyd Street. Seven of the trees are Ginkos while the remainder are Eastern Redbuds. Six Serviceberry trees are proposed near the patio along with a Katsuratree.

The site plan indicates that the rain garden vegetation will be composed of 9 different types of plants.

Two Serviceberry and one Katsuratree are shown along the northerly property line.

Utilities

A utility plan has not been submitted to date but applicant indicates water, sewer, power, gas service is available in the adjoining streets.

Head Start Use

The R-7 zone tracks the R-6 zoning text in terms of uses. A nursery school or kindergarten is a conditional use with review by the Board of Appeals. Applicant has submitted material in support of their assertion that the Head Start program is an accessory use to the PHA campus and not a conditional use. See Attachment 2. This material will be reviewed by the Zoning Administrator.

Subdivision Plan

A multi-family development constitutes a subdivision therefore a subdivision plan will need to be submitted.

Next Steps

A second workshop could be scheduled on June 24 if necessary. If not a public hearing will be scheduled for a future date.

Attachments:

Staff Attachments:

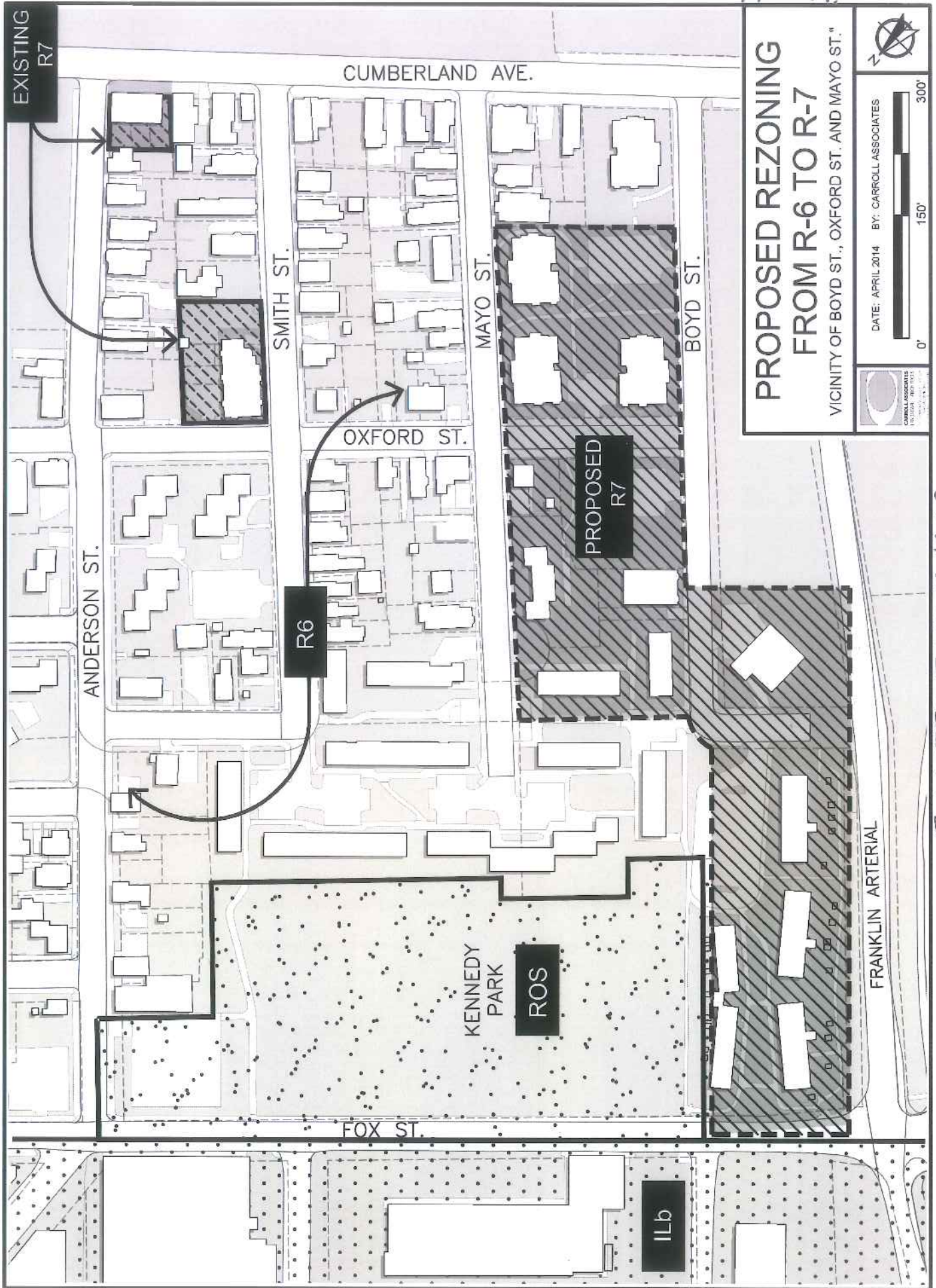
- A. Enacted R-7 Zoning Map
- B. Tom Errico (Traffic Review Consultant) Memo dated June 5, 2014
- C. David Senus (Development Review Consultant) dated May 30, 2014

Applicant Submissions

- 1. Site and Subdivision Submission dated May 12, 2014
- 2. Responses to staff comments from Carroll Associates dated June 5, 2014

P- Site Plans and Other Drawings

ATT A



ENACTED ZONING MAP

ATT B

Rick Knowland - Bayside Anchor - Preliminary Traffic Comments

From: Tom Errico <thomas.errico@tylin.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 6/5/2014 8:14 PM
Subject: Bayside Anchor - Preliminary Traffic Comments
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...

Rick – The following summarizes my preliminary traffic comments for the project.

- The project is expected to generate 24 vehicles during the AM peak hour and 29 vehicles during the PM peak hour. This level of traffic does not trigger the requirement for a MaineDOT Traffic Movement Permit.
- I continue to review the parking analysis for the project but note the following:
 - During a field review of the site during a weekday morning, a significant number of vehicles were parked in the immediate area of the proposed site. Cars were parked on both sides of Boyd Street and there were no on-street parking spaces available. I would further note that the travel lane was very narrow in this area and is a cause for concern and review.
 - It has been the City's general policy not to include on-street parking spaces in the determination of parking supply adequacy for a proposed project. I would suggest that the project determine parking supply adequacy from using off-street parking lots only (I would note that based upon the applicants data, it appears adequate off-street parking can be provided).
 - The applicant should provide information on how the PHA parking lots will be managed. Specific details should be provided
- It is my understanding that the proposed crosswalks on Boyd Street and Oxford Street have been reviewed by the City's Crosswalk Committee. I will provide specific comments on the crosswalks in the future.
- It should be noted that recommendations from the Franklin Street Study may include some type of transportation connection from Oxford Street to Franklin Street. I need to review this possibility and whether it impacts the proposed site plan.
- Changes to on-street parking regulations may require an amendment to the City's Traffic Schedule and thus action by the City Council. If required, the applicant will be requested to provide information in support of the Council packet.
- The project appears to use existing handicapped parking spaces across Oxford Street. The applicant should provide information that the parking spaces dimensionally meet ADA standards. During my field review, one of the spaces was occupied, so the applicant should provide information on the use of these spaces for both the existing and proposed sites.
- The applicant should provide information on how Head Start Pick-up and Drop-off activities will be managed.
- The applicant should provide details on where Police Station vehicles will park (if required).

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director
TYLIN INTERNATIONAL



MEMORANDUM

TO: Rick Knowland, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: May 30, 2014
RE: 81 East Oxford Street, Preliminary Level III Site Plan Application

Woodard & Curran has reviewed the Preliminary Level III Site Plan Application for the proposed Bayside Anchor Project located at 81 East Oxford Street in Portland, Maine. The project consists of constructing 45 rental apartments and outdoor community terrace, relocating existing accessory community facilities to the new building, re-establishing the street edge, and improvements to the Oxford and Boyd Street sidewalks.

Documents Reviewed by W&C

- Level III Preliminary Site Plan Application and attachments, dated May 12, 2014, prepared by Carroll Associates on behalf of Bayside Anchor Development Company, LLC.
- Boundary Survey, dated May 7, 2013, prepared by Owen Haskell, Inc., on behalf of Bayside Anchor Development Company, LLC.
- Engineering Plans, Sheets L1.0, L2.0, & L3.0, dated May 12, 2014, prepared by Carroll Associates on behalf of Bayside Anchor Development Company, LLC.

Comments

- 1) The application is preliminary. As such, we anticipate that additional documents will be submitted with the final application, including details, confirmation of capacity to serve the development from utilities, stormwater design calculations, and a Construction Management Plan. The Applicant should note that all work proposed within the City Right-of-Way should comply with the City of Portland Technical Manual. Woodard & Curran will perform a review of the Final Application upon receipt of those documents.
- 2) In accordance with Section 5 of the City of Portland Technical Manual, a Level III Site Plan project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:
- 3) Basic Standards: The Applicant should provide a plan, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500.
- 4) General Standards: The project will result in a net increase in impervious area of approximately 6,235 square feet. As such, the project is required to include stormwater management features for stormwater quality control. The Applicant is proposing to treat one inch of rainfall from the site's new impervious area utilizing the FocalPoint bio-filtration system. The Applicant has noted that the proposed system will be sized and designed in accordance with Chapter 7.5 of Volume III of the MaineDEP Stormwater BMP Manual. As part of the final submission package, the Applicant should provide additional information and calculations demonstrating that the proposed treatment unit will be adequately sized and will provide sufficient treatment, in accordance with the General Standards.
- 5) Flooding Standard: The project will result in a net increase in impervious area of approximately 6,235 square feet. As such, the project is required to include specific stormwater management features to control the rate of stormwater runoff from the site. The Applicant is proposing to provide detention via an R-Tank system. The Applicant has noted that, although flow rates will be decreased, the volume of water discharged to the downstream basin area may increase, and additional information on the results of this scenario will be provided in the final site plan application. The Applicant is also proposing to disconnect the existing stormdrain that currently discharges to the combined sewer, but requests the ability to reconnect should unanticipated future conditions require the use of this drain. As part of the final submission package, the Applicant should provide adequate documentation, such as a HydroCAD



model, demonstrating that stormwater runoff from the proposed site will not exceed the peak runoff rates from the existing site and that the infiltration area will have adequate capacity to infiltrate the design storm events without impacting adjacent infrastructure. If in the future the Applicant determines that the system must be reconnected to the City's combined sewer system, the Applicant will be required to receive approval by Planning and the Department of Public Services for the change.

- 6) The Applicant "propose(s) to disconnect the existing storm drain that discharges to the combined sewer and outlet stormwater runoff to the surface only", relying on infiltration of stormwater on an area of adjacent property under common ownership. The Applicant states "It should be noted that, although flow rates will be decreased, the volume of water discharged to the downstream basin area may increase. We will provide an opinion on this in the final site plan application". The Applicant's approach to stormwater management is keeping with the City's interests and design standards for the management of stormwater on sites; however, as indicated by the Applicant, additional engineering data, calculations and information will need to be presented to ensure that the approach will provide for a functional system. As part of the additional information, the Applicant should perform a test pit and document soil type, presence of groundwater, and soil infiltration rates in the infiltration area.
- 7) The Applicant requests guidance on how their proposed stormwater management approach may affect a future (possible) stormwater service charge that is being considered by the City. The City is considering a service charge program that includes credit reductions to the service charge for treatment and/or detention of stormwater on a site. The program has not been finalized; however, compliance with City's stormwater management standards is anticipated to result in certain credit reductions in the service fee.
- 8) The Applicant should provide additional design information and details for the stormwater features as part of the final application.
- 9) The Plans should depict the routing of the existing drainage system on the site and should show how the existing storm drain pipe will be demolished and plugged or capped at the main.
- 10) The Applicant should provide a Stormwater Management Plan, which should include a stormwater inspection and maintenance plan developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.
- 11) Final plans must be stamped by a professional engineer (Section 14-527, sub-section (e) of the City of Portland Land Use Ordinance).
- 12)

Bayside Anchor 81 East Oxford Street Portland, Maine

Application For:

***Preliminary Site Plan Review
Subdivision Review***

Submitted By:

*Carroll Associates
217 Commercial Street, Suite 200
Portland, Maine 04101*

*Kaplan Thompson Architects
254 Fore Street
Portland, Maine 04101*

For:

*Bayside Anchor Development Company, LLC
14 Baxter Boulevard
Portland, ME 04101*

*Portland Housing Development Corporation, LLC
14 Baxter Boulevard
Portland, ME 04101*

Date:

May 12, 2014



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A100	Building Elevations



COMMISSIONERS

Tom Valleau, Chairperson
Robyn Tucker, Vice Chairperson
Faith McLean, Commissioner
Shirley Peterson, Commissioner
Christian MilNeil, Commissioner
Mariar Balow, Commissioner
Evan Carroll, Commissioner

Mark B. Adelson
Executive Director

14 Baxter Boulevard
Portland, Maine 04101
Office: 207-773-4753
Fax: 207-761-5886
www.porthouse.org

May 12, 2014

Ms. Barbara Barhydt
Planning Division
City of Portland Maine
Fourth Floor – City Hall
389 Congress Street
Portland, ME 04101

Dear Ms. Barhydt,

On behalf of Portland Housing Authority we are pleased to submit this Application for Level 3 Site and Subdivision Review associated with the proposed Bayside Anchor project in East Bayside. The project envisions new construction of 45 rental apartments and relocation of several existing accessory community facilities including Head Start, neighborhood policing, and PHA Administration offices to the new building. We believe this project will provide needed affordable housing in Portland and become a community hub for the East Bayside neighborhood.

The project also includes reestablishment of the street edge through building placement and reconstruction/improvements to the Oxford and Boyd Street sidewalks which will provide an enhanced pedestrian experience, development of an outdoor terrace on the west side of the building for use by the tenants and neighbors as a community gathering space.

Off-street parking is proposed to be provided through use of underutilized parking within PHA's existing neighborhood developments of Kennedy Park, Bayside Terrace and Bayside East. These neighborhoods are currently being managed as a campus by PHA, and studies indicate a low utilization rate of parking by residents consistent with other affordable projects in Portland. In an effort to minimize impervious coverage and reduce development costs, we have been looking into development of a Parking Management Plan for the entire campus that will allow the needs of all residents to be met without construction of new parking on the site. A preliminary parking study is attached to this application.

The project is being funded through the Maine Housing's Low-Income Housing Tax Credit (LIHTC) program, which competitively awards federal tax credits that are used to fund affordable housing in the State of Maine. The application for the 2014 round of tax credits is due in September, and securing local permitting approval is a key component necessary to being awarded funding through this program.

Bayside Anchor
Application for Site and Subdivision Review
May 12, 2014
Page 2

Attached and made part of this Application are the signed Application Form, Application Fee, and supporting documents and exhibits. We welcome the opportunity to begin the discussion with the Planning Staff and Planning Board on this project and look forward to working closely with you as this proposal moves forward. Please contact myself or Patrick Carroll if you have any questions or need additional information.

With Regards,

A handwritten signature in blue ink, appearing to read "Mark Zale", is written below the "With Regards," text.

Enc.

CC: Seth Parker, Avesta Housing
Brooks More, Avesta Housing
Jesse Thompson, Kaplan Thompson Architects
Patrick Carroll, Carroll Associates

DEVELOPMENT REVIEW APPLICATION



Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level II: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

The 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>

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.

PROJECT NAME: BAYSIDE ANCHOR

PROPOSED DEVELOPMENT ADDRESS:

73 Oxford Street (verify with City)

PROJECT DESCRIPTION:

New construction of 45 rental apartments and community support spaces including relocation of the existing Head Start program, PHA Administrative offices, and Neighborhood Policing Station in a new four story building located at the corner of Oxford and Boyd Streets in East Bayside, along with associated site development.

CHART/BLOCK/LOT: Map 22, Block 1, Lot 4 and 1

PRELIMINARY PLAN

05/12/2014 (date)

FINAL PLAN

 (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Mark Adelson Business Name, if applicable: Portland Housing Development Corporation Address: Bayside Anchor Development Company, LLC 14 Baxter Boulevard City/State : Portland, ME Zip Code: 04101	Applicant Contact Information Work # 207-773-4753 Home# Cell # Fax# 207-774-6471 e-mail: madelson@porthouse.org
Owner – (if different from Applicant) Name: Portland Housing Authority Address: same as applicant City/State : Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Patrick Carroll Carroll Associates Address: 217 Commercial Street City/State : Portland, ME 04101 Zip Code:	Agent/Representative Contact information Work # 207-772-1552 Cell # 207-329-8976 e-mail: pcarroll@carroll-assoc.com
Billing Information Name: Mark Adelson Portland Housing Authority Address: 14 Baxter Boulevard City/State : Portland, ME 04101 Zip Code:	Billing Information Work # 207-773-4753 Cell # Fax# 207-774-6471 e-mail: madelson@porthouse.org

Engineer Name: John Mahoney Ransom Consulting, Inc. Address: 400 Commercial Street, Suite 404 Portland, ME 04101 City/State : Zip Code:	Engineer Contact Information Work # 207-772-2891 Cell # 207-831-6165 Fax# 207-772-3248 e-mail: john.mahoney@ransomenv.com
Surveyor Name: Owen Haskell, Inc. 390 US Route One Address: Falmouth, ME 04105 City/State : Zip Code:	Surveyor Contact Information Work # 207-774-0424 Cell # Fax# e-mail: jswan@owenhaskell.com
Architect Name: Jesse Thompson Kaplan Thompson Architects Address: 424 Fore Street Portland, ME 04101 City/State : Zip Code:	Architect Contact Information Work # 207-842-2888 Cell # Fax# e-mail: jesse@kaplanthompson.com
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

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) ☒ Less than 50,000 sq. ft. (\$500.00) ☐ 50,000 - 100,000 sq. ft. (\$1,000) ☐ 100,000 – 200,000 sq. ft. (\$2,000) ☐ 200,000 – 300,000 sq. ft. (\$3,000) ☐ over \$300,00 sq. ft. (\$5,000) ☐ Parking lots over 11 spaces (\$1,000) ☐ After-the-fact Review (\$1,000.00 plus applicable application fee) Plan Amendments (check applicable reviews) ☐ Planning Staff Review (\$250) ☐ Planning Board Review (\$500) 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 fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.	Other Reviews (check applicable reviews) ☐ Traffic Movement (\$1,000) ☐ Stormwater Quality (\$250) ☒ Subdivisions (\$500 + \$25/lot) # of Lots 45 x \$25/lot = \$ 1,125 ☐ Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ____ x \$200/lot = ____ ☒ Other Reduction for Affordable Housing (-\$ ____) ☐ Change of Use ☐ Flood Plain ☐ Shoreland ☐ Design Review ☐ Housing Replacement ☐ Historic Preservation Total Application Fee Due = \$ _____
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APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or DVD with each plan submitted as separate files, with individual file names (see submittal requirements document attached).
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Planning Division Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist for a detailed list of submission requirements.

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). Portland's Land Use Code is on the City's web site <http://www.portlandmaine.gov/citycode/chapter014.pdf>

APPLICANT SIGNATURE:

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 Level II Site Plan 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: 05/12/2014
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PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	20,147	sq. ft.
Proposed Total Disturbed Area of the Site	20,147	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		
Impervious Area (Total Existing)	7,532	sq. ft.
Impervious Area (Total Proposed)	13,767	sq. ft.
Building Ground Floor Area and Total Floor Area		
Building Footprint (Total Existing)	0.00	sq. ft.
Building Footprint (Total Proposed)	9,610	sq. ft.
Building Floor Area (Total Existing)	0.00	sq. ft.
Building Floor Area (Total Proposed)	38,770	sq. ft.
Zoning		
Existing	R6	
Proposed, if applicable	R7	
Land Use		
Existing	VACANT (PARKING LOT)	
Proposed	RESIDENTIAL/ ACCESSORY USES	
Residential, If applicable		
# of Residential Units (Total Existing)	0	
# of Residential Units (Total Proposed)	45	
# of Lots (Total Proposed)	1	
# of Affordable Housing Units (Total Proposed)	36	
Proposed Bedroom Mix		
# of Efficiency Units (Total Proposed)	5	
# of One-Bedroom Units (Total Proposed)	34	
# of Two-Bedroom Units (Total Proposed)	6	
# of Three-Bedroom Units (Total Proposed)	0	
Parking Spaces		
# of Parking Spaces (Total Existing)	26	
# of Parking Spaces (Total Proposed)	34- SEE CAMPUS PARKING PLAN	
# of Handicapped Spaces (Total Proposed)	2	
Bicycle Parking Spaces		
# of Bicycle Spaces (Total Existing)	0	
# of Bicycle Spaces (Total Proposed)	38 TOTAL, 30 INSIDE, 8 OUTSIDE	
Estimated Cost of Project		
	\$ 5,293,654.00	

PRELIMINARY PLAN (Optional) - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
N/A		1	Evidence of state and/or federal approvals, if applicable
X		1	Written assessment of proposed project's compliance with applicable zoning requirements
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
X		1	Written requests for waivers from site plan or technical standards, if applicable.
X		1	Evidence of financial and technical capacity
X		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
X		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
X			Proposed grading and contours;
X			Existing structures with distances from property line;
X			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
X			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
X			Preliminary infrastructure improvements;
X			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
N/A			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
N/A			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
X			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
X			Exterior building elevations.

PROJECT DESCRIPTION

BAYSIDE ANCHOR PROJECT DESCRIPTION

The Portland Housing Authority (PHA) has owned and managed affordable housing in the East Bayside neighborhood for over 40 years, and currently manages approximately 155 apartments, comprising the Kennedy Park, Bayside Terrace and Bayside East neighborhoods. In 2012 the PHA identified and designated .46 acre parcel of excess land within its East Bayside developments at the corner of Oxford and Boyd Streets as a prime redevelopment site. This property currently contains an overflow parking lot for the PHA properties and is the site for the proposed Bayside Anchor Project.

The Bayside Anchor program and design was developed in response to the national Lowering The Cost Competition (www.loweringcost.com). This competition has been organized and sponsored by the Enterprise Foundation and Deutsche Bank to explore strategies to lower the cost of affordable housing. In July 2013, it was announced that Bayside Anchor was the first prize winner.

The development program for Bayside Anchor includes construction of 45 new rental apartments and relocation of additional accessory uses which are currently located in adjacent buildings to this site. The building will contain approximately 35,870 sf of residential space and 2,900 sf of non-residential space in a four story building that has a strong street frontage on Oxford and Boyd Streets. The building will occupy approximately 9,610 sf of footprint and will not exceed 45 feet in elevation. The following describes the development program in greater detail:

- **Apartments and mixed incomes:** Bayside Anchor features 45 new apartments, with mixed incomes and unit types ranging from studios serving residents with incomes at or below 40% of area median income (AMI) to two-bedroom units at market rents. Of the 45 apartments, 9 are envisioned to be market rate units. The unit and mixed income breakdown includes;
 - 5 studios: 3 at 50% AMI, 1 at 40% AMI, 1 MR
 - 34 one-BRs: 8 at 60% AMI, 13 at 50% AMI, 6 at 40% AMI, 7 MR
 - 6 two-BR's: 2 at 60% AMI, 2 at 50% AMI, 1 at 40% AMI, 1 MR
- **Mixed uses:** Bayside Anchor devotes a significant portion of the building's ground floor to community service facilities including Head Start and community policing, as well as a management and resource hub for residents in the building and the surrounding public housing neighborhoods. These services are currently provided on PHA property in the surrounding neighborhood. Bayside Anchor allows the consolidation of these services in a new building creating a community focal point for the neighborhood residents.
- **Innovative sustainable design** practices including incorporation of *Passivhaus* ultra-low-energy design principles, including plentiful fresh air, passive and active solar design, superinsulation and airtightness, used in conjunction with highly efficient energy recovery ventilation, to dramatically reduce energy demand and cost of expensive multifamily mechanical systems. In addition, treatment of all storm water will be on site without use of subsurface storm water management systems.

Site development for Bayside Anchor includes reconstruction of sidewalks along Oxford and Boyd Streets, providing such amenities as benches and bicycle racks, lighting, and enhanced crosswalks on the corner of Oxford and Boyd Streets by providing curb bump-outs, ramps and striping. We also propose development of an outdoor terrace on the west side of the building which is envisioned to provide outdoor community gathering space for residents and neighbors.

The property is served by public utilities including Portland Water Company, Central Maine Power, Unitil, and the City of Portland. An existing combined storm drain collecting runoff from the existing parking lot will be removed from service and all stormwater is proposed to be collected and treated prior to discharge on the site. A preliminary stormwater management plan has been completed for the proposed project and is attached to this application.

Parking for the Bayside Anchor project is proposed to be handled through development of a Parking Management Plan for Bayside Anchor and all of the adjacent PHA properties. Several parking counts and studies have indicated that there is a significant amount of underutilized off-street parking that exists within the existing Kennedy Park, Bayside Terrace, and Bayside East neighborhoods. All off-street parking is currently managed by PHA as a campus and we believe through continued management and implementation of the parking Management Plan the needs of the Bayside Anchor project can be easily met with the existing parking inventory. As such, we have developed a Parking Management Plan that identifies inventory, demand, and strategies for managing the current and future parking needs of the PHA campus. This study is attached to the application for City review.

The property is currently located in the R6 Residential Zone and is currently undergoing a map rezone to R7. The proposal was reviewed by the Planning Board in April and is scheduled for a second reading with the City Council on May 19. The project meets all requirements of the R7 Residential Overlay Zone District.

EVIDENCE OF RIGHT, TITLE, AND INTEREST

OPTION TO PURCHASE AGREEMENT

THIS OPTION TO PURCHASE AGREEMENT dated this 16th day of July, 2013, is by and among PORTLAND HOUSING AUTHORITY, a Maine nonprofit corporation having a mailing address of 14 Baxter Boulevard, Portland, ME 04101 (the "Seller"), and PORTLAND HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation having a mailing address of 14 Baxter Boulevard, Portland, ME 04101 or its assigns ("Buyer").

RECITALS

WHEREAS, Seller is the owner of a certain parcel of land, and all improvements, buildings and fixtures presently on the real estate, at the corner of Boyd and Oxford Streets in the City of Portland, Maine and being a portion of its Bayside East Public Housing Project ME 003005, shown as the cross hatched parcel on the Boundary Survey and Lot Division attached hereto as Exhibit A (the "Premises"); and

WHEREAS, Seller wishes to grant to Buyer, and Buyer wishes to accept, an option to purchase (the "Option") with respect to the Premises upon the terms and conditions as set forth herein.

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Option Period; Extension; Exercise of Option. Seller hereby grants Buyer the option to purchase the Premises for a period extending through July 31, 2015 (the "Option Period").

- a. The Option and the obligation of each of the Seller and Buyer shall be conditional upon (i) approval by the United States Department of Housing and Urban Development ("HUD") of a demolition disposition by Portland Housing Authority in order to remove the Premises from the Declaration of Trust currently encumbering the real estate and authority to transfer the Premises to Buyer or its assigns, for the development of multi-family housing thereon; (ii) receipt of all required municipal and state approvals for the development of a mixed-income family housing project of approximately 42 units to be located on the Premises; and (iii) and an award of Low Income Housing Tax Credits for such development.
- b. Buyer may exercise the Option at any time during the Option Period by giving written notice to Seller of its intent to exercise the Option (the "Purchase Notice"). Notice delivered to Seller or sent to Seller by certified mail, return receipt requested, at the above address shall be sufficient.

2. Purchase Price. Subject to adjustment as set forth below, Buyer shall pay Seller a purchase price of Two Hundred Ninety Three Thousand Nine Hundred Fifty Dollars (\$293,950.00) (the "Purchase Price").

3. Closing. If Buyer exercises the Option, closing shall take place at a date and time and at a location agreed upon by the Buyer and the Seller, within ninety (90) days after the date of the Purchase Notice.

4. Conditions to Sale. If Buyer exercises the Option, the following terms and provisions shall apply:

- a. Title to the Premises shall be conveyed to Buyer by good and sufficient Warranty Deed, which deed shall convey good and clear record and marketable title to the Premises, free from encumbrances except provisions of existing building and zoning laws and any covenants and/or easements of record provided same do not interfere with Buyer's intended use of the Premises; such real estate taxes for the then current tax period which are not due and payable on the date of delivery of such deed; utility and access easements in common with Seller's adjoining developments, and any matters of record which in Buyer's opinion do not interfere with Buyer's plans to develop the property. Buyer shall notify Seller of any defects in title that would make Seller unable to give title to the Premises as herein stipulated. Seller shall be obligated to proceed in good faith to cure any such title defect(s). If required, the closing shall be extended to allow Seller time to cure any such title defects, but in no event shall the closing be extended more than thirty (30) days for such purposes. If a title defect exists, Buyer may elect, by written notice to Seller, either (i) to accept title to the Premises subject to any uncured defects in title or (ii) to terminate the Option, whereupon any extension fee(s) paid by Buyer to Seller shall be immediately refunded to Buyer, the obligations of all parties hereunder shall cease, and neither party shall have any claim against the other by reason of this Agreement.
- b. Each party shall pay one-half of the Maine state transfer tax.

5. Representations. Seller represents, covenants and warrants to and agrees with Buyer as follows:

- a. Seller is the current owner of the Premises, and; subject to approval by HUD, has the legal right, power and authority to enter into this Agreement and to perform all of its obligations hereunder, and the execution and delivery of this Agreement and the performance by Seller of the obligations hereunder will not conflict with, or result in breach of any regulation, order, judgment, injunction or decree of any court or governmental authority or any agreement or instrument to which Seller is a party or by which Seller is bound.
- b. There are no agreements or contracts affecting the Premises or any use of the Premises that would not be terminable at will by Buyer without penalty from and after the Closing, other than those for which Seller will be seeking

approval from HUD in connection with its demolition disposition application.

Buyer represents, covenants and warrants to Seller that Buyer has the legal right, power and authority to enter into this Agreement and to perform all of its obligations hereunder, and the execution and delivery of this Agreement and the performance by Buyer of its obligations hereunder: (i) have been duly authorized by all requisite action; and (ii) will not conflict with, or result in a breach of, any of the terms, covenants and provisions of the by-laws or articles of organization of Buyer or any law or any regulation, order, judgment, writ, injunction or decree of any court or governmental authority, or any agreement or instrument to which Buyer is a party or by which it is bound.

6. Notice. Whenever notice is given or required to be given by either of the parties hereto to the other, it shall be deemed to have been given if in writing and mailed by certified or registered mail, return receipt requested, postage prepaid, or hand delivered, addressed to the parties at the address set forth in the first paragraph above or to such other address(es) as either party shall have last designated by like notice in writing. All notices shall be effective upon hand delivery or mailing, whichever first occurs.

7. Further Assurances. The parties agree that up to and after the date of closing, they shall do such things and execute, acknowledge and deliver any and all additional instruments, documents and materials as either party may reasonably request to fully effectuate the purposes of this Agreement.

8. Buyer's Access. Buyer and others whom Buyer may designate shall have the right, at all reasonable times, at Buyer's sole cost and expense, risk and hazard, to enter upon the Premises to examine and/or show the same and make, or cause to be made, engineering studies with respect thereto, including, without limitation, surveying, conducting test borings in order to determine sub-soil conditions, and in general conducting all other tests, analysis and studies of the Premises which Buyer deems prudent in connection with Buyer's intended development or use of the Premises. Buyer shall restore the Premises following any testing as reasonably as possible to its pre-existing condition, unless otherwise agreed by Seller.

9. Construction of Agreement. This instrument, executed in duplicate, is to be construed as a Maine contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the Seller and Buyer. The captions are used only as a matter of convenience and are not to be considered a part of this Agreement or to be used in determining the intent of the parties to it. Time is of the essence with respect to all dates set forth in this Agreement.

10. Risk of Loss. The risk of loss shall remain on Seller at all times until closing.

11. Assignment. Buyer may assign this Agreement to any party affiliated with Buyer on in which Buyer or an affiliate of Buyer has an interest.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

SELLER:

PORTLAND HOUSING AUTHORITY

By: Mark Adelson
Mark Adelson
Its Executive Director

BUYER:

PORTLAND HOUSING DEVELOPMENT
CORPORATION

By: Mark Adelson
Its President

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

July 16, 2013

Personally appeared the above-named, Mark Adelson, Executive Director of Portland Housing Authority and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Portland Housing Authority.

Before me,

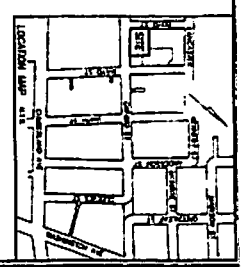
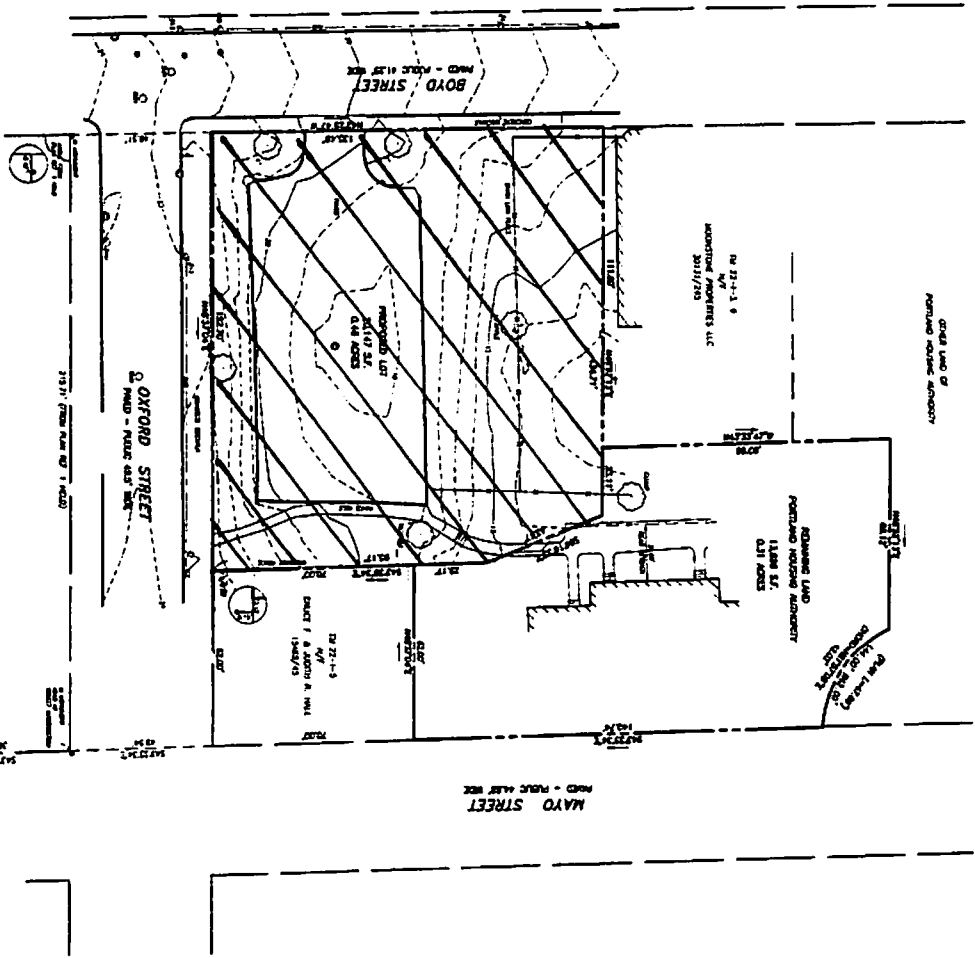
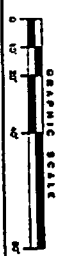
Sharon E.B. Buffinton
Notary Public/Attorney at Law

SHARON E.B. BUFFINTON
NOTARY PUBLIC OF MAINE
My Commission Expires February 28, 2019
Printed Name



NOTES

1. **CHIEF OF POLICE** ROBERT HENSON ADVERTS: 11 BAYVIEW ESTATES, PLEASANT VIEW ROAD, 212/243, 211/700, 211/702, 211/703, 211/704, 211/705, 211/706, 211/707, 211/708, 211/709, 211/710, 211/711, 211/712, 211/713, 211/714, 211/715, 211/716, 211/717, 211/718, 211/719, 211/720, 211/721, 211/722, 211/723, 211/724, 211/725, 211/726, 211/727, 211/728, 211/729, 211/730, 211/731, 211/732, 211/733, 211/734, 211/735, 211/736, 211/737, 211/738, 211/739, 211/740, 211/741, 211/742, 211/743, 211/744, 211/745, 211/746, 211/747, 211/748, 211/749, 211/750, 211/751, 211/752, 211/753, 211/754, 211/755, 211/756, 211/757, 211/758, 211/759, 211/760, 211/761, 211/762, 211/763, 211/764, 211/765, 211/766, 211/767, 211/768, 211/769, 211/770, 211/771, 211/772, 211/773, 211/774, 211/775, 211/776, 211/777, 211/778, 211/779, 211/780, 211/781, 211/782, 211/783, 211/784, 211/785, 211/786, 211/787, 211/788, 211/789, 211/790, 211/791, 211/792, 211/793, 211/794, 211/795, 211/796, 211/797, 211/798, 211/799, 211/800, 211/801, 211/802, 211/803, 211/804, 211/805, 211/806, 211/807, 211/808, 211/809, 211/810, 211/811, 211/812, 211/813, 211/814, 211/815, 211/816, 211/817, 211/818, 211/819, 211/820, 211/821, 211/822, 211/823, 211/824, 211/825, 211/826, 211/827, 211/828, 211/829, 211/830, 211/831, 211/832, 211/833, 211/834, 211/835, 211/836, 211/837, 211/838, 211/839, 211/840, 211/841, 211/842, 211/843, 211/844, 211/845, 211/846, 211/847, 211/848, 211/849, 211/850, 211/851, 211/852, 211/853, 211/854, 211/855, 211/856, 211/857, 211/858, 211/859, 211/860, 211/861, 211/862, 211/863, 211/864, 211/865, 211/866, 211/867, 211/868, 211/869, 211/870, 211/871, 211/872, 211/873, 211/874, 211/875, 211/876, 211/877, 211/878, 211/879, 211/880, 211/881, 211/882, 211/883, 211/884, 211/885, 211/886, 211/887, 211/888, 211/889, 211/890, 211/891, 211/892, 211/893, 211/894, 211/895, 211/896, 211/897, 211/898, 211/899, 211/900, 211/901, 211/902, 211/903, 211/904, 211/905, 211/906, 211/907, 211/908, 211/909, 211/910, 211/911, 211/912, 211/913, 211/914, 211/915, 211/916, 211/917, 211/918, 211/919, 211/920, 211/921, 211/922, 211/923, 211/924, 211/925, 211/926, 211/927, 211/928, 211/929, 211/930, 211/931, 211/932, 211/933, 211/934, 211/935, 211/936, 211/937, 211/938, 211/939, 211/940, 211/941, 211/942, 211/943, 211/944, 211/945, 211/946, 211/947, 211/948, 211/949, 211/950, 211/951, 211/952, 211/953, 211/954, 211/955, 211/956, 211/957, 211/958, 211/959, 211/960, 211/961, 211/962, 211/963, 211/964, 211/965, 211/966, 211/967, 211/968, 211/969, 211/970, 211/971, 211/972, 211/973, 211/974, 211/975, 211/976, 211/977, 211/978, 211/979, 211/980, 211/981, 211/982, 211/983, 211/984, 211/985, 211/986, 211/987, 211/988, 211/989, 211/990, 211/991, 211/992, 211/993, 211/994, 211/995, 211/996, 211/997, 211/998, 211/999, 211/1000, 211/1001, 211/1002, 211/1003, 211/1004, 211/1005, 211/1006, 211/1007, 211/1008, 211/1009, 211/1010, 211/1011, 211/1012, 211/1013, 211/1014, 211/1015, 211/1016, 211/1017, 211/1018, 211/1019, 211/1020, 211/1021, 211/1022, 211/1023, 211/1024, 211/1025, 211/1026, 211/1027, 211/1028, 211/1029, 211/1030, 211/1031, 211/1032, 211/1033, 211/1034, 211/1035, 211/1036, 211/1037, 211/1038, 211/1039, 211/1040, 211/1041, 211/1042, 211/1043, 211/1044, 211/1045, 211/1046, 211/1047, 211/1048, 211/1049, 211/1050, 211/1051, 211/1052, 211/1053, 211/1054, 211/1055, 211/1056, 211/1057, 211/1058, 211/1059, 211/1060, 211/1061, 211/1062, 211/1063, 211/1064, 211/1065, 211/1066, 211/1067, 211/1068, 211/1069, 211/1070, 211/1071, 211/1072, 211/1073, 211/1074, 211/1075, 211/1076, 211/1077, 211/1078, 211/1079, 211/1080, 211/1081, 211/1082, 211/1083, 211/1084, 211/1085, 211/1086, 211/1087, 211/1088, 211/1089, 211/1090, 211/1091, 211/1092, 211/1093, 211/1094, 211/1095, 211/1096, 211/1097, 211/1098, 211/1099, 211/1100, 211/1101, 211/1102, 211/1103, 211/1104, 211/1105, 211/1106, 211/1107, 211/1108, 211/1109, 211/1110, 211/1111, 211/1112, 211/1113, 211/1114, 211/1115, 211/1116, 211/1117, 211/1118, 211/1119, 211/1120, 211/1121, 211/1122, 211/1123, 211/1124, 211/1125, 211/1126, 211/1127, 211/1128, 211/1129, 211/1130, 211/1131, 211/1132, 211/1133, 21



LEGEND

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rocked
✓ VALLEY FILL
X WOOD
○ MUD
— KEN
—— DETENTION TAIL
—— ROAD
—— DRAIN
—— DETENTION WALLS

**BOUNDARY SURVEY AND
LOT DIVISION**

OSTROD STREET & BOND STREET, PORTLAND, MAINE

MADE FOR

PORTLAND HOUSING AUTHORITY

OWEN HASEBELL, INC.

1000-1045 BOND STREET, PORTLAND, ME 04101 (207) 784-4444

PROFESSIONAL LAND SURVEYOR

Drawn by: JAC	Date:	And Map:
Checked by: JAC	and 7/1/2013	and 7/2/2013
Drawn by: JAC	1" = 10'	Drawn by:
Checked by: JAC		Drawn by:

Exh. 5, 7 D

RESPONSE TO ZONING REQUIREMENTS

BAYSIDE ANCHOR RESPONSE TO ZONING REQUIREMENTS

The Bayside Anchor Project cannot meet the current R6 zoning for the project and has proposed a map change to the Zoning Map to change the existing R6 Zone to R7. This process has begun and the rezoning is currently before the City Council. We understand that the final approval of the project cannot be undertaken until the rezoning is approved, but request that technical review of the project begin anticipating this map change.

The following is a response to a review of the current zoning requirements for R7:

Consistency with Comprehensive Plan:

Bayside Anchor is consistent with the City's Comprehensive Plan. Portland continues to struggle with an inadequate supply of apartments serving all incomes. Bayside Anchor will increase the supply of rental housing at rents serving a wide range of residents.

Consistency with Purpose of the R-7 Zone:

Bayside Anchor development will be located at the corner of Boyd and Oxford Streets in Portland's East Bayside neighborhood. The development will be adjacent to Portland Housing Authority's Bayside East, Bayside Terrace, and Kennedy Park developments.

East Bayside's boundaries are roughly those of Census Tract 5 with the exception of the India Street neighborhood and that Congress Street acts as the neighborhood's southern boundary. East Bayside is predominantly low income. The 2010 census indicates that census tract 5 has a poverty rate of 54.1%. In 2012, the 178 families living in public housing in the East Bayside neighborhood had an average annual household income under \$20,000.

The Bayside Anchor site is within walking distance of downtown and all its amenities. Additionally, it is a short walk away from the #1, #6, #7 and #8 Metro bus lines.

Meeting the Requirements of the R-7 Zone:

- The proposed Bayside Anchor building conforms to the dimensional and height requirements of the R-7 zone.
- The 45 units proposed fall within the maximum of 46 units permitted under the R-7 density restriction of 435 square feet of land area per unit.
- All of the units exceed the 400 square feet per unit floor area requirement of the R-7.
- Required off-street automobile parking will be delivered as part of an overall PHA Campus Transportation Demand Management plan. Our TDM plan outlines how automobile parking, bicycle parking and Public Transportation will be accommodated. The development team believes that the Bayside Anchor proposal presents an excellent opportunity to pursue progressive alternatives to off-street automobile parking using proven and documented demand reduction strategies.

SUMMARY OF EASEMENTS

BAYSIDE ANCHOR
SUMMARY OF EXISTING AND/OR PROPOSED EASEMENTS, COVENANTS, RIGHTS-OF-WAY OR OTHER
BURDENS ON THE SITE

Existing:

The proposed .46 acre Bayside Anchor site is currently part of the larger Bayside East Public Housing development owned and managed by the Portland Housing Authority (PHA). Although owned by PHA, the U.S. Department of Housing and Urban Development (HUD) holds a Declaration of Trust on all public housing properties. At time the property is conveyed from PHA to PHDC/Bayside Anchor Development Company LLC, HUD's Declaration of Trust will be removed from this portion of the property.

There are no other existing easements, covenants, rights-of-way or other burdens on the property.

Proposed:

There are no proposed easements, covenants, rights-of-way or other burdens planned for the proposed Bayside Anchor site.

The site plan contemplates using existing excess off-street parking spaces in the neighborhood currently owned by PHA. Upon approval and according to the proposed Parking Management Plan, the PHDC/Bayside Anchor Development Company LLC will enter into a formal agreement with PHA for the long term use of these spaces.

REQUESTS FOR WAIVERS

**BAYSIDE ANCHOR
REQUEST FOR WAIVERS**

The Applicant is requesting the following Waivers from the Site Plan and Technical Standards:

1. a waiver from the Off Street Parking Standards to allow required off-street parking demands to be met by development of a Parking Management Plan and utilization of existing parking within the Portland Housing Authority controlled neighborhoods. We believe approaching the PHA controlled properties as a campus and developing an overall management plan for all properties will allow the project to utilize existing parking that is not being currently used, reducing pavement, allowing more green space, and controlling construction costs. A Parking Management Plan is attached to this application for City review.

EVIDENCE OF FINANCIAL AND TECHNICAL CAPACITY

BAYSIDE ANCHOR FINANCIAL CAPACITY

Financial Capacity

The General Partner for the proposed Bayside Anchor Project is Bayside Anchor Development Company, LLC, a special purpose limited partnership created to take advantage of the Low-Income Housing Tax Credit (LIHTC) Program. The Developer and Guarantor of the project is the Portland Housing Development Corporation (PHDC), a Maine non-profit corporation controlled by the Portland Housing Authority (PHA). PHDC will act as developer of the project. In its role as developer, PHDC will be responsible for the successful completion of the project and will provide financial guarantees to both the construction lender and the investor limited partner. PHA is a financially sound non-profit corporation with a positive net worth and ample cash reserves to assure the successful completion of the project in the event of any difficulties during construction.

The total estimated development cost of the Bayside Anchor Project development is approximately \$ 5,300,000. The property will be sold to the PHDC by its current owner, Portland Housing Authority. The primary source of capital for the project will come from equity raised by selling tax credits. The remaining funds will come from a combination of subsidy sources including the Northern New England Housing Investment Fund and other financial investors. Application to MSHA for tax credits and subsidy financing is due in October, 2014 with results expected before yearend.

Letters of Interest from NNEHI and Bangor Savings have been requested and will be submitted to the City as part of this application when received.



TERM SHEET
THIS IS NOT A COMMITMENT TO LEND
May 12, 2014
(Effective through September 12, 2014)

Mark B. Adelson
Executive Director
Portland Housing Authority
14 Baxter Blvd.
Portland, ME 04101

Re: Bayside Anchor Apartments Low Income Housing Tax Credit project

Dear Mark,

We are pleased at the prospect of presenting this proposal for financing for the proposed Bayside Anchor Apartments ("Project"), a low income housing tax credit family housing project that Bayside Anchor Apartments, LP ("Borrower") and Portland Housing Development Corporation ("Developer") wish to develop in Portland, Maine. The proposed terms and conditions are provided for discussion purposes only and do not constitute an offer, agreement, or commitment to lend. The actual terms and conditions upon which the Bank may extend credit to the borrower are subject to the satisfactory completion of due diligence, formal credit approval, satisfactory review of loan documentation, and such other terms and conditions as determined by the Bank.

This term sheet is issued to accompany the Borrower's application for MaineHousing subsidy and low income housing tax credit allocation and the Sponsors application to the Federal Home Loan Bank of Boston's Affordable Housing Program (AHP) for the Project described below and will give a general idea of the terms upon which Bangor Savings Bank ("Bank") would extend this loan, with the understanding that this letter does not constitute a commitment to extend financing.

Borrower:	Bayside Anchor Apartments, LP
General Partner:	Bayside Anchor Development Company, LLC
Project Developer:	Portland Housing Development Corporation
Project Sponsors:	Portland Housing Development Corporation Portland Housing Authority
Project:	Bayside Anchor Apartments, a 45 unit multi-family rental housing project to be constructed under the Low Income Housing Tax Credit program and other sources including MaineHousing subsidy to be located at Boyd & Oxford streets, Portland, Maine

Loan Amount:	Up to \$3,399,280
Type:	Construction Line of Credit
Purpose:	To provide construction financing for improvements to a 45 unit family LIHTC subsidized affordable housing project to be located in Portland, Maine.
Maturity:	Twelve (12) months
Repayment:	Monthly payments of interest with principal due upon construction completion of project.
Rate:	A variable rate at 1-Month LIBOR plus 2.75%.
Loan Fee:	\$10,000 payable at construction loan closing
Inspection Fees:	\$600.00 per month while construction is in process. This is based on one funding remittance per month
Collateral:	1. First mortgage on real estate and improvements at Boyd & Oxford Streets, Portland, Maine. 2. First security interest and collateral assignment and pledge of all contracts, plans, permits, leases, rents, business assets and accounts related to the project and rights related thereto. 3. Collateral assignment and pledge of permanent sources of funding and equity contributions sufficient to fully fund completion of the project and pay Bank construction loan in full.
Guarantees:	Unlimited corporate guarantee for completion and repayment by: • General Partner, Bayside Anchor Development Company • Project Developer, Portland Housing Development Corporation
Guarantee:	Limited non-recourse guarantee for completion and repayment by Project Sponsor, Portland Housing Authority, with recourse limited to certain unrestricted non-federal funds of Portland Housing Authority.
Conditions:	1. Subject to approval and confirmation acceptable to the Bank of the proposed equity sources, grants, MaineHousing subsidy awards, or other equivalent funding sources sufficient for 100% completion of the project and repayment in full of the Bank's construction loan at construction completion.

2. Subject to an award and allocation of Low Income Housing Tax Credits by the Maine State Housing Authority and such other subsidy or MaineHousing loan program awards sufficient to provide 100% of the permanent funding for the project.
3. Subject to an "As Is", "Investment Value", "Upon Completion-Subsidized", and "Upon Completion Stabilized" Fair Market Value appraisal of the proposed affordable housing LIHTC Project in Portland, Maine indicating a maximum LTV of 85%.
4. Subject to Bank receipt and satisfactory review of a Phase I Environmental Risk Assessment and such other follow-up analysis that may be determined to be necessary by the Bank in its sole discretion.
5. Subject to Bank receipt and satisfactory review of the Market Feasibility Study, final development and construction budget, project pro-forma financial statements, project plans, drawings, and specifications, and a fixed price or guaranteed maximum price construction contract from a bonded general contractor.
6. Subject to satisfactory review of project plans, specifications, and construction contract by a construction engineer acceptable to the Bank.
7. Subject to conformity with any construction procedures, requirements, and inspections required under agreements with governmental authorities, the Maine State Housing Authority, the LIHTC equity investors, City of Portland, and all permanent funding providers.
8. Subject to terms and conditions of a construction loan agreement including establishment and maintenance of borrower's construction deposit, construction escrow, and reserve deposit accounts with the Bank, control and disbursement of all funds necessary for construction completion according to standard Bank policy and procedures, and inspection by a construction engineer selected by the Bank.

**Other General
Conditions:**

- a. Subject to receipt and review of the Borrower's and Guarantors financial statements and all other information required by the Bank for underwriting and credit review. The Bank will thereafter require annual financial statements of the Borrower and Guarantor within 120 days of fiscal year end with copies of audited statements by the date required by HUD & MSHA.

Any commitment that Bangor Savings Bank issues, will be subject to the terms of its usual loan documentation, as approved by counsel for the Bank in connection with this particular transaction, and may include terms and conditions that are different from, or that are in addition to, the terms and conditions stated in this letter. The Borrower is responsible for all out-of-pocket costs and expenses incurred by the Bank in connection with the proposed loan including appraisal, legal fees, filing fees, environmental due diligence as required, etc. As mentioned above, this letter is intended only to give you a general idea of the Bank's current thinking regarding a structure for this transaction that may be appropriate.

We look forward to hearing from you, and appreciate the opportunity to present this term sheet to you. We appreciate the important commitment to affordable housing and the community development effort involved in this project and we hope to proceed further with our discussions and the underwriting process.

Sincerely,

A handwritten signature in black ink that reads "Laura Huddy". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Laura Huddy
Vice President
Commercial Lending Group

BAYSIDE ANCHOR TECHNICAL CAPACITY

Technical Capacity

The Portland Housing Development Corporation (PHDC) is the non-profit development arm and component corporation of the Portland Housing Authority (PHA). It was created in 1983 to develop and finance affordable housing in Portland, and assist in implementing PHA's strategic goals in this area, which include; expand the inventory of affordable housing, modernize and redevelop PHA existing housing stock, and utilize excess PHA property to accomplish this.

PHA has granted PHDC an option to purchase the land for this purpose. PHDC has convened some of Maine's most forward-thinking development, construction and design firms to create a proposal that provides the neighborhood with much-needed services and affordable apartments.

Development Team:

- **Owner/Developer: Bayside Anchor Development Company LLC** is a subsidiary of PHDC created specifically for the development and ownership of Bayside Anchor.
- **Development Partner and Consultant: Avesta Housing** has developed over 2,000 units in Maine over the last 40 years including several hundred in Portland. Avesta brings its extensive experience as a consultant, development partner and property manager to Bayside Anchor. For this project Avesta Housing Development Corporation will provide consulting services relating to design, permitting, construction and management of the project for a defined period of time upon occupancy.
- **Architect: Kaplan Thompson Architects** is a leader in Maine and the nation in building super-efficient residences at attainable costs. Kaplan Thompson is the lead designer on the project.
- **Landscape Architect: Carroll Associates;** Patrick Carroll brings his extensive urban design and planning experience to the project.
- **Construction Manager: Wright Ryan** is the leading builder of affordable apartments in Maine. They completed the initial estimates which include the innovative cost saving and construction techniques that make the project unique.

STORMWATER MANAGEMENT

BAYSIDE ANCHOR STORMWATER MANAGEMENT

Submitted by Ransom Consulting, Inc.

Existing Conditions:

The site is a 20,147 SF (.46 acres) acre parcel on the northern corner of Boyd and Oxford Streets that is sloped moderately to the northwest from elevation 24 at Oxford Street to elevation 13 in the northern corner. The property contains a 7,000 square foot paved parking lot and a paved path, while the remaining land cover is grass.

Stormwater runoff from the parking lot and the upland grass strip drains to a catch basin in the parking lot, which drains to a separated stormdrain system in Boyd Street. As can be seen in the attached drainage plan (developed from the City's GIS data) this stormdrain discharges to the City's combined sewer system at the bottom of Boyd Street. As such, discharge from this portion of the site is essentially into the combined sewer.

Stormwater runoff from the grass area on the lowland portion of the site discharges on the surface leaving the site to the northwest and flowing to a low area in the backyards of multiple buildings. This low area is shown as an enclosed 12' contour on the attached drainage plan. It is our understanding that stormwater from the subject property (as well as other adjacent properties) drains to this low area and infiltrates.

This low area has been observed during heavy rainfall and no ponding has been noted. Residents in adjacent apartments have indicated that they have never seen the area flood. The USDA medium intensity soil survey classifies this area as moderately well drained (Hydrological Group B). Also, soil borings on the subject property identified a sand layer of variable thickness (0 to 5') beginning at the ground surface.

It should be noted that this low area and the surrounding residences as well as the subject properties are all under control, management and/or ownership of Portland Housing Authority.

Proposed Development:

The owner proposes to construct a 4 story apartment building on a 10,000 SF footprint with a patio, pathway and other hardscape areas; while the northwestern lowland portion of the site will remain lawn. The proposed development will increase the site's impervious area by approximately 7,000 square feet.

Stormwater Management - Quality:

At a minimum, 1" of rainfall from the site's new impervious area will be treated. We propose to use the FocalPoint biofiltration system for stormwater treatment. This system is similar in configuration to a standard rain garden system where stormwater runoff flows through a soil filter that removes pollutants and reduces temperature. Where standard rain gardens have permeability rates in the range of 2 – 3 inches per hour; the FocalPoint system's engineered soil filter media provides permeability rates in excess of 100 inches per hour. This permeability rate is guaranteed by the manufacturer and they provide testing at no additional cost. This high permeability facilitates treatment of relatively large impervious areas with small rain gardens making the FocalPoint system ideal for compact urban developments.

FocalPoint is approved by Maine DEP and will be sized and designed in accordance with Chapter 7.5 in Volume III of the Maine Stormwater Best Management Practices Manual.

Additionally, the City recently used the FocalPoint system on a sewer separation project in Victor Road area adjacent to Payson Park. It is our understanding that the system is working well and we would greatly appreciate any input from City staff on how the installation went. Are there things we should be considering to ensure a successful installation?

Stormwater Management - Quantity:

We propose to disconnect the existing stormdrain that discharges to the combined sewer and outlet stormwater runoff to the surface only. This outlet would be in the location of the existing surface discharge described above. Detention will be provided in order to temporarily store stormwater and release it slowly over time, thus keeping the post development discharge rates below the existing rates.

Storage will be provided with the R-Tank tank system. R-Tank is a modular box underdrain system with high void space (95%) that can be stacked like Lego's beneath the proposed patio to provide the required storage volume.

It should be noted that, although flow rates will be decreased, the volume of water discharged to the downstream basin area may increase. We will provide an opinion on this in the final site plan application.

Because the area we are draining to has been observed to infiltrate without ponding, it is our opinion that disconnecting the existing stormdrain is a "true" disconnection from the combined sewer and not a situation where stormwater will flow overland and enter the system downstream. We are requesting guidance on how our decision not to connect to the combined sewer would impact future stormwater utility fees. We realize the City is in the process of finalizing its stormwater utility fee structure and that providing a determination may prove challenging. That said, any guidance that staff can provide will help us to balance the projects upfront costs with long term costs.

Although we propose to disconnect the existing stormdrain, the applicant is requesting the ability to reconnect should unanticipated future conditions require the use of this drain. We realize that the ability to reconnect and/or reconnecting may have permitting implications.

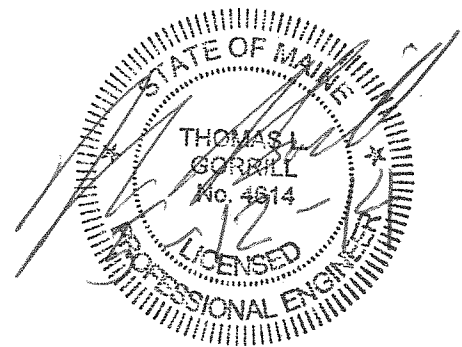
TRAFFIC AND PARKING MANAGEMENT

**Traffic Forecast, Parking
Assessment and TDM
Plan
for
Bayside Anchor
Portland, Maine**

Prepared for:

**Portland Housing Corporation
14 Baxter Blvd
Portland, ME 04101**

May 2014



Prepared by:



Gorrill-Palmer Consulting Engineers, Inc.

Engineering Excellence Since 1998

P.O. Box 1237
15 Shaker Road., Gray, ME 04039

(207) 657-6910
FAX (207) 657-6912
E-Mail: mailbox@gorrillpalmer.com

**Traffic Forecast, Parking Study and Transportation Demand Management Plan
Bayside Anchor
Portland, Maine**

Index

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III.	Trip Generation	3
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VI.	Transportation Demand Management Plan	7

Appendix

Maine DOT Crash Data
Trip Generation Calculations
Parking Summary Data

Executive Summary

The following Executive Summary is prepared for the reader's convenience, but is not intended to be a substitute for reading the full report.

Gorrill-Palmer Consulting Engineers, Inc. was retained by Portland Housing Corporation (PHA) to prepare this traffic forecast, parking study and Transportation Demand Management Plan for their proposed Bayside Anchor project. The project consists of 45 residential units, including 36 affordable units, a relocated head start program, administration offices for Portland Housing and a neighborhood police office. The site is located in the northwest quadrant of the intersection of Oxford and Boyd Streets. The site currently consists of a 26 space paved parking lot. Based on this study, our office has determined the following:

1. The proposed development is forecast to generate 24 and 29 trip ends in the weekday AM and PM peak hours respectively. (Note: A trip end is either a trip in or out of the site. Thus a round trip would equal two trip ends). At this level of trip generation, this project does **not** require a Maine Department of Transportation (MaineDOT) Traffic Movement Permit.
2. Gorrill-Palmer Consulting Engineers, Inc. referenced the Maine DOT collision records to determine if there were any high crash locations in the project vicinity. No high crash locations were identified in the vicinity of the project site.
3. Gorrill-Palmer Consulting Engineers, Inc. completed a parking inventory of the East Bayside Portland Housing Authority Properties. Based on this study, we found that there is sufficient parking within this "campus" area to accommodate the additional uses proposed with this project.
4. PHA is proposing a Transportation Demand Management (TDM) Plan which will support the City's transportation and environmental sustainability goals by encouraging and promoting bicycling, walking, and use of transit.

Based on these findings, it is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the proposed project can be accommodated by the City's transportation system.

I. *Existing and Proposed Site*

The proposed site is located on the northwest quadrant of the intersection of Oxford Street and Boyd Street in Portland. The site currently consists of a paved 26 space parking lot.

Proposed for the site are 45 units of residential housing including 36 affordable units, a relocated head start program, administration offices for Portland Housing and a neighborhood police office. Parking for the project will be accommodated within the existing parking lots on the PHA properties and on street.

II. *Background Conditions*

Gorrill-Palmer Consulting Engineers, Inc. based the study on the following information:

- A site plan prepared by Carroll Associates.
- Crash data for 2010-2012 provided by the Maine Department of Transportation.
- Parking inventory performed at the existing East Bayside PHA properties, the adjacent streets, and at similar projects in Portland.

III. *Trip Generation*

Gorrill-Palmer Consulting Engineers, Inc. used the Institute of Transportation Engineers (ITE) publication *Trip Generation*, 9th Edition to estimate the potential trip generation for each land use component of the proposed building.

Apartments: The proposed project will have 45 units with 36 of those being affordable. The project includes 5 efficiency units, 34 one bedroom and 6 two bedroom units. Based on Land Use Code (LUC) 220, Apartment, with 45 units, the proposed housing is anticipated to generate the following trips (note- a trip end is a trip into or out of the site; thus a round trip is equal to two trip ends):

Weekday	396 trip ends
AM Peak Hour	26 trip ends
PM Peak Hour	42 trip ends

ITE trip rates are based on surveys of predominantly ~~suburban~~ suburban locations rather than urban. In addition, these surveys do not take into account the high percentage of affordable units which typically have less cars. Therefore, our office reviewed a trip generation count we had on file for Pearl Place which was taken on Tuesday, October 5, 2010 from 3:30 to 5:30. Based upon the counts, the actual trip generation was low; only twenty peak hour trips were recorded at the site driveway for the 60 units in place when the count was done, and no on-street parking associated with the facility was observed during the count. It should be noted that significant pedestrian trips to and from the site were observed which is also anticipated for the Bayside Anchor project. This results in a

PM peak hour trip rate of .33 for this existing facility. Applying this rate to the proposed 45 units yields 15 trip ends during the PM peak hour.

Given these results and the fact that the project is in an urban area, that 80 % of the units will be affordable, and that the area is very bikeable and walkable, our office has reduced the rates derived from the ITE LUC 220 for apartments by 50% resulting in the following forecast for the housing component of the project:

Weekday	198 trip ends
AM Peak Hour	13 trip ends
PM Peak Hour	21 trip ends

Head Start Program: The head start program anticipates that there will be 17 children enrolled with three staff during the school year only. Based on Land Use Code (LUC) 520, Elementary School with 17 students, the proposed head start is anticipated to generate the following trips:

Weekday	22 trip ends
AM Peak Hour	8 trip ends
PM Peak Hour	5 trip ends

This estimate is likely high given that many of the students who will be attending are living in the neighborhood and will walk.

Offices: The Portland Housing Authority office and a community police station will also be located within the building. The total square footage of these two uses combined is 1502. Based on Land Use Code (LUC) 715, Single Tenant Office Building with 1502 square feet, the proposed office component of the building is anticipated to generate the following trips:

Weekday	17 trip ends
AM Peak Hour	3 trip ends
PM Peak Hour	3 trip ends

Total Traffic Forecast: Combining the trip generation forecast for each component of the building results in the following traffic forecast for the project:

Weekday	237 trip ends
AM Peak Hour	24 trip ends
PM Peak Hour	29 trip ends

This level of traffic increase will not have a notable effect on the adjacent roadway system.

IV. Crash Data

In order to evaluate whether a location has a crash problem, Maine DOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) and;
2. A minimum of 8 crashes over a three-year period.

Our office reviewed the 2010-2012 crash data in this area and found there were no high crash locations in the vicinity of the project site. A copy of the collision history is included in the Appendix.

V. Parking Evaluation

While PHA wants to provide adequate parking for the project, parking results in loss of open space and increasing stormwater impacts, and uses valuable urban land. At the same time, providing too little parking would have adverse impacts on residents and the surrounding neighborhood. The applicant's goal through the parking demand analysis process is to find the appropriate ratio of parking spaces. Our office has data suggesting actual parking demand will be well below one space per unit. To estimate the parking demand for the proposed project, Gorrill-Palmer Consulting Engineers, Inc. consulted two additional sources; a parking use inventory completed by our office for the existing East Bayside PHA properties; and secondly, relevant parking studies we have completed. Each of these are summarized below:

Parking study of existing East Bayside PHA Properties and On Street Parking Our office completed an inventory of occupied and available parking spaces for the East Bayside PHA Properties as well as the adjacent neighborhood streets on Sunday evening, May 4th 2014 for each hour from 9 PM to midnight. This represents a time period when most residents would be parked in the neighborhood. A summary of the results for the peak period at 12 midnight is presented below. A summary of the complete parking survey is included in the Appendix of this report:

Parking Survey Results within East Bayside PHA Properties

Highest Demand observed in PHA Parking Lots: 91 spaces

Total Parking Lot Spaces: 157 spaces

Total Available Spaces in Parking Lots: 66 spaces

According to occupancy information furnished by PHA, 162 units of the 164 total were occupied as of May 1, 2014. Therefore, the parking ratio within the PHA off street lots was 0.56 spaces per unit.

On Street Parking for Area Bounded by Anderson, Cumberland and Boyd Streets

Highest On Street Demand observed: 137 spaces

Total on Street Spaces: 298 spaces

Total Available Spaces on street: 161 spaces

This data clearly shows that there is substantial available parking within the neighborhood today. While there are 66 spaces available within the PHA parking lots, some residents are parking on the streets. Therefore, to estimate the total parking demand associated with the existing PHA properties, we have included the number of spaces which were occupied adjacent to PHA properties which were estimated to be 58 spaces. Adding these additional spaces to the 91 spaces occupied in the existing PHA lots results in an overall existing parking ration of 0.92 spaces per occupied unit today for the PHA housing properties. This is likely a high rate since we have been conservative (estimated on the high side) when attributing the on street parking to the existing PHA properties.

As can be seen from the parking data in the Appendix compiled for this report, our office also determined the number of unoccupied on and off street spaces available within 300 and 500 feet of the proposed building. This data is summarized below for 12 midnight, which was the peak period observed:

Unoccupied parking within 300 feet of the project:

- Parking lots: 18
- On Street spaces: 73
- Total: 91

Unoccupied parking within 500 feet of the project:

- Parking lots: 58
- On Street spaces: 130
- Total: 188

Other Relevant Parking Studies

Our office also reviewed data from other projects we have on file in our office in estimating an appropriate parking ration for this project which is summarized below:

- Island View Apartments in Portland- This inventory was performed on July 12, 2004 from 6:00 to 9:00 PM. Island View Apartments is a 70-unit apartment building on the corner of North Road and Walnut Road in Portland. It contains a total of 84 parking spaces, 29 of which are designated visitor parking only, and 2 of which are handicap. In the peak half-hour period, a maximum of 49 parking spaces were occupied. This translates to a demand of 0.70 parking spaces per dwelling unit.

- As part of studies for similar projects in the past, our office examined the parking occupancy of apartment buildings in downtown Portland with dedicated parking lots, either behind or within the building as part of another application. Our office completed parking occupancy counts from 10-11 PM (within the peak period, based on ITE and ULI data) at 53 Danforth Street, 645 Congress Street, and Walker Terrace (at the corner of Congress and Walker Street) on Tuesday, October 26, 2010.

In addition, we referenced the parking supply for Franklin Towers and the recently-completed Oak Street Lofts. Franklin Towers has 200 units, and based upon aerial data, a parking supply of 56 spaces. Oak Street Lofts has 37 units, and 16 parking spaces, although it should be noted that half of these spaces (eight) are for motorcycles. For the purposes of this letter, it is assumed that peak demand at both of these facilities is at 100 percent occupancy.

Based on the occupancy counts, the following parking demand was determined:

53 Danforth:	43 units, 29 spaces occupied	=	0.67 spaces/unit
645 Congress:	56 units, 28 spaces occupied	=	0.50 spaces/unit
Walker Terrace:	40 units, 20 spaces occupied	=	0.50 spaces/unit
Oak Street Lofts:	37 units, 16 spaces occupied*	=	0.43 spaces/unit
Franklin Towers:	200 units, 58 spaces occupied**	=	0.29 spaces/unit
AVERAGE:			0.48spaces/unit

*Assumes 100% occupancy at Oak Street.

** Assumes 58 spaces based upon aerial imagery, and 100% occupancy at Franklin Towers.

- This information indicates an average need for 0.48 spaces per apartment within the Portland Peninsula.

Recommended Parking Ratio - Based on the level of demand at the above referenced studies, and the planned implementation of the proposed Transportation Demand Management Plan, it is the opinion of Gorrill Palmer that appropriate parking demand for the proposed Bayside Anchor Project as well as the existing PHA "Bayside campus" properties is 0.75 spaces per unit for the proposed housing.

Evaluation of Parking Supply vs. Demand - The proposed project will result in the loss of the 26 space parking lot currently on the project site. The comparison of the available parking supply vs the anticipated demand upon completion of the project is summarized below:

Parking Supply: The available off and on street parking supplies within 300 and 500 feet upon completion of the project are summarized below:

- Within 300 feet of the project: 118 spaces on street; 36 in PHA lots
- Within 500 feet of the project: 227 spaces on street; 109 in PHA lots

- Combined Totals
 - Within 300 feet:154
 - Within 500 feet:336

Parking Demand: Based on the recommended parking ratio of 0.75 spaces per unit, the proposed 45 unit project is estimated to generate an additional demand of 34 spaces. The resulting parking demands within 300 and 500 feet of the project are summarized below:

- Within 300 feet of the project: 123 spaces
- Within 500 feet of the project: 208 spaces

Comparison of Parking Demand vs Supply: A comparison of the parking demand and supply shows that there is projected to be 31, and 128 spaces within 300 and 500 feet respectively upon completion of the project. It is noted that while the proposed head start and office components of the project will also require parking, these uses are not expected to coincide with the peak parking period which occurs during the evening when residents return from work.

VI. Transportation Demand Management Plan

PHA Housing has requested development of a Transportation Demand Management (TDM) Plan for their campus which will support the City's transportation and environmental sustainability goals by encouraging and promoting bicycling, walking, and use of transit. Avesta will be managing the project for PHA and is very familiar with the importance of a TDM plan. Following is a description of the elements of the Plan.

TDM Coordinator

PHA Housing has a Property Manager who will coordinate the TDM plan. The TDM coordinator will be responsible for posting changes and updates to the Metro schedule and U Car information in the lobby as well as other information relevant to promoting and encouraging the greater use of bicycling, walking, and bus-based transit.

Parking Limits within the Lease

PHA Housing plans to adopt parking policies limiting each household to no more than a single parking permit, i.e. one (1) vehicle per residence.

Automobile Parking Reduction Strategies

The Applicant proposes to take the following measures to reduce the demand for vehicles.

Bicycle Parking

PHA Housing plans to provide a total of 38 parking spaces for bicycles with 30 of these located within the building. These spaces are envisioned to be wall-mounted lockable racks

within controlled-access rooms. This configuration will provide for bicycle security, convenience, and protection from the weather.

Encourage Use of Local Transit Options

PHA's TDM coordinator will provide route maps, schedules, and ticket information in packets along with their lease agreement. Free ride tickets will be available to all tenants of the PHA properties in East Bayside. In addition, maps, routes, and ticket information will be posted clearly in the entry areas in both the existing and future apartment buildings.

U Car Share

Portland is one of 38 municipalities served by U Car Share in the United States. In Portland, the service provides a total of four cars, one of which is 118 Congress Street, a walkable distance from the project. These vehicles are available on an hourly or daily basis. PHA will make residents aware of and encourage use of this service, which will allow for use of a car for certain trips, which can reduce the need for an owned car. Information will be provided to each incoming resident with their lease agreement.

Sidewalk Facilities

Sidewalks surround the proposed project encouraging walking to and from the project. In addition the PHA campus provides a linkage to the Portland Trail system.

Tenant Packets

Upon signing a lease, each tenant will be provided with an extensive packet which will include information on transportation incentives and resources. Tenant packets will, at a minimum, include:

- Information on the free ride tickets on Metro to be provided by PHA
- The Greater Portland Transit Guide and other bus transit trip planning resources
- Registration form and program information for U Car Share.
- Bicycle commuting information and other resources gathered from the Bicycle Coalition of Maine and Bicycle Meet Up commuter program
- Portland Trails map

Education

The on-site information about transportation options will include:

- Transportation information located in the common area/lobby.
- Maps, information on METRO ticket passes available at the PHA office, and other transportation information available in the office

Monitoring

As part of its TDM Plan monitoring program, PHA Housing will assess the utilization of its on- and off-site parking on an on-going basis and monitor the operation of the parking areas. Demand for handicapped parking will be monitored on a monthly basis. PHA Housing will track tenant requests for additional on-site bicycle and scooter-motorcycle parking.

One year after initial occupancy and annually thereafter, PHA Housing will revisit the TDM plan taking into account the following:

- Tenant vehicle ownership (bicycle, scooter-motorcycle, automobile)
- Tenant parking utilization of on and off-site parking, including nearby parking garages and on-street parking spaces
- The means of travel by tenants (bus, walk, bicycle, automobile, scooter-motorcycle, car share, carpool or other)

PHA Housing will update the TDM Plan and submit a draft plan to the City's TDM Manager for review and comments. Should the vehicle ownership of tenants exceed 0.75 spaces/unit or 34 cars, additional TDM measures and/or parking measures will be considered.

Timetable for Action Items

Action Item	Timeframe for Implementation
Appoint/Confirm Property Manager for TDM Coordination	October 2014
Assemble Tenant TDM Packets	June/July 2015 (anticipated)
TDM Plan Implementation / On-site Parking Monitoring	January 2016 (anticipated, Assuming July 2015 occupancy)
Assess success of first 12 months of TDM Program and Report to City on initial effectiveness	July 2016
Submit Year Two TDM Program with needed modifications (and annually thereafter)	March 2018

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS☒ Crash Summary I☐ Section Detail☒ Crash Summary II☐ 1320 Public☐ 1320 Private☐ 1320 SummaryREPORT DESCRIPTION

Boyd St area

REPORT PARAMETERS

Year 2010, Start Month 1 through Year 2012 End Month: 12

Route: 0560293

Start Node: 18521

End Node: 18929

Start Offset: 0

End Offset: 0

☒ Exclude First Node☐ Exclude Last Node

Route: 0560847

Start Node: 18929

End Node: 19463

Start Offset: 0

End Offset: 0

☒ Exclude First Node☐ Exclude Last Node

Route: 0561238

Start Node: 18919

End Node: 19463

Start Offset: 0

End Offset: 0

☐ Exclude First Node☒ Exclude Last Node

Route: 0560069

Start Node: 18919

End Node: 18921

Start Offset: 0

End Offset: 0

☒ Exclude First Node☐ Exclude Last Node

Route: 0560493

Start Node: 18922

End Node: 18924

Start Offset: 0

End Offset: 0

☒ Exclude First Node☐ Exclude Last Node

Route: 0560666

Start Node: 18915

End Node: 18918

Start Offset: 0

End Offset: 0

☒ Exclude First Node☐ Exclude Last Node

Route: 0560834

Start Node: 18918

End Node: 18924

Start Offset: 0

End Offset: 0

☒ Exclude First Node☒ Exclude Last Node

Route: 0560234

Start Node: 18917

End Node: 18932

Start Offset: 0

End Offset: 0

☒ Exclude First Node☒ Exclude Last Node

Route: 0560235

Start Node: 19464

End Node: 18916

Start Offset: 0

End Offset: 0

☒ Exclude First Node☒ Exclude Last Node

Route: 0560235

Start Node: 18916

End Node: 18923

Start Offset: 0

End Offset: 0

☒ Exclude First Node☒ Exclude Last Node

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

☒ Crash Summary I ☐ Section Detail ☒ Crash Summary II ☐ 1320 Public ☐ 1320 Private ☐ 1320 Summary

REPORT DESCRIPTION

Boyd St area

REPORT PARAMETERS

Year 2010, Start Month 1 through Year 2012 End Month: 12

Route: 0560235

Start Node: 18923

End Node: 18920

Start Offset: 0

End Offset: 0

☒ Exclude First Node

☒ Exclude Last Node

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Nodes																	
Node	Route - MP	Node Description	U/R	Total Crashes	K	Injury Crashes			PD	Percent Annual M Injury Ent-Veh		Crash Rate	Critical Rate	CRF			
						A	B	C									
18953	0560293 - 0.06	0509373 POR,N,BOYD,FOX ST.	2	3	0	0	1	0	2	33.3	1.997	Statewide Crash Rate: 0.14	0.50	0.45	1.11		
18952	0560293 - 0.16	0509372 POR,FOX,DIAMOND ST.	2	1	0	0	0	0	1	0.0	1.968	Statewide Crash Rate: 0.14	0.17	0.45	0.00		
18929	0560293 - 0.21	0509349 POR,ANDERSON,FOX ST.	2	2	0	0	0	1	1	50.0	1.808	Statewide Crash Rate: 0.14	0.37	0.46	0.00		
18930	0560847 - 0.53	0509350 POR,ANDERSON,EVERETT ST.	2	0	0	0	0	0	0	0.0	0.148	Statewide Crash Rate: 0.14	0.00	0.46	0.00		
18931	0560847 - 0.56	0509351 POR,ANDERSON,MADISON ST.	2	1	0	0	0	1	0	100.0	0.150	Statewide Crash Rate: 0.14	2.22	0.47	4.75		
18932	0560847 - 0.59	0509352 POR,E,LANCASTER,ANDERSON ST.	2	0	0	0	0	0	0	0.0	0.132	Statewide Crash Rate: 0.14	0.00	0.41	0.00		
19464	0560847 - 0.65	0509886 POR,ANDERSON ST,E,OXFORD STR.	2	0	0	0	0	0	0	0.0	0.163	Statewide Crash Rate: 0.14	0.00	0.50	0.00		
19463	0560847 - 0.74	Int of ANDERSON ST CUMBERLAND AV	2	3	0	0	0	1	2	33.3	2.054	Statewide Crash Rate: 0.13	0.49	0.42	1.15		
18919	0561238 - 0.84	Int of BOYD ST CUMBERLAND AV	2	3	0	0	0	1	2	33.3	2.449	Statewide Crash Rate: 0.13	0.41	0.40	1.01		
18910	0561238 - 0.87	Int of CUMBERLAND AV, LOCUST ST	2	2	0	0	0	0	2	0.0	2.390	Statewide Crash Rate: 0.13	0.28	0.41	0.00		
18922	0561238 - 0.89	Int of CUMBERLAND AV MAYO ST	2	0	0	0	0	0	0	0.0	2.241	Statewide Crash Rate: 0.13	0.00	0.41	0.00		
18915	0561238 - 0.94	Int of CUMBERLAND AV, SMITH ST	2	3	0	0	0	0	3	0.0	2.266	Statewide Crash Rate: 0.13	0.44	0.41	1.07		
18920	0560069 - 0.08	0509340 POR,BOYD,E,OXFORD ST.	2	1	0	0	0	0	1	0.0	0.170	Statewide Crash Rate: 0.14	1.96	0.51	3.85		
18921	0560069 - 0.15	0509341 POR,LANCASTER 1,BOYD ST.	2	0	0	0	0	0	0	0.0	0.068	Statewide Crash Rate: 0.14	0.00	-0.18	0.00		
18923	0560493 - 0.08	0509343 POR,MAYO,E,OXFORD ST.	2	0	0	0	0	0	0	0.0	0.131	Statewide Crash Rate: 0.14	0.00	0.40	0.00		
18924	0560493 - 0.16	0509344 POR,KENNEDY,MAYO ST.	2	0	0	0	0	0	0	0.0	0.050	Statewide Crash Rate: 0.14	0.00	-0.70	0.00		
18916	0560666 - 0.14	0509336 POR,SMITH,E,OXFORD ST.	2	1	0	0	0	0	1	0.0	0.170	Statewide Crash Rate: 0.14	1.96	0.51	3.85		
18917	0560666 - 0.21	0509337 POR,SMITH,E,LANCASTER ST	2	0	0	0	0	0	0	0.0	0.084	Statewide Crash Rate: 0.14	0.00	0.08	0.00		
18918	0560666 - 0.22	0509338 POR,KENNEDY,SMITH ST.	2	0	0	0	0	0	0	0.0	0.045	Statewide Crash Rate: 0.14	0.00	-0.96	0.00		
Study Years: 3.00			NODE TOTALS:				20	0	0	1	4	15	25.0	18.484	0.36	0.25	1.43

Crash Summary I

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Sections					Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
						Total Crashes	K	A	B	C	PD				
18521	18953	194034	0 - 0.06	0560293 - 0 RD INV 05 60293	0.06	2	0	0	0	0	0	0.00125	0.00	974.19	0.00
Int of FOX ST, FRANKLIN ST															
18952	18953	194637	0 - 0.10	0560293 - 0.06 RD INV 05 60293	0.10	2	1	0	1	0	0	0.00181	184.16	885.84	0.00
0509372 POR, FOX, DIAMOND ST.															
18929	18952	194603	0 - 0.05	0560293 - 0.16 RD INV 05 60293	0.05	2	0	0	0	0	0	0.00088	0.00	1068.04	0.00
0509349 POR, ANDERSON, FOX ST.															
18929	18930	194602	0 - 0.04	0560847 - 0.49 RD INV 05 60847	0.04	2	0	0	0	0	0	0.00006	0.00	1031.16	0.00
0509349 POR, ANDERSON, FOX ST.															
18930	18931	194605	0 - 0.03	0560847 - 0.53 RD INV 05 60847	0.03	2	0	0	0	0	0	0.00004	0.00	525.37	0.00
0509350 POR, ANDERSON, EVERETT ST.															
18931	18932	194607	0 - 0.03	0560847 - 0.56 RD INV 05 60847	0.03	2	1	0	0	0	0	0.00004	8875.04	351.26	25.27
0509351 POR, ANDERSON, MADISON ST.															
18932	19464	194609	0 - 0.06	0560847 - 0.59 RD INV 05 60847	0.06	2	5	0	1	0	4	0.00007	25034.05	1177.21	21.27
0509352 POR, E, LANCASTER, ANDERSON ST.															
19463	19464	195146	0 - 0.09	0560847 - 0.65 RD INV 05 60847	0.09	2	2	0	0	0	1	0.00008	7958.54	1328.15	5.99
Int of ANDERSON ST, CUMBERLAND AV															
18910	18919	3129300	0 - 0.03	0561238 - 0.84 RD INV 05 61238	0.03	2	3	0	0	1	2	0.00069	1442.26	702.55	2.05
Int of CUMBERLAND AV, LOCUST ST															
18910	18922	3118713	0 - 0.02	0561238 - 0.87 RD INV 05 61238	0.02	2	0	0	0	0	0	0.00045	0.00	757.37	0.00
Int of CUMBERLAND AV, LOCUST ST															
18915	18922	3117967	0 - 0.05	0561238 - 0.89 RD INV 05 61238	0.05	2	2	0	0	1	1	0.00108	616.01	636.99	0.00
Int of CUMBERLAND AV, SMITH ST															
18915	19463	3131702	0 - 0.04	0561238 - 0.94 RD INV 05 61238	0.04	2	2	0	0	0	2	0.00082	808.89	677.68	1.19
Int of CUMBERLAND AV, SMITH ST															
18919	18920	194589	0 - 0.08	0560069 - 0 RD INV 05 60069	0.08	2	4	0	0	0	3	0.00013	10594.45	1444.47	7.33
Int of BOYD ST, CUMBERLAND AV															
18920	18921	194590	0 - 0.07	0560069 - 0.08 RD INV 05 60069	0.07	2	4	0	0	0	3	0.00010	13990.69	1382.73	10.12
0509340 POR, BOYD, E, OXFORD ST.															
18922	18923	194592	0 - 0.08	0560493 - 0 RD INV 05 60493	0.08	2	1	0	1	0	0	0.00007	4476.68	1260.29	3.55
Int of CUMBERLAND AV, MAYO ST															
18923	18924	194593	0 - 0.08	0560493 - 0.08 RD INV 05 60493	0.08	2	1	0	0	0	0	0.00005	6486.09	899.65	7.21
0509343 POR, MAYO, E, OXFORD ST.															
18915	18916	194580	0 - 0.08	0560666 - 0.06 RD INV 05 60666	0.08	2	2	0	0	0	2	0.00009	7068.44	1379.02	5.13
Int of CUMBERLAND AV, SMITH ST															
18916	18917	194583	0 - 0.07	0560666 - 0.14 RD INV 05 60666	0.07	2	1	0	0	0	0	0.00006	5551.62	1082.04	5.13
0509336 POR, SMITH, E, OXFORD ST.															
18917	18918	194586	0 - 0.01	0560666 - 0.21 RD INV 05 60666	0.01	2	0	0	0	0	0	0.00001	0.00	-	0.00
0509337 POR, SMITH, E, LANCASTER ST															
18918	18924	194588	0 - 0.04	0560834 - 0 RD INV 05 60834	0.04	2	1	0	0	0	1	0.00001	23296.99	-4098.52	0.00
0509338 POR, KENNEDY, SMITH ST.															

Crash Summary I

Sections																	
Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	A	B	C	PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF	
18917 0509337	18932 POR, SMITH, E. LANCASTER ST.	194587	0 - 0.04	0560234 - 0 RD INV 05 60234	0.04	2	0	0	0	0	0	0.0	0.00001	0.00	-6213.23 Statewide Crash Rate: 336.58	0.00	
18916 0509336	19464 POR, SMITH, E. OXFORD ST.	194585	0 - 0.02	0560235 - 0.07 RD INV 05 60235	0.02	2	0	0	0	0	0	0.0	0.00002	0.00	-3362.02 Statewide Crash Rate: 336.58	0.00	
18916 0509336	18923 POR, SMITH, E. OXFORD ST.	194584	0 - 0.05	0560235 - 0.09 RD INV 05 60235	0.05	2	2	0	0	0	1	0.0	0.00003	23267.31	-382.86 Statewide Crash Rate: 336.58	0.00	
18920 0509340	18923 POR, BOYD, E. OXFORD ST.	194591	0 - 0.05	0560235 - 0.14 RD INV 05 60235	0.05	2	0	0	0	0	0	0.0	0.00002	0.00	-1152.75 Statewide Crash Rate: 336.58	0.00	
Study Years:		3.00		Section Totals:		1.27	32	0	0	3	2	20	15.6	0.00787	1355.10	534.30	2.54
Grand Totals:				1.27		52	0	0	0	4	6	35	19.2	0.00787	2202.03	676.00	3.26

Crash Summary

Section Details														
Start Node	End Node	Element	Offset Begin - End	Route - MP	Total Crashes	K	Injury Crashes				Crash Report	Crash Date	Crash Mile Point	Injury Degree
							A	B	C	PD				
18521	18953	194034	0 - 0.06	0560293 - 0	0	0	0	0	0	0	2010-14202C	07/09/2010	0.07	B
18952	18953	194637	0 - 0.10	0560293 - 0.06	1	0	0	1	0	0				
18929	18952	194603	0 - 0.05	0560293 - 0.16	0	0	0	0	0	0				
18929	18930	194602	0 - 0.04	0560847 - 0.49	0	0	0	0	0	0				
18930	18931	194605	0 - 0.03	0560847 - 0.53	0	0	0	0	0	0				
18931	18932	194607	0 - 0.03	0560847 - 0.56	1	0	0	0	0	0	2010-5508C	02/25/2010	0.57	
18932	19464	194609	0 - 0.06	0560847 - 0.59	5	0	0	1	0	4	2012-904	01/13/2012	0.61	PD
											2010-8633C	04/27/2010	0.61	PD
											2012-42600	10/31/2012	0.62	PD
											2011-8643C	06/05/2011	0.64	B
											2010-4524C	02/27/2010	0.64	PD
19463	19464	195146	0 - 0.09	0560847 - 0.65	2	0	0	0	0	1	2011-3003C	02/11/2011	0.66	PD
											2011-960C	01/21/2011	0.70	
18910	18919	3129300	0 - 0.03	0561238 - 0.84	3	0	0	0	1	2	2011-4295C	02/25/2011	0.85	PD
											2011-3566C	02/15/2011	0.85	PD
											2011-3255	06/23/2011	0.86	C
18910	18922	3118713	0 - 0.02	0561238 - 0.87	0	0	0	0	0	0				
18915	18922	3117967	0 - 0.05	0561238 - 0.89	2	0	0	0	1	1	2010-7683C	03/30/2010	0.90	C
											2010-18272C	08/21/2010	0.90	PD
18915	19463	3131702	0 - 0.04	0561238 - 0.94	2	0	0	0	0	2	2011-3474	06/24/2011	0.95	PD
											2012-48363	12/21/2012	0.97	PD
18919	18920	194589	0 - 0.08	0560069 - 0	4	0	0	0	0	3	2012-32126	07/06/2012	0.02	PD
											2011-6502	08/03/2011	0.04	PD
											2012-25406	04/01/2012	0.07	
											2012-42011	10/26/2012	0.07	PD
18920	18921	194590	0 - 0.07	0560069 - 0.08	4	0	0	0	0	3	2012-45906	12/02/2012	0.10	PD
											2011-20488	12/29/2011	0.13	PD
											2011-19176	12/15/2011	0.14	
											2011-14468	11/03/2011	0.14	PD
18922	18923	194592	0 - 0.08	0560493 - 0	1	0	0	1	0	0	2011-11163	09/27/2011	0.06	B
18923	18924	194593	0 - 0.08	0560493 - 0.08	1	0	0	0	0	0	2012-47097	12/13/2012	0.10	
18915	18916	194580	0 - 0.08	0560666 - 0.06	2	0	0	0	0	2	2011-5271C	03/04/2011	0.10	PD
											2011-2931C	02/06/2011	0.10	PD
18916	18917	194583	0 - 0.07	0560666 - 0.14	1	0	0	0	0	0	2011-21044	12/31/2011	0.16	

Crash Summary

Section Details														
Start Node	End Node	Element	Offset Begin - End	Route - MP	Total Crashes	K	A	B	C	PD	Crash Report	Crash Date	Crash Mile Point	Injury Degree
18917	18918	194586	0 - 0.01	0560666 - 0.21	0	0	0	0	0	0				
18918	18924	194588	0 - 0.04	0560834 - 0	1	0	0	0	0	1	2010-9926C	05/16/2010	0.01	PD
18917	18932	194587	0 - 0.04	0560234 - 0	0	0	0	0	0	0				
18916	19464	194585	0 - 0.02	0560235 - 0.07	0	0	0	0	0	0				
18916	18923	194584	0 - 0.05	0560235 - 0.09	2	0	0	0	0	1	2012-2926	02/04/2012	0.12	
											2010-16408C	08/06/2010	0.13	PD
18920	18923	194591	0 - 0.05	0560235 - 0.14	0	0	0	0	0	0				
Totals:					32	0	0	3	2	20				

Crash Summary II - Characteristics

Crashes by Day and Hour

Day Of Week	Hour of Day												PM												Un	Tot
	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11		
SUNDAY	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2	2	0	1	0	7
MONDAY	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	3
TUESDAY	0	0	0	0	0	0	0	0	0	1	1	1	0	0	1	1	1	1	1	1	1	0	0	0	0	9
WEDNESDAY	0	0	0	0	0	0	0	0	0	0	0	1	2	0	0	1	0	0	0	2	0	0	0	0	0	6
THURSDAY	1	1	0	0	0	0	1	0	1	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	7
FRIDAY	0	2	0	0	0	0	0	0	0	3	0	1	0	3	2	0	1	0	1	1	0	0	2	0	0	16
SATURDAY	0	0	0	0	1	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4
Totals	2	3	0	0	1	0	1	1	2	4	2	4	4	3	5	3	2	1	2	4	2	2	3	1	0	52

Vehicle Counts by Type

Unit Type	Total	Unit Type	Total
1-Passenger Car	59	23-Bicyclist	2
2-(Sport) Utility Vehicle	14	24-Witness	12
3-Passenger Van	3	25-Other	7
4-Cargo Van (10K lbs or Less)	1	Total	114
5-Pickup	9		
6-Motor Home	0		
7-School Bus	0		
8-Transit Bus	1		
9-Motor Coach	0		
10-Other Bus	0		
11-Motorcycle	0		
12-Moped	0		
13-Low Speed Vehicle	0		
14-Autocycle	0		
15-Experimental	0		
16-Other Light Trucks (10,000 lbs or Less)	0		
17-Medium/Heavy Trucks (More than 10,000 lbs)	3		
18-ATV - (4 wheel)	0		
20-ATV - (2 wheel)	0		
21-Snowmobile	0		
22-Pedestrian	3		

Crash Summary II - Characteristics

Crashes by Driver Action at Time of Crash

Driver Action at Time of Crash	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
No Contributing Action	10	10	1	0	0	0	21
Ran Off Roadway	1	0	0	0	0	0	1
Failed to Yield Right-of-Way	6	4	0	0	0	0	10
Ran Red Light	0	0	0	0	0	0	0
Ran Stop Sign	0	0	0	0	0	0	0
Disregarded Other Traffic Sign	0	0	0	0	0	0	0
Disregarded Other Road Markings	0	0	0	0	0	0	0
Exceeded Posted Speed Limit	2	0	0	0	0	0	2
Drove Too Fast For Conditions	1	1	0	0	0	0	2
Improper Turn	2	1	0	0	0	0	3
Improper Backing	4	1	0	0	0	0	5
Improper Passing	0	0	0	0	0	0	0
Wrong Way	0	0	0	0	0	0	0
Followed Too Closely	0	0	0	0	0	0	0
Failed to Keep in Proper Lane	0	1	0	0	0	0	1
Operated Motor Vehicle in Erratic, Reckless, Careless, Negligent or Aggressive Manner	0	0	0	0	0	0	0
Swerved or Avoided Due to Wind, Slippery Surface, Motor Vehicle, Object, Non-Motorist in Roadway	0	0	0	0	0	0	0
Over-Correcting/Over-Steering	0	0	0	0	0	0	0
Other Contributing Action	0	0	0	0	0	0	0
Unknown	0	2	0	0	0	0	2
Total	26	20	1	0	0	0	47

Crashes by Apparent Physical Condition And Driver

Apparent Physical Condition	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
Apparently Normal	38	32	1	0	0	1	72
Physically Impaired or Handicapped	0	0	0	0	0	0	0
Emotional(Depressed, Angry, Disturbed, etc.)	0	0	0	0	0	0	0
Ill (Sick)	0	0	0	0	0	0	0
Asleep or Fatigued	0	1	0	0	0	0	1
Under the Influence of Medications/Drugs/Alcohol	3	1	0	0	0	0	4
Other	0	3	0	0	0	0	3
Total	41	37	1	0	0	1	80

Driver Age by Unit Type

Age	Driver	Bicycle	SnowMobile	Pedestrian	ATV	Total
09-Under	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	2	0	0	0	0	2
20-24	14	0	0	0	0	14
25-29	21	0	0	0	0	21
30-39	17	0	0	0	0	17
40-49	15	0	0	0	0	15
50-59	10	0	0	0	0	10
60-69	5	0	0	0	0	5
70-79	3	0	0	0	0	3
80-Over	0	0	0	0	0	0
Unknown	10	2	0	3	0	15
Total	97	2	0	3	0	102

Crash Summary II - Characteristics

Most Harmful Event		Most Harmful Event		Injury Data	
Most Harmful Event	Total	Most Harmful Event	Total	Severity Code	Number Of Injuries
1-Overturn / Rollover	0	38-Other Fixed Object (wall, building, tunnel, etc.)	0	K	0
2-Fire / Explosion	0	39-Unknown	6	A	0
3-Immersion	0	40-Gate or Cable	0	B	5
4-Jackknife	0	41-Pressure Ridge	0	C	7
5-Cargo / Equipment Loss Or Shift	0	Total	50	PD	0
6-Fell / Jumped from Motor Vehicle	0			Total	12
7-Thrown or Falling Object	0				
8-Other Non-Collision	2				
9-Pedestrian	0				
10-Pedalcycle	0				
11-Railway Vehicle - Train, Engine	0				
12-Animal	0				
13-Motor Vehicle in Transport	30				
14-Parked Motor Vehicle	12				
15-Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle	0				
16-Work Zone / Maintenance Equipment	0				
17-Other Non-Fixed Object	0				
18-Impact Attenuator / Crash Cushion	0				
19-Bridge Overhead Structure	0				
20-Bridge Pier or Support	0				
21-Bridge Rail	0				
22-Cable Barrier	0				
23-Culvert	0				
24-Curb	0				
25-Ditch	0				
26-Embankment	0				
27-Guardrail Face	0				
28-Guardrail End	0				
29-Concrete Traffic Barrier	0				
30-Other Traffic Barrier	0				
31-Tree (Standing)	0				
32-Utility Pole / Light Support	0				
33-Traffic Sign Support	0				
34-Traffic Signal Support	0				
35-Fence	0				
36-Mailbox	0				
37-Other Post Pole or Support	0				

Traffic Control Devices		Road Character	
Traffic Control Device	Total	Road Grade	Total
1-Traffic Signals (Stop & Go)	0	1-Level	34
2-Traffic Signals (Flashing)	0	2-On Grade	15
3-Advisory/Warning Sign	0	3-Top of Hill	1
4-Stop Signs - All Approaches	5	4-Bottom of Hill	2
5-Stop Signs - Other	9	5-Other	0
6-Yield Sign	0	Total	52
7-Curve Warning Sign	0		
8-Officer, Flagman, School Patrol	0		
9-School Bus Stop Arm	0		
10-School Zone Sign	0		
11-R.R. Crossing Device	0		
12-No Passing Zone	0		
13-None	38		
14-Other	0		
Total	52		

Light	
Light Condition	Total
1-Day/light	29
2-Dawn	0
3-Dusk	1
4-Dark - Lighted	20
5-Dark - Not Lighted	0
6-Dark - Unknown Lighting	1
7-Unknown	1
Total	52

Crash Summary II - Characteristics**Crashes by Year and Month**

Month	2010	2011	2012	Total
JANUARY	1	2	2	5
FEBRUARY	2	6	1	9
MARCH	2	1	0	3
APRIL	1	0	1	2
MAY	1	0	1	2
JUNE	0	3	0	3
JULY	1	0	3	4
AUGUST	4	1	1	6
SEPTEMBER	1	2	1	4
OCTOBER	1	1	3	5
NOVEMBER	1	2	0	3
DECEMBER	0	3	3	6
Total	15	21	16	52

Report is limited to the last 10 years of data.

Crash Summary II - Characteristics

Crashes by Crash Type and Type of Location

Crash Type	Straight Road	Curved Road	Three Leg Intersection	Four Leg Intersection	Five or More Leg Intersection	Driveways	Bridges	Interchanges	Other	Parking Lot	Private Way	Cross Over	Railroad Crossing	Total
Object in Road	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rear End / Sideswipe	13	3	2	2	0	4	0	0	0	0	0	0	0	24
Head-on / Sideswipe	4	0	0	0	0	0	0	0	0	0	0	0	0	4
Intersection Movement	0	0	8	3	0	2	0	0	0	0	0	0	0	13
Pedestrians	1	0	1	1	0	0	0	0	0	0	0	0	0	3
Train	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Went Off Road	2	0	1	0	0	0	0	0	0	0	0	0	0	3
All Other Animal	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycle	1	0	1	0	0	0	0	0	0	0	0	0	0	2
Other	2	0	1	0	0	0	0	0	0	0	0	0	0	3
Jackknife	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rollover	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Submersion	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Thrown or Falling Object	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bear	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deer	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moose	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Turkey	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	23	3	14	6	0	6	0	0	0	0	0	0	0	52

Crash Summary II - Characteristics**Crashes by Weather, Light Condition and Road Surface**

Weather Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Blowing Sand, Soil, Dirt												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Blowing Snow												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Clear												
Dark - Lighted	11	0	0	0	0	0	0	0	0	0	0	11
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	12	1	0	0	0	0	0	0	0	0	1	14
Dusk	1	0	0	0	0	0	0	0	0	0	0	1
Unknown	1	0	0	0	0	0	0	0	0	0	0	1
Cloudy												
Dark - Lighted	2	0	0	0	0	0	0	0	0	0	2	4
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	2	0	0	0	0	0	0	0	0	0	2	4
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

Crash Summary II - Characteristics**Crashes by Weather, Light Condition and Road Surface**

Weather Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Fog, Smog, Smoke												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Other												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Rain												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	4	4
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	7	7
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Severe Crosswinds												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0	0
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0

Crash Summary II - Characteristics**Crashes by Weather, Light Condition and Road Surface**

Weather Light	Dry	Ice/Frost	Mud, Dirt, Gravel	Oil	Other	Sand	Slush	Snow	Unknown	Water (Standing, Moving)	Wet	Total
Sleet, Hail (Freezing Rain or Drizzle)												
Dark - Lighted	0	1	0	0	0	0	0	0	0	0	0	1
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	1	0	0	0	0	0	0	0	0	0	1
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	1	0	0	0	1
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
Snow												
Dark - Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Not Lighted	0	0	0	0	0	0	0	0	0	0	0	0
Dark - Unknown Lighting	0	0	0	0	0	0	0	0	0	0	0	0
Dawn	0	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	1	0	0	0	0	0	2	0	0	0	3
Dusk	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	29	4	0	0	0	0	0	3	0	0	0	52

JN:2876
 Project Description: Bayside Anchor, Portland
 Project Location: Corner of Oxford and Boyd
 Date:5-11-14

Gorrill-Palmer Consulting Engineers, Inc.
 P.O. Box 1237
 15 Shaker Road
 Gray, Maine 04039

**Apartment
 Land Use Code (LUC) 220**

Dwelling Units: 45

Average Rate

Time Period	ITE Trip Rate	Sample Size	Trip Ends	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	T = 6.65 (X)	88	299	50%	50%	150	149	N/A
AM Peak Hour of Adj. Street Traffic	T = 0.51 (X)	78	23	20%	80%	5	18	N/A
PM Peak Hour of Adj. Street Traffic	T = 0.62 (X)	90	28	65%	35%	18	10	N/A
AM Peak Hour of Generator	T = 0.55 (X)	83	25	30%	70%	8	17	N/A
PM Peak Hour of Generator	T = 0.67 (X)	85	30	60%	40%	18	12	N/A
Saturday	T = 6.39 (X)	15	288	50%	50%	144	144	N/A
Saturday Peak Hour of Gen.	T = 0.52 (X)	14	23	**	50%	12	11	N/A

* Percentages rounded to nearest 5%

** Not Available (Assumption)

Fitted Curve Equation

Time Period	ITE Trip Rate	Sample Size	Trip Ends	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	T = 6.06 (X) + 123.56	88	396	50%	50%	198	198	0.88
AM Peak Hour of Adj. Street Traffic	T = 0.49 (X) + 3.73	78	26	20%	80%	5	21	0.83
PM Peak Hour of Adj. Street Traffic	T = 0.55 (X) + 17.65	90	42	65%	35%	28	14	0.77
AM Peak Hour of Generator	T = 0.54 (X) + 2.45	83	27	30%	70%	8	19	0.82
PM Peak Hour of Generator	T = 0.60 (X) + 14.91	85	42	60%	40%	25	17	0.80
Saturday	T = 7.85 (X) - 256.19	15	97	50%	50%	49	48	0.85
Saturday Peak Hour of Gen.	T = 0.41 (X) + 19.23	14	38	**	50%	19	19	0.56

* Percentages rounded to nearest 5%

** Not Available (Assumption)

JN:2876
 Project Description: Bayside Anchor
 Project Location: Boyd and Oxford, Portland
 Date: 5-11-14

Gorrill-Palmer Consulting Engineers, Inc.
 P.O. Box 1237
 15 Shaker Road
 Gray, Maine 04039

**Single Tenant Office Building
 Land Use Code (LUC) 715**

Gross Floor Area (ft²): 1,502

Average Rate

Time Period	ITE Trip Rate	Trip Ends
Weekday	$T = 11.65 (X)$	17
AM Peak Hour	$T = 1.80 (X)$	3
PM Peak Hour	$T = 1.74 (X)$	3

Directional Split *		Directional Distribution	
IN	OUT	IN	OUT
50%	50%	9	8
90%	10%	3	0
15%	85%	0	3

* Percentages rounded to nearest 5%

Fitted Curve

Time Period	ITE Trip Rate	Trip Ends
Weekday	$\ln(T) = 0.60 \ln(X) + 4.30$	94
AM Peak Hour	$T = 1.67(X) + 21.93$	24
PM Peak Hour	$T = 1.52 (X) + 34.60$	37

Directional Split *		Directional Distribution	
IN	OUT	IN	OUT
50%	50%	47	47
90%	10%	22	2
15%	85%	6	31

* Percentages rounded to nearest 5%

JN:2876
 Project Description: Bayside Anchor
 Project Location: corner of Oxford and Boyd, Portland
 Date:

Gorrill-Palmer Consulting Engineers, Inc.
 P.O. Box 1237
 15 Shaker Road
 Gray, Maine 04039

Elementary School
Land Use Code (LUC) 520

Students 17

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	T = 1.29 (X)	22	33	50%	50%	11	11	---
AM Peak Hour of Adj. Street Traffic	---	---	---	---	---	---	---	---
PM Peak Hour of Adj. Street Traffic	T = 0.15 (X)	3	20	50%	50%	2	1	---
AM Peak Hour of Generator	T = 0.45 (X)	8	48	55%	45%	4	4	---
PM Peak Hour of Generator	T = 0.28 (X)	5	44	45%	55%	2	3	---
Saturday	---	---	---	---	---	---	---	---
Saturday Peak Hour of Generator	---	---	---	---	---	---	---	---

* Percentages rounded to nearest 5%

Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Sample Size	Directional Split *		Directional Distribution		R ²
				IN	OUT	IN	OUT	
Weekday	---	---	---	---	---	---	---	---
AM Peak Hour of Adj. Street Traffic	---	---	---	---	---	---	---	---
PM Peak Hour of Adj. Street Traffic	---	---	---	---	---	---	---	---
AM Peak Hour of Generator	$\ln(T) = 1.14\ln(X) - 1.86$	4	48	55%	45%	2	2	0.5
PM Peak Hour of Generator	$\ln(T) = 1.09\ln(X) - 1.92$	3	37	45%	55%	1	2	0.54
Saturday	---	---	---	---	---	---	---	---
Saturday Peak Hour of Generator	---	---	---	---	---	---	---	---

* Percentages rounded to nearest 5%

9:00 PM

PARKING LOTS

Location	Total Parked Vehicles	# Parked Vehicles within 300' of Bayside Anchor	# Parked Vehicles within 500' of Bayside Anchor
Kennedy Park lots	27	14	27
Bayside Terrace lots	20	6	20
Bayside East lots	32	15	20
Total Parked Vehicles:	79	35	67
Total Parking Spaces:	157	62	135
Total Available Spaces:	78	27	68
Boyd Street	14	9	14
Mayo Street	26	22	26
Smith Street	24	0	24
Anderson Street (E Lancaster to Cumberland)	22	0	0
E Lancaster Street	2	0	2
Oxford Street (Anderson to Boyd)	6	4	6
Cumberland Avenue (Anderson to Franklin)	26	0	8
Total Parked Vehicles:	120	35	80

ON-STREET PARKING

10:00 PM

PARKING LOTS

Location	Total Parked Vehicles	# Parked Vehicles within 300' of Bayside Anchor	# Parked Vehicles within 500' of Bayside Anchor
Kennedy Park lots	28	19	28
Bayside Terrace lots	23	6	23
Bayside East lots	32	16	21
Total Parked Vehicles:	83	41	72
Total Parking Spaces:	157	62	135
Total Available Spaces:	74	21	63
Boyd Street	15	10	15
Mayo Street	29	23	29
Smith Street	27	0	27
Anderson Street (E Lancaster to Cumberland)	25	0	0
E Lancaster Street	3	0	3
Oxford Street (Anderson to Boyd)	7	5	7
Cumberland Avenue (Anderson to Franklin)	22	0	10
Total Parked Vehicles:	128	38	91

ON-STREET PARKING

11:00 PM

PARKING LOTS

Location	Total Parked Vehicles	# Parked Vehicles within 300' of Bayside Anchor	# Parked Vehicles within 500' of Bayside Anchor
Kennedy Park lots	27	17	27
Bayside Terrace lots	25	8	25
Bayside East lots	36	18	23
Total Parked Vehicles:	88	43	75
Total Parking Spaces:	157	62	135
Total Available Spaces:	69	19	60
Boyd Street	18	12	18
Mayo Street	33	26	33
Smith Street	28	0	28
Anderson Street (E Lancaster to Cumberland)	27	0	0
E Lancaster Street	4	0	3
Oxford Street (Anderson to Boyd)	9	6	9
Cumberland Avenue (Anderson to Franklin)	20	0	9
Total Parked Vehicles:	139	44	100

ON-STREET PARKING

12:00 AM

PARKING LOTS

Location	Total Parked Vehicles	# Parked Vehicles within 300' of Bayside Anchor	# Parked Vehicles within 500' of Bayside Anchor
Kennedy Park lots	29	19	29
Bayside Terrace lots	25	7	25
Bayside East lots	37	18	23
Total Parked Vehicles:	91	44	77
Total Parking Spaces:	157	62	135
Total Available Spaces:	66	18	58
Boyd Street	18	12	18
Mayo Street	34	27	34
Smith Street	28	0	24
Anderson Street (E Lancaster to Cumberland)	25	0	0
E Lancaster Street	5	0	3
Oxford Street (Anderson to Boyd)	9	6	9
Cumberland Avenue (Anderson to Franklin)	18	0	9
Total Parked Vehicles:	137	45	97

ON-STREET PARKING

East Bayside Properties - Parking Study

Date: 5/4/2014
JN: 2876

Within 300' of Bayside Anchor

	9:00 PM	10:00 PM	11:00 PM	12:00 AM
Parked Cars In Lots	35	41	43	44
Total Lot Spaces	62	62	62	62
Available Lot Spaces	27	21	19	18
Parked Cars On-Street	35	38	44	45

Within 500' of Bayside Anchor

	9:00 PM	10:00 PM	11:00 PM	12:00 AM
Parked Cars In Lots	67	72	75	77
Total Lot Spaces	135	135	135	135
Available Lot Spaces	68	63	60	58
Parked Cars On-Street	80	91	100	97



ATT 2

June 5, 2014

Mr. Rick Knowland
City of Portland Planning Authority
4th Floor, City Hall
389 Congress Street
Portland, ME 04101

RE: Bayside Anchor, 81 East Oxford Street

Dear Rick,

On behalf of the Portland Housing Authority and Portland Housing Development Corporation, we are pleased to submit this response to Staff comments relating to the Preliminary Level III Site Plan Application for Bayside Anchor. We appreciate the thorough review that staff has taken to date and look forward to working closely with the City as this project develops. We offer the following responses to comments submitted through today in email, letter, and voice conversations:

Comments by Rick Knowland in email received 05.30.2014

1. *Need a subdivision plan.*

Response. A subdivision plan will be submitted by Owen Haskell as part of the final submission.

2. *The assumption is that the Head Start use is a conditional use like other kindergarten uses unless clarifying information is submitted to support applicant's position. This material will be reviewed by Marge Schmuckal, Zoning Administrator.*

Response. As the name Bayside Anchor describes, this proposed building is envisioned to function as the community hub for the PHA Campus and East Bayside neighborhood. We believe Head Start is an important accessory use to the existing PHA campus development and as such is allowed under the current R-7 zoning.

Head Start is a federally funded half-day morning early childhood education program that operates only during the school year. The programs serve 4 and 5 years olds from low income families in the neighborhood. The Head Start and Childcare programs have been serving PHA residents in its current location on PHA property, 58 Boyd Street, since the early 1990's. It fills a tremendous need and has become an integral part of PHA's effort to promote and assist families to succeed and achieve self-sufficiency. PHA families are the priority for the program's annual recruitment and registration. The large majority of participants are Portland Housing Authority residents, and it is anticipated this will remain the case upon completion of Bayside Anchor. Currently there are a total of 36 students enrolled in the program, split between morning and afternoon sessions.

The current location for Head Start will be closed when the Bayside Anchor project is completed, and we are proposing to simply move this program from its existing location to the new Bayside Anchor building. The Opportunity Alliance (TOA) will lease approximately 1,244 square feet of space from the Bayside Anchor Apartments LP to house their Head Start and Childcare programs for this area.

Head Start eligibility is based on household income. 90% of enrollees must come from households with incomes at or below the federal poverty line. Currently, 100% of the children in the East Bayside Head Start location are from households with incomes below the federal poverty line. No fees are charged to families with children in the Head Start program.

During the summer, when the Head Start and Childcare programs are inactive, the space will be used for a variety of neighborhood services including the Summer Lunch Program operated by the Portland Housing Authority with funding from USDA and the Maine DHHS Summer Food Service Program, which provides free meals that meet Federal nutrition guidelines to all children 18 years old and under in areas with significant concentrations of low-income children.

In addition to the Head Start, Childcare, and Summer Lunch Program and activities, we anticipate this space will also be used for large community meetings and workshops, similar to how the existing facility is being utilized.

3. *Please provide a response to the railing/ramp being within the city right-of-way. Generally we try to avoid this situation within a right of way. Could the ramp be located on the side of the building? Of course making that change may result in removing the door along Boyd St. which may not be ideal in terms of having doorways on streets. Could someone discuss this issue?*

Response. We have proposed this solution in an effort to provide accessible route into the Head Start facility. The elevation of this part of the building is approximately 18" higher than the sidewalk grade along Boyd Street, and the grade drops moving west along the street. We are proposing widening the sidewalk in this location to maintain a 7 foot minimum circulation path around the stair/ ramp area. We think this solution creates a strong presence on the street, provides a safe pedestrian zone for residents and Head Start students/ parents, and adds life and character to this important side of the building. Please note that an accessible ramp/ sloped walk access to the Head Start is proposed along the west side of the building, but we feel the Boyd Street entrance needs to also be accessible.

4. *TDM stops at page 7. Is that it?*

Response. An oversight on the scanned copy. The corrected report was submitted to your attention earlier today.

5. *Fiber cement paneling. Please submit a spec on this material as well as a sample.*

Response. The use of fiber cement siding is prevalent throughout the construction industry, it provides a strong, long wearing surface that can hold paint for 15-25 years. All siding materials will be installed over a ventilated rain screen to allow proper drying of materials and increased durability of the building enclosure. A cut sheet on the proposed product is attached to this letter, and we intend to submit samples of the proposed material for review at the Workshop.

6. *I'm not sure if you need a waiver for parking. Have you identified specific off-site spaces for Bayside Anchor residents?*

Response. We have identified specific off-site spaces for the two handicap spaces for the project on the lot directly across Oxford Street from the building entrance. Other tenant parking spaces are proposed to be offered within the existing pool of parking associated with the adjacent PHA neighborhoods of Kennedy Park, Bayside Terrace, and Bayside East. We have submitted a Transportation Demand Management Plan for the project that identifies methods

and goals of reducing demand for parking by residents, and will be actively monitoring and reporting parking activities for the PHA campus back to the City. We feel this approach utilizes the existing inventory of off-street parking, reduces the need to construct new impervious areas, and through active management will be able to adjust the TDM plan over time if necessary.

In addition to the off street parking management, the Applicant would also consider management of on-street parking on Oxford and Boyd Streets to provide short term drop-off, loading/ unloading, and dedicated space for the neighborhood police vehicle.

7. *Is the Parking Management Plan and Campus Transportation Plan the same thing?*

Response. Yes, this will be corrected in the final submission.

8. *Dimensions of sidewalk and esplanade should be shown.*

Response. These dimensions are shown on Sheet L-1. The sidewalk along Oxford Street varies from 6'-4" to 8'-4", the sidewalk along Boyd Street is 6'-0", flaring out to 12'-0" at the building and intersection with Oxford Street. The esplanade is 5'-0" wide typical.

We are also in receipt of a memo from David Senus dated May 30, 2014 regarding site drainage, utilities, and other items. We offer the following comments:

- 1) *The application is preliminary. As such, we anticipate that additional documents will be submitted with the final application, including details, confirmation of capacity to serve the development from utilities, stormwater design calculations, and a Construction Management Plan. The Applicant should note that all work proposed within the City Right-of-Way should comply with the City of Portland Technical Manual. Woodard & Curran will perform a review of the Final Application upon receipt of those documents.***Response.** We agree with this observation and will insure the final plan submittal shall include this information as required.
- 2) *In accordance with Section 5 of the City of Portland Technical Manual, a Level III Site Plan project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:*
 - a) *Basic Standards: The Applicant should provide a plan, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of Maine DEP Chapter 500.* **Response.** We agree with this observation and will insure the final plan submittal shall include this information as required.
 - b) *General Standards: The project will result in a net increase in impervious area of approximately 6,235 square feet. As such, the project is required to include stormwater management features for stormwater quality control. The Applicant is proposing to treat one inch of rainfall from the site's new impervious area utilizing the Focal Point bio-filtration system. The Applicant has noted that the proposed system will be sized and designed in accordance with Chapter 7.5 of Volume III of the Maine DEP Stormwater BMP Manual. As part of the final submission package, the Applicant should provide additional information and calculations demonstrating that the proposed treatment unit will be adequately sized and will provide sufficient treatment, in accordance with the General Standards.* **Response.** We agree with this observation and will insure the final plan submittal shall include this information as required.

- c) *Flooding Standard: The project will result in a net increase in impervious area of approximately 6,235 square feet. As such, the project is required to include specific stormwater management features to control the rate of stormwater runoff from the site. The Applicant is proposing to provide detention via an R-Tank system. The Applicant has noted that, although flow rates will be decreased, the volume of water discharged to the downstream basin area may increase, and additional information on the results of this scenario will be provided in the final site plan application. The Applicant is also proposing to disconnect the existing stormdrain that currently discharges to the combined sewer, but requests the ability to reconnect should unanticipated future conditions require the use of this drain. As part of the final submission package, the Applicant should provide adequate documentation, such as a HydroCAD model, demonstrating that stormwater runoff from the proposed site will not exceed the peak runoff rates from the existing site and that the infiltration area will have adequate capacity to infiltrate the design storm events without impacting adjacent infrastructure. If in the future the Applicant determines that the system must be reconnected to the City's combined sewer system, the Applicant will be required to receive approval by Planning and the Department of Public Services for the change.*
- General Standards: The project will result in a net increase in impervious area of approximately 6,235 square feet. As such, the project is required to include stormwater management features for stormwater quality control. The Applicant is proposing to treat one inch of rainfall from the site's new impervious area utilizing the Focal Point bio-filtration system. The Applicant has noted that the proposed system will be sized and designed in accordance with Chapter 7.5 of Volume III of the Maine DEP Stormwater BMP Manual. As part of the final submission package, the Applicant should provide additional information and calculations demonstrating that the proposed treatment unit will be adequately sized and will provide sufficient treatment, in accordance with the General Standards.* **Response. We agree with this observation and will insure the final plan submittal shall include this information as required.**
- 3) *The Applicant "propose(s) to disconnect the existing storm drain that discharges to the combined sewer and outlet stormwater runoff to the surface only", relying on infiltration of stormwater on an area of adjacent property under common ownership. The Applicant states "It should be noted that, although flow rates will be decreased, the volume of water discharged to the downstream basin area may increase. We will provide an opinion on this in the final site plan application". The Applicant's approach to stormwater management is keeping with the City's interests and design standards for the management of stormwater on sites; however, as indicated by the Applicant, additional engineering data, calculations and information will need to be presented to ensure that the approach will provide for a functional system. As part of the additional information, the Applicant should perform a test pit and document soil type, presence of groundwater, and soil infiltration rates in the infiltration area.*
- General Standards: The project will result in a net increase in impervious area of approximately 6,235 square feet. As such, the project is required to include stormwater management features for stormwater quality control. The Applicant is proposing to treat one inch of rainfall from the site's new impervious area utilizing the Focal Point bio-filtration system. The Applicant has noted that the proposed system will be sized and designed in accordance with Chapter 7.5 of Volume III of the Maine DEP Stormwater BMP Manual. As part of the final submission package, the Applicant should provide additional information and calculations demonstrating that the proposed treatment unit will be adequately sized and will provide sufficient treatment, in accordance with the General Standards.* **Response. We agree with this observation and will insure the final plan submittal shall include this information as required.**

- 4) *The Applicant requests guidance on how their proposed stormwater management approach may affect a future (possible) stormwater service charge that is being considered by the City. The City is considering a service charge program that includes credit reductions to the service charge for treatment and/or detention of stormwater on a site. The program has not been finalized; however, compliance with City's stormwater management standards is anticipated to result in certain credit reductions in the service fee.* **Response:** We anticipate working closely with Public Services on this issue as we move through the review and approval phase of the project.
- 5) *The Applicant should provide additional design information and details for the stormwater features as part of the final application.* **Response.** We agree with this observation and will insure the final plan submittal shall include this information as required.
- 6) *The Plans should depict the routing of the existing drainage system on the site and should show how the existing storm drain pipe will be demolished and plugged or capped at the main.* **Response.** We agree with this observation and will insure the final plan submittal shall include this information as required.
- 7) *The Applicant should provide a Stormwater Management Plan, which should include a stormwater inspection and maintenance plan developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.* **Response.** We agree with this observation and will insure the final plan submittal shall include this information as required.
- 8) *Final plans must be stamped by a professional engineer (Section 14-527, sub-section (e) of the City of Portland Land Use Ordinance).* **Response.** We agree with this observation and will insure the final plan submittal shall include this information as required.

We look forward to working with you, Planning Department staff, and the Planning Board in the review of this project. Please feel free to contact me to discuss any questions or concerns you may have regarding the attached application materials.

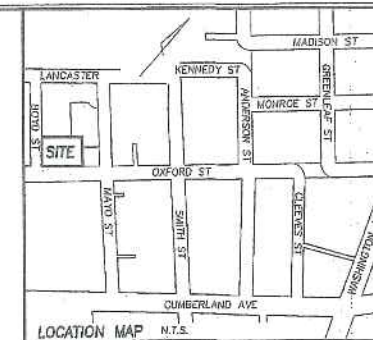
Sincerely,
CARROLL ASSOCIATES



Patrick J. Carroll
Principal

Enc.

Cc: Mark Adelson, PHA
Brooks More, Avesta Housing
Jesse Thompson, KTA
John Mahoney, Ransom Consulting



LEGEND

- IRON PIPE OR ROD FOUND
- MONUMENT FOUND
- WATER VALVE
- HYDRANT
- UTILITY POLE
- MANHOLE
- SIGN
- DECIDUOUS TREE
- FENCE
- CURB
- OVERHEAD WIRES

PLAN REFERENCES

- "PLAN OF PROPERTY, TOPOGRAPHY & UTILITIES PORTLAND HOUSING AUTHORITY, PORTLAND, CUMBERLAND COUNTY, MAINE H.L. & E.C. JORDAN - SURVEYORS JULY 1968"
- "STANDARD BOUNDARY SURVEY FOR HABITAT FOR HUMANITY OF GREATER PORTLAND IN PORTLAND, MAINE APRIL 10, 1992 OWEN HASKELL, INC. JOB NO. 92052P"

NOTES

- OWNER OF RECORD: PORTLAND HOUSING AUTHORITY, 14 BAXTER BOULEVARD, PORTLAND, MAINE BOOK 3129/374, 3127/900, 3111/722, 3111/725, AND 13150/152.
- LOCUS IS SHOWN AS PORTLAND PROPERTY MAP 22 BLOCK 1 LOT 4 AND A PORTION OF LOT 1.
- BEARINGS ARE BASED ON MAINE STATE PLANE WEST NAD 83.
- BENCH MARK: MONUMENT T102-77-1 AT NORTHWEST CORNER OF ANDERSON STREET AND EAST LANCASTER STREET, ELEVATION 19.57 CITY DATUM.
- STREET LINES ARE BASED ON MONUMENTS FOUND ON OXFORD STREET AND HELD AS SHOWN AND PLAN REFERENCE 1.
- SURVEY WAS PERFORMED UNDER WINTER CONDITIONS.

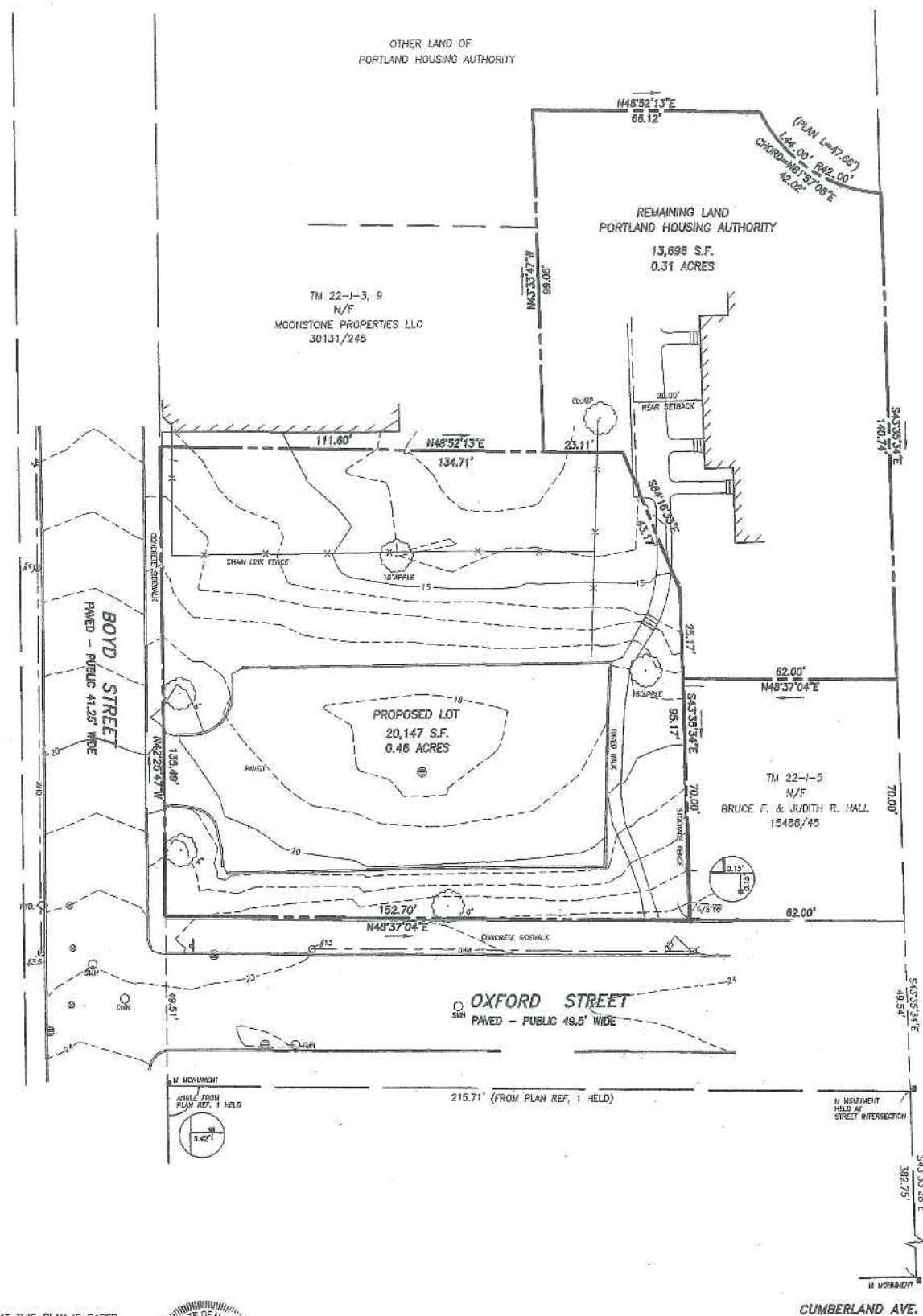
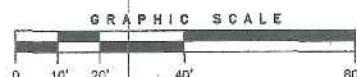
CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

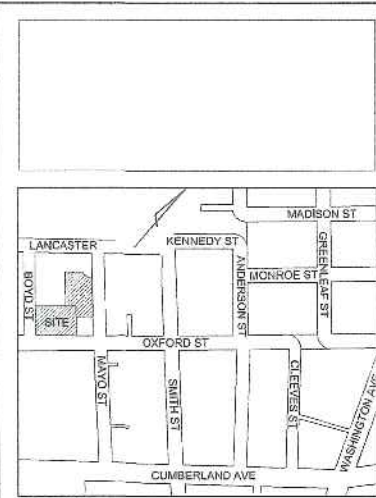
5-7-2013

DATE

JOHN C. SCHWANDA, PLS 1252



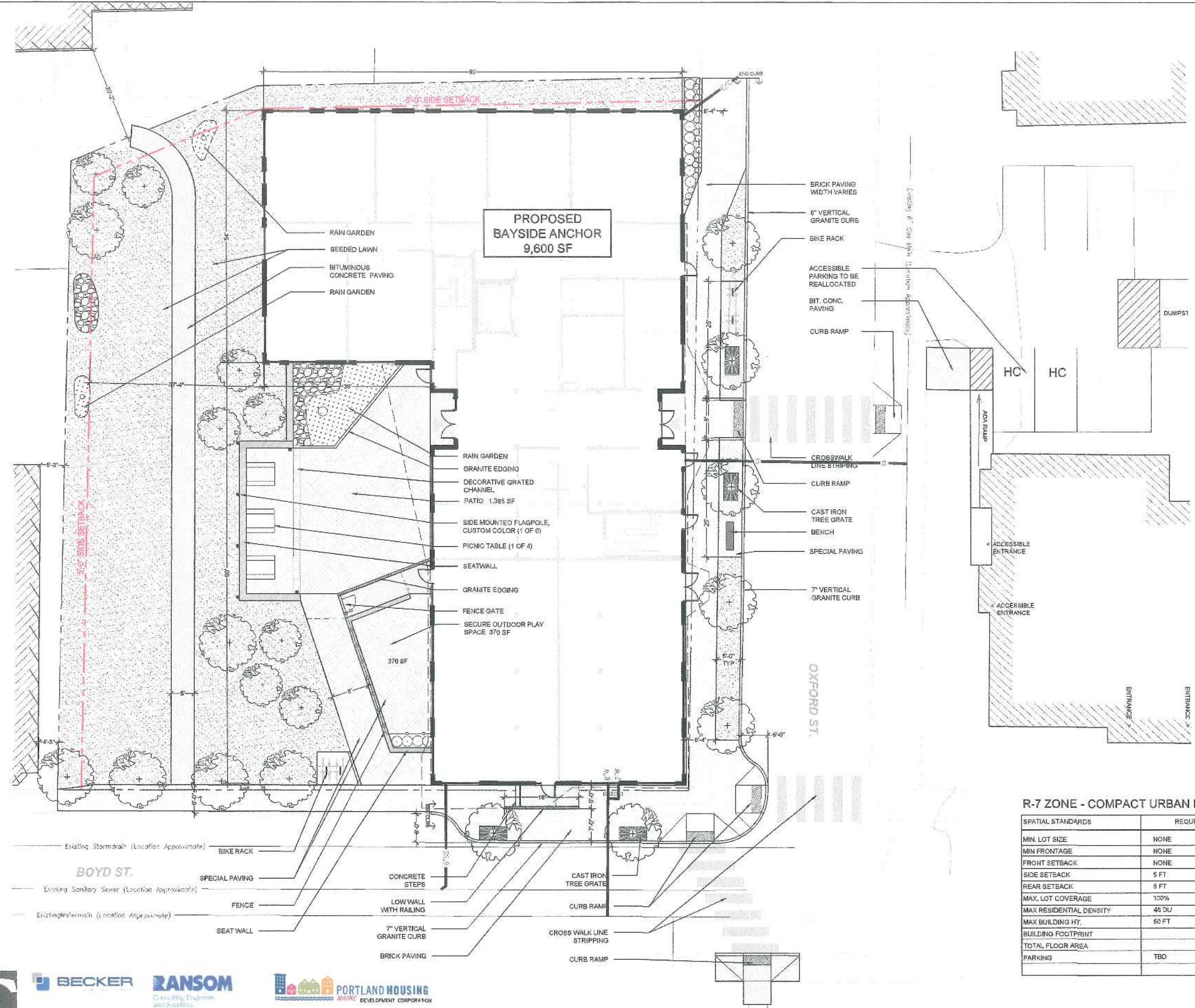
BOUNDARY SURVEY AND LOT DIVISION		
OXFORD STREET & BOYD STREET, PORTLAND, MAINE		
MADE FOR PORTLAND HOUSING AUTHORITY		
OWEN HASKELL, INC.		
390 U.S. ROUTE ONE, PLAMOUTH, ME 04105 (207) 774-0424		
PROFESSIONAL LAND SURVEYORS		
Drawn By JCS	Date MAY 7, 2013	Job No. 2012-199P
Trace By JLW	Scale 1" = 20'	Drawn No. 1
Check By JCS		
Book No. 1115,1116		



LOCUS
N.T.S.

LEGEND

- | (EXISTING) | |
|------------|---------------------------------|
| | IRON PIPE OR ROD FOUND |
| | MONUMENT FOUND |
| | WATER VALVE |
| | HYDRANT |
| | UTILITY POLE |
| | MANHOLE |
| | MANHOLE |
| | SIGN |
| | DECIDUOUS TREE |
| | FENCE |
| | CURB |
| | OVERHEAD WIRES |
| | EXISTING CONTOURS |
| (PROPOSED) | |
| | LIMIT OF WORK |
| | PROPOSED CONTOURS |
| | EDGE OF PAVING |
| | 7" VERTICAL GRANITE CURB |
| | 6" VERTICAL GRANITE CURB |
| | FLUSH / TRANSITION GRANITE CURB |
| | TREE GRATE |
| | TREE |
| | SHRUB |
| | LAWN |
| | RAIN GARDEN |
| | BIT. CONC. PAVING |
| | BRICK PAVING |
| | SPECIAL PAVING |
| | WALL |
| | BENCH |
| | BIKE RACK |
| | CATCH BASIN |



- NOTES**
1. ALL WORK SHALL CONFORM TO THE APPLICABLE CODES AND ORDINANCES.
 2. EXISTING CONDITIONS BASED ON TOPOGRAPHIC SURVEY COMPLETED BY OWEN HASKELL, INC. MAY 7, 2013. FIELD CONDITIONS MAY VARY SLIGHTLY FROM WHAT IS DEPICTED ON THE PLANS.
 3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION. ANY UNUSUAL CONDITIONS SHALL BE IMMEDIATELY REPORTED TO THE ATTENTION OF THE OWNER.
 4. CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS AND SEDIMENT DEPOSITED ON PUBLIC STREETS, SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC WAYS DUE TO CONSTRUCTION.
 5. CONTRACTOR SHALL PROTECT EXISTING STRUCTURES, PHYSICAL FEATURES, AND MAINTAIN SITE STABILITY DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ALL AREAS TO ORIGINAL CONDITION AND AS DIRECTED.
 6. THE CONTRACTOR SHALL CONTACT DIG SAFE (1-888-DIGSAFE) AT LEAST THREE (3) BUT NOT MORE THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION TO VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES.
 7. ALL PAVEMENT JOINTS SHALL BE SAWCUT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
 8. NO HOLES, TRENCHES OR STRUCTURES SHALL BE LEFT OPEN OVERNIGHT IN ANY EXCAVATION ACCESSIBLE TO THE PUBLIC OR IN PUBLIC RIGHTS-OF-WAY.
 9. ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY SHALL REQUIRE A STREET-OPENING PERMIT FROM THE TOWN OF PORTLAND AS APPLICABLE.

R-7 ZONE - COMPACT URBAN RESIDENTIAL OVERLAY

SPATIAL STANDARDS	REQUIRED	PROVIDED
MIN. LOT SIZE	NONE	20,147 SF
MIN. FRONTAGE	NONE	288.19
FRONT SETBACK	NONE	0 FT
SIDE SETBACK	5 FT	5 FT
REAR SETBACK	5 FT	37'-4"
MAX. LOT COVERAGE	100%	88%
MAX. RESIDENTIAL DENSITY	45 DU	45 DU
MAX. BUILDING HT.	50 FT	45 FT
BUILDING FOOTPRINT		9,610 SF
TOTAL FLOOR AREA		38,770 SF
PARKING	TBD	34 ON CAMPUS

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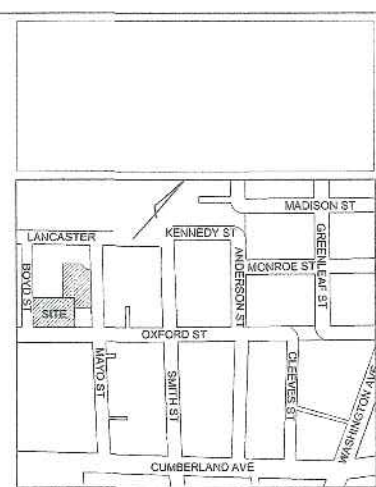
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SITE PLAN APPLICATION

Project: **BAYSIDE ANCHOR**
Portland Housing Development Corporation
81 East Oxford Street
Portland, ME

Drawing: **SITE PLAN**
Scale: **1"=10'**
Date: **Monday, May 12, 2014**
Drawn by: **EPK**
Revised:

L1.0



LOCUS
N.T.S.

LEGEND
(EXISTING)

- IRON PIPE OR ROD FOUND
- MONUMENT FOUND
- WATER VALVE
- HYDRANT
- UTILITY POLE
- MANHOLE
- MANHOLE
- SIGN
- DECIDUOUS TREE
- FENCE
- CURB
- OVERHEAD WIRES
- EXISTING CONTOURS

(PROPOSED)

- LIMIT OF WORK
- PROPOSED CONTOURS
- EDGE OF PAVING
- 7" VERTICAL GRANITE CURB
- 8" VERTICAL GRANITE CURB
- FLUSH / TRANSITION GRANITE CURB
- TREE GRATE
- TREE
- SHRUB
- LAWN
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- SPECIAL PAVING
- WALL
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- BIKE RACK
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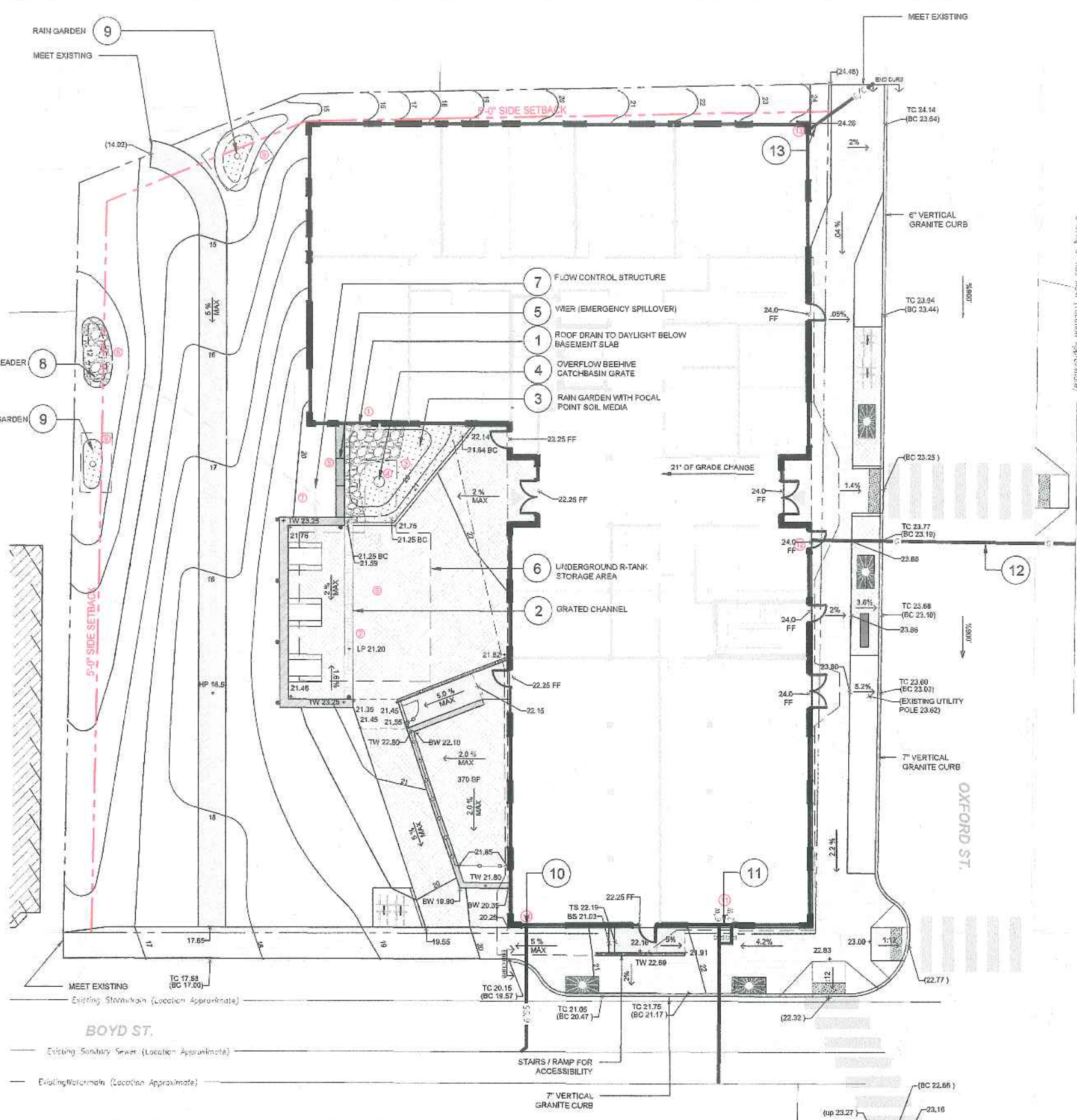
KAPLAN THOMPSON
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STORMWATER NOTES

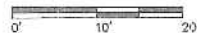
1. ROOF DRAINS DAYLIGHT (EL: 20.0) JUST BENEATH THE BUILDING SLAB AND DISCHARGE TO AN ENERGY DISSIPATION AREA CONSISTING OF LARGE STONES. STONES WILL BE INDIVIDUALLY PLACED TO DIRECT SPLASHING OR SPRAY AWAY FROM WALKING SURFACES.
2. THE MAJORITY OF THE PATIO AREA WILL DRAIN TO A GRATED CHANNEL THAT CONVEYS RUNOFF FROM A LOW POINT IN THE PATIO (EL: 21.2) TO THE SAME ENERGY DISSIPATION AREA. THIS CHANNEL IS NECESSARY BECAUSE, IN ORDER TO MAKE THE PATIO AND BUILDING DOORS ACCESSIBLE TO ALL, MUCH OF THE PATIO SURFACE NEEDS TO BE GRADED AWAY FROM THE RAIN GARDEN. THIS GRATED CHANNEL IS MODELED AFTER THE CHANNEL RECENTLY INSTALLED BENEATH THE SIDEWALK IN THE COMMERCIAL STREET RIGHT-OF-WAY AS PART OF THE MARIOTT COURTYARD HOTEL CONSTRUCTION BUT WILL BE SMALLER IN SCALE. A FOREBAY/PRETREATMENT AREA WILL BE PROVIDED FOR THIS DISCHARGE IF NEEDED.
3. BOTH THE ROOF AND PATIO WATER WILL DRAIN INTO A RAIN GARDEN AND PERCOLATE THROUGH THE HIGH PERMEABILITY FOCAL POINT SOIL FILTER MEDIA (BOTTOM EL: 20.0).
4. DURING LARGER RAIN EVENTS WATER WILL OVERFLOW INTO BEE HIVE TYPE CATCH BASIN GRATE (EL: 20.5).
5. DURING EXTREME WEATHER EVENTS, OR IF THE CATCH BASIN GRATE WERE TO CLOG, WATER WILL FLOW OVER A WEIR (EL: 21.0) THAT IS FLUSH WITH THE ADJACENT GRASS AREA THEN FLOW OVER THE LOWLAND PORTION OF THE SITE AND EXIT THE PROPERTY IN THE LOCATION OF THE EXISTING SURFACE DISCHARGE.
6. AFTER FILTERING THROUGH THE FOCAL POINT MEDIA RUNOFF WILL FLOW INTO AN UNDERGROUND R-TANK STORAGE AREA (CONCEPTUAL LOCATION SHOWN AS DASHED LINE). WATER FROM THE CATCH BASIN WILL FLOW INTO THIS SAME R-TANK STORAGE AREA WHERE IT WILL BE DETAINED THEN RELEASED SLOWLY TO KEEP RUNOFF FLOW RATES FROM THE SITE BELOW PREDEVELOPMENT CONDITIONS.
7. WATER WILL DISCHARGE FROM THE R-TANKS INTO A FLOW CONTROL STRUCTURE THAT WILL BE CONFIGURED TO SLOWLY RELEASE THE STORMWATER RUNOFF.
8. DISCHARGE FROM THE FLOW CONTROL STRUCTURE WILL OUTLET INTO A LEVEL UP SPREADER (EL: 22.5) THAT SLOWS AND DISPERSES THE RUNOFF BEFORE IT LEAVES THE SITE IN THE SAME LOCATION AS THE EXISTING SURFACE DISCHARGE.
9. RUNOFF FROM THE LAWN AREAS IN THE LOWLAND PORTION OF THE SITE WILL BE MANAGED USING 2 SMALLER RAIN GARDEN AREAS. DUE TO EXISTING GRADES, IT WILL NOT BE PRACTICAL TO DAYLIGHT UNDERDRAINS FROM THESE SMALLER, LOWER RAIN GARDENS TO THE SURFACE. THESE RAIN GARDENS WILL BE DESIGNED WITH A SHALLOW SECTION IN ORDER TO MAXIMIZE INFILTRATION. CONDITIONS OF SOIL FILTER MEDIA AND A 9" DEEP R-TANK AND A THIN LAYER OF SOIL FILTER MEDIA.

GRADING NOTES

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES IN THE FIELD AND NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.
2. AREAS NOT REQUIRING GRADING SHALL BE LEFT UNDISTURBED. CONTRACTOR SHALL AVOID THESE AREAS AND PRESERVE ALL EXISTING VEGETATION AS NOTED.
3. UTILITY LOCATIONS ARE APPROXIMATE AND SHALL BE VERIFIED PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR CONFLICTS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT.
4. ALL UTILITY INSTALLATIONS SHALL MEET THE REQUIREMENTS OF THE TOWN OF FREEPORT, AS WELL AS ANY OTHER LOCAL, STATE, AND FEDERAL REQUIREMENTS.
5. SITE CONTRACTOR SHALL REPAIR ALL DISTURBED AREAS IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS.
6. ALL PROPOSED SLOPES GREATER THAN 3:1 SHALL HAVE AN EROSION MAT INSTALLED OVER FINISH GRADES TO PROTECT SEEDS SLOPES FROM EROSION. AT CONTRACTOR'S OPTION, SLOPES MAY BE SODDED AS AN APPROPRIATE SUBSTITUTION TO SEED, AND MAT.
7. ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED IN THE BEST MANAGEMENT PRACTICES, AND MAINTAINED THROUGHOUT CONSTRUCTION OF THIS PROJECT.
8. ALL AREAS DISTURBED BY CONSTRUCTION NOT TO BE PAVED OR OTHERWISE TREATED SHALL BE LOAMED AND SEEDS ACCORDING TO THE PROJECT SPECIFICATIONS. EXISTING LAWN AREAS WHICH ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.

UTILITY NOTES

- *PROPOSED UTILITY CONNECTIONS ARE SHOWN CONCEPTUALLY. LOCATIONS AND CONFIGURATIONS WILL LIKELY CHANGE DURING DESIGN DEVELOPMENT.
10. PROPOSED 6" SANITARY SEWER SERVICE TO CONNECT TO SEPARATED SANITARY SEWER ON BOYD STREET.
 11. THE PROPOSED WATER SERVICES ARE SHOWN CONNECTING TO THE BUILDING FROM BOYD STREET BASED ON AVAILABLE INFORMATION. NOTE THAT THE APPLICANT WOULD PREFER TO BRING THE WATER SERVICES INTO THE PROPOSED BUILDING FROM OXFORD STREET IF ADEQUATE CAPACITY IS AVAILABLE.
 12. PROPOSED GAS SERVICE TO BE CONNECTED TO EXISTING 6" GAS MAIN ON OXFORD STREET.
 13. PROPOSED ELECTRIC AND COMMUNICATIONS UTILITIES TO BE RUN UNDERGROUND FROM EXISTING UTILITY POLE ON OXFORD STREET INTO THE PROPOSED BUILDING.



SITE PLAN APPLICATION

Project:
BAYSIDE ANCHOR
Portland Housing Development
Corporation
81 East Oxford Street
Portland, ME

Drawing: SITE GRADING AND STORMWATER PLAN

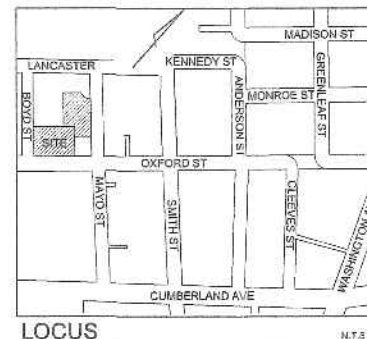
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Date: Monday, May 12, 2014

Drawn by: EPK

Revised

L2.0



LOCUS

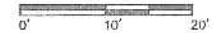
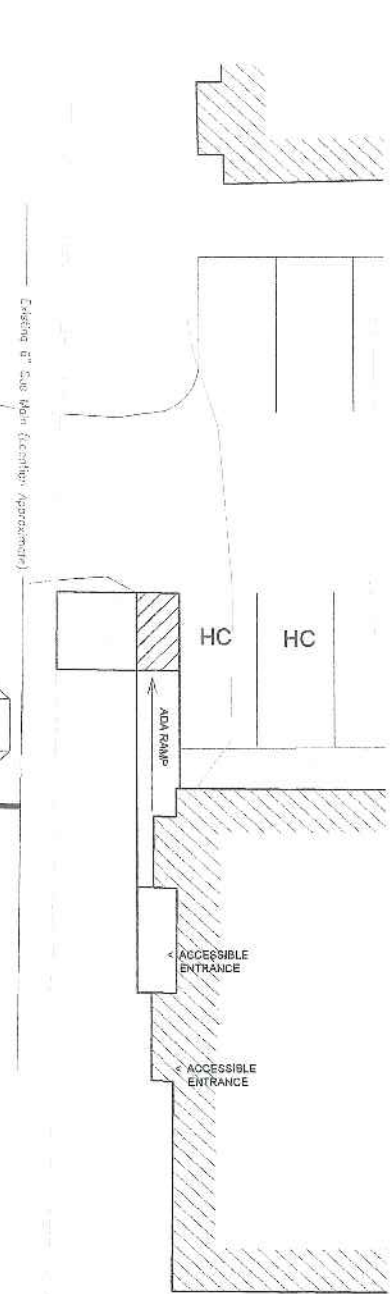
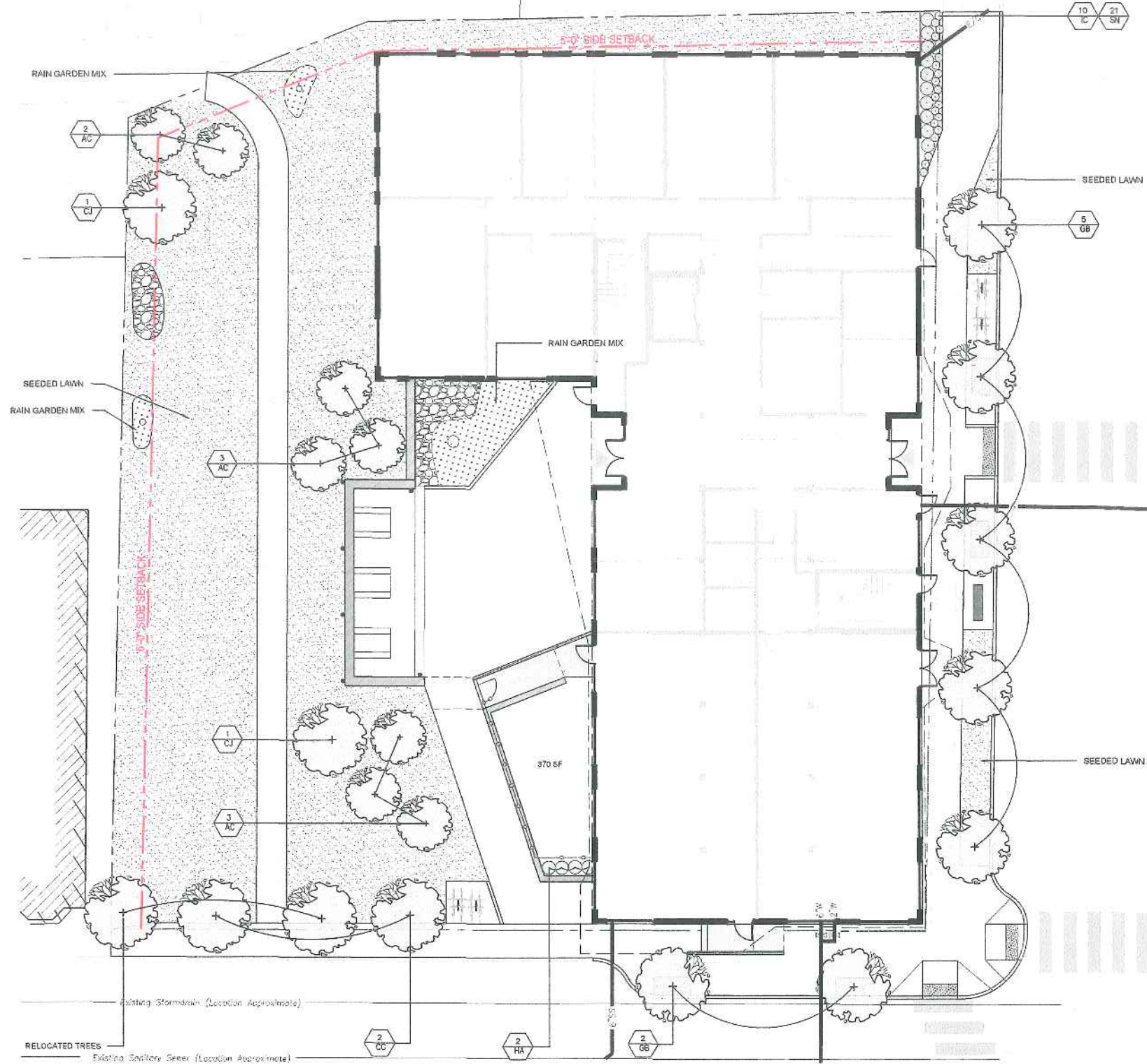
LEGEND

- (EXISTING)
- IRON PIPE OR ROD FOUND
 - MONUMENT FOUND
 - WATER VALVE
 - HYDRANT
 - UTILITY POLE
 - MANHOLE
 - MANHOLE
 - SIGN
 - DECIDUOUS TREE
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 - OVERHEAD WIRES
 - EXISTING CONTOURS

- (PROPOSED)
- LIMIT OF WORK
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 - 6" VERTICAL GRANITE CURB
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 - TREE GRATE
 - TREE
 - SHRUB
 - LAWN
 - RAIN GARDEN
 - BIT. CONC. PAVING
 - BRICK PAVING
 - SPECIAL PAVING
 - WALL
 - BENCH
 - BIKE RACK
 - CATCH BASIN

PLANT LIST - TREES & SHRUBS				
QUANTITY	SYB	BOTANICAL NAME	COMMON NAME	REMARKS
8	AC	Amelanchier x grandiflora 'Autumn Brilliance'	Serviceberry	6-7' HT. MULTI STEMMED CLUMP
2	CC	Cercis canadensis 'Appalachian Red'	Eastern Redbud	2'-2 1/2' CAL. B&B
2	CJ	Cercidiphyllum japonicum	Katsurutree	3'-3 1/2' CAL. B&B
7	GB	Ginkgo biloba	Ginkgo	3'-3 1/2' CAL. B&B
4	HA	Hydrangea anomala subsp. petiolaris	Climbing Hydrangea	#7 CONT
10	IC	Ilex crenata 'Green Lustre'	Japanese Holly	#5 CONT
21	SN	Salvia nemorosa 'Sensation Deep Blue'	Ornamental Sage	#1 CONT

PLANT LIST - RAIN GARDEN MIX						
QUANTITY	SYB	BOTANICAL NAME	COMMON NAME	Wet	Moist	Dry
		Andropogon scoparius	Little Bluestem		X	X
		Deschampsia cespitosa	Tufted Hair Grass		X	X
		Cornus sericea 'Farrow'	Arctic Fire Dogwood	X	X	X
		Vaccinium corymbosum	Highbush Blueberry		X	X
		Iris versicolor	Blue Flag Iris	X	X	
		Aster novae-angliae	New England Aster		X	X
		Eupatorium fistulosum	Joe Pye Weed		X	X
		Rudbeckia fulgida	Black-eyed Susan		X	X
		Achillea millefolium	Purple Coneflower		X	X



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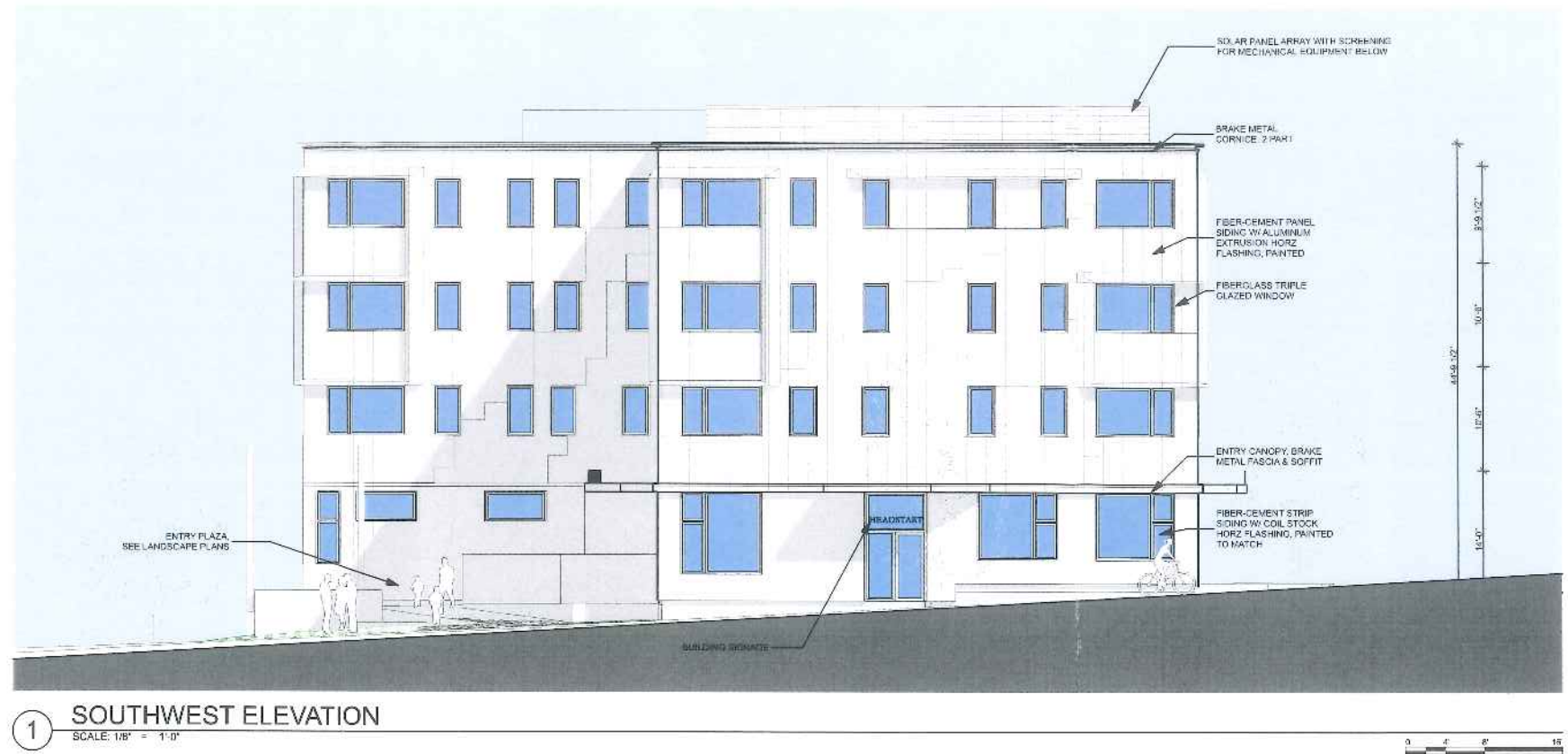
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SITE PLAN APPLICATION

Project:
BAYSIDE ANCHOR
Portland Housing Development
Corporation
81 East Oxford Street
Portland, ME

Drawing: **SITE LANDSCAPE PLAN**
Scale: 1/8" = 1'-0"
Date: Monday, May 12, 2014
Drawn by: EPK
Revised:

L3.0



1 **SOUTHWEST ELEVATION**
SCALE: 1/8" = 1'-0"



2 **NORTHEAST ELEVATION**
SCALE: 1/8" = 1'-0"

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SITE PLAN APPLICATION

PROJECT:
BAYSIDE ANCHOR
PORTLAND HOUSING DEVELOPMENT CORPORATION
81 EAST OXFORD STREET
PORTLAND, ME

DRAWING: 1/8" SW & NE ELEVATIONS

SCALE: DRAWN BY: JJT
DATE: MONDAY, MAY 12, 2014 REVISED:

A-2.2



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PORTLAND, ME 04101
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F: 207.774.6471

SITE PLAN APPLICATION

PROJECT:
BAYSIDE ANCHOR
PORTLAND HOUSING DEVELOPMENT
CORPORATION
81 EAST OXFORD STREET
PORTLAND, ME

DRAWING: 1/8" NW & SE ELEVATIONS

SCALE: DRAWN BY: JJT

DATE: MONDAY, MAY 12, 2014

REVISED:

A-2.1

Memorandum
Planning and Urban Development Department
Planning Division



To: Stuart O'Brien, Chair and Members of the Portland Planning Board

From: Richard Knowland, Senior Planner

Date: June 6, 2014

Re: Portland International Marine Terminal, 460 Commercial Street,
Maine Department of Transportation

Project #: 2014-038 CBL: 59-A-1-3-4-7-8-11; 59-A-2-5-6-9-10 (leased)

Meeting Date: June 10, 2014

Introduction

A second workshop has been scheduled to consider a proposal by the Maine Department of Transportation (MDOT) to expand the International Terminal (IMT) facility in the vicinity of 460 Commercial Street.

An initial workshop was held on May 13th with five Board members present. The Board left it to the judgment of staff whether a second workshop was necessary prior to a public hearing. Based upon the complexity of this project we have scheduled a follow-up workshop. A public hearing has been tentatively scheduled for June 24, 2014.

Please refer to the May13th workshop memo (attached) as it contains important background information on the IMT project. Applicant submitted material including responses to staff comments on Friday but review was not possible for today's memo. See Site Plan Addendum Material (June 6, 2014), Attachment 3.

Notice of the workshop consisted of 144 notices being mailed to neighbors as well as the Legal Ad which ran in the June 2nd and June 3rd editions of the Portland Press Herald.

Coordination With Adjacent Development Parcels

As the Board may recall, Robert Flite of Portland Yacht Services (New Yard), testified at the workshop that the IMT should coordinate infrastructure and access with the New Yard site otherwise they will be "landlocked". The New Yard landholdings (22 acres) originally received Planning Board site plan approval for a boat repair and storage facility in December 2012. Recently MDOT

acquired all the New Yard landholdings for the IMT expansion except for 5 acres where the newly constructed New Yard building is located.

In a letter dated May 20, 2014, Stephen Bushey of FST consultant engineers, (representing New Yard), offered a number of suggestions regarding the IMT site plan to improve coordination of access, utilities and infrastructure between the two properties. See Attachment C-1. This letter covers improvements related to access, sanitary sewer, power, communication and cable lines and gas service.

At a meeting on May 20, 2014 with MDOT and their consultants, City staff requested a response to Mr. Bushey's letter since these issues would undoubtedly be topics of discussion at the next Planning Board meeting.

In a letter dated May 23, 2013, Toni Kemmerle, Chief Counsel for MDOT, provided a response to Mr. Bushey's letter. See Attachment 1. Ms. Kemmerle states that an agreement between MDOT and New Yard "addresses such items as vehicular access for New Yard, utilities for New Yard, and drainage. Most of Mr. Bushey's comments relate to these items, which are covered by that agreement".

The next logical question would be whether the City could review a copy of the agreement to confirm how access, utilities and easements are addressed. We have asked both parties for a copy of the agreement but have not received one since the agreement includes a non-disclosure clause.

In a follow-up letter dated June 3, 2014, Stephen Bushey of FST, lists specific items that New Yard desires the IMT site plan to address including utility, infrastructure and access needs. See Attachment C-2 which includes a plan showing the location of requested utility easements.

- A 4" domestic water supply line and a 8" fire supply line from Commercial to the NW corner of the existing tension fabric building.
- A 6" sanitary sewer service to connect to the 48" sewer interceptor, located on the south side of Commercial Street.
- Power, communications and cable services to remain currently serving the site or as may be relocated in coordination with IMT Expansion activities.
- Vehicle access that supports routine large trailer and vessel movements from Gowen Marine and by New Yard patrons.

Mr Bushey states: "From a practical standpoint, unless the retained parcel is afforded utility and vehicular easements a land locked parcel will have been created by the taking. We anticipate that as a matter of law, utility and vehicle access suitable for our immediate needs will be identified in the course of the IMT design process and we are working towards these solutions in advance of the upcoming Planning Board workshop."

Summary: New Yard originally received Planning Board site plan approval in December 2012 for a boat yard and storage facility on 22 acres. Subsequently MDOT acquired approximately 14 acres of the site to accommodate an expansion of the IMT which is presently before the Planning Board for site plan review. The IMT proposal represents a revision or amendment to that approved site plan. In reviewing the IMT site plan, staff finds that the application has not met all of the site plan submission requirements of sec. 14-527(d), in particular, the following items of this section.

- (4) Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways.
- (22) Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets.
- (31) Location; dimensions and ownership of easements public or private rights of way, both existing or proposed.

Submission of this material should clarify the provision of access and utilities for New Yard and the IMT expansion since both sites are inextricably linked as a larger parcel (original New Yard parcel) which received Planning Board site plan approval. IMT now seeks to revise the originally approved site plan. Complete information on the above items needs to be addressed by the applicant to meet the submission requirements of the site plan ordinance.

Traffic and Circulation

Tom Errico for the first workshop submitted preliminary comments on traffic and circulation issues. See also traffic and circulation commentary in previous staff workshop memo (Attachment A) starting on page 4.

Subsequent to the workshop, Mr. Errico provided more extensive review comments (dated May 19th) shown on Attachment B. This memo was discussed at a meeting with MDOT on May 20th. A number of these comments represent technical details while others pose more design and operational related concerns. Applicant submitted responses to Mr. Errico's comments on Friday (See Attachment 3) but a full review of this material for today's workshop memo is not possible. Mr. Errico will be attending Tuesday's workshop.

Concrete Wall

As discussed at the last workshop applicant is proposing a 752 foot long 4 foot high concrete wall along the edge of Commercial Street. In the project submission, the wall appeared to be integrated with a loading ramp to facilitate loading/unloading of rail road cars. During the workshop it was indicated the ramp was in fact a concrete slab and that the wall didn't necessarily need to be 4 feet high as the pad has internal curb stops to prevent equipment from damaging the wall.

A textured surface was proposed for the wall but the height and length (equivalent to 3 city blocks) and lack of space for landscaping between the wall and the street line, poses significant aesthetic issues in a highly visible gateway location. A textured surface with the proposed dimensions of the wall is unlikely to resolve this issue. Graffiti concerns were also raised at the workshop.

Staff has suggested the height of the concrete wall be reduced with an ornamental fence on top that would address security concerns. There appear to be a number of alternatives to a 4 foot high concrete wall that would address IMT operational and security needs. Friday's IMT submission indicates an ornamental fence is being proposed but the concrete wall is still 4 feet high. Again we recommend a lower concrete wall for the reasons mentioned above.

Porous Drainage Panels

The site plan incorporates porous concrete drainage panels along the length of the concrete wall on the Commercial Street side. This is a new product that is not represented in our Technical Manual. We have requested further documentation on the product and its ongoing maintenance needs, which will be a City responsibility as these are proposed within the street right of way. Attachment 3 contains product information, which we will review prior to the public hearing. A waiver of Technical Standards might be required for this technology.

Next Steps

A public hearing for the IMT application has been tentatively scheduled for June 24th.

Staff Attachment List:

- A. Planning Board May 13, 2014 Workshop Memo (with staff attachments)
- B. Tom Errico (Traffic Engineer Consultant) Memo dated May 19, 2012
- C. Written Public Comment
 - C-1 Letter from Stephen Bushey (FST) dated May 20, 2014
 - C-2 Letter from Stephen Bushey (FST) dated June 3, 2014

Applicant Attachments:

Applicant Post May 13, 2014 Workshop Submissions

- 1. Letter from Toni Kemmerle (MDOT Chief Counsel) dated May 23, 2014
- 2. Email from Joel Kittredge (MDOT) dated May 29, 2014
- 3. Site Plan Addendum Material received June 6, 2014

Applicant Prior Workshop Submissions (May 13, 2014)

1. Applicant's Submission dated April 4, 2014
2. Applicant's Submission dated April 25, 2014
3. Applicant's Submission dated May 6, 2014

P – Prior Site Plans and Other Drawings



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

ATT. 1

David Bernhardt
COMMISSIONER

May 23, 2014

Rick Knowland, Senior Planner
Planning Division
City of Portland
389 Congress Street, 4th Floor
Portland, Maine 04101

Re: International Marine Terminal Expansion

Dear Mr. Knowland:

Maine DOT would like to take this opportunity to briefly respond to the letter, dated May 20, 2014, that Steve Bushey sent to you on behalf of New Yard, LLC ("New Yard"). Mr. Bushey's letter contains various comments pertaining to the coordination of MaineDOT's IMT expansion project along West Commercial Street in Portland with New Yard's activities on adjacent land.

I want to be sure that you are aware that MaineDOT and New Yard entered into an agreement prior to MaineDOT's taking of the property along West Commercial Street for the IMT expansion project. Included in that agreement are the terms of cooperation between the parties in regard to their respective projects and operations. That agreement addresses such items as vehicular access for New Yard, utilities access for New Yard, and drainage. Most of Mr. Bushey's comments relate to these items, which are covered by that agreement.

With regard to the signage item raised in Mr. Bushey's letter (in paragraph 10 on page 5), MaineDOT has advised New Yard that MaineDOT will work with New Yard on the placement of temporary signs and that permanent signs will need to be installed in accordance with the City's process and regulations.

MaineDOT remains willing to work with New Yard as the IMT expansion project goes forward under the terms established in the MaineDOT-New Yard agreement. Please do not hesitate to contact me if you have any questions in that regard.

Sincerely,

Toni L. Kemmerle
Chief Counsel

cc: Stephen R. Bushey, FST



PRINTED ON RECYCLED PAPER

ATT2

Rick Knowland - IMT June 10th planning workshop to discuss New Yard access and rights related to IMT acquisition

From: "Kittredge, Joel" <Joel.C.Kittredge@maine.gov>
To: "rwk@portlandmaine.gov" <rwk@portlandmaine.gov>
Date: 5/29/2014 4:02 PM
Subject: IMT June 10th planning workshop to discuss New Yard access and rights related to IMT acquisition
CC: "Kemmerle, Toni" <Toni.Kemmerle@maine.gov>, "Van Note, Bruce" <Bruce.Van...

Hi Rick:

We understand that the planning board desires a June 10th workshop in which the board members will gain understanding of resolution of items raised in Steve Bushey's letter to you dated May 20, 2014. You are aware that MaineDOT and New Yard previously agreed in writing to terms and conditions regarding access, utilities, and drainage on our abutting projects. Unfortunately the specifics are confidential.

Toni Kemmerle, MaineDOT Chief Council, will be making contact(s) in an effort to further describe the MaineDOT/New Yard level of cooperation allowing planning board members clear understanding of property access. While we are certainly prepared to present our project on the 10th, we hope that City staff will gain clarity from Toni's additional efforts, negating the need for a workshop dedicated to New Yard issues.

Sincerely---Joel



June 6, 2014

Mr. Rick Knowland, Senior Planner
City of Portland Planning Authority
4th Floor, City Hall
389 Congress Street
Portland, ME 04101

**RE: Portland International Marine Terminal
Existing Laydown and Connecting Corridor Connection Project
Response to Staff Comments**

Dear Rick,

On behalf of the MaineDOT and Portland International Marine Terminal, we are submitting a memorandum from HNTB with responses to all Staff comments based on your current review of the IMT Expansion Project. These responses reflect comments from the following City Staff and Consultants:

- David Margolis-Pineo, Department of Public Services.
- Jeff Tarling, City Arborist
- Marge Schmuckal, Zoning Administrator
- Tom Errico, Jeremiah Bartlett, Scott Quillette, Kevin Thomas, Traffic
- Rick Knowland, Planning Staff

We are hopeful that these responses adequately answer the issues raised to date and look forward to discussing the project in greater detail with the Planning Board on June 10.

The final drawing package will be delivered later today under a separate cover.

We look forward to working with you, Planning Department staff, and the Planning Board in the review of this project. Please feel free to contact me to discuss any questions or concerns you may have regarding the attached application materials.

Sincerely,
CARROLL ASSOCIATES

A handwritten signature in black ink, appearing to read 'Patrick J. Carroll', with a long horizontal flourish extending to the right.

Patrick J. Carroll
Principal

Enc.

CC: Craig Morin, HNTB
Joel Kittredge, MaineDOT
Matt Phillips, Carroll Associates

June 6, 2014



Mr. Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Site Plan Application for Portland IMT, Existing Laydown and Connecting Corridor Connection
Site Plan Addendum #4

C/O: Pat Carroll, Carroll Associates (email: pcarroll@carroll-assoc.com)

Rick,

Please find attached responses to the City's latest questions and comments received regarding the Portland IMT subject project. We have copied the comments directly into this letter and provided our responses immediately following each comment. If you have any additional questions regarding these responses, please do not hesitate to contact me or our project liaison, Pat Carroll.

Regards,

A handwritten signature in blue ink, appearing to read "C.R. Morin".

Craig R. Morin, P.E.
Project Manager

C: Joel Kittredge, Project Manager, MaineDOT (via email: Joel.C.Kittredge@maine.gov)

Encl.: Response to Comments
Attachments

HNTB File No.: 62506-DS-001-001

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LTR 02 Response to City Comments 06-05-14.docx

COMMENTS FROM DAVID MARGOLIS-PINEO (VIA EMAIL, MAY 14, 2014, ATTACHMENT A) AND RESPONSES:

Comment 1

A four foot concrete barrier is proposed along the Commercial Street right of way adjacent to the proposed loading dock. Also proposed along this same area within the right of way are porous concrete panels. It seems apparent that snow removal will be required to allow for proposed parking and to allow drainage. Since the City cannot guaranty snow removal in a timely fashion, it is proposed that the applicant pull all infrastructure back onto the applicant's property six feet and to reach an agreement with the City to allow for snow storage in this vacated area on the applicant's property.

Response: The location of the concrete loading slab is established to accommodate the necessary operations for rail car loading, as well as the conceptual future build-out scenario with an additional track. Fence lines, utilities, and the existing NGL tracks are interior constraints which prevent relocation of the slab. The layout of the slab is illustrated in Attachment B

Comment 2

To accommodate vehicle turning movement, the applicant is proposing to pave from the road right of way well onto the applicant's property. The City agrees to maintain infrastructure within the right of way with the understanding that all proposed work within the road right of way meets City of Portland Technical Manual standards.

Response: Agreed.

Comment 3

It is understood that the proposed porous [pervious] concrete panels are design for an H-20 loading, and prior to project approval the applicant submit the manufactures recommended maintenance requirements for these panel and that the City agrees to maintain those panels so they will function as designed.

Response: Sample manufacturer's product information and maintenance recommendations are included herein as Attachment C.

COMMENTS FROM JEFF TARLING (VIA EMAIL, MAY 9, 2014, ATTACHMENT D) AND RESPONSES:

Comment 1

C18 Landscaping Plan - Due to the space requirements on the IMT or 'water side' of Commercial Street the project directs street tree planting across the street along an improved sidewalk and esplanade. This compromise is a fair approach given the scale of the proposed project.

Landscape mitigation of the proposed wall should be explored. Options could include: varying the wall texture or scoring so that certain length of wall panels are accentuated vs continuous the same, create pockets for vegetation, some spaces could have a grove of Bayberry, others with vines perhaps. Could local MECA be advised of possible concrete forming options with a local arts theme?

Explore fence options including using black vinyl chain link vs galvanized to reduce glare.
Unsure if barbed wire is needed?

Response: The wall has been designed with a textured surface to provide aesthetic appeal. The height of the wall has been limited to 4-ft in height in order to provide visual views of the site while maintaining the necessary safety measures against the reach stacker operations. Block-outs for vegetation will not be provided since these can act as climbing devices which negate the effectiveness of the security fence and will result in added maintenance issues (watering, care, etc.). The applicant has revised its fence type to a more aesthetically pleasing and functional palisade fence style to enhance the "gateway" appearance of the site and facilitate snow removal, while upholding the Homeland Security, MTSA 105 requirements. The fence color will be black. See Attachment E.

Comment 2

Proposed benches along Commercial Street - the proposed granite or stone benches set on the sidewalk would be best to be set back behind the walk to reduce sidewalk plowing conflicts. There may be additional review of the bench type - but the type as shown fits into the nearby Harborview Memorial Park use of that material.

Response: The sidewalk width accommodates the City's desire for a 12-ft multi-use trail and an 8-ft esplanade. The area behind the sidewalk is private property.

Comment 3

Interpretive signage & graphics - this aspect is a positive approach to connect the proposed project with an historical context. Perhaps somewhere along the wall expanse a sign / graphic could be used to identify the site and use. Celebrating the Port of Portland and the intermodal function of ship to rail and truck is a positive feature for the City of Portland and the State of Maine, and perhaps the rail service. I couldn't find an example off hand of Pan Am railway but the CSX graphic could be an example.

Response: The interpretive signs are under development by a separate committee which is exploring these details.

COMMENTS FROM MARGE SCHMUCKAL (VIA EMAIL, MAY 6, 2014, ATTACHMENT F) AND RESPONSES:

Comment 1

I have briefly looked at this submission. The project is located in the WPDZ zone with a Shoreland overlay. The proposed use for intermodal transportation facilities is a listed, permitted use under section 14-319(b)1. However the applicant explains that "there may be times where there will be truck to truck .." exchanges, I would want the applicant to explain that in more detail outlining how this is an accessory use and not a principal use. The zone does not permit trucking terminals per se. I want to be sure that the truck to truck component is not more than the other proposed intermodal uses. I note that that same section of permitted uses does allow intermodal transportation for railroad transportation services.

Response: The expanded portion of the terminal will primarily be used for intermodal use from ship to rail and vice versa; however, there will also be some truck uses, as well.

Comment 2

I also reviewed the submission concerning shoreland regulations. There is information concerning the clearing of vegetation. The verbage goes on to say "see enclosed plans for specifics." I did not find an enclosed plan that related to what was written. Please provide such plans or indicate which plan it is within the submission, so I can review compliance with our Ordinance.

Response: Final construction Site Plans will show the proposed tree clearing line. Trees greater than 4" diameter proposed to be removed within the 250' shoreland have been calculated as noted in the original Level III Site Plan application. As there are more than 900 trees greater than 4" within this track of land, individual trees are not shown graphically on the plans as this would make plans more cluttered. Additional backup calculations can be provided if requested by the City.

COMMENTS FROM TOM ERRICO, JEREMIAH BARTLETT, SCOTT QUILLETTE, AND KEVIN THOMAS (VIA EMAIL, MAY 19, 2014, ATTACHMENT G) AND RESPONSES:

General Response: Based on the number of comments listed below, the applicant has updated the striping and signal plans to address the comments. The updated plans are included herein as Attachment H.

Comment 1

The traffic signal plan includes special signal phasing for Nova Seafood. I would suggest that a City agreement with Nova Seafood be crafted related to traffic operations and a memorandum of understanding and for traffic control.

Response: HNTB agrees that an agreement would be prudent.

Comment 2

The driveway apron material at Nova Seafood does not meet City standards and a waiver will be required.

Response: Agreed.

Comment 3

Several of the driveways on Commercial Street (IMT, Nova Seafood, and Gray Bar) do not meet City width standards and thus waivers will be required.

Response: Agreed.

Comment 4

Several of the driveways on Commercial Street do not meet City corner clearance and separation standards.

Response: Agreed, waiver will be required.

Comment 5

The City is requesting that truck parking on in-bound Commercial Street be prohibited for a specified distance in advance of the Beach Street intersection. The City will provide this restriction length.

Comment 6

The applicant should investigate the provision of a bicycle lane on Beach Street departing the intersection.

Response: There is currently a paved shoulder on Beach Street departing the intersection which functions as a bike lane.

Comment 7

I am concerned about traffic operations and congestion during peak time periods, particularly when the special Nova Seafood traffic signal phase is actuated. The applicant should investigate the ability to limit the traffic signal phase during peak time periods.

Response: The applicant met privately with Nova Seafood regarding the peak hour traffic. Nova Seafood has indicated that peak hour traffic cannot be controlled.

Comment 8

A sidewalk waiver has been requested and a review of the supporting information will be performed.

Response: Agreed.

Comment 9

A granite curbing waiver has been requested and a review of the supporting information will be performed.

Response: Agreed.

Comment 10

The applicant should provide information as it relates to use of the proposed traffic signal by existing IMT traffic. I believe there will be overall site traffic and safety benefits if all IMT traffic has the ability to use the traffic signal.

Response: The site traffic is dependent upon the level of security for each container, and therefore, the use of each entranceway is still required. Not all of the traffic generated at the IMT can utilize the traffic signal.

Comment 11

A construction management plan has been prepared. Additional information will be required as it relates to specific traffic, pedestrian, and bicycle impacts during construction.

Response: An initial construction management plan has been developed in brief and is included herein as Attachment I. Typically, a construction management plan is the responsibility of the contractor and is provided at the onset of construction. The project specifications will include the requirements outlined in the attachment in addition to the typical construction management requirements imposed by the State.

Comment 12

At the planning board workshop, there was discussion about the provision of a driveway entrance west of the project site for future development access and egress. The applicant should provide information in support of that driveway if that is to be included in the project approval.

Response: The driveway entrance in question is not part of this project. Any additional driveway entrances will be part of New Yard's future development.

Comment 13

The City does not support the use of pavement markings to delineated pavements areas for use by large trucks.

Response: The applicant is amenable to the use of cobblestones in areas traversed by large trucks in lieu of pavement markings. The cobblestone detail section will include cobblestones atop a sand layer atop a 6-inch thick fiber-reinforced concrete slab as shown in Attachment J.

Comment 14

The phasing for the intersection does not appear to be NEMA compliant. Please revise with Commercial Street as the main street, assuming an east-west phasing structure.

Response: Revised as shown in attached drawings.

Comment 15

The phasing sequence should begin with Commercial Street and end with Nova Seafood (currently designated as Phase 9).

Response: Revised as shown in attached drawings.

Comment 16

The peak hour cycle length seems unusually long for an intersection with this type of geometry, going as long as 150 seconds during the PM peak hour. Discussion should be provided as to why shorter cycle lengths cannot be achieved.

Response: With the addition of the Nova Seafood phase the natural cycle length is approximately 150 seconds, if the cycle length is shortened, LOS decreases. The Synchro Model has been provided to the City.

Comment 17

The pedestrian timing does not appear to provide sufficient crossing time, particularly for Commercial Street. Please confirm use of a standard 3.5 feet per second pedestrian crossing time from curb to curb.

Response: Revised as shown in attached drawings.

Comment 18

Given the sight distance issues for this intersection, the all-red clearance times should likely be extended.

Response: Revised as shown in attached drawings.

Comment 19

The City's technical standards are in the process to migrating to infra-red video detection as a requirement. The City now requires that either the cameras used with the VIP processors be the FLIR FC series or that the solution be based on the FLIR TrafiSense cameras.

Response: Revised as shown in attached drawings and in project specifications.

Comment 20

Please specify four-inch conduit to provide additional future wiring capabilities.

Response: Revised as shown in attached drawings.

Comment 21

Please provide one-piece pedestrian poles

Response: Revised as shown in attached drawings.

Comment 22

All pole bases, pull boxes and controller conduits should be sealed to prevent access by rodents and other small animals.

Response: Revised as shown in attached drawings.

Comment 23

Please confirm the method of advance notification when the Commercial Street westbound approach is red to account for minimal sight distances passing by Nova Seafood.

Response: There is a near side signal head on the southeast mast arm upright that is visible to westbound traffic.

Comment 24

It is my understanding that the Nova Seafood driveways will be restricted such that the easterly driveway will be an entrance only and the westerly driveway an exit only driveway. The plans do not reflect this.

Response: Nova seafood's owner intended for one way circulation with exiting traffic at signal.

Comment 25

There are areas of roadway pavement that appear to be located outside the public right-of-way. An agreement on maintenance may be required.

Response: HNTB agrees that an agreement would be prudent.

Comment 26

The applicant should note the material for the Nova Seafood island.

Response: Revised as shown in attached drawings. Type 1 curb will be installed on the street side, while Type 5 curb will be installed on the driveway side. The middle area will be filled with a 4-inch thick concrete infill.

Comment 27

The applicant should provide details for the area between the sidewalk and the Nova Seafood island.

Response: Revised as shown in attached drawings. The area will be cobblestone.

Comment 28

The left-turn bay shadowed island is depicted as paint. The applicant should investigate other material treatment for longevity purposes.

Response: The MaineDOT prefers paint in this application.

Comment 29

During Casco Bay Bridge openings, traffic may be backed up into the new traffic signalized intersection. The applicant should note whether there are any provisions for this scenario from a traffic signal perspective.

Response: There are no provisions for this scenario. If there are other intersections in the City where special provisions have been implemented, please provide these for our review.

Comment 30

The bicycle lane on the outbound side of Commercial Street continues to the limit of work, while the in-bound bicycle lane begins at the point where the left-turn lane is starting. The applicant should note why the in-bound bicycle lane can't start at the project limits.

Response: There is already a shoulder in this region for the bike lane, and our proposed bike lane ties into the existing layout.

Comment 31

The direction sign that notes Casco Bay Bridge 500 Feet is being removed. This removal should be confirmed by City staff.

Response: A new guide sign which is MUTCD compliant is being provided in lieu of the existing direction sign.

Comment 32

The plans illustrate that the sidewalk at the corner of the Nova Seafood building will not need to be reconstructed. Given that the curb is being relocated, the sidewalk will need to be upgraded.

Response: Agreed. We will show modifications to the existing sidewalk to illustrate the new location of the curb.

Comment 33

The length of curbing at the Nova Seafood driveway is being eliminated. Justification on this change shall be provided.

Response: Curbing is being removed from both sides of the driveway to facilitate truck entering/exiting movements.

Comment 34

A fire hydrant is located in the middle of the sidewalk east of the easternmost Nova Seafood driveway. It would be beneficial if this hydrant could be relocated.

Response: The hydrant is beyond the project limits of sidewalk work and is therefore not within the scope of this project.

Comment 35

The plan replaces an existing Casco Bay Bridge 500 Feet sign with a sign that notes Casco Bay Bridge (right) and Fore River Parkway (through). City staff should determine if this replacement is acceptable.

Response: A new guide sign which is MUTCD compliant is being provided in lieu of the existing direction sign.

Comment 36

It was my understanding that the bicycle lanes were going to have dashed line treatment through the intersection. The plans do not depict this.

Response: Revised as shown in attached drawings.

Comment 37

The applicant should confirm that adequate illumination will be provided at the two crosswalk locations.

Response: Dual-purpose mast arm uprights have been included in the project to provide adequate light for the intersection including the crosswalks.

COMMENTS FROM CITY STAFF MEMBERS (VIA EMAIL, JUNE 4, 2014, ATTACHMENT K) AND RESPONSES:

Comment 1

There is an assumption that brick along the expansive sidewalk apron by Nova could be damaged by heavy truck use. A comment from Alex is that he would prefer inlaid, narrow edge/soldier course brick. That is the preference. If someone can provide documentation that it's not possible to design a brick sidewalk without risking excessive damage to the sidewalk from truck traffic than we are open to another material.

Response: We will update the drawings to reflect the suggested change.

Comment 2

There was discussion about a protocol (or management) system that Nova would use to avoid potential problems with the traffic light such as trucks or cars parking within the signal detection area. Any progress on that?

Response: There is a provision within the video/Thermal detection system to skip a call once the call has reached a 240 second duration. It would mean two cycles, but would not continue beyond two calls. No additional cost, this is a programming feature of the system.

Comment 3

People seem to like the pervious panels but would like further info and references regarding product history, maintenance and durability. There were several comments indicating it will be a challenge for the city to maintain the panels. (Would the State be willing to maintain it?) A question came up whether there could be scuppers or breaks in the wall to serve as an outlet for water in case there was a failure.

Response: Additional information regarding the pervious panels is provided in Attachment C. In previous discussions, the City has indicated that it was willing to perform the maintenance of the panels and maintain the infrastructure in the right-of-way, hence the reason for the earlier literature request (please see Comments #2 and #3 from David Pineo Margolis on May 14, 2014). In the event the panels do not provide adequate drainage as intended, there are two manholes at the eastern end of the concrete barrier to provide adequate drainage for runoff.

Comment 4

Green bike lane questions came up regarding maintenance, available warranty and durability. Further info would be helpful. One comment was whether it would make sense to shave some of the pavement first prior to installation so when the bike lane material is applied it would be thicker.

Response: Additional information regarding the bike lane material is provided in Attachment L. The design team agrees that shaving the pavement is an appropriate step to ensure longevity in the coating material to avoid damage by plows.

Comment 5

By Nova Seafood, City wants the cobblestones back because it provides a clear delineation for circulation movements (trucks, cars, peds). The material should Belgium blocks. The expansive sidewalk apron along Nova we are open to a non-brick material because of potential truck damage to bricks. We are open to colored concrete or some other similar material (ability to support heavy trucks) which would provide a contrast from the Nova black top parking area and the Belgium blocks.

Response: The design team has re-implemented the use of cobblestones in the project to delineate circulation movements within this region. The material will be Belgium blocks. The sidewalk apron will continue to be brick to provide a durable textured surface and a clear contrast to the Belgium blocks.

Comment 6

The area on the southerly side of Commercial St (which allows Nova trucks the ability to turn where cobblestones were previously located) should be concrete rather than black top.

Response: The design team believes that this area should remain cobblestone in order to provide a uniform traffic delineation to the intersection while minimizing the number of various construction materials.

ADDITIONAL ATTACHMENTS (PER APPLICANT):

ATTACHMENT M

DEP PERMIT

From: David Margolis-Pineo <DMP@portlandmaine.gov>
Sent: Wednesday, May 14, 2014 12:55 PM
To: Barbara Barhydt; Rick Knowland
Cc: Bruce Hyman; Chris Pirone; Charles Wordell; Doug Roncarati; Eric Labelle; Jeremiah Bartlett; Jane Ward; Jeff Tarling; John Emerson; Katherine Earley; Michael Farmer; Michelle Sweeney; William Clark; Tom Errico; David Senus
Subject: Review Comments for 528 Commercial St - IMT

ATTACHMENT A

May 14, 2014

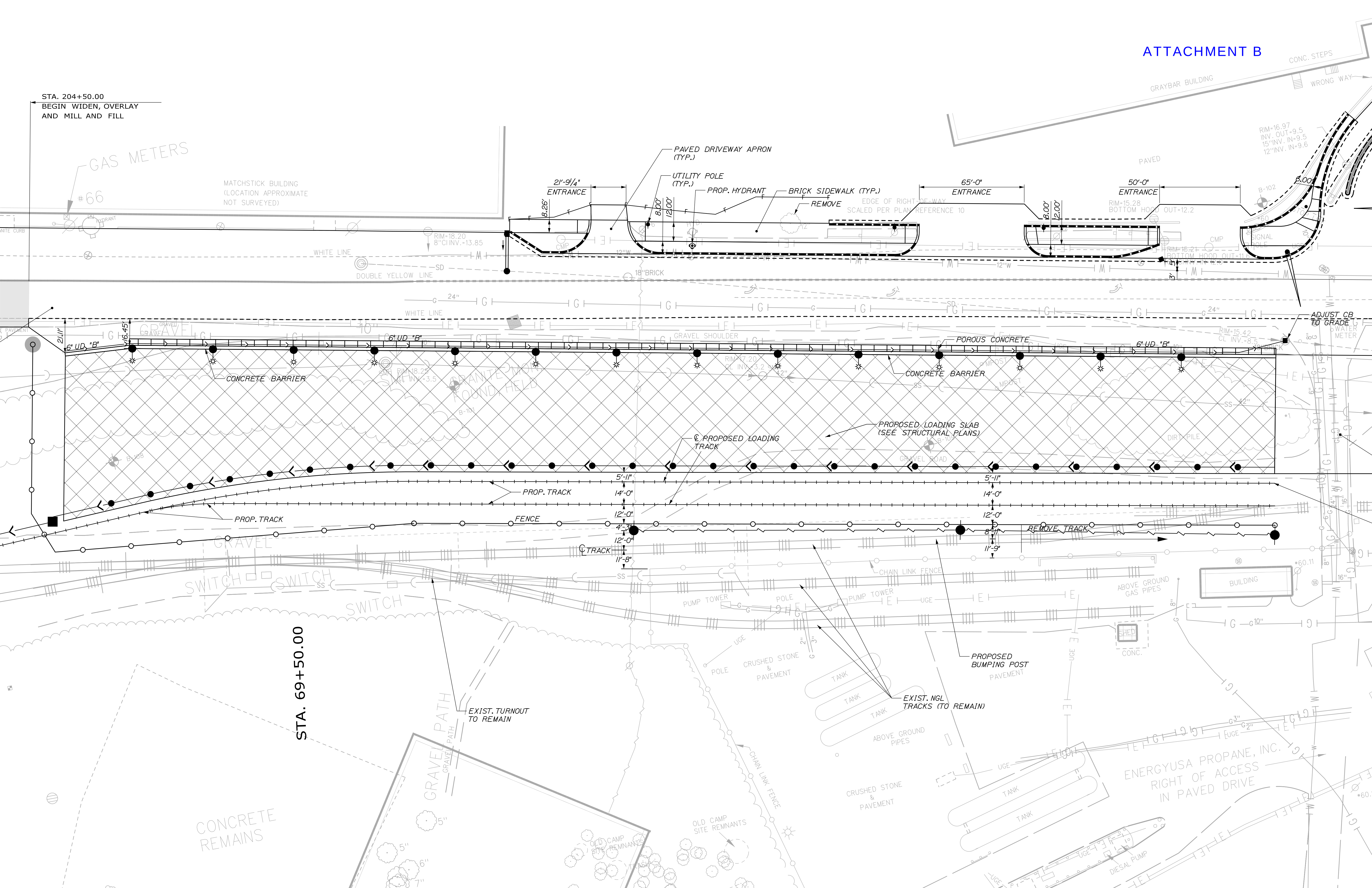
Memo To: Rick Knowland
Barbara Barhydt
From: David Margolis-Pineo
Re: Review Comments from Public Services
528 Commercial Street – International Marine Terminal

The Department of Public Services has the following comments.

1. A four foot concrete barrier is proposed along the Commercial Street right of way adjacent to the proposed loading dock. Also proposed along this same area within the right of way are porous concrete panels. It seems apparent that snow removal will be required to allow for proposed parking and to allow drainage. Since the City cannot guaranty snow removal in a timely fashion, it is proposed that the applicant pull all infrastructure back onto the applicant's property six feet and to reach an agreement with the City to allow for snow storage in this vacated area on the applicant's property.
2. To accommodate vehicle turning movement, the applicant is proposing to pave from the road right of way well onto the applicant's property. The City agrees to maintain infrastructure within the right of way with the understanding that all proposed work within the road right of way meets City of Portland Technical Manual standards.
3. It is understood that the proposed porous concrete panel are design for an H-20 loading, and prior to project approval the applicant submit the manufactures recommended maintenance requirements for these panel and that the City agrees to maintain those panels so they will function as designed.

We have no further comments.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.





ATTACHMENT C

Stormcrete™

Operation and Maintenance Manual

Introduction:



Stormcrete™ is a modular precast porous concrete stormwater system and is able to provide a low risk alternative to poured in place porous pavements. Routine operation and maintenance (O&M) procedures are similar to that of conventional porous pavements. However, Stormcrete™ provides the security of knowing that the slabs can be easily lifted for maintenance and repairs or in some cases even replaced when standard maintenance practices are insufficient.

Planning / Placement:

Proper planning and placement of porous surfaces is fundamental to their longevity and effectiveness. All projects are unique and careful attention should be taken to each situation. Locate porous surfaces where they will be most effective from a StormWater perspective and least susceptible to heavy loading of sediment and debris. For example, potential issues can arise in locations of winter operations (i.e. snow storage, deicing material storage, etc.), site entrances, dirt to pavement vehicle traffic, and run-on from landscaped areas.



Regular Inspection:

Regular inspection of the Stormcrete™ System is critical to developing a site specific maintenance program. Inspection should be performed several times in the first few months and then 2-4 times per year depending upon the intensity of use. The following should be included in any ongoing inspection program:

- Confirm “good housekeeping” practices are in place. Do not store materials such as sand/salt, mulch, soil, yard waste, and other stock piles on Stormcrete™ surfaces or in such a way that the material can be washed or blown on to Stormcrete™.
- During inspection note the accumulation of sediment and debris. Voids should be checked for accumulation of fine material. This will aid in determining proper vacuum sweeping frequency and the ability to target areas with higher accumulation rates.
- Inspect for surface deficiencies. (i.e. raveling, spalling, cracking, etc.)
- Inspect for evidence of ponding. (i.e. staining or unusual light sediment or debris)
- Inspect for evidence of run-on from perimeter unpaved areas or nearby erosion.
- Inspect for evidence of accidental or illicit spillage.
- Maintain a log detailing all inspection and maintenance activities.

Routine Maintenance:

Even with the advantages of the Stormcrete™ System, all porous surfaces require some routine maintenance activities to preserve permeability and service life. A minimum amount of planning and regular maintenance is more effective than surface rehabilitation or replacement.

- **Blower:** A high-powered backpack blower (similar to a Stihl BR600) can be used with a swirl pattern to loosen sediment and debris lodged into the Stormcrete™ System. A vacuum can be used to remove the material dislodged by the blower.
- **Vacuum Sweeping:** Vacuum a minimum of 2 times per year is recommended for most installations. Site specifics (land use, climate, tree cover, site conditions, winter de-icing practices, construction activities, etc.) along with data from regular inspections will ultimately determine how frequently the surface should be vacuumed. Minimum vacuum cleaning should occur in spring (after snow melt) and fall (after leaf drop). Additional cleaning should be scheduled any time accumulated sediment / debris is visible on surface.



- **Proper Equipment:** Use of a powerful vacuum for routine maintenance is critical. Regenerative air vacuum sweepers and high-efficiency vacuum only sweepers are recommended. Equipment condition and proper maintenance is also critical to maximize vacuum efficiencies.
- **Operator experience and diligence** is critical to maximize vacuum efficiencies. Vehicle speed, equipment settings, timing for proper access, and type of material being removed are only a few of the factors an operator needs to properly gage.
- **Maintenance Staff / Public awareness:** On-site personnel and contractors should be made aware of the porous surface and proper O&M procedures. (i.e. signage / pavement demarcation, snow removal, etc.)

Rehabilitation, Repairs, and Replacement:

- **Focused Power Washing:** Power-washing can be an effective tool for unclogging plugged areas. Power-washing should be used in conjunction with a focused, high-velocity vacuum head so that debris is removed and not just displaced. Power-washing should occur at moderate pressure and at low angle (<45 degrees) to drive materials into the vacuum head. Care should be taken with water pressure until effect of water pressure on surface is realized.
- **Remove, Restore & Reset:** In the event that focused power-washing does not provide adequate flow capacity, the slab(s) can be lifted, removed, flushed and replaced.
 - Please note: Removal and replacement should be completed using Stormcrete™ lifting swivels. Reference the Stormcrete™ Removable & Replaceable Manual.
- **Replacement:** In the event that the slab(s) is plugged beyond rehabilitation the slab(s) can easily be removed and replaced.

Winter Maintenance / Snow Removal: Routine winter operations are similar to that of conventional porous pavements.

- **De-icing & Chemicals:**
 - If at all possible avoid applying sand to StormCrete™.
 - Due to the nature of porous pavement de-icing chemicals have a difficult time forming a melting solution (brine) on the surface. This tends to lead to needless excessive chemical use.



- **Plowing & Snow Removal:**

- Snow can be removed using conventional plow blades equipped with shoes. Well maintained plow blades can prevent damage to porous surface. Back dragging is not recommended. Where possible, plow passes should be made at a 45-degree angle to the slab joints.
- Operator training: Snow removal operators should be aware of the presence of the StormCrete™ System.
- Snow within pores of porous pavement can make them appear more snow covered than standard impervious pavements. Porous surface should not be “over plowed” or scraped.

Additional Help:

For guidance or a quote to maintain your porous surface please contact Stormwater Compliance, LLC at sweeping@stormwatercomp.com or 1-877-271-9055.

SAMPLE SPECIFICATION

Porous Pavement Maintenance Specifications

(Vacuum Sweeping, Power Washing, Flow Testing, Documentation)

Scope: Furnish all equipment, materials and labor to provide Porous Pavement Vacuuming, Selective Power Washing, and Documentation as specified below.

Qualifications and Experience: Porous pavement systems (PPS) are specialized pavement systems with the designed purpose of collecting and treating stormwater runoff. Designs and intended function vary from installation to installation. There are four main categories of PPS; Porous Asphalt, Cast in Place Porous Concrete, Permeable Pavers, and Precast Modular Porous Concrete (see below). Knowledge of intended stormwater functions for all types of PPS is critical to proper maintenance and identification of deficiencies. Contractor shall be familiar with all types of PPS and have demonstrable experience with maintenance of these systems. Contractor must also be experienced with effective inspection and documentation processes. Proposal should include a summary of similar projects / experience and biographies of key personnel.

- Porous Asphalt (PA): a type of asphalt that has a high porosity due to an increased void space to facilitate water infiltration through the porous asphalt into a stone reservoir and then into the ground.
- Cast in Place Porous Concrete (CPPC): a type of concrete that has a high porosity due to an increased void space to facilitate water infiltration through the porous concrete into a stone reservoir and then into the ground.
- Permeable Pavers (PP): an alternative to traditional hardscape paving which allows water to infiltrate between the pavers and through permeable layers below ground. When vacuuming porous pavers, the setting should be adjusted to a lower power in order to prevent complete removal of aggregate between voids (unless more intensive vacuuming is required to alleviate clogged areas).
- Pre-cast Modular Porous Concrete (PMPC, e.g. Stormcrete): similar to CPPC but precast in slabs of varying sizes under controlled conditions and shipped to the project location ready for installation. Because PMPC is modular it can be removed and replaced if

Work Completion Time (after notice to proceed): Porous pavement vacuuming shall occur in the spring and fall. Spring vacuuming shall be completed between April 1st and May 30. Spring vacuuming should follow initial spring cleanup of gross sand and debris accumulations. Fall vacuuming shall be completed between October 1st and November 30. Where necessary, power washing / rehabilitation of plugged porous pavements shall occur at the direction of _____ at the times and locations identified during post sweeping inspections. Bidders shall provide a unit price per square yard of porous pavement power washing with their bid.

Required Vacuum Equipment: For Safety and Effective completion of work, all equipment utilized of this work will be maintained in good functional and aesthetic condition. Equipment shall have operational safety devices as required by all state, local, and federal regulations.

It is anticipated that the use of push brooms, backpack blowers, walk behind vacuums, ride-on type vacuums, etc. will be required for some sidewalks, plazas, and other areas not navigable by truck mounted vacuum sweepers. The Contractor must utilize this equipment where necessary to properly maintain all areas of Porous Pavement.

Regenerative Air Vacuum Sweepers will be the only vacuum sweepers acceptable for use within this Contract. The Contractor shall submit descriptions of all porous pavement vacuum equipment to be used within the bid package.

- **Regenerative Air Vacuum Sweepers:** This type of vacuum sweeper uses a blower system that generates a high velocity air column, forcing it against the pavement at an angle, and creating a “peeling” or “knifing” effect. The high volume air blast loosens the debris from the pavement surface so it can be removed by vacuum. Equipment must have a water system for dust suppression.
- **GPS Tracking:** Over the road sweeper equipment shall be equipped with a GPS module and software capable of recording the equipment’s route and timing details while on site. This system shall be utilized in the event of dispute/damage to property and work verification. Records should be available upon request.

Permeability Testing: Contractor shall be experienced and equipped to perform Falling Head Infiltrometer permeability testing as required by _____ personnel. Procedures and results will be documented and presented in a cohesive format. A unit price should be provided per testing location.

Maintenance Procedures:

Porous Pavement Vacuuming is done in order to remove sediment that may lead to a clogging of the porous surface, preventing water from infiltrating through the pavement into the stone reservoir.

Frequency: Semi-Annual vacuuming is recommended for Porous Pavement Systems

Labor Requirements: 1 sweeper operator and 1 laborer

Maintenance Procedure:

- **Safety set-up:** Set up safety perimeter. Ensure that no vehicles are parked in the vicinity of the location and that area is closed to the public.

- **Inspect:** Visually inspect porous pavement for damage, including holes, cracks, excessive scuffing, settlement, and areas of standing water. Inspect status of aggregate between voids in porous pavers before and after vacuuming to see if additional replacement aggregate is needed. Record observations/damage in the Maintenance Log Report, include photos if possible, and report as necessary.
- **Prepare site for vacuuming:** Remove (by hand) bulky debris and waste materials from surface of porous pavement that may be too large to be picked up and/or block/clog the vacuum hose prior to using vacuum. Use a push broom to loosen debris as needed. Pay particular attention to inside corners, curb lines, and heavily loaded areas.

Vacuum: Vacuum porous pavement per the vacuum manufacturer recommendations.

Note: If vacuuming permeable pavers, set vacuum at a lower power in order to prevent complete removal of aggregate between voids (unless more intensive vacuuming is required to alleviate clogged areas). Vacuum machine speed should be adjusted so that the vacuum draws out the first inch or so of stone and dirt in the openings between porous pavers, as this is where most unwanted sediment/debris typically collects.

- Follow all steps in the Manufacturer's Operation Checklist for the specified vacuum.
 - Engage the Water Feature/ Water Dust Control Option of the vacuum (or equivalent on specific vacuum model).
 - Operate the vacuum at a highest vacuum setting that will not damage the surface. Sweeping speed should be less than 3 miles per hour. Drive the vacuum over the porous pavement, Overlap the edges of the vacuum runs and make two passes over the entire porous pavement area.
 - Continuously verify pick up efficacy especially when vacuuming areas with excessive sediment.
 - **Post-vacuuming inspection:** After two passes, visually inspect porous pavement to ensure adequate debris removal. Any areas with visible debris/sediment still present should be vacuumed again until debris is removed. In the event that the surface of the porous pavement becomes clogged with fine dirt or sand, record observations in the Maintenance Log Report.

- Disposal: Material collected should be containerized and covered for proper disposal. Material should be disposed according to all applicable regulations. Disposal location and Manifest should be included in the Maintenance Log Report

Porous Pavement Power Washing should be done if porous pavement surfaces become clogged with fine dirt or sand. Power washing of the pavement surface allows partial restoration of the original void space and therefore permeability and should immediately follow the porous pavement vacuum task.

Frequency: As needed for rehabilitation based on post vacuuming inspection

Labor Requirements: 1 sweeper operator and 1 laborer

Maintenance Procedure:

- Safety set-up: Set up safety perimeter. Ensure that no vehicles are parked in the vicinity of the location and that area is closed to the public.
- Inspect: Visually inspect porous pavement for damage, including holes, cracks, excessive scuffing, settlement, and areas of standing water. Inspect status of aggregate between voids in porous pavers before and after vacuuming to see if additional replacement aggregate is needed. Record observations/damage in the Maintenance Log Report, include photos if possible, and report as necessary.
- Prepare site for power washing: Remove (by hand) bulky debris and waste materials from surface of porous pavement that may block or impede power washer access to the surface. Use a rigid push broom to loosen debris as needed. Pay particular attention to pavement edges and heavily loaded area.

Power wash: Follow manufacturer's recommendations for use of the power washer unit with the clarifications noted below. Ensure that the water inlet valve and pump are both on.

- Set the pressure levels to be no greater than 500 PSI.
- Pressure wash plugged surface with wand spraying at a 45 degree angle. Use care not to damage the surface. Nearly simultaneous vacuum should be applied at washing site to remove loosened material.
- Post-power washing inspection: Note areas that appear to still be plugged. Note if water remains ponded in any areas of the porous pavement. Record observation with photographs. Record observations in the Maintenance Log Report.
- Safety completion: Remove safety perimeter and re-open lot for parking/public access.

Permeable Paver Restoring Aggregate: Following vacuuming of permeable pavers, refill the voids (joints) between pavers with additional aggregate material to replace any material that has been lost by vacuuming and/or due to natural migration, settlement, and erosion.

Frequency: As needed when gravel infill is not within ½ inch of the paver surface, immediately following vacuuming

Labor Requirements: 2 Laborers

Maintenance Procedure:

- **Safety set-up:** Set up safety perimeter. Ensure that no vehicles are parked in the vicinity of the location and that area is closed to the public.
- **Inspect:** Visually inspect permeable pavers for damage, including broken pavers, cracks, settlement, and any areas of standing water or evidence of standing water. Inspect status of aggregate infill material in the voids between porous pavers to see if additional replacement aggregate is needed. Evaluate if voids (joints) between porous pavers are clogged or not. Inspect to see if pavers themselves are missing from any areas and note need for replacement pavers. Record observations/ damage in the Maintenance Log Report, include photos of all notable observations, and report as necessary.
- **Prepare site:** Remove (by hand) bulky debris and waste materials from surface of pavers.
- **Cleaning Clogged Voids:** If voids (joints) between porous pavers are still clogged even after area has been vacuumed, use a ridged too to pry material out joint until clean aggregate is found. Follow aggregate replacement instructions below.
- **Add aggregate:** Using a shovel, spread aggregate over the surface of the pavers. Using a broom, sweep aggregate into the voids between porous paves, taking care to fill in any obvious holes. Once the aggregate has been added to the pavers, and the voids have been filled, perform a final sweeping pass with the hand broom to remove any excess gravel from the paver surface.
- **Safety completion:** Remove safety perimeter and re-open area for parking/public access.



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Maintenance Coordination and Scheduling: Contractor shall be responsible for advanced notifications and coordination of access to maintenance locations. Coordination with _____ personnel and private property owners may be required to ensure unobstructed access to certain maintenance locations. Unforeseen, obstructions to complete maintenance efforts will be described and photo documented in the Location Maintenance Report (outlined below).

Maintenance Log Reporting: A maintenance report log shall be kept by the Contractor for each location maintained. Each Maintenance Log Report shall include the following information:

- Location name, Date and time on site, Personnel on site, Description of pavement system.
- Inspection observations prior to and following maintenance.
- Photos of any notable observations and/or marked up site plan / aerial photo / sketch.
- Obstructions preventing complete maintenance (such as parked cars) shall be photo documented.

Electronic Document Management: Contractor must have the means and experience to create, store, and transfer Location Maintenance Reports and other contract documents electronically. A web based, password protected portal that enables _____ to view, print, and download all pertinent contract documents and maintenance reports is the preferred method of document management. Contractor shall outline electronic document management procedures in their bid package.

Pre and Post-Maintenance Inspection: A pre and post-maintenance inspection shall occur with the Contractor and the Representative from _____ at each location to be maintained within this Contract. The purpose of the inspections will be to identify and document (with photographs) damage, additional maintenance needs, and potential access issues. If damage to porous pavements is the result of the Contractor's operations, the Contractor is responsible for repairing the damage at the Contractor's expense. The post-maintenance inspection shall occur within one (1) week of the completion of each maintenance activity.

Additional Porous Pavement Vacuuming: At any time during the Contract period, _____ may request that the Contractor perform additional porous pavement vacuuming (beyond the spring and fall vacuuming included in the Contract) at any of the locations noted above. This will indicated as a Unit Price on the pricing page.

The Contractor shall coordinate additional porous pavement vacuuming with _____, and complete the work in a timely manner. The Contractor shall submit a payment application for the additional vacuuming after the work is completed for payment.



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Site Safety Responsibilities: The Contractor shall maintain all maintenance locations in a safe, neat and orderly condition, and free from human hazard. If an unsafe condition is encountered, the affected activity shall be suspended until the unsafe condition is corrected. The Contractor is also solely responsible by law for compliance, and regulatory reporting requirements, for all workplace and employee safety issues.

Specific Permit Information: All permits required shall be the responsibility of the Contractor. In all cases, for all permits the Contractor shall be responsible for payment of all required fees, charges, maintenance, bonds, insurance, and penalties or fines for non-compliance, associated with all required permits.

From: Jeff Tarling <JST@portlandmaine.gov>
Sent: Friday, May 09, 2014 5:05 PM
To: Rick Knowland
Cc: David Margolis-Pineo
Subject: IMT Project
Attachments: 501 Danforth St. Portland, ME 2012 (1).jpg; GreenWall.jpg; ChestnutPlanter.JPG

ATTACHMENT D

Hi Rick -

In review of the proposed modifications to the IMT West Commercial Street site I wanted to include the following landscape items:

a) C18 Landscaping Plan - Due to the space requirements on the IMT or 'water side' of Commercial Street the project directs street tree planting across the street along an improved sidewalk and esplanade. This compromise is a fair approach given the scale of the proposed project.

Landscape mitigation of the proposed wall should be explored...

Options could include: varying the wall texture or scoring so that certain length of wall panels are accentuated vs continuous the same, create pockets for vegetation, some spaces could have a grove of Bayberry, others with vines perhaps. Could local MECA be advised of possible concrete forming options with a local arts theme?
Explore fence options including using black vinyl chain link vs galvanized to reduce glare.
Unsure if barbed wire is needed?

b) Proposed benches along Commercial Street - the proposed granite or stone benches set on the sidewalk would be best to be set back behind the walk to reduce sidewalk plowing conflicts. There maybe additional review of the bench type - but the type as shown fits into the nearby Harborview Memorial Park use of that material.

c) Interpretive signage & graphics - this aspect is a positive approach to connect the proposed project with an historical context. Perhaps somewhere along the wall expanse a sign / graphic could be used to identify the site and use. Celebrating the Port of Portland and the intermodel function of ship to rail and truck is a positive feature for the City of Portland and the State of Maine, and perhaps the rail service. I couldn't find an example off hand of PanAm railway but the CSX graphic could be an example.



Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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ATTACHMENT E



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Maintaining a secure perimeter is your first line of defense against potential threats. Impasse II fence systems serve as a *visual deterrent backed with heavy steel components* that give a higher level of protection compared to the traditional chain link or architectural mesh fence alternatives. Impasse II is the *best choice for securing at risk facilities or protecting specific assets within a property.*

DESIGN INTEGRATION

The Impasse II framework is a raceway for wiring, conduits, and/or security cabling required around the perimeter of a project. This integrated design eliminates the need for costly trenching and boring becoming a value added solution for perimeter security upgrades.

When installing these security elements use Impasse II as a platform:



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- **Intrusion Detection / Fiber Optic Cables**
- **Access Control Wiring**
- **Conduits**
- **Anti-Ram Cabling (Stalwart)**

PRIMARY APPLICATIONS

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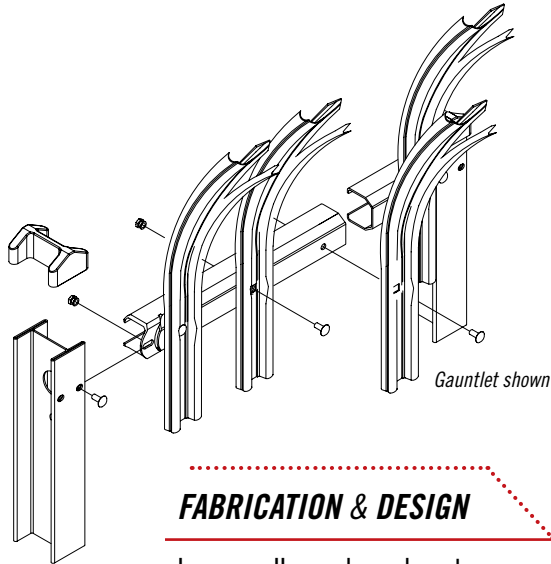
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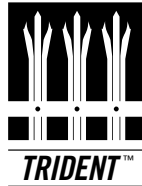
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2.75"w x 14ga PALES | 2" x 2" x 11ga RAILS | 3" x 2.75" x 12ga & 4" x 2.75" x 11ga I-BEAM POSTS



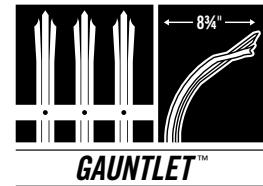
STYLE OPTIONS



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FABRICATION & DESIGN

Impasse II panels and posts are manufactured using high-tensile pre-galvanized G-90 steel. Each component has been roll-formed into a unique profile that yields significant strength properties. Impasse II's distinct design enables the fence to traverse aggressive changes in grade in order to maintain security along any perimeter. Each connection point of the Impasse II system is secured with tamper-proof fasteners providing the highest level of security and versatility.



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15 YEAR LIMITED WARRANTY

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MEMORANDUM

To: FILE
From: Richard Knowland
Subject: Application ID: 2014-038
Date: 5/6/2014

ATTACHMENT F

Comments Submitted by: Marge Schmuckal/Zoning on 5/6/2014

I have briefly looked at this submission. The project is located in the WPDZ zone with a Shoreland overlay. The proposed use for intermodal transportation facilities is a listed, permitted use under section 14-319(b)1. However the applicant explains that "there may be times where there will be truck to truck .." exchanges, I would want the applicant to explain that in more detail outlining how this is an accessory use and not a principal use. The zone does not permit trucking terminals per se. I want to be sure that the truck to truck component is not more than the other proposed intermodal uses. I note that that same section of permitted uses does allow intermodal transportation for railroad transportation services.

I also reviewed the submission concerning shoreland regulations. There is information concerning the clearing of vegetation. The verbage goes on to say "see enclosed plans for specifics." I did not find an enclosed plan that related to what was written. Please provide such plans or indicate which plan it is within the submission, so I can review compliance with our Ordinance.

Marge Schmuckal
Zoning Administrator

From: Patrick Carroll <pcarroll@carroll-assoc.com>
Sent: Monday, May 19, 2014 4:30 PM
To: Craig Morin; Mitch Elliott; Bruce Munger
Cc: Matthew Phillips
Subject: FW: IMT Expansion -- Traffic Comments

ATTACHMENT G

Craig,

This just in from Tom Errico.
PC

From: Tom Errico [mailto:thomas.errico@tylin.com]
Sent: Monday, May 19, 2014 4:04 PM
To: Rick Knowland
Cc: David Margolis-Pineo; Katherine Earley; Jeremiah Bartlett; Jeff Tarling (JST@portlandmaine.gov)
Subject: IMT Expansion -- Traffic Comments

Rick – The following presents a brief summary of traffic issues that need resolution and can serve as discussion items for Wednesday's meeting. My review continues and therefore additional comments should be expected.

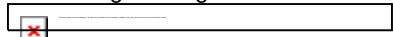
1. The traffic signal plan includes special signal phasing for Nova Seafood. I would suggest that a City agreement with Nova Seafood be crafted related to traffic operations and a memorandum of understanding and for traffic control.
2. The driveway apron material at Nova Seafood does not meet City standards and a waiver will be required.
3. Several of the driveways on Commercial Street (IMT, Nova Seafood, and Gray Bar) do not meet City width standards and thus waivers will be required.
4. Several of the driveways on Commercial Street do not meet City corner clearance and separation standards.
5. The City is requesting that truck parking on in-bound Commercial Street be prohibited for to be specified distance in advance of the Beach Street intersection. The City will provide this restriction length.
6. The applicant should investigate the provision of a bicycle lane on Beach Street departing the intersection.
7. I am concerned about traffic operations and congestion during peak time periods, particularly when the special Nova Seafood traffic signal phase is actuated. The applicant should investigate the ability to limit the traffic signal phase during peak time periods.
8. A sidewalk waiver has been requested and a review of the supporting information will be performed.
9. A granite curbing waiver has been requested and a review of the supporting information will be performed.
10. The applicant should provide information as it relates to use of the proposed traffic signal by existing IMT traffic. I believe there will be overall site traffic and safety benefits if all IMT traffic has the ability to use the traffic signal.
11. A construction management plan has been prepared. Additional information will be required as it relates to specific traffic, pedestrian, and bicycle impacts during construction.
12. At the planning board workshop, there was discussion about the provision of a driveway entrance west of the project site for future development access and egress. The applicant should provide information in support of that driveway if that is to be included in the project approval.
13. The City does not support the use of pavement markings to delineated pavements areas for use by large trucks.
14. The phasing for the intersection does not appear to be NEMA compliant. Please revise with Commercial Street as the main street, assuming an east-west phasing structure.
15. The phasing sequence should begin with Commercial Street and end with Nova Seafood (currently designated as Phase 9).
16. The peak hour cycle length seems unusually long for an intersection with this type of geometry, going as long as 150 seconds during the PM peak hour. Discussion should be provided as to why shorter cycle lengths cannot be achieved.

17. The pedestrian timing does not appear to provide sufficient crossing time, particularly for Commercial Street. Please confirm use of a standard 3.5 feet per second pedestrian crossing time from curb to curb.
18. Given the sight distance issues for this intersection, the all-red clearance times should likely be extended.
19. The City's technical standards are in the process to migrating to infra-red video detection as a requirement. The City now requires that either the cameras used with the VIP processors be the FLIR FC series or that the solution be based on the FLIR TrafiSense cameras.
20. Please specify four-inch conduit to provide additional future wiring capabilities.
21. Please provide one-piece pedestrian poles.
22. All pole bases, pull boxes and controller conduits should be sealed to prevent access by rodents and other small animals.
23. Please confirm the method of advance notification when the Commercial Street westbound approach is red to account for minimal sight distances passing by Nova Seafood.
24. It is my understanding that the Nova Seafood driveways will be restricted such that the easterly driveway will be an entrance only and the westerly driveway a exit only driveway. The plans do not reflect this.
25. There are areas of roadway pavement that appear to be located outside the public right-of-way. An agreement on maintenance may be required.
26. The applicant should note the material for the Nova Seafood island.
27. The applicant should provide details for the area between the sidewalk and the Nova Seafood island.
28. The left-turn bay shadowed island is depicted as paint. The applicant should investigate other material treatment for longevity purposes.
29. During Casco Bay Bridge openings, traffic may be backed up into the new traffic signalized intersection. The applicant should note whether there are any provisions for this scenario from a traffic signal perspective.
30. The bicycle lane on the outbound side of Commercial Street continues to the limit of work, while the in-bound bicycle lane begins at the point where the left-turn lane is starting. The applicant should note why the in-bound bicycle lane can't start at the project limits.
31. The direction sign that note Casco Bay Bridge 500 Feet is being removed. This removal should be confirmed by City staff.
32. The plans illustrate that the sidewalk at the corner of the Nova Seafood building will not need to be reconstructed. Given that the curb is being relocated, the sidewalk will need to be upgraded.
33. The length of curbing at the Nova Seafood driveway is being eliminated. Justification on this change shall be provided
34. A fire hydrant is located in the middle of the sidewalk east of the easternmost Nova Seafood driveway. It would be beneficial if this hydrant could be relocated.
35. The plan replaces an existing Casco Bay Bridge 500 Feet sign with a sign that notes Casco Bay Bridge (right) and Fore River Parkway (through). City staff should determine if this replacement is acceptable.
36. It was my understanding that the bicycle lanes were going to have dashed line treatment through the intersection. The plans do not depict this.
37. The applicant should confirm that adequate illumination will be provided at the two crosswalk locations.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

 T.Y. Lin International

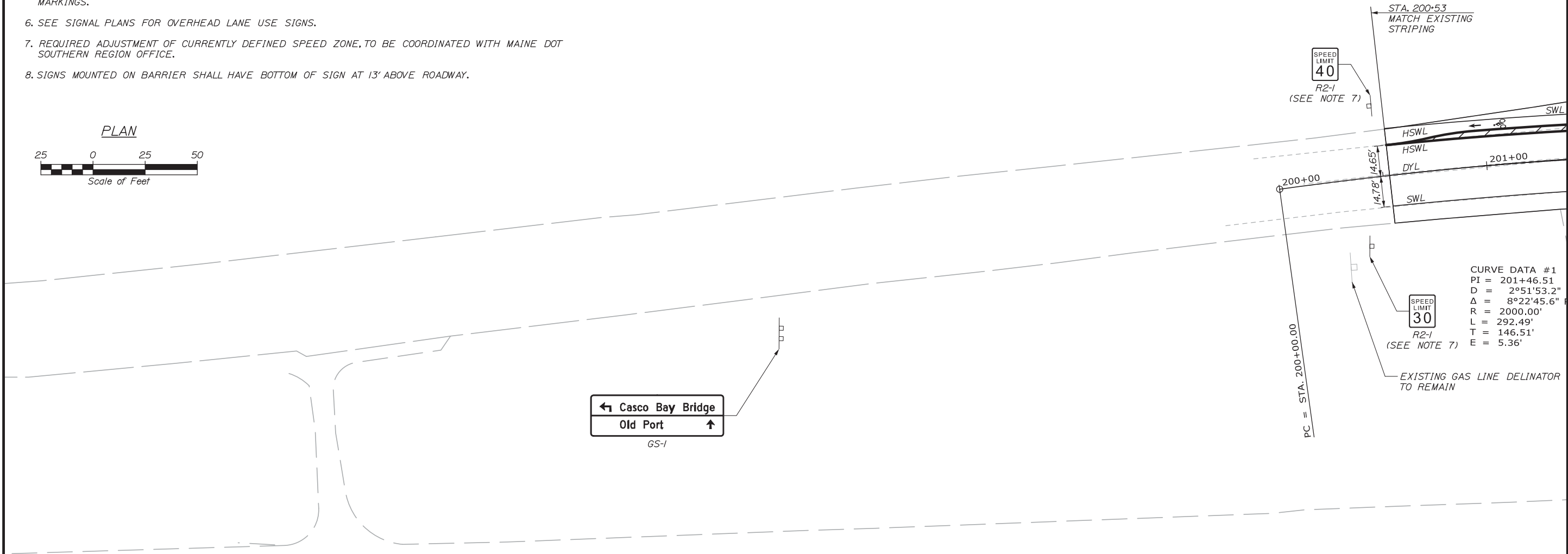
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)
207.400.0719 (mobile)
207.781.4753 (fax)

thomas.errico@tylin.com

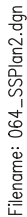
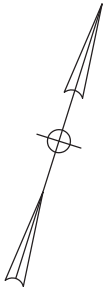
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SWL	SOLID WHITE LINE (4")		STRAIGHT ARROW PAVEMENT MARKING
SYL	SOLID YELLOW LINE (4")		
DYL	DOUBLE YELLOW LINE (4")		LEFT ARROW PAVEMENT MARKING
BWL	BROKEN WHITE LINE (4")		
DL	4" DOTTED WHITE LINE (2' LINE & 6' GAP)		RIGHT ARROW PAVEMENT MARKING
CW	CROSS WALK STRIPE (12")		
SL	STOP LINE (24")		SHARED STRAIGHT & RIGHT/LEFT ARROW PAVEMENT MARKING
HSWL	HEAVY SOLID WHITE LINE (12")		
	ONLY		"ONLY" PAVEMENT MARKING

1. ALL WORK TO CONFORM TO MAINE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES AND STANDARD DETAILS
2. ALL PROPOSED WORK SHALL BE IN CONFORMANCE WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS", AND "STANDARD HIGHWAY SIGNS", U.S.D.O.T., F.H.W.A. LATEST EDITION.
3. PAYMENT FOR REMOVAL OF EXISTING SIGNS SHALL BE INCIDENTAL TO 645 ITEMS.
4. SIGNS INSTALLED ON ISLANDS SHALL BE INSTALLED ON 4 LB/FT U-CHANNEL POSTS AND BREAKAWAY DEVICE. THE BREAKAWAY DEVICE SHALL BE MARION STEEL LAP SPLICE U-CHANNEL BREAKAWAY SYSTEM, "THE RIB-BAK."
5. THE CONTRACTOR SHALL REMOVE ALL EXISTING PAVEMENT MARKINGS THAT CONFLICT WITH PROPOSED MARKINGS.
6. SEE SIGNAL PLANS FOR OVERHEAD LANE USE SIGNS.
7. REQUIRED ADJUSTMENT OF CURRENTLY DEFINED SPEED ZONE, TO BE COORDINATED WITH MAINE DOT SOUTHERN REGION OFFICE.
8. SIGNS MOUNTED ON BARRIER SHALL HAVE BOTTOM OF SIGN AT 13' ABOVE ROADWAY.



63 OF 113		H29		SHEET NUMBER	
PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY COMMERCIAL STREET SIGNING & STRIPING PLANS					
PROJ. MANAGER		J. KITTREDGE	BY	DATE	STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.20
DESIGN-DETAILED		CDH	CDH/RWH	05/14	
CHECKED-REVIEWED		-	-	05/14	
DESIGN2-DETAILED2		-	-		
DESIGN3-DETAILED3		-	-	SIGNATURE	
REVISIONS 1		-	-	-	PROJECT NUMBER 022809.20
REVISIONS 2		-	-	-	
REVISIONS 3		-	-	-	
REVISIONS 4		-	-	-	
FIELD CHANGES		-	-	-	
					WIN 022809.20



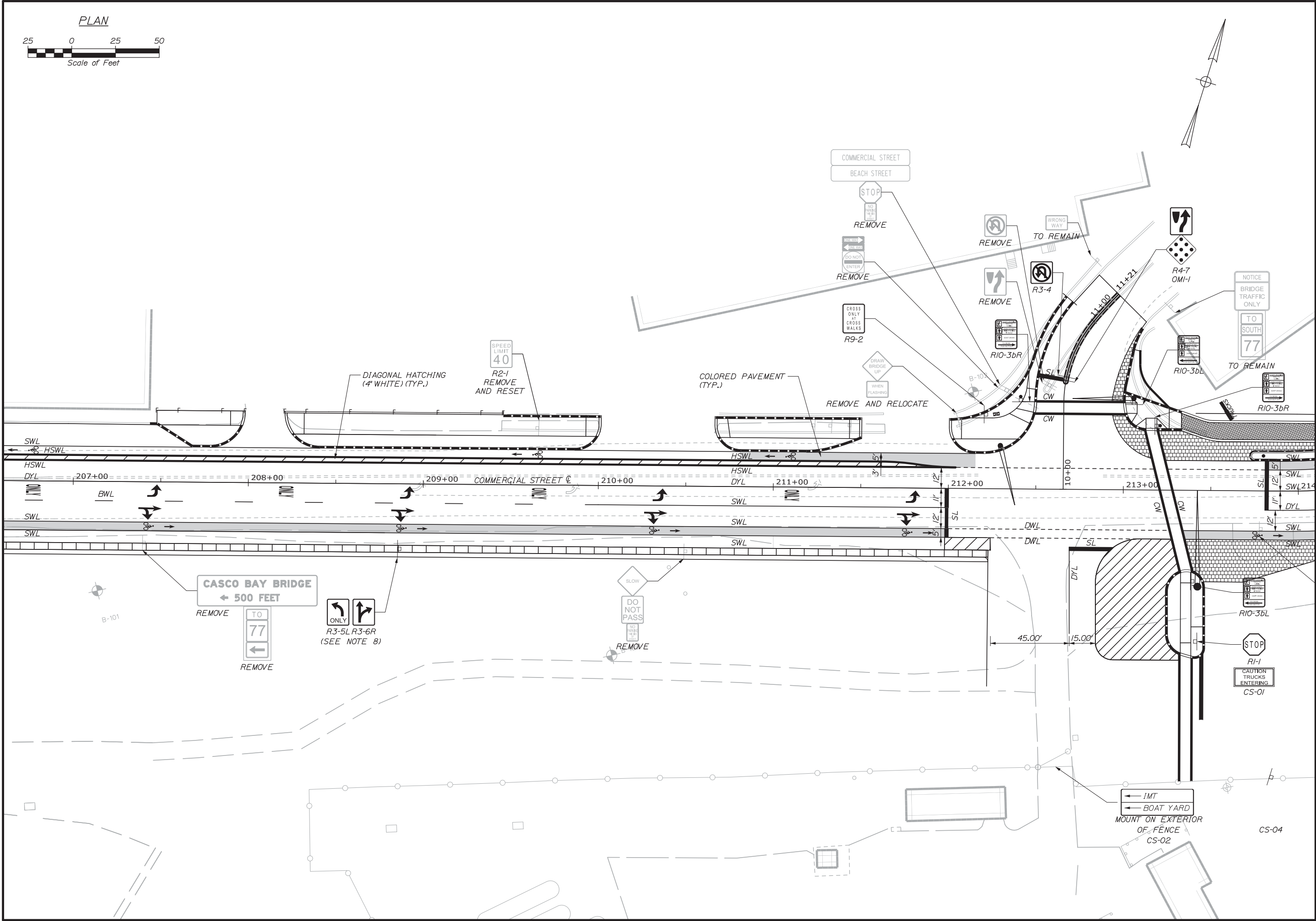
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		COMMERCIAL STREET SIGNING & STRIPING PLANS				DESIGN-DETAILED	CDH	CDH/RWH	05/14		
						CHECKED-REVIEWED	-	-	05/14		
						DESIGN2-DETAILED2	-	-			
						DESIGN3-DETAILED3	-	-			
				REVISIONS 1	-	-	-	P.E. NUMBER			
				REVISIONS 2	-	-	-	DATE			
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				REVISIONS 4	-	-	-				
				FIELD CHANGES	-	-	-				

Date:6/5/2014

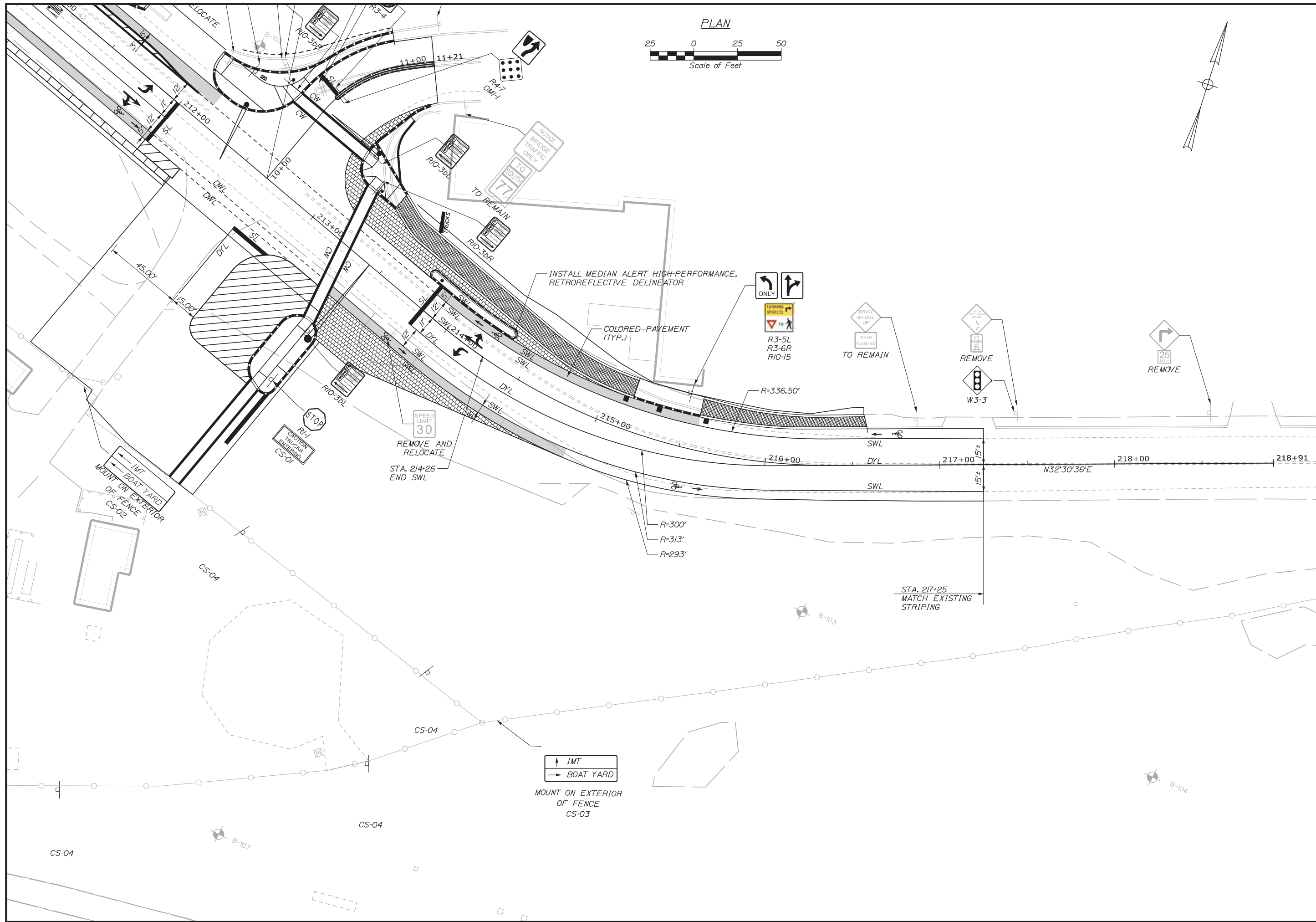
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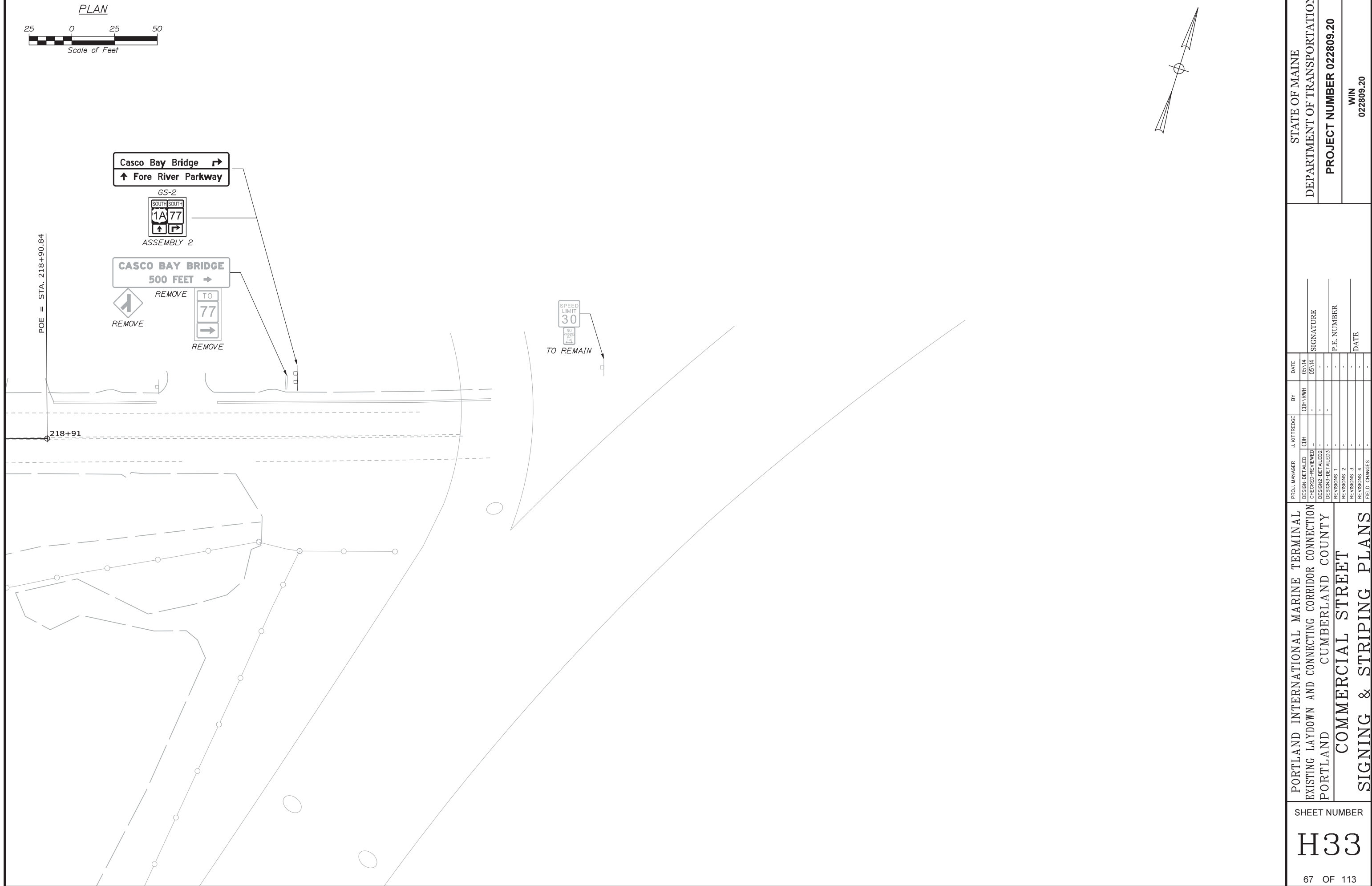
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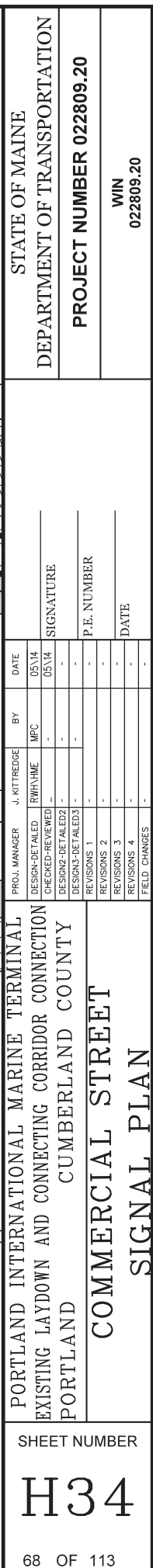


STATE OF MAINE		DEPARTMENT OF TRANSPORTATION		PROJECT NUMBER 022809.20		WIN 022809.20	
PORTLAND INTERNATIONAL MARINE TERMINAL		EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION		CUMBERLAND COUNTY		COMMERCIAL STREET	
SIGNING & STRIPING PLANS		SHEET NUMBER		H31		65 OF 113	
DATE	BY	J. KIT REDGE	DESIGN-DETAILED	05/14	SIGNATURE	P.E. NUMBER	DATE
05/14	RWH	RWH	CHECKED-REVIEWED	05/14			
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			DESIGN-DETAILED				
			REVISIONS 1				
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			REVISIONS 3				
			REVISIONS 4				
			FIELD CHANGES				



66 OF 113	SHEET NUMBER	PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY COMMERCIAL STREET	PROJ. MANAGER	J. KITTRIDGE	BY	DATE	STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.20
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			DESIGN3-DETAILED3	-	-	P.E. NUMBER	
		REVISIONS 1	-	-	-	WIN 022809.20	
		REVISIONS 2	-	-	-		
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		REVISIONS 4	-	-	DATE		
		FIELD CHANGES	-	-	-		





Date:6/5/2014

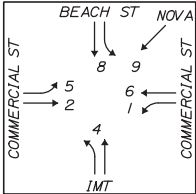
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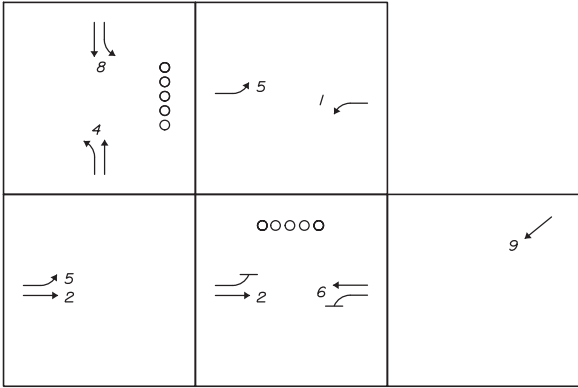
Filename: 069_Signal Notes.dgn

PROPOSED TIMING & PHASING

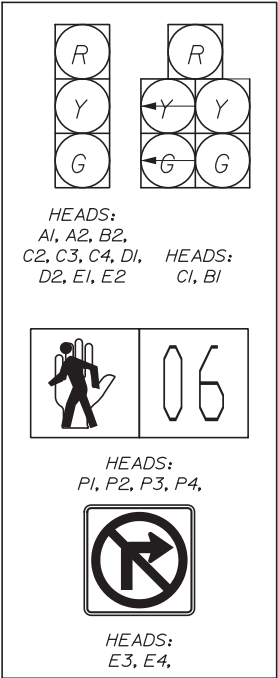
NEMA PHASE IDENTIFICATION



SIGNAL PHASING SEQUENCE



PROPOSED SIGNAL HEADS



SIGNAL NOTES

- CONDUITS INSTALLED ON UTILITY COMPANY OWNED POLES WILL BE INSTALLED BY THE RESPECTIVE UTILITY. THE CONDUIT WILL BE PROVIDED BY THE CONTRACTOR.
- THE LOCATION OF ALL SIGNAL EQUIPMENT AND RELATED ITEMS SHALL BE IN CONFORMITY WITH 'AMERICANS WITH DISABILITIES ACT' (ADA) ACCESSIBILITY STANDARDS. USE OF SIDEWALKS AND PEDESTRIAN RAMPS SHALL NOT BE OBSTRUCTED.
- TRAFFIC CONTROLLER CABINETS SHALL BE NAZTEC MODEL P44 TS2 TYPE I SERIES T ONLY. THE CABINET SHALL HAVE AN EXTENSION BASE AND BE MOUNTED ON A CONCRETE PAD FOUNDATION.
- ALL NEW SIGNAL SECTIONS SHALL HAVE LED LENSES 12 INCHES IN DIAMETER WITH 5" BACK PLATES.
- ALL SPLICES WILL BE MADE IN THE CABINETS MEETING MAINEDOT SPECIFICATIONS.
- THE BOTTOM OF THE HOUSING OF NEW MAST ARM MOUNTED SIGNAL FACES SHALL BE AT LEAST 16 FEET BUT NOT MORE THAN 19 FEET ABOVE THE PAVEMENT GRADE AT THE CENTER OF THE ROADWAY.
- TWO COPIES OF AS-BUILT PLANS, SIGNAL TIMING, AND CONTROLLER MANUALS SHALL BE LEFT IN THE CONTROLLER CABINET.
- THE CONTRACTOR IS RESPONSIBLE FOR FINDING EXACT LOCATIONS OF UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CONTACT DIG-SAFE AND APPROPRIATE AUTHORITIES PRIOR TO ANY SUBSURFACE ACTIVITIES.
- TRAFFIC SIGNAL WORK SHALL BE COMPLETED IN A MANNER AND ORDER THAT WILL CAUSE THE MINIMUM DISRUPTION TO TRAFFIC.
- THE RESIDENT, MAINE DOT, AND CITY SHALL HAVE THE RIGHT AND AUTHORITY TO DETERMINE THE ACCEPTABILITY OF WORK AND MATERIALS IN PROGRESS OR COMPLETED AND SHALL HAVE THE RIGHT TO REJECT ANY WORK OR MATERIALS WHICH DO NOT CONFORM, IN ITS SOLE OPINION, TO THE PLANS OR SPECIFICATIONS.
- THE CONTRACTOR SHALL PROVIDE THE RESIDENT AND THE CITY OF PORTLAND WITH A SCHEDULE OF WORK FOR CONSTRUCTING THE TRAFFIC IMPROVEMENTS.
- THE CONTRACTOR SHALL PREPARE A MATERIAL SCHEDULE BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING RED-LINE AS-BUILT DRAWINGS OF THE FINAL WORK TO THE RESIDENT. THOSE DRAWINGS SHALL BE A CLEAN SET OF PLANS SHOWING ALL CHANGES, MODIFICATIONS, AND ELEVATIONS TO THE BID PLANS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR FOUNDATION DESIGN AND DOCUMENTATION FOR ALL PEDESTAL POLES. THE CONTRACTOR SHALL SUBMIT DOCUMENTATION THAT IS STAMPED BY A REGISTERED PROFESSIONAL ENGINEER UNDER THEIR OFFICIAL SEAL TO THE RESIDENT FOR REVIEW AND APPROVAL.
- ALL UNDERGROUND CONDUIT SHALL BE PVC SCHEDULE 80 CONDUIT WHEN PLACED UNDER PAVEMENT AND SCHEDULE 40 BEYOND PAVEMENT LIMITS.
- AM TIMING SHALL BE FROM 7:00 - 9:00 AM; PM TIMING SHALL BE FROM 3:30 - 6:30 PM. FREE TIME OPERATION WILL BE FROM 9:00 AM - 3:30 PM AND 6:30 PM - 7:00 AM.
- CONTRACTOR SHALL SET THE PROPOSED SIGNAL TO FLASHING MODE ONE WEEK PRIOR TO ACTIVATING THE PROPOSED SIGNAL TIMING AND PHASING. FLASHING MODE SHALL BEGIN DURING THE BEGINNING OF A WEEK.
- THE THREE SECTION SIGNAL HEADS FOR NOVA SEAFOOD (E1 AND E2) SHALL BE EQUIPPED WITH GEOMETRICALLY PROGRAM LOUVERS TO LIMIT FIELD OF VIEW TO 15' ON EITHER SIDE OF CENTER OF THE STOP BAR FOR ALL SIGNAL INDICATORS. THE LOUVERS SHALL BE CONTAINED IN A FULLY ENCLOSED UNIVERSAL VISOR AND SHALL BE INSTALLED ON ALL SIGNAL INDICATORS.
- THE CONTRACTOR SHALL MEET ALL UTILITY REQUIREMENTS FOR THE NEW SERVICE CONNECTION.
- FOR POLE MOUNTED SIGNAL HEADS, THE BOTTOM OF THE HOUSING SHALL BE MOUNTED AT LEAST 8 FEET BUT NOT MORE THAN 19 FEET ABOVE THE SIDEWALK, OR ABOVE PAVMENT GRADE AT THE HIGH POINT OF THE ROAD.
- ALL PEDESTRAIN POLES SHALL BE ONE-PIECE.
- CONTRACTOR SHALL PROVIDE AND INSTALL ALL JUNCTION BOXES, ALL JUNCTION BOXES SHALL BE INCIDENTAL TO ITEM 643.80.
- THE CONTRACTOR SHALL REFER TO THE SPECIAL PROVISIONS FOR CITY OF PORTLAND SIGNAL REQUIREMENTS.
- ALL POLE BASES, PULL BOXES, AND OTHER CONTROLLER CONDUITS SHALL BE SEALED TO PREVENT ACCESS BY RODENTS AND OTHER SMALL ANIMALS.

VIDEO DETECTION

- VIDEO DETECTION SHALL CONSIST OF TRAFICON MODEL VIP 3.1 AND 3.2 SERIES PROCESSOR BOARDS, TRAFICON MODEL VIEWCOM/E COMMUNICATION BOARD, TRAFICON CAMERA ASSEMBLIES, 9" B/W MONITOR, SURGE/FUSE PANEL AND TRAFICON KEYPAD ONLY.
- DETECTION CAMERA FOR PHASE 9 SHALL BE A TERMAL TRAFFIC SENSOR SYSTEM PER CITY AND MAINEDOT. FOR ADDITIONAL INFORMATION SEE SPECIAL PROVISIONS.
- THE RESIDENT RESERVES THE RIGHT TO DIRECT THE CONTRACTOR TO FIELD ADJUST THE HEIGHT, EITHER LOWER OR HIGHER, OF THE VIDEO DETECTOR FOR LOCAL CONDITIONS IDENTIFIED DURING OR AFTER CONSTRUCTION. NO ADDITIONAL COSTS WILL BE ALLOWED FOR FIELD ADJUSTING THE VIDEO DETECTOR.

AM SIGNAL TIMING (CYCLE LENGTH 150.0 S)

	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	PHASE 6	PHASE 7	PHASE 8	PHASE 9*
MINIMUM GREEN	4	4	-	4	4	4	-	4	4
VEHICLE EXTENSION	3	3	-	3	3	3	-	3	3
MAXIMUM GREEN	4	9I	-	16	24	71	-	16	24
YELLOW	3	4	-	4	3	4	-	4	4
ALL RED	2	3	-	2	2	3	-	2	2
RECALL MODE	MIN	MAX	-	MIN	MAX	MIN	-	MIN	NONE
WALK	-	-	-	4	-	4	-	-	-
PED CLEAR	-	-	-	18	-	13	-	-	-

*A 45 SECOND DELAY IN ACTIVATION OF PHASE 9 SHALL BE PROGRAMMED INTO THE PHASE 9 TIMING.

PM SIGNAL TIMING (CYCLE LENGTH 150.0 S)

	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	PHASE 6	PHASE 7	PHASE 8	PHASE 9*
MINIMUM GREEN	4	4	-	4	4	4	-	4	4
VEHICLE EXTENSION	3	3	-	3	3	3	-	3	3
MAXIMUM GREEN	5	9I	-	16	12	84	-	16	24
YELLOW	3	4	-	4	3	4	-	4	4
ALL RED	2	3	-	2	2	3	-	2	2
RECALL MODE	MIN	MAX	-	MIN	MAX	MIN	-	MIN	NONE
WALK	-	-	-	4	-	4	-	-	-
PED CLEAR	-	-	-	18	-	13	-	-	-

*A 45 SECOND DELAY IN ACTIVATION OF PHASE 9 SHALL BE PROGRAMMED INTO THE PHASE 9 TIMING.

FREE SIGNAL TIMING (CYCLE LENGTH 100.0 S)

	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	PHASE 6	PHASE 7	PHASE 8	PHASE 9*
MINIMUM GREEN	4	4	-	4	4	4	-	4	4
VEHICLE EXTENSION	3	3	-	3	3	3	-	3	3
MAXIMUM GREEN	4	4I	-	16	7	38	-	16	24
YELLOW	3	4	-	4	3	4	-	4	4
ALL RED	2	3	-	2	2	3	-	2	2
RECALL MODE	MIN	MAX	-	MIN	MAX	MIN	-	MIN	NONE
WALK	-	-	-	4	-	4	-	-	-
PED CLEAR	-	-	-	18	-	13	-	-	-

*A 45 SECOND DELAY IN ACTIVATION OF PHASE 9 SHALL BE PROGRAMMED INTO THE PHASE 9 TIMING.

IMT SIGNAL NOTES:

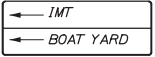
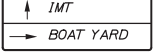
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.20
WIN
022809.20

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
PORTLAND CUMBERLAND COUNTY
COMMERCIAL STREET
SIGNAL NOTES

SHEET NUMBER
H35
69 OF 113

DATE	BY	J. KIT REDOE	PROJ. MANAGER	DESIGN-DETAILED	CHECKED-REVIEWED	DESIGN-DETAILED	DESIGN-DETAILED	REVISIONS 1	REVISIONS 2	REVISIONS 3	REVISIONS 4	FIELD CHANGES
05/14	RWH	-	-	-	-	-	-	4/24/14	Revised Int. for Amend. 3	5/7/2/14	-	-
05/14	-	-	-	-	-	-	-	-	-	-	-	-
SIGNATURE												
P.E. NUMBER												
DATE												

IDENTIFI- CATION NUMBER	SIZE OF SIGN		TEXT	TEXT DIMENSIONS (INCHES)			NUMBER OF SIGNS REQUIRED	COLOR		BORDER RADIUS	AREA IN SQUARE FEET	NOTES
	WIDTH	HEIGHT		LETTER HEIGHT	VERTICAL SPACING	ARROW RTE. MKR.		BACK- GROUND	LEGEND BORDER			
OMI-1	18"	18"		TEXT DIMENSIONS SHALL CONFORM TO '2004 EDITION - STANDARD HIGHWAY SIGNS - 2012 SUPPLEMENT'			/	COLORS SHALL CONFORM TO '2004 EDITION - STANDARD HIGHWAY SIGNS - 2012 SUPPLEMENT'			2.25 (2.25)	
CS-01	24"	30"					/				4.50 (4.50)	
RI-1	30"	30"					/				6.25 (6.25)	
R2-1 (30) R2-1 (40)	30"	36"					/				7.50 (7.50)	
							/				7.50 (7.50)	
R3-4	24"	24"					/				4.00 (4.00)	
R3-5L	30"	36"					5				7.50 (37.50)	
R3-6R	30"	36"					5				7.50 (37.50)	
R4-7	24"	30"					/				5.00 (5.00)	
R9-2	12"	18"					/				1.50 (1.50)	
RI0-3bL	9"	12"					2				0.75 (1.50)	
RI0-3bR	9"	12"					2				0.75 (1.50)	
RI0-12	30"	36"					2				7.50 (15.00)	
RI0-15	30"	30"					/				6.25 (6.25)	

IDENTIFI- CATION NUMBER	SIZE OF SIGN		TEXT	TEXT DIMENSIONS (INCHES)			NUMBER OF SIGNS REQUIRED	COLOR		BORDER RADIUS	AREA IN SQUARE FEET	NOTES
	WIDTH	HEIGHT		LETTER HEIGHT	VERTICAL SPACING	ARROW RTE. MKR.		BACK- GROUND	LEGEND BORDER			
CS-04	18"	30"		TEXT DIMENSIONS SHALL CONFORM TO '2004 EDITION - STANDARD HIGHWAY SIGNS - 2012 SUPPLEMENT'			4	COLORS SHALL CONFORM TO '2004 EDITION - STANDARD HIGHWAY SIGNS - 2012 SUPPLEMENT'			3.75 (15.00)	
W3-3	30"	30"					/				6.25 (6.25)	
W3-6a	36"	36"					/				9.00 (9.00)	
W16-13P	24"	18"					/				3.00 (3.00)	
GS-1	36"	108"					/				27.00 (27.00)	
GS-2	36"	108"					/				27.00 (27.00)	
CS-02	24"	48"					/				8.00 (8.00)	
CS-03	24"	48"					/				8.00 (8.00)	
MI-4	24"	24"					2				4.00 (8.00)	
MI-5	24"	24"					2				4.00 (8.00)	
M3-1	24"	12"					/				2.00 (2.00)	
M3-3	24"	12"					3				2.00 (6.00)	
R3-17	24"	18"					2				3.00 (6.00)	



SIGN ASSEMBLY NO.1
(1 REQUIRED)



SIGN ASSEMBLY NO.2
(1 REQUIRED)

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.20
WIN
022809.20

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
PORTLAND CUMBERLAND COUNTY
SIGN SUMMARY

SHEET NUMBER
H36
70 OF 113

ATTACHMENT I

Portland International Marine Terminal Existing Laydown and Connecting Corridor Connection Project

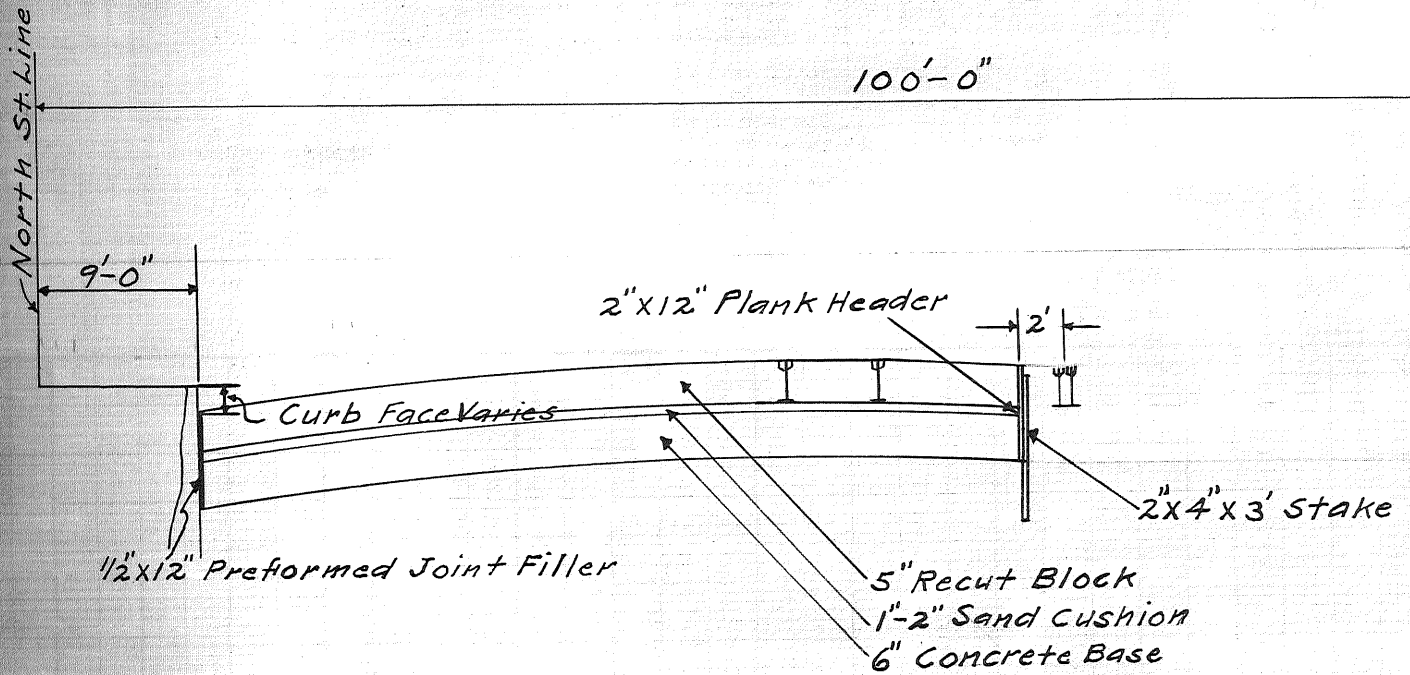
CONSTRUCTION MANAGEMENT PLAN

The following outline represents the anticipated construction management plan that will be provided by the winning bidder for the project:

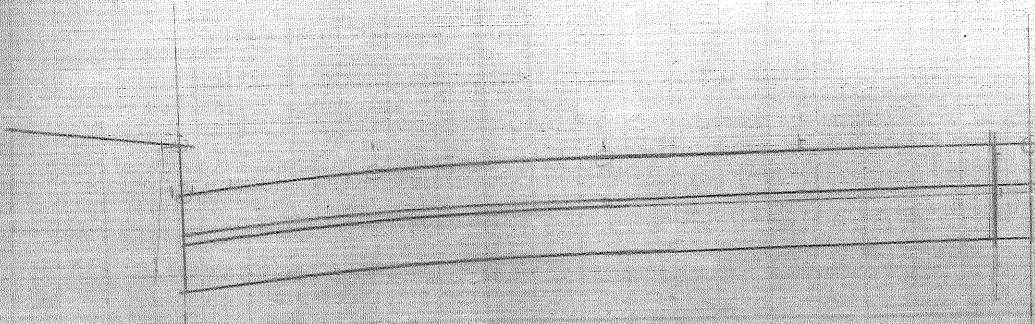
- The contractor shall maintain a minimum of a 11 foot lane through lane (and a 10 foot Left turn lane for eastbound commercial street) for each approach through the duration of the project unless otherwise noted.
- The contractor shall maintain a minimum of a 3 foot sidewalk for existing pedestrian approaches for the duration of the project unless otherwise noted.
- All full lane closures on Commercial street shall only be allowed from 7 PM to 7 AM Sunday night through Friday Morning. Full lane closures shall have a minimum of an 11 foot lane of alternating one way traffic.
- All Traffic Control Devices shall comply with the latest edition of the MUTCD.
- All temporary pedestrian facilities shall comply ADA requirements.
- No unpaved surfaces (gravel) shall be allowed within the work zone on Commercial Street.
- The Contractor Shall provide Certified Flaggers for any construction operation requiring short term stoppages of traffic.

ATTACHMENT J

7.50
7.33
1.17



SECTION AT STA. 4+56.64



ATTACHMENT K

From: Rick Knowland [<mailto:RWK@portlandmaine.gov>]

Sent: Wednesday, June 04, 2014 11:48 AM

To: pcarroll@carroll-assoc.com

Cc: Alex Jaegerman; Barbara Barhydt; David Margolis-Pineo; Thomas.Errico@tylin.com

Subject: imt

Hi Pat, As a quick follow-up to our phone conversation. It would be very helpful to have responses to Tom Errico's last review memo. We deal in written documentation so unless we see it in writing it doesn't exist. It would be helpful to all parties concerned if Tom's list of issues in his memo could be reduced in number. This should be emailed to Tom and myself asap otherwise it will be too late to incorporate in Tom's memo to the Planning Board.

Meeting held yesterday with Mike B., K. Earlie, David M-P and others. People seem to like the pervious panels but would like further info and references regarding product history, maintenance and durability. There were several comments indicating it will be a challenge for the city to maintain the panels. (Would the State be willing to maintain it?) A question came up whether there could be scuppers or breaks in the wall to serve as an outlet for water in case there was a failure.

Green bike lane questions came up regarding maintenance, available warranty and durability. Further info would be helpful. One comment was whether it would make sense to shave some of the pavement first prior to installation so when the bike lane material is applied it would be thicker.

By Nova Seafood, City wants the cobblestones back because it provides a clear delineation for circulation movements (trucks, cars, peds). The material should Belgium blocks. The expansive sidewalk apron along Nova we are open to a non-brick material because of potential truck damage to bricks. We are open to colored concrete or some other similar material (ability to support heavy trucks) which would provide a contrast from the Nova black top parking area and the Belgium blocks.

The area on the southerly side of Commercial St (which allows Nova trucks the ability to turn where cobble stones were previously located) should be concrete rather than black top.

This provides you an update on staff comments regarding the imt. Needless to say we are very interested in any updates on the access/utility easement issue regarding new yard and imt.

Should you have any questions please feel free to contact me.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments. Thank you.

ATTACHMENT L



Pulverizing & Coloring Process

PO Box 611 493 State Route 28 Richfield Springs, NY 13439

www.rubylakeglass.com

Pulverizing



**Recycled
Post
Consumer
/ Industrial
Glass**

Pulverizing

Screened Product Sizes

**4/8 Mesh
[3-5mm]**

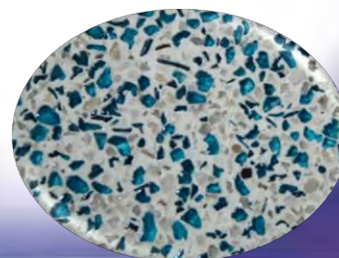
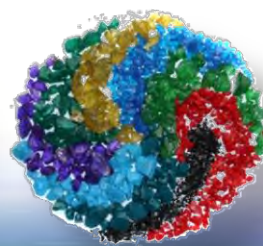
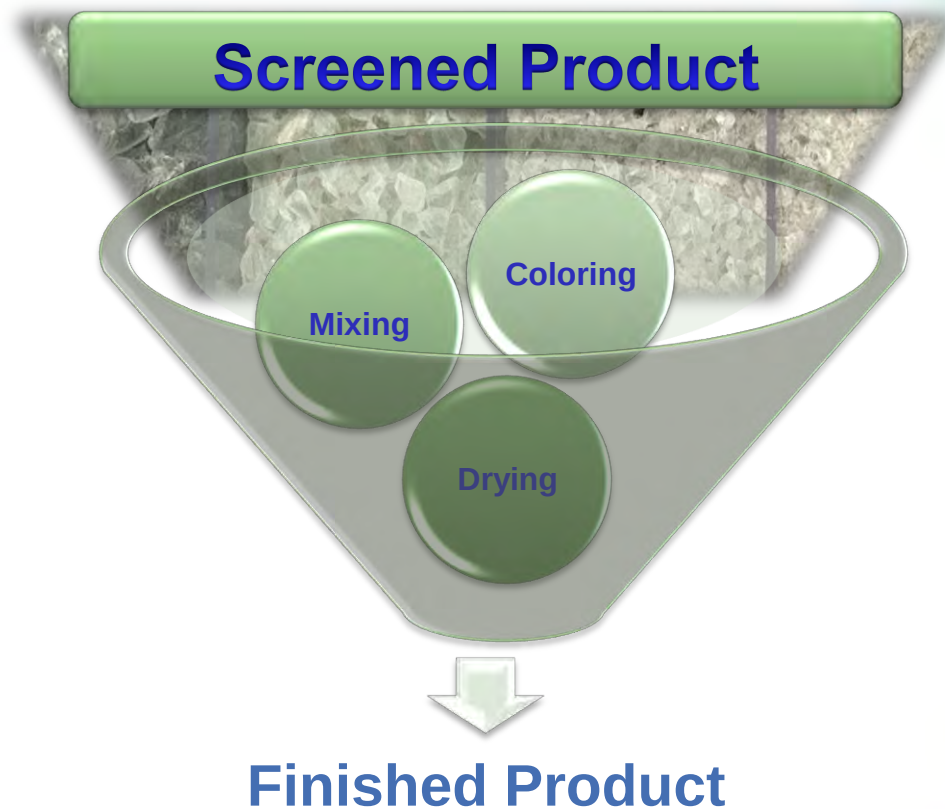
**8/14 Mesh
[1.5-3mm]**

**14/20 Mesh
[0.8-1.5mm]**

**20/40 Mesh
[0.4-0.8mm]**

**40/70 Mesh
[fines]**

Coloring





Summary of Testing Data on Color-Coated Recycled Glass Aggregate

Ruby Lake Glass, LLC (RLG) is an American company which has exclusive license in North and South America for the processes and products of Coloured Recycled Glass, Pty in Australia (CRG).

Test results achieved by RLG and CRG's product are summarized below. Copies of detailed test results are available on request.

The two most common questions about our color-coated recycled glass aggregates are:

How long does the color last? This is important to all interior and exterior applications, as they will be subjected to UV rays, weathering, and differing conditions of temperature and humidity.

How much skid resistance does the aggregate provide? This is relevant to road and walkway applications, where safety is an issue.

Color Fastness and Weather Durability:

CRG submitted eight panels with different colored aggregates for accelerated weathering tests to ASTM standards including conditions of aggressive QUV, heat and moisture. It is generally accepted in the industry that 1000 hours of QUV testing is equivocal to around 7 years of UV exposure. Each of the panels was situated so that only half the panel was exposed to weathering. After 2885 hours of testing, it was determined there was no visible deterioration in the appearance of any of the panels under exposure compared to unexposed sections.

Skid resistance:

British Pendulum Test: RLG had samples tested to evaluate initial laboratory friction properties of color coated glass aggregate applied on a board with a binder or resin. A British Pendulum (BPN) test was performed to estimate a correlation to a lock wheeled skid test using ribbed tire at 40 mph (FN40R).

The results of the laboratory testing and material observations regarding the friction properties of the subject material were a BPN of 80 and an estimated FN40R value of 71.

Polished Stone Value: Another standard that can be applied to our aggregate without regard to its application is a Polished Stone Value (PSV), or a Polished Aggregate Friction Value (PAFV). The PSV test utilizes a vertical wheel, the PAFV a horizontal wheel.

CRG had samples of their color-coated glass aggregate tested, as well as samples of calcined bauxite (an aggregate commonly used for road friction), for PAFV according to Australian standards. A value was measured in wet conditions before and after polishing. The bauxite's mean friction value before polishing was very high, at 105, with a PAFV after polishing of 79. The glass had a mean friction value before polishing of 80, and a PAFV of 60 after polishing. Different entities apply different requirements depending on the conditions of the location – however, generally, aggregate that has a PSV value over 60 is regarded as a skid resistant aggregate.



L.A. Abrasion Test: The Los Angeles (L.A.) abrasion test is a common test method used to indicate aggregate toughness and abrasion characteristics. RLG color coated aggregate was tested using ASTM C-131, Grading D resulting in an 11% loss through a #12 mesh sieve.

Aggregate Properties:

Magnesium Soundness: RLG color coated aggregate was tested using ASTM C-88 resulting a 2.45% loss

Acid Insolubility: RLG color coated aggregate was tested using ASTM D-3042 resulting in 100% insoluble.

** See attached documents for testing results.



Ruby Lake Glass, LLC
ATTN: Cynthia Andela
PO Box 611
493 State Route 28
Richfield Springs, NY 13439

October 18, 2013

**RE: High Friction Surface Testing
Ruby Lake Glass Aggregate No. 6- No. 16**

Dear Cynthia Andela,

Raba Kistner Infrastructure Inc. (RKI) is pleased to submit the report of our laboratory testing for the above-referenced project. This study was performed in accordance with the **RKI** proposal, dated October 18, 2013. The purpose of this study was to evaluate initial laboratory friction properties of color coated glass aggregate, perform a British Pendulum (BPN) test and estimate a correlation to a lock wheeled skid test using ribbed tire at 40 mph (FN40R). The following report presents the results of our laboratory testing and material observations regarding the friction properties of the subject material.

We received to our Orem, Utah laboratory on October 14 a BPN test specimen consisting of black color coated aggregate (No. 6 sieve size to plus No. 16 sieve size) adhered to an epoxy coated $\frac{1}{4}$ " thick by 24 inch long by 11.5 inch wide Hardy plank board. The laboratory test panel was prepared for testing by aggressively brushing surface until clean and free of loose particles then mounting level to a flat surface. The specimen was then tested according to ASTM E303-Standard Test method for Measuring Surface Frictional Properties using the British Pendulum Tester. The tests were run with both a 3 inch rubber pad and a $1\frac{1}{4}$ inch pad over a 5 inch travel path. Two locations along the test panel where selected for BPN testing and results are tabulated in Table 1 below.

The Average BPN results were then entered into a correlation equation^{1,2} which, based on laboratory and field testing, estimates the initial FN40R values as would be predicted if the actual field ASTM E274 (Standard Test Method for Skid Resistance of Paved Surfaces Using a Full-Scale Tire) test had been run on day one after installation.

- ^{1.} Fu, Chien and Hua, Chen. "Alternate Polish Value and Soundness Specifications for Bituminous Coarse Aggregates." Texas Department of Transportation, Report No. 7-3994, Austin, TX, 1998, pg 36.
- ^{2.} Fu, Chien. "Improved Polish Value Test Method and Skid Performance Prediction"

Table 1 – Laboratory BPN Tests Performed

Test Location	Results	Average BPN
Upper Middle 5" Strike	80, 80, 80, 80, 79	80
Lower Middle 5" Strike	80, 80, 79, 79, 79	79

Table 2 – Laboratory BPN Correlated to FN40R

Test Location	Average BPN	Estimated FN40R
Upper Middle 5" Strike	80	71
Lower Middle 5" Strike	79	71

Overall, the material appears to have an estimated FN40R value of **71**.

We appreciate the opportunity to be of service to you on this project. Should you have any questions about the information presented in this report, or if we may be of additional assistance, please call.

Very truly yours,

RABA KISTNER INFRASTRUCTURE, INC.

A handwritten signature in blue ink, appearing to read 'Aaron B. Smith', with a long horizontal flourish extending to the right.

Aaron B. Smith, P.E.
Geotechnical Engineer

Laboratory Evaluation of
Construction Materials
Field Testing & Observation
Subsurface Investigations
Geotechnical Engineering

John H. Robinson Testing

1319 Sassafras Street
Erie, Pennsylvania 16501-1720
Telephone: 814.454.0195
Facsimile: 814.453.2020

Member: ASTM, ACI, ACIL
AAP AASHTO R18 Accredited
USACOE Validated

Date: October 8, 2013

Client: Ruby Lake Glass, LLC
P. O. Box 611
493 State Route 28
Richfield Springs, NY 13439

Attn: Cynthia Andela

Re: DBi Texas Black Colored Glass
Product ID: PA1-3Blk

Lab Ref.: A-13-0187
Received: 10-02-2013
Examined with the following results:

MAGNESIUM SULFATE, 5 CYCLE: ASTM C-88

Grain Size	Grading Percent	Start Weight	End Weight	Loss Wt.	Percent Loss	Weighted % Loss
#6	2.3				2.7	0.06
#8	56.5	100.0	97.3	2.7	2.7	1.53
#16	41.13	100.0	97.9	2.1	2.1	0.86
Total Loss:						2.45

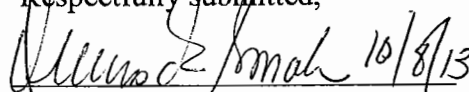
LOS ANGELES ABRASION: ASTM C-131, GRADING D, #12 WASH

Run #	Start Weight	End Weight	Loss	% Loss
1	5004.6	4414.1	590.5	11.8
2	4990.5	4422.2	568.3	11.4
Avg:				11.6

ACID INSOLUBLES: ASTM D-3042

Run #	Start Weight	End Weight	Loss	% Loss	% Insoluble
1	500.0	500.0	0.0	0.0	100.0
2	500.0	500.0	0.0	0.0	100.0
3	500.0	500.0	0.0	0.0	100.0
Avg.:					100.0

Respectfully submitted,


Dennis R. Smale
Laboratory Superintendent



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

May 2014

Maine Department of Transportation
Attn: Kristen Chamberlain
16 State House Station
Augusta, ME 04333

RE: Site Location of Development Act General Permit, Portland, DEP #L-26347-TP-A-N

Dear Ms. Chamberlain:

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

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at 207-592-1692 or at marybeth.richardson@maine.gov.

Sincerely,

Marybeth Richardson
Division of Land Resource Regulation
Bureau of Land and Water Quality

pc File:

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

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

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

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



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

MAINE DEPARTMENT OF	) SITE LOCATION OF DEVELOPMENT ACT
TRANSPORTATION	)
Portland, Cumberland County	)
LAYDOWN AREA AND CONNECTING	) GRANTING OF COVERAGE
RAIL CORRIDOR	) GENERAL PERMIT FOR THE MAINE
L-26347-TP-A-N (approval)	) DEPARTMENT OF TRANSPORTATION

The Department of Environmental Protection (Department) has considered the Notice of Intent submitted by MAINE DEPARTMENT OF TRANSPORTATION, with supportive data and other related materials on file, for coverage under the General Permit for the Maine Department of Transportation, issued by the Department on February 19, 2013, and FINDS THE FOLLOWING FACTS:

The applicant proposes to construct a laydown area and connecting railroad corridor between the existing International Marine Terminal and existing rail corridors. The project site is located between Commercial Street and the Fore River in Portland. The applicant has indicated that it intends to comply with the terms and conditions of the General Permit for the Maine Department of Transportation. The applicant is authorized to construct the facility in accordance with the applicant's Notice of Intent, received by the Department on May 16, 2014 and accepted for processing on May 22, 2014, and in accordance with the terms and conditions of the General Permit for the Maine Department of Transportation effective February 19, 2013 and authorized through February 18, 2018.

In conjunction with this project, the Maine Department of Transportation submitted a Natural Resources Protection Act (NRPA) Permit-by-Rule Notification form (PBR #57888) which indicates that activities occurring within 75 feet of the highest annual tide line will be carried out in accordance with the standards of the NRPA, Chapter 305, Section 11. The Department approved PBR #57888 on May 21, 2014.

Constructed and operated in accordance with the General Permit for the Maine Department of Transportation, the project will not adversely affect the natural environment, will be built on suitable soil types, will meet the standards for erosion control and stormwater management, will not pose an unreasonable risk of discharge to a significant ground water aquifer, will not unreasonably cause or increase the flooding of the area or adjacent properties nor create an unreasonable flood hazard to any structure and any blasting, if it occurs, will be conducted in accordance with the standards of 38 M.R.S. §490-Z(14). In addition, the applicant has made adequate provision of utilities and the

development will not have an unreasonable adverse effect on existing or proposed utilities in the municipality or area served by those services.

THEREFORE, the Department GRANTS coverage for MAINE DEPARTMENT OF TRANSPORTATION under the General Permit for the Maine Department of Transportation for the above-described laydown area and connecting rail corridor in Portland, Maine, subject to the terms and conditions therein.

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

DONE AND DATED AT AUGUSTA, MAINE THIS 27th DAY OF May, 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
For: PATRICIA W. AHO, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

MR/L26347AN/ATS#77750



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

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

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

II. JUDICIAL APPEALS

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

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

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

ADDITIONAL INFORMATION

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

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

Portland International Marine Terminal

Existing Laydown and Connecting Corridor Connection Project



Level III Final Site Plan Application

April 4, 2014

Submitted To:
CITY OF PORTLAND
PLANNING DEPARTMENT

Applicant:
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016

Prepared by:
Carroll Associates
217 Commercial Street, Portland, ME 04101
and
HNTB Corporation
340 County Road, Suite 6C
Westbrook, ME 04092

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1. Cover Letter



April 4, 2014

Ms. Barbara Barhydt
City of Portland Planning Authority
4th Floor, City Hall
389 Congress Street
Portland, ME 04101

**RE: Portland International Marine Terminal
Existing Laydown and Connecting Corridor Connection Project
Chart, Block, Lot: TM 59-A-1 thru 11**

Dear Barbara,

On behalf of the Maine State Department of Transportation (MaineDOT), we are pleased to submit this Level III Site Plan Application and supporting materials relating to improvements on land to be acquired from New Yard, LLC and Pan Am Railways and operated by the Maine Port Authority as the Portland International Marine Terminal (IMT). The project is located on land just west of the existing IMT facility and Casco Bay Bridge. The property proposed for the expansion is being acquired by MaineDOT through Eminent Domain to acquire the full fee interests in the subject properties. This project will provide infrastructure allowing expanded marine freight to continue to operate and grow on the Portland waterfront, benefiting both the City of Portland and the State of Maine for many years to come.

An existing approval is currently in place for the New Yard, LLC site development, and this approval will be amended through a separate application and run concurrent with this application. Both applications will clarify changes in ownership, access, utilities, and permit limits. This application by MaineDOT will reflect the development of the expansion in accordance with the needs of the MaineDOT and the Maine Port Authority. MaineDOT will work cooperatively with New Yard, LLC to foster success of both endeavors along the waterfront. See enclosed project description for a more in depth description of the land acquisition through Eminent Domain by MaineDOT.

The IMT expansion project includes significant portions of the land bound by West Commercial Street between Cassidy Point Road and the Casco Bay Bridge and the Fore River to the south. The property has been historically developed with marine, rail, utility and industrial type uses, and there is much evidence of its past development as a working waterfront, including exposed and grown over gravel surfaces and subbases, remnants of pavement, concrete slabs,

abandoned piers, and various alterations of the shoreline. Portions of the lands are undeveloped and vacant except for weedy type growth. All of the land shows evidence of alteration and previous development of some sort.

The project will include various landside improvements such as selective site clearing for construction; general site clean-up; rail improvements (both the removal of old track and installation of new track alignment) from Cassidy Point Drive to the proposed IMT site; a new 750' intermodal ramp for rail and crane loading operations; West Commercial Street improvements (including widening, restriping, bicycle, pedestrian, and streetscape improvements, reconfiguration of the Beach Street intersection and signalization); site re-grading and installation of gravels for storage/shipping container and chassis storage yard; drainage upgrades; new port security features including new site lighting, new fencing/gates, and cameras; and utility improvements including gas main relocation and new fire hydrants. An existing curb cut on West Commercial Street, opposite Beach Street, will be slightly reconfigured to provide an appropriately sized access for trucks entering/exiting from the facility. On the marine side, the project will implement repairs to the existing fenders along the pier, east of the Casco Bay Bridge.

It is our hope to begin the review process with City Staff and schedule a workshop with the Planning Board when appropriate at their next available meeting. Attached you will find one copy of the written documents (including application fee), one full size (24"x36") copy of the plans, one reduced size (11"x17") copy of the plans, and a CD with the entire application (written documents and plans).

We look forward to working with you, Planning Department staff, and the Planning Board in the review of this project. Please feel free to contact me to discuss any questions or concerns you may have regarding the attached application materials.

Sincerely,
CARROLL ASSOCIATES



Patrick J. Carroll
Principal

Enc.

Cc: Joel Kittredge, MaineDOT
Craig Morin, HNTB
William Needleman, City Waterfront Director

2. Letter of Authorization



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

March 27, 2014

Barbara Barhydt
Development Review Services Manager
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Re: IMT---Rail Corridor and Existing Laydown Yard Expansion WIN 22809.20

Dear Barbara:

This letter authorizes Patrick Carroll of Carroll Associates to act as agent on behalf of the MaineDOT in the submission of any and all application materials and public meetings as they relate to the above referenced project.

Sincerely,

Joel Kittredge, Project Manager
Bridge Program, MaineDOT

JCK/clr

3. Application Form



Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level II: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

The 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>

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.

PROJECT NAME: International Marine Terminal - Existing Laydown and Connecting Corridor Connection

PROPOSED DEVELOPMENT ADDRESS:

460 Commercial Street

PROJECT DESCRIPTION:

See attached project description

CHART/BLOCK/LOT: land owned (59-A-1,3+4,7+8, & 11)
land leased (59-A-2, 5+6, & 9-10)

PRELIMINARY PLAN
FINAL PLAN

 (date)
 X (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Joel Kittredge, Project Manager Business Name, if applicable: Maine Dept. of Transportation Address: 16 State House Station City/State : Augusta, ME Zip Code: 04333-0016	Applicant Contact Information Work # 207-624-3550 Home# Cell # Fax# e-mail: joel.c.kittredge@maine.gov
Owner – (if different from Applicant) Name: John Henshaw, Executive Director Marine Port Authority (MDOT) Address: 16 State House Station City/State : Augusta, ME Zip Code: 04333-016	Owner Contact Information Work # 207-200-2401 Home# Cell # Fax# e-mail: john.h.henshaw@maine.gov
Agent/ Representative Name: Patrick Carroll, Carroll Associates Address: 217 Commercial Street , #200 City/State : Portland, ME Zip Code: 04101	Agent/Representative Contact information Work # 207-772-1552 Cell # e-mail: pcarroll@carroll-assoc.com
Billing Information Name: Same as applicant Address: City/State : Zip Code:	Billing Information Work # Cell # Fax# e-mail:

Engineer Name: See attached project directory Address: City/State : Zip Code:	Engineer Contact Information Work # Cell # Fax# e-mail:
Surveyor Name: See attached project directory Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect not applicable Name: Address: City/State : Zip Code:	Architect Contact Information Work # Cell # Fax# e-mail:
Attorney not applicable Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

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) ___ Less than 50,000 sq. ft. (\$500.00) ___ 50,000 - 100,000 sq. ft. (\$1,000) ___ 100,000 – 200,000 sq. ft. (\$2,000) ___ 200,000 – 300,000 sq. ft. (\$3,000) ___ over 300,00 sq. ft. (\$5,000) <u>X</u> Parking lots over 11 spaces (\$1,000) ___ After-the-fact Review (\$1,000.00 plus applicable application fee) Plan Amendments (check applicable reviews) ___ Planning Staff Review (\$250) ___ Planning Board Review (\$500) 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 fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.	Other Reviews (check applicable reviews) ___ Traffic Movement (\$1,000) ___ Stormwater Quality (\$250) ___ Subdivisions (\$500 + \$25/lot) # of Lots ___ x \$25/lot = _____ ___ Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = _____ ___ Other _____ ___ Change of Use <u>X</u> Flood Plain <u>X</u> Shoreland ___ Design Review ___ Housing Replacement ___ Historic Preservation
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APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or DVD with each plan submitted as separate files, with individual file names (see submittal requirements document attached).
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Planning Division Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist for a detailed list of submission requirements.

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). Portland's Land Use Code is on the City's web site <http://www.portlandmaine.gov/citycode/chapter014.pdf>

APPLICANT SIGNATURE:

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 Level III Site Plan 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:

April 4, 2014



Agent, for MaineDOT

PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	19+/- ac or 827,640 sq. ft.
Proposed Total Disturbed Area of the Site	11.20 ac or 487,897 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	
Impervious Area (Total Existing)	3.05 ac or 132,738 sq. ft.
Impervious Area (Total Proposed)	11.12 ac or 484,389 sq. ft.
Building Ground Floor Area and Total Floor Area	NOT APPLICABLE
Building Footprint (Total Existing)	sq. ft.
Building Footprint (Total Proposed)	sq. ft.
Building Floor Area (Total Existing)	sq. ft.
Building Floor Area (Total Proposed)	sq. ft.
Zoning	
Existing	Waterfront Port Development Zone (WPD) and Shoreland Overlay District (SOD)
Proposed, if applicable	Same
Land Use	
Existing	Rail road corridor, industrial, and vacant land
Proposed	Marine container/chassis storage yard & marine/freight transportation operation facility
Residential, If applicable	NOT APPLICABLE
# of Residential Units (Total Existing)	
# of Residential Units (Total Proposed)	
# of Lots (Total Proposed)	
# of Affordable Housing Units (Total Proposed)	
Proposed Bedroom Mix	NOT APPLICABLE
# of Efficiency Units (Total Proposed)	
# of One-Bedroom Units (Total Proposed)	
# of Two-Bedroom Units (Total Proposed)	
# of Three-Bedroom Units (Total Proposed)	
Parking Spaces	
# of Parking Spaces (Total Existing)	0
# of Parking Spaces (Total Proposed)	0 as part of project but available on ex. IMT site to east (144 chassis spaces)
# of Handicapped Spaces (Total Proposed)	0 as part of project but available on ex. IMT site to east
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	4 total on two racks
Estimated Cost of Project	12.2 million

PRELIMINARY PLAN (Optional) - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
X		1	Evidence of state and/or federal approvals, if applicable
X		1	Written assessment of proposed project's compliance with applicable zoning requirements
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
X		1	Written requests for waivers from site plan or technical standards, if applicable.
X		1	Evidence of financial and technical capacity
X		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
X		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
			Proposed grading and contours;
X			Existing structures with distances from property line;
X			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
X			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
X			Preliminary infrastructure improvements;
X			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
X			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
X			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
X			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
N/A			Exterior building elevations.

FINAL PLAN - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
X		1	* Completed Application form
X		1	* Application fees
X		1	* Written description of project
X		1	* Evidence of right, title and interest
X		1	* Evidence of state and/or federal permits
X		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
X		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
X		1	* Evidence of financial and technical capacity
X		1	Construction Management Plan
X		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
X		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
X		1	Stormwater management plan and stormwater calculations
X		1	Written summary of project's consistency with related city master plans
X		1	Evidence of utility capacity to serve
X		1	Written summary of solid waste generation and proposed management of solid waste
X		1	A code summary referencing NFPA 1 and all Fire Department technical standards
X		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
N/A		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
X		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	Final Site Plans including the following:
X			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
X			Existing and proposed structures on parcels abutting site;
X			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
X			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
X			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
X			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
N/A			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
X			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
X			Location of all snow storage areas and/or a snow removal plan;
X			A traffic control plan as detailed in Section 1 of the Technical Manual;
X			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
N/A			Location and proposed alteration to any watercourse;
X			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
X			Proposed buffers and preservation measures for wetlands;
X			Existing soil conditions and location of test pits and test borings;
X			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
X			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
X			Grading plan;
X			Ground water protection measures;
X			Existing and proposed sewer mains and connections;

- Continued on next page -

X		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
X		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
X		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
N/A		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
N/A		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
N/A		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
N/A		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
N/A		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
X		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
N/A		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
X		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.



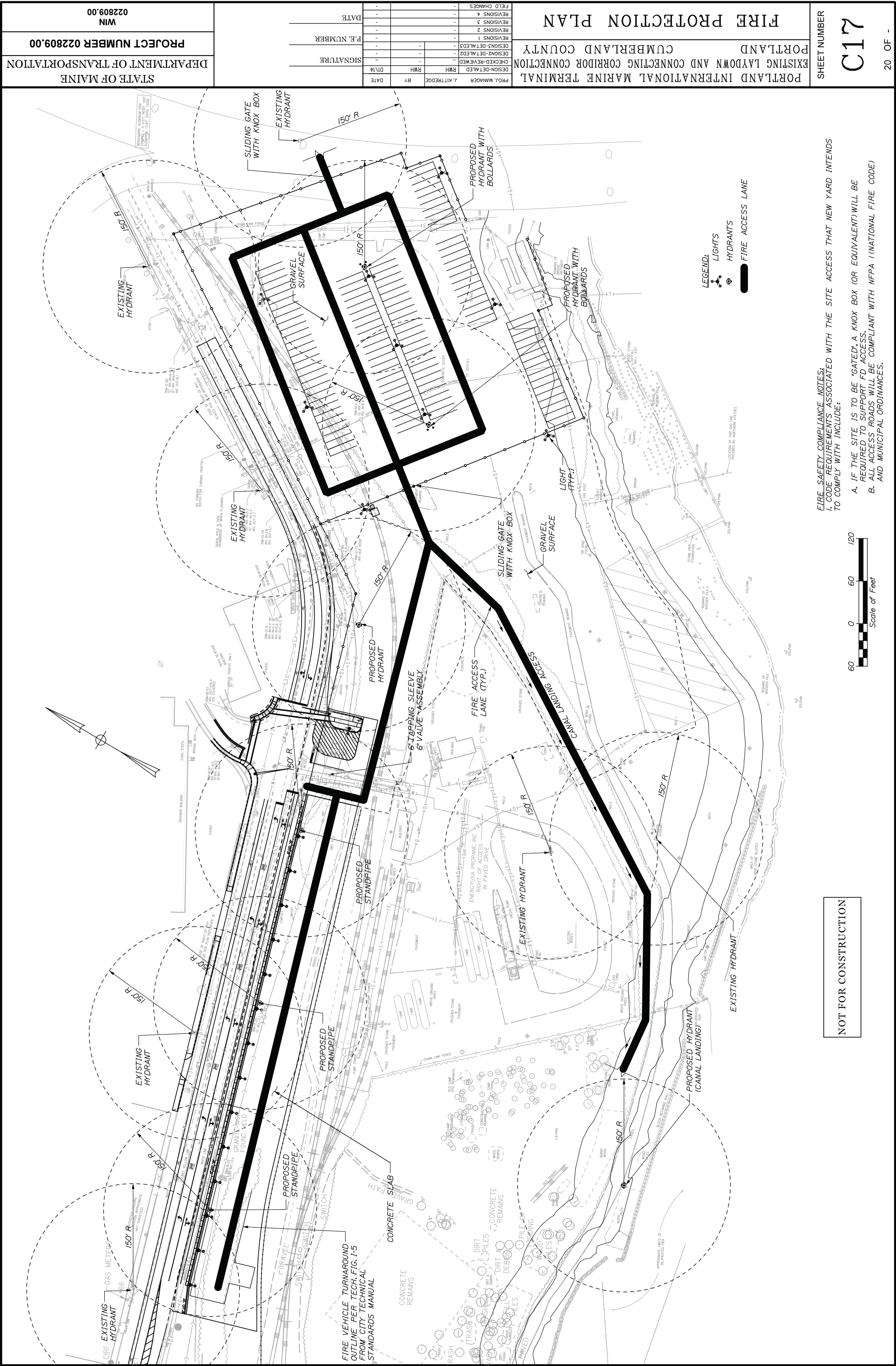
**PORTLAND FIRE DEPARTMENT
SITE REVIEW
FIRE DEPARTMENT CHECKLIST**



A separate drawing[s] shall be provided as part of the site plan application for the Portland Fire Department's review. **See attached drawings for site plan info and proposed hydrant locations**

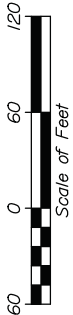
1. Name, address, telephone number of applicant
2. **Joel Kittredge, Maine Dept. of Transportation, 16 State House Station, Augusta, ME 04333-0016, 207-624-3550**
3. Name address, telephone number of architect
not applicable
4. Proposed uses of any structures [NFPA and IBC classification]
5. **not applicable**
6. Square footage of all structures [total and per story]
not applicable
7. Elevation of all structures
not applicable
8. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
9. Hydrant locations **1. North side of Comm. St. @ intersection with Clark Street (paper st.) in front of Nova Seafood**
(Existing) 2. North side of W. Comm. St., 400' west of Beach St. (between Graybar & Portland Star Match)
3. North side of W. Comm. St., 775' west of Beach St., in front of 83 West Comm. St.
10. Water main[s] size and location
Existing 12" water line in West Comm. & Comm. Street
11. Access to all structures [min. 2 sides]
not applicable, no structures are proposed
12. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.
See application code summary and Fire Protection Plan.

Some structures may require Fire flows using annex H of NFPA 1



NOT FOR CONSTRUCTION

FIRE SAFETY COMPLIANCE NOTES:
I. CODE REQUIREMENTS ASSOCIATED WITH THE SITE ACCESS THAT NEW YARD INTENDS TO COMPLY WITH INCLUDE:
A. IF THE SITE IS TO BE "GATED," A KNOX BOX (OR EQUIVALENT) WILL BE REQUIRED TO SUPPORT FD ACCESS.
B. ALL ACCESS ROADS WILL BE COMPLIANT WITH NFPA 1 (NATIONAL FIRE CODE) AND MUNICIPAL ORDINANCES.



SHEET NUMBER

C17

20 OF -

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
CUMBERLAND COUNTY
PORTLAND

FIRE PROTECTION PLAN

PROJ. MANAGER	J. KITTREDGE	BY	DATE
CHECKED-REVIEWED	RWH		01/14
DESIGN-DETAILED			
DESIGN-DETAILED2			
DESIGN-DETAILED3			
REVISIONS 1			
REVISIONS 2			
REVISIONS 3			
REVISIONS 4			
FIELD CHANGES			

SIGNATURE	P.E. NUMBER	DATE

STATE OF MAINE	DEPARTMENT OF TRANSPORTATION	PROJECT NUMBER 022809.00	WIN 022809.00
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CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: **April 4, 2014**

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: **460 Commercial Street**

Proposed Use: **Container storage yard & marine/freight transportation operation facility**

Previous Use: **vacant land**

Existing Sanitary Flows: **0** GPD Existing

Process Flows: **0** GPD

Description and location of City sewer that is to receive the proposed building sewer lateral. **not applicable, no buildings and no sewer laterals are proposed**

Chart Block Lot Number:

land owned (59-A-1,3+4,7+8, & 11)

land leased (59-A-2, 5+6, & 9-10)

Site Category
Commercial (see part 4 below)
Industrial (complete part 5 below)
Governmental
Residential
Other (specify)

X

(Clearly, indicate the proposed connections, on the submitted plans)

2. Please, Submit Contact Information.

City Planner's Name: **TBD**

Phone: **874-8721 or 874-8719**

Owner/Developer Name: **John Henshaw, Executive Director, Marine Port Authority (MDOT)**

Owner/Developer Address: **16 State House Station, Augusta, Maine 04333-016**

Phone: **207-200-2401**

Fax:

E-mail: **john.h.henshaw@mainr.gov**

Engineering Consultant Name: **Craig Morin, HNTB**

Engineering Consultant Address: **340 County Road, Suite 6-C, Westbrook, Maine 04092**

Phone: **207-228-0908**

Fax:

E-mail: **cmorin@hntb.com**

(Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review)

3. Please, Submit Domestic Wastewater Design Flow Calculations. **not applicable, no sewer connection proposed.**

Estimated Domestic Wastewater Flow Generated: _____ GPD

Peaking Factor/ Peak Times: _____

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine,"
"Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)

(Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet)

4. Please, Submit External Grease Interceptor Calculations. not applicable

Total Drainage Fixture Unit (DFU) Values: _____

Size of External Grease Interceptor: _____

Retention Time: _____

Peaking Factor/ Peak Times: _____

(Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet)

5. Please, Submit Industrial Process Wastewater Flow Calculations not applicable

Estimated Industrial Process Wastewater Flows Generated: _____ GPD

Do you currently hold Federal or State discharge permits? _____

Yes _____ No _____

Is the process wastewater termed categorical under CFR 40? _____

Yes _____ No _____

OSHA Standard Industrial Code (SIC): _____

<http://www.osha.gov/oshstats/sicser.html>

Peaking Factor/Peak Process Times: _____

(Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps)

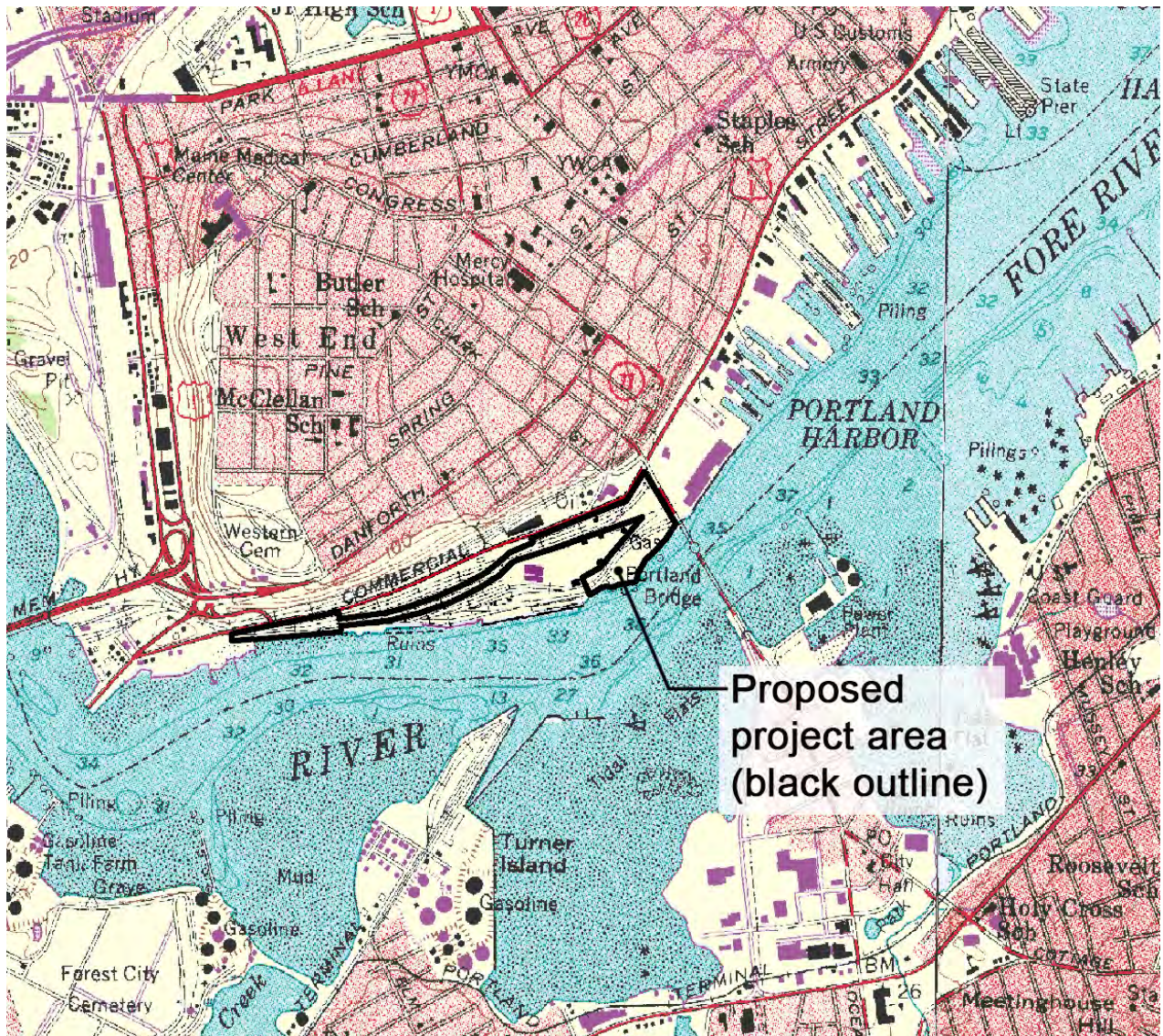
(Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided below, or attached, as a separate sheet)

Notes, Comments or Calculation

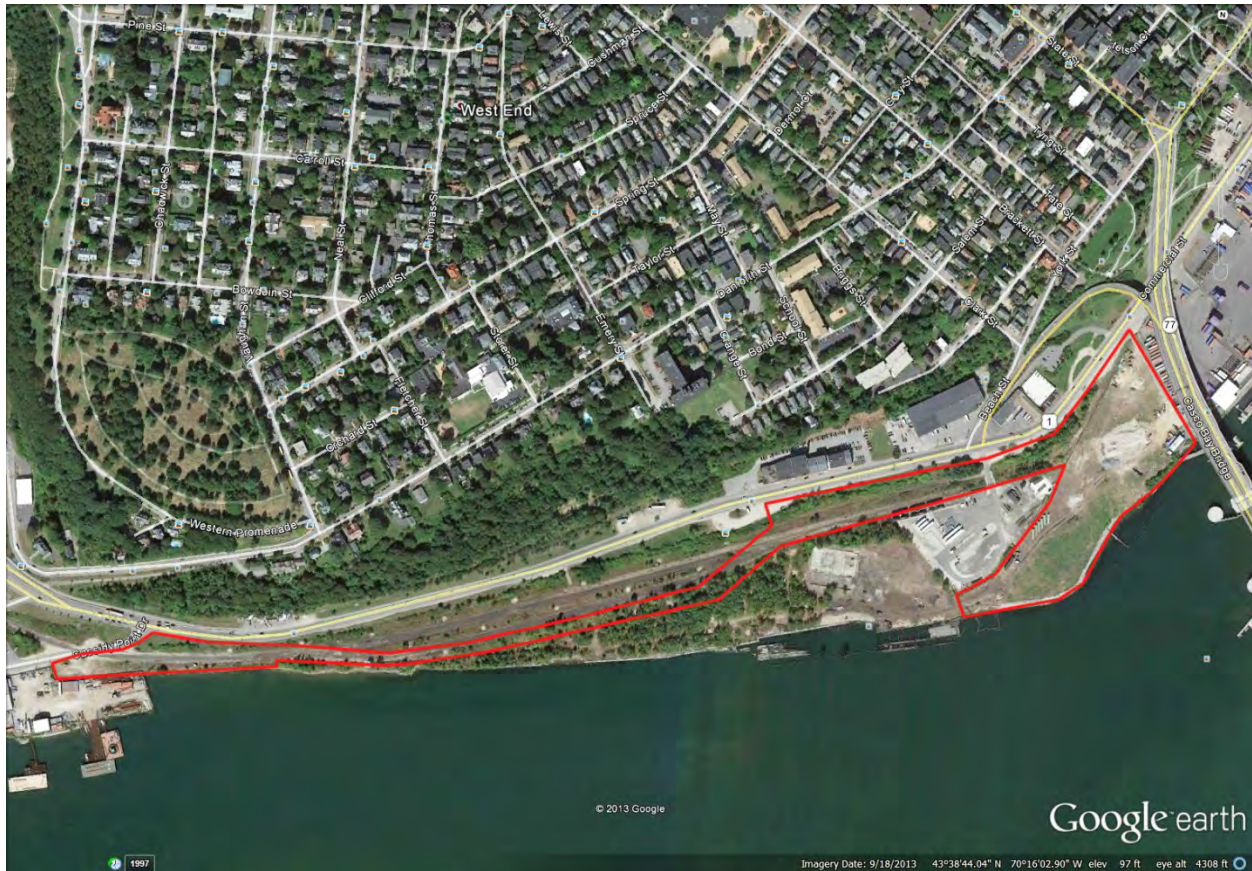
For this project only a temporary security shack is proposed (no buildings); whereas this is only an expansion of the existing IMT facility where there is an existing office building. No domestic type sewer connections are proposed. Instead a Porta-Potty type bathroom for the one security person (or other transit workers/truckers) is proposed.

4. Location Maps

Location Map – USGS



Location Map – Aerial photograph



Aerial photograph of approximate property (outlined in red) comprising Existing Laydown and Connecting Corridor Connection Project.

5. Description of Project

Description of Project

Expansion of the IMT operation is seen as a critical component to maintaining a viable working waterfront in Portland. This expansion is intended to provide two overall goals- increase the ability to store and move containerized cargo through the Port, and connect intermodally with the railroad, allowing connections to national and international distribution networks through rail and highway corridors.

The proposed project encompasses approximately 19 acres of the 36.5 acres of land on the southern side of West Commercial Street between the Casco Bay Bridge and Cassidy Point Road. An additional 4 acres will be acquired by the MaineDOT but will remain leased to Unitil and NGL and therefore will not be developed as part of this project. The project is located on portions of Portland Tax Maps 59, 60, 71, & 72. The project site is zoned Waterfront Port Development (WPZ) and Shoreland Overlay (SOD). The property is bound on the north by West Commercial Street and a number of businesses; to the east by the existing International Marine Terminal and the Casco Bay Bridge; to the south by privately owned land and the Fore River; and to the west by Cassidy Point Road and privately owned land.

An essential component of the proposed IMT expansion is the ability of MaineDOT to use its condemnation powers to acquire the full fee interests in the following properties:

- a. New Yard, LLC – 9.90 acres;
- b. Northern Utilities, Inc., a/k/a Unitil – Waterfront parcel containing 4.17 acres;
- c. Northern Utilities, Inc., a/k/a Unitil – Inland parcel containing 3.96 acres (2.19 acres of which is encumbered by a lease to Osterman Propane, LLC, f/k/a NGL-NE, LLC, which will be extinguished upon condemnation).
- d. Pan Am Property – 5.0 acres;

These parcels are absolutely critical to the expansion project due to their direct proximity to the existing IMT (for yard expansion and direct cross parcel access), their direct access to Commercial street (for site access and intermodal ramp access by truck and train), and their ability to relocate / extend the rail component from Cassidy Point to the intermodal ramp. The project site has historically been used as a working waterfront, rail corridor, and industrial area. Most of the land has been established over the years by the filling of the Fore River's edge. The property is broken into two different land use areas. The west parcel is the active rail corridor which is largely unmaintained with the exception of the area directly along the tracks for operations. The east parcel is largely vacant, unmaintained, successional growth over the former industrial areas.

The proposed expansion project will occur on lands directly to the west of the existing International Marine Terminal property. Of the 19 acres, approximately 14 acres lie just west of the Casco Bay Bridge and an additional 5 acres lie just east of Cassidy Point Drive. The remaining lands will be owned by New Yard, LLC and the Pan Am Railroad.

The project will include several design features in an effort to bring intermodal rail service to the Portland IMT. Approximately 2,850 linear feet of mainline track will be installed between Cassidy Point Drive and the western property line of the expanded terminal. Another 790-ft of track will extend into

the terminal yard which will facilitate container loadings onto rail cars. A separate 1040-ft rail siding will be added along the mainline to facilitate the building of multiple trains at one time. Out of the 14 acre parcel, 7 acres west of the existing terminal will be leveled with porous gravels to provide good drainage throughout the site. Lights and fire hydrants will be included in the design and installed throughout the storage yard. Approximately 1.6 acres out of the 14 acre parcel will be used to provide a concrete loading slab along the last 790-ft section of track and will allow for container lifting equipment such as fork lifts and reach-stackers to effectively load rail cars.

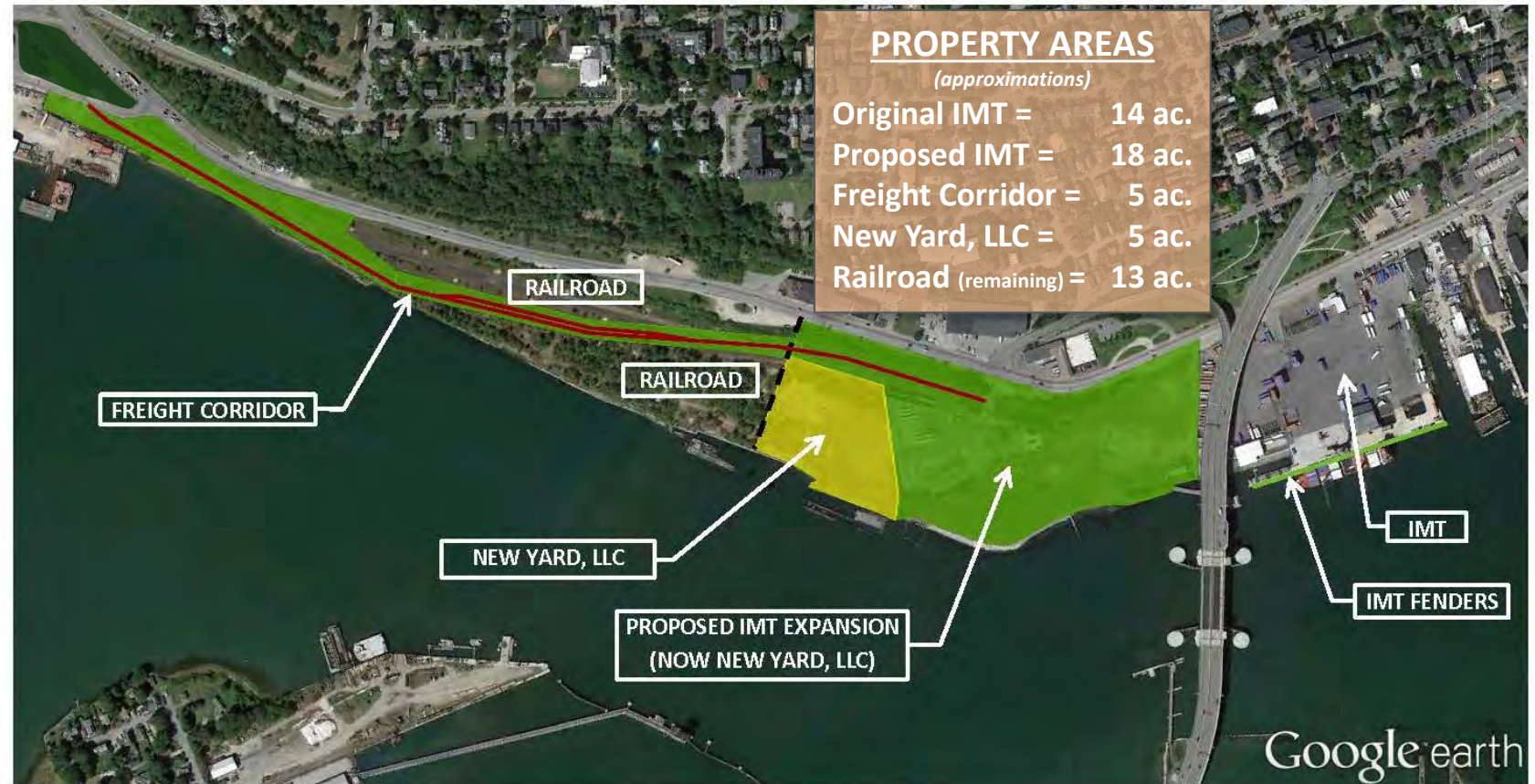
Additionally, the project envisions significant improvements to West Commercial Street and at the intersection of Beach Street. Proposed improvements include widening of the street to provide turn lanes and truck staging areas, signalization of the intersection, and improving the pedestrian corridor on the north side of West Commercial Street with new sidewalks and landings on both sides of Beach Street. Crosswalks will be installed to safely maintain pedestrians on the north side of Commercial Street and connect to the main vehicular entrance into the IMT parcel. Dedicated bicycle lanes are proposed in both directions along West Commercial Street. Paint striping and signage will also be used to clearly demark travel lanes including bike lanes on both sides of Commercial Street. Finally, landscaping will be added on both sides of West Commercial Street, enhancing the pedestrian and vehicular experience along Commercial Street at this important gateway into the City.

Lastly, this project extends over a vast strip of land along the southern side of Commercial Street as shown in the following sketches, and results in a unique layout of the remaining properties. The sketches depict the Original IMT facility immediately east of the Casco Bay Bridge, while the Proposed IMT expansion occurs to the west of the Bridge. The new area for the IMT will be approximately 32 acres and will facilitate storage of containers on chassis within the secured storage yard as well as intermodal transport over the new rail corridor. An additional 5 acres will be acquired from Pan Am railways for use a narrow railroad corridor as illustrated by red lines within the green-colored property area. Pan Am Railroad will continue to own approximately 13 acres, while New Yard LLC will own approximately 5 acres. Due to the landlocked nature of the waterfront railroad parcel and the New Yard LLC parcel, the applicant has worked extensively through a collaborative process to ensure easements and access ways are in place. The following sketches also identify these access points by way of grade crossings and designated internal corridors; and such features are indicative of the intent of the applicant to work together with its neighbors for the mutual benefit of all.

PORTLAND INTERNATIONAL MARINE TERMINAL

EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PROJECT

General Description of the Project



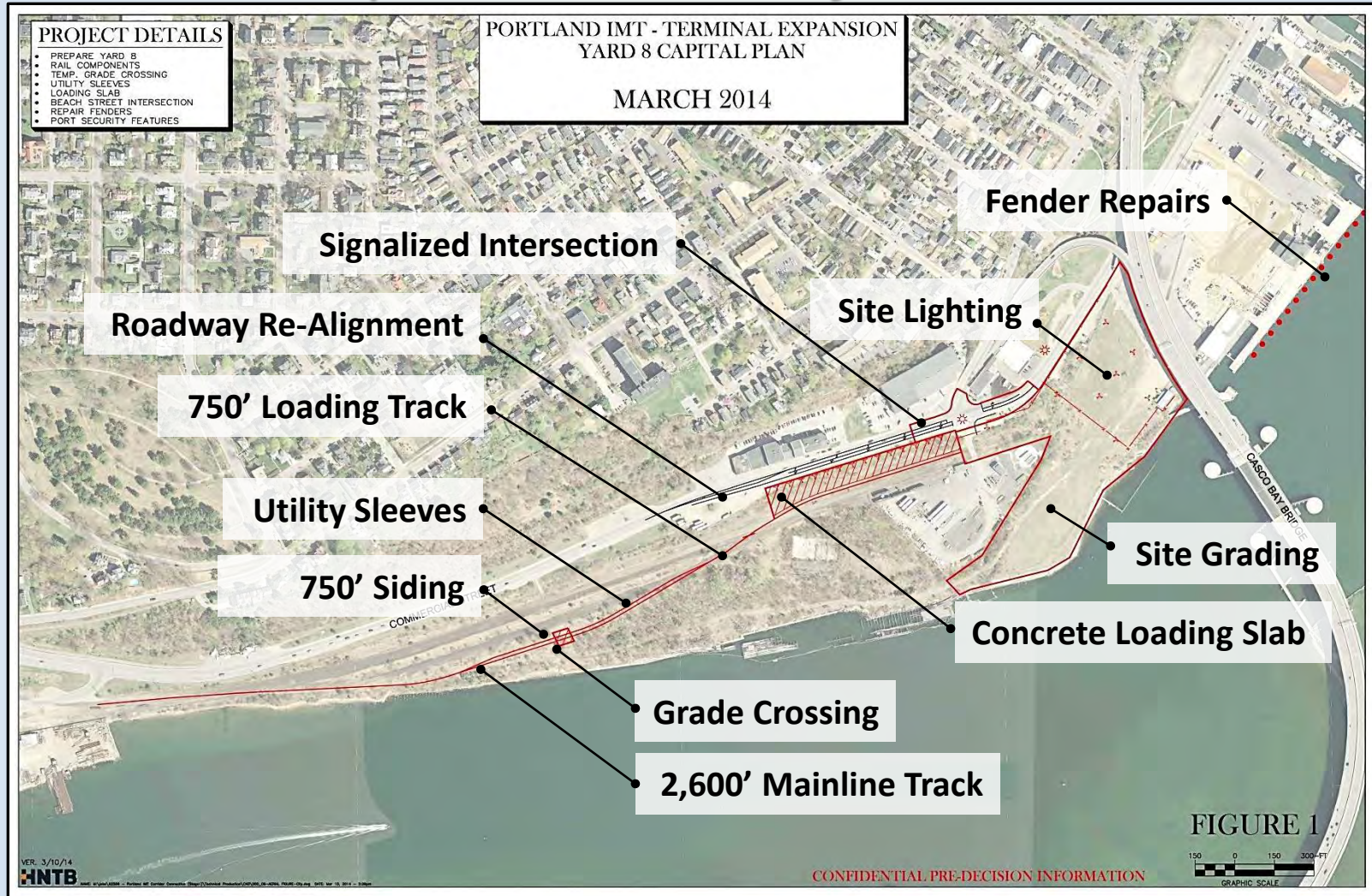
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PROJECT

Portland International Marine Terminal

PORTLAND INTERNATIONAL MARINE TERMINAL

EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PROJECT

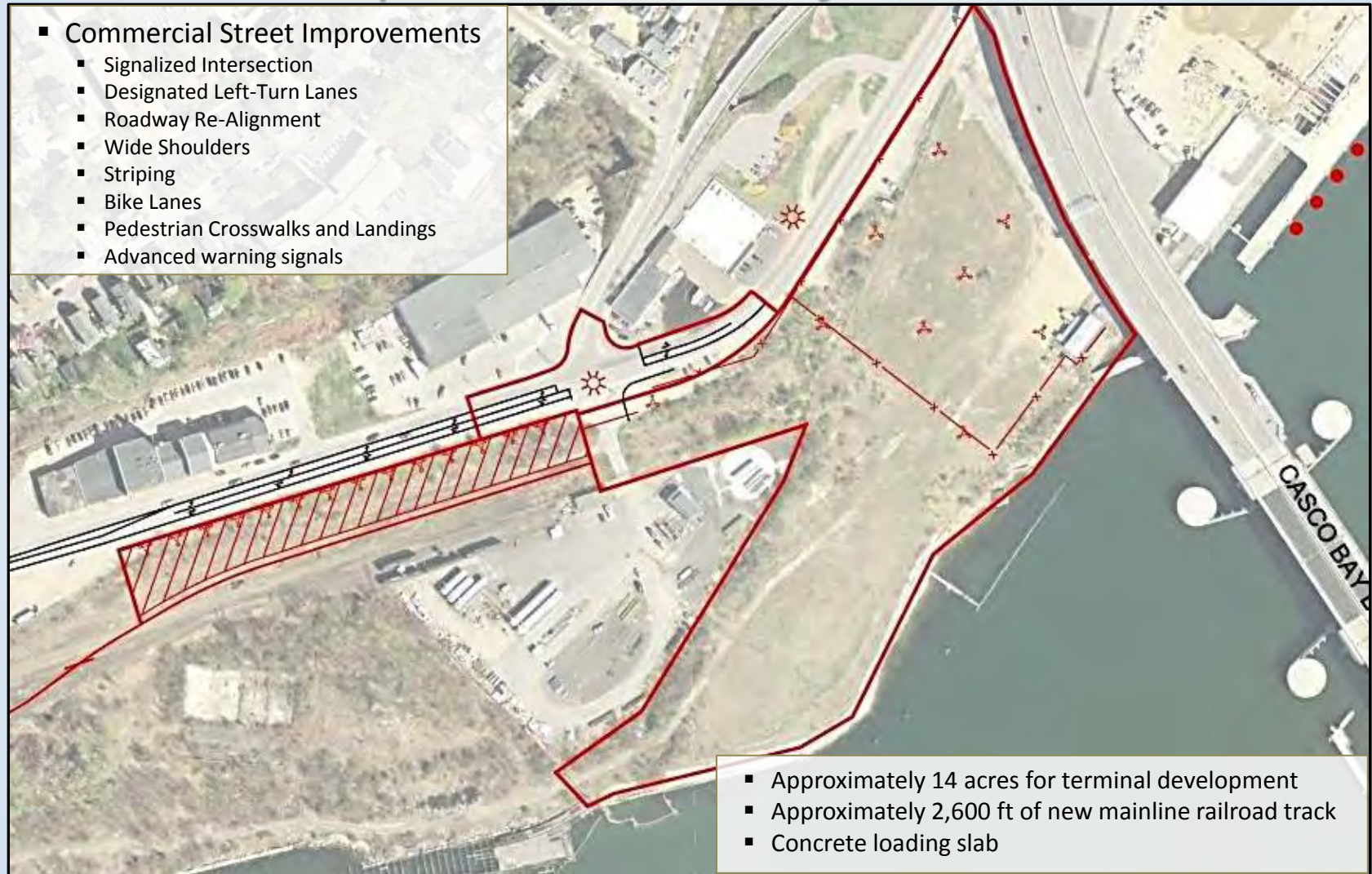
General Description of the Project



PORTLAND INTERNATIONAL MARINE TERMINAL

EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PROJECT

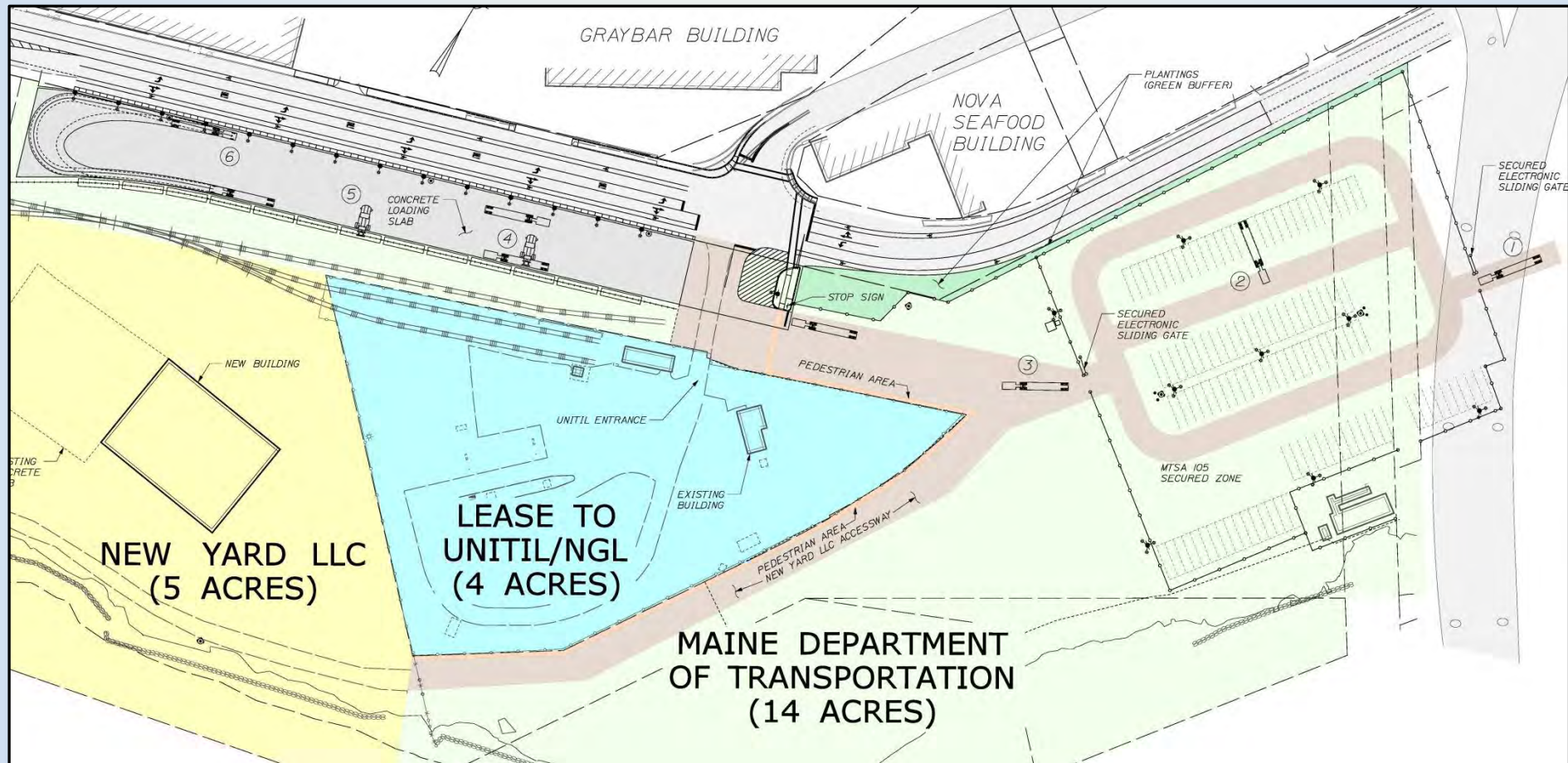
General Description of the Project



PORTLAND INTERNATIONAL MARINE TERMINAL

EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PROJECT

General Description of the Project



6. Subdivision Letter

Subdivision Letter

See enclosed letter from the Department of Transportation.



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

March 26, 2014

City of Portland
Planning Division
Attn.: Marge Schmuckal, Zoning Administrator
389 Congress St., 4th Floor
Portland, ME 04101

Re: MaineDOT West Commercial Street Development, Site Development Questions

Dear Ms. Schmuckal:

Please let this letter serve as MaineDOT's response to the questions raised by the City of Portland in its preparation for review of MaineDOT's site development application involving its proposed project on West Commercial Street.

1. MaineDOT intends to use its condemnation powers to acquire the interests of the listed parties in the following properties:
 - a. New Yard, LLC – 9.90 acres;
 - b. Northern Utilities, Inc., a/k/a Unitil – Waterfront parcel containing 4.17 acres (encumbered by a lease to New Yard, LLC, which will be extinguished upon condemnation);
 - c. Northern Utilities, Inc., a/k/a Unitil – Inland parcel containing 3.96 acres (encumbered by leases to Osterman Propane, LLC, f/k/a NGL-NE, LLC, and New Yard, LLC, both of which will be extinguished upon condemnation); and
 - d. Maine Central Railroad Company/Portland Terminal Company – 5.0 acres of upland and 2.6 acres of submerged/intertidal land.
2. The City has raised concerns that MaineDOT's acquisition of these property rights may create a subdivision, requiring a different level of review for the project. Pursuant to 30-A M.R.S.A. § 4401(4)(D-2), the definition of a Subdivision provides the following explicit exception:

“A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.”

As such, these acquisitions do not create a Subdivision.



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3. We have also been asked to provide evidence that MaineDOT will have right, title and interest in and to the property that is the subject of its site development permit application. MaineDOT will be filing its condemnation notice against the railroad property by the end of March. While MaineDOT cannot predict the exact date upon which the other condemnation notices will be filed, MaineDOT is proceeding with the full intention of filing these notices in the immediate future, contingent on the continued appropriation of the necessary funding. As soon as these notices are filed, MaineDOT will possess.

Sincerely,

A handwritten signature in cursive script, appearing to read "Toni L. Kemmerle".

Toni L. Kemmerle, Esq.
Chief Counsel, MaineDOT

JK/tlp

cc: Joel Kittredge, Project Manager, MaineDOT Bureau of Project Development

7. Evidence of Right, Title, or Interest

Evidence of Right, Title, or Interest

See enclosed item #3 in Subdivision Letter.

8. Evidence State and/or Federal Permits

Evidence of State and/or Federal Permits

Below is a summary of the required State permits (and current status of each) required as part of the proposed project.

1. Site Location of Development

On February 19, 2013, the Maine Department of Environmental Protection (MaineDEP) issued a General Permit to the Maine Department of Transportation pursuant to 38 M.R.S.A. §486-B. The General Permit requires submittal of a Notice of Intent and plans and outlines a streamlined review process under the Site Location of Development Act.

Status: MaineDOT anticipates filing a Notice of Intent with MaineDEP on or about April 8, 2014. A copy of final approval will be provided to the City of Portland upon receipt.

2. Natural Resources Protection Act-Permit-by-Rule, Section 11

Status: MaineDOT anticipates filing a Section 11 Permit-by-Rule Notification form on or about April 8, 2014. A copy of final approval will be provided to the City of Portland upon receipt.

9. Summary of Compliance with Zoning Requirements

Summary of Compliance with Zoning Requirements:

DIVISION 18.5 WATERFRONT PORT DEVELOPMENT ZONE

Section 14-318.5 No Adverse Impacts on Marine Uses.

(a) The proposed nonwater-dependent use will displace an existing water-dependent use;

No water dependent use will be displaced by the proposed project. Portions of the project site are currently vacant and other portions contain similar uses.

(b) The proposed use will reduce existing commercial vessel berthing space;

The proposed project will not reduce existing commercial vessel berthing space as the current waterfront is not used for vessel berthing.

(c) The proposed nonwater-dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or

The proposed is a water dependent use. It will not interfere with other existing water dependent uses.

(d) The siting of a proposed nonwater-dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.

The proposed is a water dependent use. It will not reduce or inhibit public access as the project site is currently private property and the public does not have use or access to it.

Section 14-319 Permitted Uses.

(a) Marine:

This project qualifies as a Marine Use under #5:

5. Marine cargo handling facilities, including docking, loading and related storage.

(b) Commercial:

This project qualifies as a Commercial Use under #1-3:

1. Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service;

2. Warehousing and storage of goods which are awaiting shipment via cargo carriers;

3. Marine cargo container and chassis maintenance and repair.

(d) Other:

1. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses...and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.

The project qualifies as an 'Other' use under #1 in that there may be times where there will be 'truck to truck', 'truck to rail', or 'rail to truck' exchanges without any direct involvement with the marine component. However, this type of operation will be subordinate and incidental to the larger marine / intermodal transportation operation component of the project.

Section 14-320.2 Dimensional Requirements.

Minimum lot size: None

Minimum Frontage: None

Minimum Yard Dimensions: None

Front Setback: None

Side Setback: None

Rear Setback: None

*Setback from pier line: Minimum setback of 5' from the edge of the pier: **Not applicable***

Maximum Lot Coverage: One hundred (100) percent

*Maximum Building Height: Forty-five (45) feet. **Not applicable***

Section 14-320.3 Performance Standards.

All uses in the waterfront port development zone shall comply with the following standards:

(a) Outdoor Storage of Materials: Outdoor storage of commodities and materials accessory to normal conduct of business shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained within a designated area within the lot boundaries.

Freight storage containers stored outside on the site will be stacked individually on a chassis or no more than one container high; resulting in a maximum height well below the 45' maximum height restriction. All marine freight containers will be stored within a fenced storage area within the boundaries of the site.

(b) Noise:

The main sounds from the site will be from the movement of trains, operation of the mobile crane unit that moves and loads containers (from the storage yard to the train or ship or truck and vice versa) and the trucks that are entering/exiting from the site.

(c) Vibration:

The only anticipated vibration would occur from the movement of freight trains coming or going from the project site. It is anticipated that any other vibration would be imperceptible at the lot boundaries.

(d) Federal and state environmental regulations:

The project will comply with all federal and state environmental statutes and regulations, as well as applicable provisions of the ordinance regarding emissions into the air. All state and federal permits are currently pending.

(e) Discharges into harbor areas:

There will be no direct discharges of domestic type wastewater into the harbor. There is no sewer or domestic type water connection proposed as part of this project. Site stormwater will be tied into a City owned CSO which will discharges into the Fore River, only after filtering through the porous pavement or other stormwater device. See Stormwater Management Plan section of this application for a description of stormwater discharge.

(f) Storage of vehicles:

There will be no unregistered automotive vehicles stored on the site.

(g) Landfill of docking and berthing areas:

Not Applicable.

(h) Off-street parking: Off-street parking is required as provided in division 20 (Off-street parking).

No off-street parking is required as none of the triggering uses are proposed as part of this project nor are any proposed on the subject property as part of this project. Ample parking is provided for employees at the existing International Marine Terminal property to the east.

(i) Off-street loading is required as provided in division 21 of this article.

Division 21 prescribes minimum number of off street loading bays based on use and size of proposed building. Office buildings over 100,000 s.f. require one off-street loading bay. There are no proposed buildings as part of this project and therefore does not require an off-street loading bay.

(j) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a Shoreland Zone or Flood Hazard Zone shall be subject to the requirements of division 26 and/or division 26.5.

A portion of the lot is in the Shoreland Zone as well as the 100 Year Flood Zone. See summary of requirements of Division 26 at the end of this section.

(k) Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

New site lighting is proposed as part of this project. Refer to the Site Lighting Section of this application package for a detailed description of the lighting plan including fixture cuts, performance characteristics, and photometric plans of the site.

(l) Signs: Signs shall be permitted as set forth in division 22 of this article.

There are no business signs proposed as part of the project.

(m) Storage of pollutants and oily wastes: On premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.

Refer to Solid Waste Section of this application package for a description of solid waste management on-site.

(n) Compatibility of non-marine uses with marine uses: Nonmarine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.

Access and circulation provided for trucks (widening of Commercial St., restriping, and intersection upgrades) is directly related to the marine cargo processing operations on site. Extending and relocating of the railroad tracks are essential for movement of goods to and from the storage yard. The proposed intermodal ramp will provide access for cranes and lifting equipment engaged in transporting cargo containers from freight trains, ships, and trucks to the storage yard and back. The graveled chassis storage lot will play an important part of the terminal expansion as it will be a temporary storage yard and staging area for loading / off-loading. All other components of the proposed project are used for the direct support of the marine use and do not interfere with operations or vessel berthing.

DIVISION 20 OFF STREET PARKING

Section 14-332 Uses requiring off-street parking.

In all zones where off street parking is required the following minimum off-street parking requirements shall be provided.

Not applicable, no building is being proposed as part of this project. Off-street parking will be provided for employees at the existing International Marine Terminal to the east of the project site.

Section 14-332.1 Zone specific off-street parking exceptions and modifications.

The off street parking requirements established for uses are hereby modified for the following zones according to the revisions as described below.

(j) Waterfront Port Development Zone: Off-street parking is required at fifty (50) percent of the required number of parking spaces for specified uses as otherwise provided in division 20 of this article.

Off-street parking is being provided based on expected need and will be available on the existing International Marine Terminal to the east of the project site.

Section 14-332.3 Uses requiring off-street bicycle parking.

In all zones where of-street motor vehicle parking is required, minimum off-street bicycle parking shall be provided and maintained.....as specified in Section 14 - 526(a) (2) (Site Plan Standards).

The standards referenced above require two bicycle parking spaces for every ten (10) vehicle parking spaces for the first one hundred (100) required vehicle parking spaces. This project will not be providing on-site parking as it is available on the existing International Marine Terminal to the east of the project site. However bicycle parking for at least four bikes will be provided on-site as part of this project.

Section 14-340 Construction requirements when more than six vehicles parked.

(a) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided.

Location and width of approaches over public sidewalks shall be approved by the traffic engineer.

An appropriate entrance drive and maneuvering areas have been provided. The design team will work with the City Traffic Engineer to review the location and configuration of the proposed driveway.

(b) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted, and with a wearing surface equivalent in quantities of compaction and durability to fine gravel.

The proposed entrance pavement will be constructed with a compacted base overlaid by bituminous asphalt as described in the attached drawings. The proposed gravel storage lot will be constructed with a compacted base overlaid by porous gravel pavement as described in the attached drawings.

(c) A system of surface drainage shall be provided in such a way that the waste run-off shall not run over or across any public sidewalk or street.

The gravel storage lot will be provided with an internal subgrade drainage and collection system as described in the attached drawings. The proposed entrance and widening of Commercial Street will tie into the existing stormdrain system in Commercial Street.

(d) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

New lighting is proposed for the gravel storage lot, intermodal ramp, and other area of the site as part of this project. Refer to the Site Lighting Section of this application package for a detailed description

of the lighting plan including fixture cuts, performance characteristics, and photometric plans of the site.

DIVISION 26 SHORELAND REGULATIONS

Section 14-449 Land Use Standards

(a) Principal and accessory structures: All principal and accessory structures shall be set back at least seventy-five (75) feet horizontal distance, from the normal high water line of water bodies..... except that in the following zones the setback shall be as indicated: W-PD Zone:

No setback required.

The project does not include any principal or accessory structures but does include a gravel storage lot, an intermodal ramp, and rail improvements; portions of the storage lot and rail improvements are located within the Shoreland Zone and within the 75' setback as shown on the enclosed Plans.

(b) Piers, docks, wharves, bridges and other structures and uses extending over below the normal high water line of a water body or within a wetland: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the D.E.P.

Not Applicable.

(c) Clearing of vegetation.

The project attempts to provide a minimum of a 25' buffer between any work and the highest annual tide line. In general the project will selectively clear vegetation, re-grade the ground surface, and place new porous gravels up to 25' of the highest annual tide line. In two small areas the project will encroach within the 25' setback; one is the repair of an existing fence and the other is for the installation of a new rail line. A Permit-By-Rule from the Maine Department of Environmental Protection, Section 11 – State Transportation Facilities, has been submitted for this work.

Within the subject property, which is comprised of portions of the land that stretches from the existing IMT west to Cassidy Point Road, there are 963 total trees >4" in diameter in the Shoreland Zone. The proposed development will remove 37 trees on DOT land and 138 trees were removed in the Sprague boat yard. When the two projects are combed approximately 18% of trees within the Shoreland Zone will be removed.

See enclosed plans for specifics.

(d) Erosion & Sedimentation Control:

See enclosed narrative describing temporary soil erosion and water pollution control specification.

(e) Soils:

See Boring Logs attached to this application.

(f) Water Quality:

No pollutants will be deposited into State waters as a result of this project. As part of this project the proposed stormwater system will tie into an existing City owned CSO that discharges into the Fore River; only after it filters through a crushed stone layer. See enclosed plans and stormwater report for specifics.

(g) Archaeological Sites:

See exhibit #16 for correspondence with Maine Historic Preservation Commission.

(h) Installation of Public Utility Service:

This is a pre-developed site with many utilities already in place or available along Commercial Street. All applicable utility service companies will be contacted and worked with to install any necessary new services. As part of this project it is proposed to tie the stormwater system into an existing City owned CSO that discharges into the Fore River.

(i) Essential Services:

This is a pre-developed site with many essential services already in place or available along Commercial Street. All applicable essential service companies and the City will be contacted and worked with to install any necessary new services.

(j) Roads & Driveways:

The applicant is working with the City and the Maine Department of Transportation for the design and approval of the widening / restriping / signalization of Commercial Street, and the improvements to the Beach Street intersection, all which will occur outside the Shoreland Zone. All improvements will take place within the right-of-way or within the applicant's property.

Internal access, access to the adjacent properties (Unitil and New Yard, LLC), and internal haul roads will be located on the subject property and setback as far as possible or as a minimum established for structures as allowed in WPD Zone as shown on the enclosed Plans. The access road to the adjacent parcel is an established road and will be maintained as an active travel way, it is located within the 75' setback.

(k) Parking Areas:

The project does not include any typical vehicle parking areas but does include a porous gravel storage lot, which will temporarily store truck chassis, freight & refrigerated containers. Approximately half of the storage yard will be located within the Shoreland Zone and a portion of this area will be within the 75' setback or as a minimum established for structures as allowed in WPD Zone.

(l) Septic Waste Disposal:

Not Applicable. For this project, only a temporary security shack is proposed (no buildings); whereas this is only an expansion of the existing IMT facility where there is an existing office building. No domestic type sewer connections are proposed. Instead a Porta-Potty type bathroom for the one security person (or other transit workers/truckers) is proposed.

(m) Stormwater runoff:

Stormwater from the site will ultimately tie into an existing City owned CSO that discharges into the Fore River. See Stormwater Report Section for a description of the proposed storm water management plan.

(n) Agriculture:

Not Applicable.

(o) General site plan features:

The applicant feels that the proposed project meets the intent of the Shoreland Zone regulations. See attached site drawings for specifics.

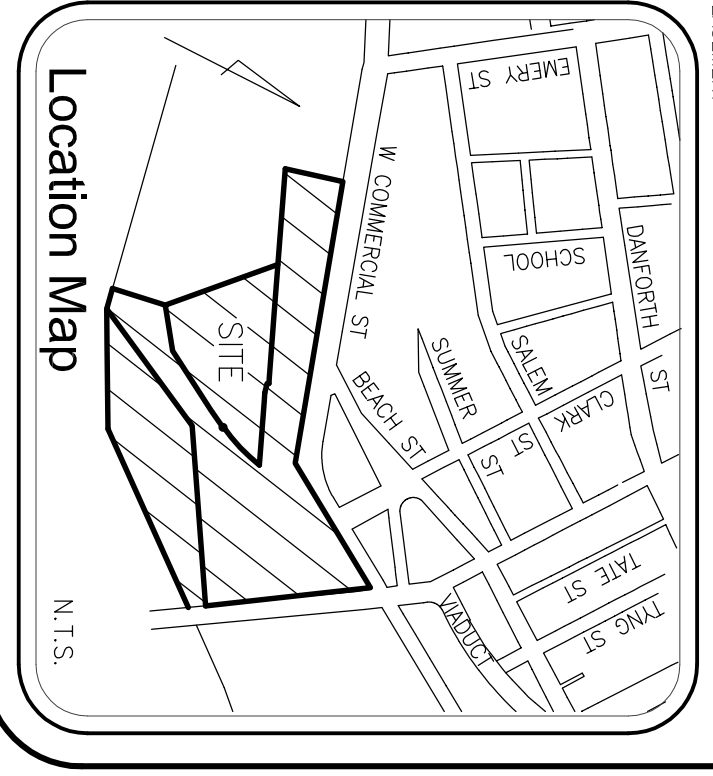
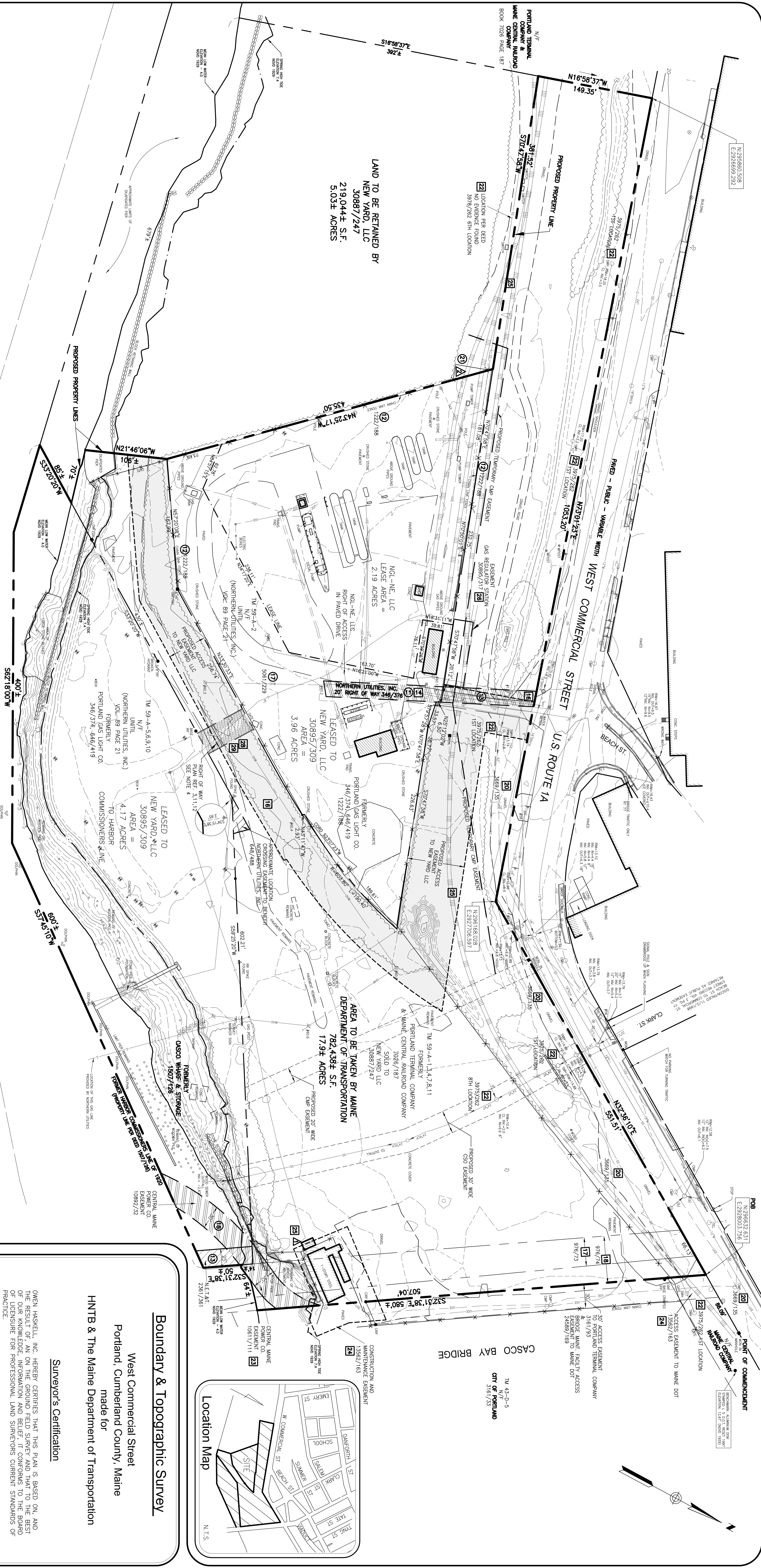
10. Summary of Proposed & Existing Easements

Summary of Proposed & Existing Easements

Existing easements, encumbrances, and other burdens are delineated on the attached boundary plans of the site titled:

1. "Boundary & Topographic Survey, West Commercial Street, Portland, Cumberland County, Maine" made for HNTB & The Maine Department of Transportation, prepared by Owen Haskell, Inc., dated April 4, 1014.
2. "Land Acquisitions" West Commercial Street, Portland, Cumberland County, Maine made for the State of Maine, Department of Transportation, 16 State House Station, Augusta, Maine, prepared by Owen Haskell, Inc., dated April 2014.

Proposed Easements are delineated on the enclosed Site Plans and described with the enclosed easement descriptions.



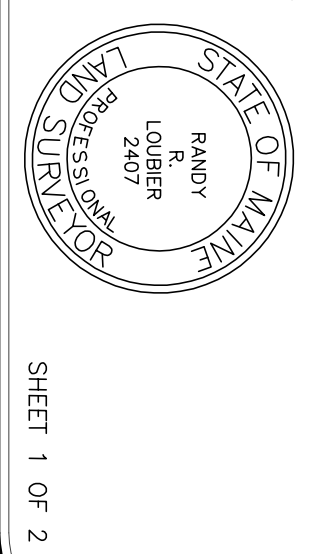
Boundary & Topographic Survey

West Commercial Street
Portland, Cumberland County, Maine
made for
HNTB & The Maine Department of Transportation

Surveyor's Certification

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THAT THE SURVEYOR HAS PERSONALLY CONDUCTED A SURVEY OF THE LAND AND OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

Randy R. Lober
RANDY R. LOBER
PROFESSIONAL LAND SURVEYOR NO. 2407
IN THE STATE OF MAINE
DATE OF PLAN: APRIL 4, 2014
REVISION DATE:
OHI JOB NO. 2013-154P



OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. Route One, Unit #10
Falmouth, Maine 04105
Tel. (207)774-0424 Fax (207)774-0511
www.owenhaskell.com

Notes:

1. THE FEDERAL CHANNEL LINE TAKEN FROM PLAN REFERENCE NO. 7 USING COORDINATES IN THE DIGITAL FORMAT OF SAID PLAN.
2. VERTICAL DATUM IS NGD 1929 BASED UPON MAINE DEPARTMENT OF TRANSPORTATION DISK L 5 (NGS) REST 1997 FOUND SET IN CONCRETE BRIDGE ABUTMENT THAT SUPPORTS THE BEACH STREET ON RAMP WHERE IT CONNECTS TO THE CASCO BAY BRIDGE.
3. BEARINGS ARE MAINE STATE PLANE WEST COORDINATES AND 83 MAINE WEST.
4. NO RECORDED DOCUMENTS HAVE BEEN FOUND FOR THE RIGHT OF WAY EXCEPT FOR IT HAS BEEN SHOWN ON OR IMPLIED ON THE PLANS REFERENCED AND THERE HAVE BEEN TWO UNRECORDED AGREEMENTS BETWEEN PAN AVE'S AND UTILITIES LEGACY COMPANIES:
-THE INSTALLATION OF A 12-INCH PIPE WITHIN A 10'-00" WIDE STRIP OR CROSSING
(DATED JULY 1, 1887).
-THE SAME CROSSING IS ACKNOWLEDGED VIA THE INSTALLATION OF A 4-INCH STEEL GAS PIPE UNDER RIGHT OF WAY AND DETAILED ON THE PORTLAND TERMINAL COMPANY'S PLAN AS A PRIVATE CROSSING (DATED DECEMBER 30, 1941).
5. FIELD WORK WAS COMPLETED FROM SUMMER 2012 THROUGH MARCH 2014.
6. THE SUBJECT PARCEL IS IN THE DIVISION 18.5 WATERFRONT PORT DEVELOPMENT ZONE & DIVISION 14.64 SHORELAND REGULATION ZONE PER THE CITY OF PORTLAND CODE OF ORDINANCES LAND USE CHAPTER 14.
7. THE SUBJECT PARCEL IS IN ZONE C & ZONE A2 (ELEV. 10) AS SHOWN ON THE FLOOD INSURANCE RATE MAP 230051 0018B WITH AN EFFECTIVE DATE OF JULY 17, 1986.

FEDERAL CHANNEL LINE (PER PLAN REF. 7)

SEE SHEET 2 OF 2 FOR PLAN REFERENCES AND TITLE
COMMITMENT SCHEDULE B SECTION 2 EXCEPTIONS

Utility Note:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPARE ALL SUCH UTILITIES IN THE AREA. THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CONSTRUCTION OF ANY NEW UTILITIES SHALL BE THE RESPONSIBILITY OF THE CLIENT. ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

Record Owners

TM 59-A-1-3,4,7,8,11 NEW YARD LLC, BOOK 30887 PAGE 247
TM 59-A-2,5,6,9,10 UNTIL VOL. 89 PAGE 21

Utility Companies:

SANITARY SEWER/STORM DRAIN:
CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
PORTLAND, MAINE 04103
CONTACT: MAINE 04101
TEL. 207-874-
WATER:
PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PORTLAND, MAINE 04102
CONTACT: MAINE 04102
TEL. 207-761-5310

Possible Enroachments:

- ▲ BUILDING OVER LINE 3'+
- ▲ FENCE OVER LINE 18.5'

Legend:

- IRON PIPE OR ROD FND
- MONUMENT FOUND
- ⊗ GAS VALVE
- ⊗ WATER VALVE
- ⊗ HYDRANT
- ⊗ UTILITY POLE
- ⊗ LIGHT POLE
- ⊗ MANHOLE
- ⊗ CATCH BASIN
- ⊗ SIGN
- FENCE
- CURB
- OVERHEAD WIRES
- UNDERGROUND ELECTRIC
- TELEPHONE
- WATER LINE
- GAS LINE
- SANITARY SEWER
- STORM DRAIN
- 1" CONTOUR
- MONITORING WELL
- TITLE EXCEPTION-RAILROAD

⑧ TITLE EXCEPTION-RAILROAD

Schedule B Section 2 Exceptions:

Unitil Parcels

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
FILE #: POCO15, EFFECTIVE DATE: UPDATE FROM 11-30-12
WEST COMMERCIAL STREET, PORTLAND, CUMBERLAND COUNTY, STATE OF MAINE

- 1-8. NON-SURVEY ITEMS
9. EASEMENT FROM WILLIAM LINDSEY TO PORTLAND GAS LIGHT COMPANY, DATED OCTOBER 28, 1863 AND RECORDED IN BOOK 318, PAGE 466 - LOCATION UNKNOWN.
10. INTENTIONALLY DELETED
11. INTENTIONALLY DELETED
12. CONDITIONS DESCRIBED IN THE DEED FROM PORTLAND TERMINAL COMPANY TO PORTLAND GAS LIGHT COMPANY, DATED DECEMBER 26, 1925 AND RECORDED IN BOOK 1222, PAGE 188, - AS SHOWN.
13. EASEMENTS DESCRIBED IN THE DEED FROM PORTLAND TERMINAL COMPANY TO CASCO WHARF AND AN EASEMENT FROM CASCO WHARF AND STORAGE CO. TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, DATED JUNE 15, 1957 AND RECORDED IN BOOK 2361, PAGE 361, - AS SHOWN.
14. EASEMENT FROM PORTLAND GAS LIGHT COMPANY TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, DATED NOVEMBER 1, 1951 AND RECORDED IN BOOK 2070, PAGE 128 - POLE #65.3 NOT LOCATED.
15. EASEMENT FROM PORTLAND GAS LIGHT COMPANY TO CENTRAL MAINE POWER COMPANY, DATED JANUARY 6, 1966 AND RECORDED IN BOOK 2276, PAGE 265 - POLE #62.1 NOT LOCATED.
16. INTENTIONALLY DELETED
17. EASEMENT FROM NORTHERN UTILITIES, INC. TO CENTRAL MAINE POWER COMPANY, INC. AND KENNEBEC RAIL ROAD COMPANY, DATED OCTOBER 6, 1866 AND RECORDED IN BOOK AT 546, PAGE 376, - AS SHOWN.
18. EASEMENT AS DESCRIBED IN THE INSTRUMENT BY AND BETWEEN NORTHERN UTILITIES, INC. AND CENTRAL MAINE POWER COMPANY, DATED JULY 23, 1993 AND RECORDED IN BOOK 10893, PAGE 32 - AS SHOWN.
19. INTENTIONALLY DELETED
20. NON SURVEY ITEM.
21. SUCH STATE OF FACTS AS IS SHOWN ON THE ALTA/ACSM LAND TITLE SURVEY ENTITLED "LAND TITLE SURVEY ON WEST COMMERCIAL STREET, PORTLAND, MAINE, MADE FOR NEW YARD LLC," DATED JULY 2, 2012, DATED SEPTEMBER 23, 2013, BY OWEN HASKELL, INC. AND RECORDED IN PLAN BOOK 213, PAGE 352 & 353, INCLUDING SPECIFICALLY:
(a) ENCROACHMENT OF CHAIN LINK FENCE ONTO WESTERLY ABUTTER'S PROPERTY, - AS SHOWN.
22. NON-SURVEY ITEM.

Schedule B Section 2 Exceptions:

Maine Central Railroad Parcel

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
FILE #: POCO15, EFFECTIVE DATE: UPDATE FROM 11-30-12
40 WEST COMMERCIAL STREET, PORTLAND, CUMBERLAND COUNTY, STATE OF MAINE

- 1-10. NON-SURVEY ITEMS
11. INTENTIONALLY DELETED
12. INTENTIONALLY DELETED
13. INTENTIONALLY DELETED
14. EASEMENT RESERVED IN DEED FROM PORTLAND GAS LIGHT COMPANY TO PORTLAND AND KENNEBEC RAIL ROAD COMPANY, DATED OCTOBER 6, 1866 AND RECORDED IN BOOK AT 546, PAGE 376, - AS SHOWN.
15. INTENTIONALLY DELETED
16. EASEMENT RESERVED IN DEED FROM PORTLAND GAS LIGHT COMPANY TO MAINE CENTRAL RAILROAD COMPANY, DATED MAY 5, 1897 AND RECORDED IN BOOK 648, PAGE 488 - AS SHOWN.
17. EASEMENT FROM PORTLAND TERMINAL COMPANY TO COUNTY OF CUMBERLAND, DATED AUGUST 30, 1916 AND RECORDED IN BOOK 976, PAGE 73 - AS SHOWN.
18. EASEMENT RESERVED IN DEED FROM COUNTY OF CUMBERLAND TO PORTLAND TERMINAL COMPANY, DATED AUGUST 30, 1916 AND RECORDED IN BOOK 976, PAGE 74 - AS SHOWN.
19. EASEMENT FROM PORTLAND TERMINAL COMPANY TO CENTRAL MAINE POWER COMPANY, DATED APRIL 15, 1975 AND RECORDED IN BOOK 3689, PAGE 135 - AS SHOWN.
20. EASEMENT FROM PORTLAND TERMINAL COMPANY TO CENTRAL MAINE POWER COMPANY, DATED APRIL 15, 1975 AND RECORDED IN BOOK 3689, PAGE 135 - AS SHOWN.
21. INTENTIONALLY DELETED
22. EASEMENT FROM PORTLAND TERMINAL COMPANY TO PORTLAND WATER DISTRICT, DATED FEBRUARY 11, 1994 AND RECORDED IN BOOK 3873, PAGE 282 - AS SHOWN.
23. EASEMENT FROM PORTLAND TERMINAL COMPANY TO CENTRAL MAINE POWER COMPANY TO CENTRAL MAINE POWER COMPANY, DATED FEBRUARY 9, 1993 AND RECORDED IN BOOK 10611, PAGE 111 - AS SHOWN.
24. EASEMENT FROM PORTLAND TERMINAL COMPANY TO STATE OF MAINE, DATED JANUARY 14, 1998 AND RECORDED IN BOOK 13562, PAGE 163 - AS SHOWN.
25. SUCH STATE OF FACTS AS IS SHOWN ON THE ALTA/ACSM LAND TITLE SURVEY BY OWEN HASKELL, INC., DATED JULY 2, 2012, LAST REVISED SEPTEMBER 23, 2013 AND MADE FOR NEW YARD LLC," DATED JULY 2, 2012, (THE "PLAN") INCLUDING SPECIFICALLY:
(a) ENCROACHMENT OF BUILDING OWNED BY THE EASTERLY ABUTTER ON THE INSURED PREMISES, - AS SHOWN.
(b) TRAIN TRACKS CROSSING THE INSURED PREMISES, - AS SHOWN.
26. EASEMENT (GAS REGULATOR STATION) FROM NEW YARD, LLC TO NORTHERN UTILITIES, INC. D/B/A UNITIL, DATED AUGUST 2, 2013 AND RECORDED IN BOOK 30895, PAGE 317, - AS SHOWN.
27. REMEDIATION AND GAS FACILITIES EASEMENT FROM NEW YARD, LLC TO NORTHERN UTILITIES, INC., D/B/A UNITIL, DATED AUGUST 2, 2013 AND RECORDED IN BOOK 30895, PAGE 321, -BLANKET IN NATURE, NOT FOLDABLE
28. EASEMENT RESERVED IN DEED FROM PORTLAND AND MAINE RAILROAD TO PORTLAND GAS LIGHT COMPANY DATED SEPTEMBER 18, 1867 TO LAY AND MAINTAIN A 12" PIPE ACROSS AND UNDER THE LAND AND LOCATION OF THE RAILROAD AS REFERENCED IN NOTE 4 OF THE PLAN - AS SHOWN.
29. UNRECORDED PERMISSION TO LAY AND MAINTAIN PIPES FROM MAINE CENTRAL RAILROAD COMPANY (PORTLAND TERMINAL COMPANY) TO PORTLAND GAS LIGHT COMPANY, DATED AS SHOWN IN BOOK 30, 1941 FOR A 4-INCH STEEL GAS PIPE AS NOTED IN NOTE 4 OF THE PLAN, - AS SHOWN.

Plan References:

1. HARBOR LINES, PORTLAND HARBOR, MAINE U.S. ENGINEER OFFICE, BOSTON, MASS. JUNE 30, 1939.
2. STANDARD BOUNDARY SURVEY SOUTH OF COMMERCIAL STREET, PORTLAND, MAINE FOR CENTRAL MAINE POWER COMPANY, PROPOSED EASEMENT LOCATION ON LAND OF PORTLAND TERMINAL COMPANY, MAINE CENTRAL RAILROAD AND CASCO WHARF AND STORAGE DATED DEC. 10, 1932 REF. 2 MAY 27, 1933 BY OWEN HASKELL, INC.
3. STANDARD BOUNDARY & TOPOGRAPHIC SURVEY ON COMMERCIAL STREET, PORTLAND, MAINE MADE FOR NORTHERN UTILITIES, INC. DATED AUGUST 6, 1999 BY OWEN HASKELL, INC.
4. STANDARD BOUNDARY SURVEY FOR PROPERTY AT PORTLAND INTERNATIONAL MARINE TERMINAL, COMMERCIAL STREET, PORTLAND, CUMBERLAND COUNTY, MAINE OWNED BY CITY OF PORTLAND DATED AUGUST 14, 2002 BY EASTERLY SURVEYING, INC.
5. PLAN OF LAND ON WEST COMMERCIAL STREET, PORTLAND, MAINE MADE FOR CENTRAL MAINE POWER COMPANY DATED APRIL 24, 2003 BY OWEN HASKELL, INC.
6. ALTA/ACSM LAND TITLE SURVEY AT WEST COMMERCIAL STREET, PORTLAND, MAINE MADE FOR BINGHAM MCCUTCHEEN LLP DATED DEC. 18, 2006 BY OWEN HASKELL, INC.
7. PORTLAND HARBOR, PORTLAND, MAINE CONTOUR SURVEY, 35 AND 45-FOOT CHANNELS, 45-FOOT ANCHORAGE 35-FOOT TURNING BASINS, DATED SEPT. 19, 2011 U.S. ARMY CORPS OF ENGINEER NEW ENGLAND DISTRICT SHEET ID. NO. V-105.
8. STANDARD BOUNDARY SURVEY FOR PROPERTY AT PORTLAND INTERNATIONAL MARINE TERMINAL, COMMERCIAL STREET, PORTLAND, CUMBERLAND COUNTY, MAINE OWNED BY CITY OF PORTLAND DATED AUGUST 14, 2002 BY NORTHEASTREY SURVEYING, INC.
9. PORTLAND TERMINAL COMPANY OFFICE OF THE VICE PRESIDENT - ENGINEERING, LAND SALE PLAN, PORTLAND, ME DATED DEC. 30, 2011.
10. COMMERCIAL STREET BRIDGE AND TRAFFIC IMPROVEMENTS CIVIL PLAN MADE BY CITY OF PORTLAND, MAINE PUBLIC WORKS DEPARTMENT ENGINEERING SECTION DATED JUNE 2007.
11. PLAN OF PROPERTY IN THE CITY OF PORTLAND BY W. ANSON, CITY ENGINEER, PORTLAND, JUNE 1854, RECORDED IN THE PLAN BOOK 2 PAGE 5.
12. ATLAS OF THE CITY OF PORTLAND AND SOUTH PORTLAND MAINE PLAT 4 BY RICHARDS MAP CO. SPRINGFIELD, MASS. DATED 1914.
13. LAND ON WEST COMMERCIAL STREET, PORTLAND, MAINE, MAINE CENTRAL RAILROAD COMPANY TO NEW YARD LLC, DATED JULY 30, 2013, BY OWEN HASKELL, INC.
14. ALTA/ACSM LAND TITLE SURVEY WEST COMMERCIAL STREET PORTLAND, CUMBERLAND COUNTY, MAINE MADE FOR NEW YARD LLC BY OWEN HASKELL, INC. DATED JULY 2, 2012 REVISED THROUGH SEPTEMBER 23, 2013, RECORDED IN PLAN BOOK 213 PAGES 352 & 353.

Record Owners

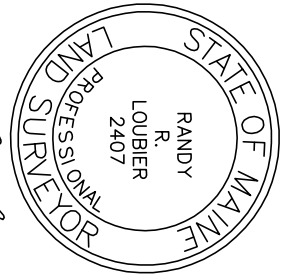
TM 59-A-1,3,4,7&8,11 NEW YARD LLC, BOOK 30887 PAGE 247
TM 59-A-2,5,6,9,10 UNITIL, VOL. 89 PAGE 21

Boundary & Topographic Survey

West Commercial Street
Portland, Cumberland County, Maine
made for
HNTB & The Maine Department of Transportation

RANDY R. LOUGHER
PROFESSIONAL LAND SURVEYOR NO. 2407
IN THE STATE OF MAINE
DATE OF PLAN: APRIL 4, 2014
REVISION DATE:
OHI JOB NO. 2013-154P

SHEET 2 OF 2



Randy R. Lougher



OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. Route One, Unit #10
Falmouth, Maine 04105
Tel. (207)774-0424 Fax (207)774-0511
www.owenhaskell.com

Area to be acquired from New Yard, LLC

A certain lot or parcel of land situated on the easterly side of West Commercial Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Commencing at a granite monument in a manhole located in the southerly sideline of West Commercial Street as shown on "Boundary & Topographic Survey West Commercial Street, Portland, Maine made for HNTB & The Maine Department of Transportation" dated April 4, 2014 by Owen Haskell, Inc.

Thence, S 32°36'10" W along the southerly sideline of West Commercial Street 86.09 feet to the point of beginning;

Thence, from said point of beginning S 32°31'38" E along land now or formerly of Portland Terminal Company and land now or formerly of the City of Portland 580 feet more or less to low water;

Thence, westerly and southwesterly along low water 64 feet more or less to land now or formerly of Casco Wharf & Storage as described in deed recorded in said registry of deeds in book 1507, page 126;

Thence, N 32°31'38" W along land now or formerly of said Casco Wharf & Storage 14 feet more or less to the northeast corner of land now or formerly of said Casco Wharf & Storage;

Thence, S 59°25'20" W along land now or formerly of said Casco Wharf & Storage 602.21 feet to land now or formerly of Portland Gas Light Co. As described in deed recorded in said registry of deeds in book 346, page 374 and book 646, page 419;

Thence, S 33°20'20" W along land now or formerly of said Portland Gas Light Co. 430 feet more or less to low water;

Thence, westerly along low water 70 feet more or less to a point;

Thence, N 21°46'06" W along land to be retained by New Yard, LLC 106 feet more or less;

Thence, N 43°25'17" W along land to be retained by New Yard, LLC 435.50 feet;

Thence, S 70°47'58" W along land to be retained by New Yard, LLC 381.52 feet to land now or formerly of Portland Terminal Company and Maine Central Railroad Company;

Thence, N 16°58'37" W along land of said Portland Terminal Company and Maine Central Railroad Company 149.35 feet to the southerly sideline of West Commercial Street;

Thence, N 73°01'23" E along the southerly sideline of said West Commercial Street 1053.20 feet;

Thence, N 32°36'10" E along the southerly sideline of said West Commercial Street 551.51 feet to the point of beginning.

Excepting from the above described parcel the following parcel of land:

Beginning at a point located 404.28 feet on a course of S 87°32'13" E from the most northwest corner of the above described lot;

Thence the following courses and distances:

N 70°47'58" E	181.08 feet;
N 70°50'01" E	232.75 feet;
N 70°47'58" E	20.12 feet;
S 25°12'02" E	6.50 feet;
N 79°57'28" E	33.57 feet;
N 70°47'58" E	36.77 feet;
N 70°47'58" E	226.63 feet;

Along a curve to the right having a radius of 603.80 feet an arc distance of 190.40 feet, bearing a chord of S 23°07'23" W a distance of 189.61 feet;

S 43°11'47" E	2.93 feet;
S 33°30'33" W	256.74 feet;
S 57°20'08" W	167.99 feet;
N 43°25'17" W	435.50 feet to the point of beginning containing 3.96 acres.

The total area of the above described parcel is 9.83 acres more or less.

The above described premises are subject to the existing and proposed easements as shown on the above referenced plan.

Description of CSO Easement
Over New Yard, LLC

A 30 foot wide strip of land situated on the southerly side of Commercial Street in the City of Portland, County of Cumberland and State of Maine the centerline of which is described as follows:

Beginning at a point on the southerly sideline of said Commercial street, said point being 223.87 feet northerly of an angle point in said southerly sideline on a course of N32°36'10" E, thence the following courses and distances across land of the grantor:

S 56°44'08" E	124.24 feet;
S 52°46'47" E	125.99 feet;
S 40°36'20" E	209.35 feet to land now or formerly of Unitil.

February 27, 2014

DESCRIPTION OF PROPOSED
CMP EASEMENT

A 20 foot wide strip of land situated on the southerly side of Commercial Street in the City of Portland, County of Cumberland and State of Maine the centerline of which is described as follows:

Beginning at a point on the southerly sideline of said Commercial street, said point being 95.11 feet northerly of an angle point in said southerly sideline on a course of N32°36'10" E, thence the following courses and distances across land of the grantor:

S 52°25'35" E 405.33 feet to land now or formerly of Unitil.

March 13, 2014

PROPOSED LOT
PORTLAND TERMINAL COMPANY TO MAINE DOT

A certain lot or parcel of land situated on the southerly side of West Commercial Street in the City of Portland, County of Cumberland and State of Maine as shown on a plan entitled "State of Maine Department of Transportation Right of Way Land Acquisitions D.O.T. File No.3-595" by Owen Haskell, Inc. Dated March 2014, bounded and described as follows:

Commencing at a point on the southerly sideline of West Commercial Street at the northwesterly corner of land now or formerly of New Yard, LLC recorded in book 30887 page 247;

Thence, S 16°58'37" E along the westerly line of land of said New Yard, LLC 90.30 feet to the point of beginning;

Thence, from said point of beginning S 16°58'37" E continuing along westerly line of land of New Yard, LLC 67.90 feet;

Thence the following courses and distances through the land of the grantor:

S 66°19'39" W	57.45 feet;
S 62°41'27" W	125.13 feet;
S 59°26'10" W	495.19 feet;

Thence, along a curve to the right with a radius of 725.74 feet, having an arc length of 165.42 feet, having a chord bearing of S 65°57'58" W and chord length of 165.07 feet;

Thence, S 72°29'45" W 519.07 feet;

Thence, along a curve to the right with a radius of 725.78 feet, having an arc length of 185.34 feet, having a chord bearing of S 79°48'41" W and chord length of 184.84 feet;

Thence, S 87°07'38" W	21.45 feet to a point;
S 02°52'22" E	26 feet, more or less, to the spring high tide line;

Thence, southwesterly along the spring high tide line 1316 feet, more or less, to land now or formerly of Cianbro Corp. recorded in book 3424 page 116, being on a bearing of S 74°55'10" W a distance of 1075.68 feet from the last mentioned point;

Thence, the following courses and distances along land of said Cianbro Corp.:

N 16°59'42" W	171.32 feet;
S 79°48'18" W	347.84 feet;
N 16°59'42" W	53.00 feet to the southerly sideline of Cassidy Point Road;

Thence, N 73°00'18" E along the southerly sideline of Cassidy Point Road 263.93 feet to the southerly sideline of West Commercial Street;

Thence, N 82°56'03" E continuing along the southerly sideline of West Commercial Street 543.92 feet to an angle point;

Thence, N 77°41'31" E continuing along the southerly sideline of West Commercial Street 16.88 feet;

Thence the following courses and distances through the land of the grantor:

N 84°41'57" E	219.48 feet;
N 86°01'33" E	312.82 feet;
N 87°07'38" E	273.21 feet;
N 72°29'45" E	542.24 feet;

Thence, along a curve to the left with a radius of 673.74' feet, having an arc length of 153.57 feet, having a chord bearing of N 65°57'58" E and chord length of 153.24 feet;

Thence, N 59°26'10" E a distance of 693.10 feet to the point of beginning. Containing 5.0 acres more or less.

Together with all right, title and interest that this grantor may have in the intertidal and submerged lands abutting the above described parcel.

March 14, 2014

Proposed 50' Wide Access Easement

A 50 foot wide strip of land situated on the southerly side of, but not adjacent to Commercial Street in the City of Portland, County of Cumberland and State of Maine as shown on a plan entitled "State of Maine Department of Transportation Right of Way Land Acquisitions D.O.T. File No.3-595" by Owen Haskell, Inc. Dated March 2014, the centerline of which is described as follows:

Commencing at an angle point on the southerly sideline of said Commercial street, said point being 854.33 feet easterly of another angle point in said southerly sideline on a course of N 71°39'48" E;

Thence, S 59°00'58" E a distance of 238.35 feet to the point of beginning;

Thence, from said point of beginning, S 17°30'15" E a distance of 52.00 feet.

March 13, 2014

**Description of CSO Easement
Over New Yard, LLC & Unitil**

A 30 foot wide strip of land situated on the southerly side of Commercial Street in the City of Portland, County of Cumberland and State of Maine the centerline of which is described as follows:

Beginning at a point on the southerly sideline of said Commercial street, said point being 223.87 feet northerly of an angle point in said southerly sideline on a course of N32°36'10" E, thence the following courses and distances across land of the grantor:

S 56°44'08" E	124.24 feet;
S 52°46'47" E	125.99 feet;
S 40°36'20" E	209.35 feet to land now or formerly of Unitil;

Thence, continuing S 40°36'20" E a distance of 28 feet, more or less.

March 13, 2014

Description of CSO Easement "A"

A 30 foot wide strip of land situated on the southerly side of Commercial Street in the City of Portland, County of Cumberland and State of Maine as shown on a plan entitled "State of Maine Department of Transportation Right of Way Land Acquisitions D.O.T. File No.3-595" by Owen Haskell, Inc. Dated March 2014, the centerline of which is described as follows:

Beginning at a point on the southerly sideline of said Commercial street, said point being 170.74 feet easterly of an angle point in said southerly sideline on a course of N 71°39'48" E, thence the following courses and distances across land of the grantor:

S 14°09'30" E 219 feet more or less.

March 13, 2014

Description of CSO Easement “B”

A 30 foot wide strip of land situated on the southerly side of Commercial Street in the City of Portland, County of Cumberland and State of Maine as shown on a plan entitled “State of Maine Department of Transportation Right of Way Land Acquisitions D.O.T. File No.3-595” by Owen Haskell, Inc. Dated March 2014, the centerline of which is described as follows:

Beginning at a point on the southerly sideline of said Commercial street, said point being 12.61 feet westerly of an angle point in said southerly sideline on a course of S 66°06’18” W, thence the following courses and distances across land of the grantor:

S 28°00’00” E	31.95 feet;
S 29°08’26” E	127.88 feet;
S 33°38’26” E	370 feet more or less.

11. Written Requests for Waivers

Written Requests for Waivers

Waiver Request 1: Sidewalks

Article V, Section 14-526 - Site Plan Standards requires that:

"All proposed developments shall provide sidewalks along all frontages in accordance with sections 14-498 and 14-499 of the City Code. An applicant may request a waiver from curb and sidewalk installation requirements if they meet applicable waiver criteria listed in Section 14-506 (b) of the City Code."

Section 14-506 - Modifications provides a list of 6 conditions relating to sidewalks. Applicants are required to meet at least 2 of these requirements in order for a waiver request to be considered by the planning authority. The applicant asserts that two of the conditions are met as follows:

1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.

All land located to the west of the site on the south side of Commercial Street is undeveloped or occupied by industrial type uses. There are no sidewalks present on the south side of the road in this area from the project site to the end of Commercial Street over a mile away at the Veteran's Memorial Bridge intersection. The parcels abutting the project site to the east along the south side of Commercial Street are characterized by having areas of parking perpendicular to Commercial Street that abut the building faces. Between buildings are wide, ill-defined driveways. None of these parcels have sidewalks or clear crosswalks in place. The closest sidewalk is at Becky's Restaurant and even this section of sidewalk is isolated in the midst of driveways without designated crosswalks. The start of legitimate sidewalk leading toward the central waterfront is at the Gulf of Maine Research Institute. There are no businesses or amenities to attract pedestrian usage in the area of the project site extending from Becky's Restaurant on the east side of the site to the Veteran's Memorial Bridge west of the site. The area is essentially industrial in character and there is no reasonable expectation for pedestrian usage.

2. A safe, alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly travelled.

Starting at the Casco Bay Bridge to South Portland and heading east along the north side of Commercial Street, there is a continuous network of sidewalks and crosswalks leading into the central waterfront area. The sidewalks located directly across Commercial Street from the project site are relatively new and include a link to a pedestrian walkway system that traverses a hill side park area along the base of the bridge leading to York Street and residential areas beyond. The project will reinforce these sidewalk connections on the north side. A pedestrian crosswalk is proposed across West Commercial Street at the Beach Street intersection to provide safe pedestrian access to the IMT site.

Waiver Request 2: Granite Curbing

Article V, Section 14-526 - Site Plan Standards requires that:

Section 14-506 - Modifications provides a list of 5 conditions relating to curbs. Applicants are required to meet at least 2 of these requirements in order for a waiver request to be considered by the planning authority. The applicant asserts that two of the conditions are met as follows:

1. Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

From the project entrance west, the intermodal ramp will essentially serve as a barrier. It will be raised above the adjacent truck storage lane and through lanes of Commercial Street. From the project entrance east the area is intended to remain in its current state of gravel. We do not intend to change the grading of this area if it is not necessary. When curb is added to an area that is currently not curbed, there is a need for additional stormwater drainage structures and piping. As currently designed, the City benefits by the sheet flow action which naturally runs into the project site and will be accommodated by the proposed porous gravels. If a curb line is added, it will add more water to the City's existing infrastructure and could result in flooding if the City does not add more catch basins.

Curbing would also limit and inhibit the ability for vehicle circulation in and out of the project.

2. Runoff from the development site or within the street does not require curbing for stormwater management.

There should be little to no stormwater runoff from the bulk of the site as the surface is mainly going to consist of porous gravels. Curbing will not be necessary to complete the Stormwater Management Plan. See Stormwater Management Plan for specifics.

Waiver Request 3: Driveway Width

Technical Standards, Section 1.7.2.4. *Maximum driveway width (two-way): The maximum width of a driveway will be based upon site conditions or vehicle characteristics that warrant a wider access (e.g., dedicated turn lanes at exits) and will require approval of the reviewing authority. Maximum widths shall not exceed the following, although confirmation of exact capacity requirements will be necessary:*

- Commercial -24 feet
- Industrial – 30 feet

The proposed driveway width is 100 feet. This width is necessary to accommodate large trucks (WB-67) and trailer turning movements. The above standards would not allow trucks to access the site without crossing opposing lanes of traffic. See enclosed truck turning movement exhibit.

Waiver Request 4: Flooding Standard

Technical Standard, Section 5.III.4.E (2) for flooding. Waiver of the flooding standard due to direct discharge into the ocean, a great pond, or major river segment.

Due to the capacity of the receiving body (Fore River), the use of porous gravels (minor runoff), and proposed method of conveying the runoff to the river (sheet flow and combined sewer overflow) it is requested that the requirement of the Flooding Standard be waived for this project.

Waiver Request 5: Soil Infiltration Testing

Technical Standard, Section 5. Appendix D.4 (a) Soil Permeability. Permeability must be shown to be reasonably consistent across the proposed infiltration area and may be determined by in-place well or permeameter testing, by analyses of soil gradation, or other means acceptable to the department.

Based on known conditions (see Soil Boring Plans) of the site soils and controlled materials to be installed with the new construction, it is anticipated that a very consistent permeability can be guaranteed across the site. Due to this fact it is requested that a waiver be granted for the requirement of soil infiltration testing.

Waiver Request 6: Landscape and Landscape Preservation

Tech Standard, Section 4.2 & 4.3 - Preservation of Significant Site Features and Existing Vegetation.

Due to the lack of significant site features and lack of significant existing site vegetation (both due to significant previous site development) as well as the expansive nature of the proposed use, it is being requested that the preservation program and preservation measures be waived for the project.

Tech Standard, Section 4.5 - Site Landscaping: Screening and Buffers, Industrial & Commercial Developments.

General project frontage: Most of the project frontage is extremely encumbered by many various overhead and underground utilities. Due to these obstacles as well as the ones mentioned below it is being requested that the screening and buffering requirement be waived.

West of the project entrance: Due to the fact that the intermodal ramp will be directly adjacent to the truck storage lane and east bound through lanes, the project frontage (along West Commercial Street) will have no area to provide for evergreen screening / buffering. Due to the ramp width (for maneuverability of trucks and stacker cranes) and the location of the rail line there is no room to provide an area for screening/buffering within the IMT property. A fence will be installed on top of a 4' tall concrete barrier between the intermodal ramp and the truck storage lane adjacent to West Commercial Street.

East of the project entrance: Commercial Street is not centered within the right-of-way; instead it is shifted towards the south and the subject property. This area is where the chassis & container storage yard is to be located along with associated access isles and haul type roads. The storage yard and security fence are located only a few feet from the proposed / existing edge of Commercial Street pavement thus not allowing much room for screening/buffering. Limited tree plantings are proposed in this area (see Landscape Plan). There is an area approximately 200' in length directly east of the project entrance, along Commercial Street, where there is some available land for some planting. Limited tree and shrub plantings are proposed in this area (see Landscape Plan).

Tech Standard, Section 4.6 - Street Trees. Commercial, industrial and institutional developments shall provide street trees thirty (30) to forty-five (45) feet apart on center in the City right-of-way along all street frontages unless otherwise approved.

General project frontage: Most of the project frontage is encumbered by many various overhead and underground utilities. Due to these facts it is being requested that a partial waiver of installation of street trees be granted.

West of the project entrance: Due to the fact that the intermodal ramp will be directly adjacent to the truck storage lane and east-bound through lanes, this frontage (along West Commercial Street) will have no land available for street trees.

East of the project entrance: Commercial Street is not centered within the right-of-way; instead it is shifted towards the south and the subject property. There is an area approximately 200' in length directly east of the project entrance, along Commercial Street, where landscaping including street trees will occur. Further down Commercial Street adjacent to the chassis & container storage yard is a strip of land where limited street tree plantings are proposed (see Landscape Plan).

Waiver Request 7: Boundary Survey

Technical Standard, Section 13.2. LEVEL I SITE ALTERATION, II AND III GENERAL STANDARDS:

The following items shall be shown on boundary surveys for Level I (site alteration), Level II and Level III site plans to ensure compliance with City of Portland Planning Requirements, Engineering Technical and Design Standards, and accurate documents are on record for future planning, GIS mapping, and engineering needs.

The enclosed, "Boundary Survey on West Commercial Street, ME, made for HNTB Corporation" by Owen Haskell, Inc., dated October 10, 2012 and revised through 2/25/14 does not meet the standards outlined in Section 13 of the technical Manual for the following reasons:

1. **Incomplete utility information.** The survey does not include all rims/inverts nor all underground utilities. The applicant (MDOT) is currently working with the applicable utility companies to locate these underground utilities.
2. **Incomplete topographic information.** The survey does not include all topographic data of the entire property. A portion of the subject property on the southern side of the site and a portion within the West Commercial Street right-of-way are missing.
3. **Drawn to a scale of not less than one (1) inch to fifty (50) feet.** The survey plans are drawn to a scale less than 1 inch to 50 feet due to the size and linear shape of the subject parcels.

It is requested that the above three requirements of the Boundary Survey be partially waived for this project as the applicant is currently working on obtaining the remaining underground utility information, the two sections of missing topography are inconsequential to the overall project design, and the scale the surveys are drawn at are legible without breaking the plans into two separate sheets with a match line.

12. Evidence of Financial Capacity

Evidence of Financial Capacity

The project will be fully funded through a combination of State funds: PL 2013, Chapter 429 Multimodal Bond, and the State Multimodal Transportation Special Revenue account. The funds secured for the IMT-Rail Corridor and Existing Laydown Expansion project will be used for the design, construction, and inspection services of the proposed project. Funds for this project will be administered through the MaineDOT.

13. Evidence of Technical Capacity

Evidence of Technical Capacity

The applicant has assembled a highly qualified team of professionals in the preparation of this project. All members of this team have significant experience with this type of project and many have worked together on other similar projects. The project is being designed by a multi-disciplinary team of design professionals led by HNTB Corporation, a national engineering and planning firm with offices in Westbrook. All members of the design team have proven experience working on projects for the MaineDOT and multiple projects located in the city of Portland.

See enclosed Project Directory for list of professionals involved with the project.



MAINEDOT / MAINE PORT AUTHORITY

PORTLAND IMT
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
PROJECT DIRECTORY

PROJECT

Portland International Marine Terminal (IMT)
460 Commercial Street
Portland, Maine

Tasks Include:

1. Install and grade gravels in preparation of wheeled chassis operations in Yard 8;
2. Install rail components from Cassidy Point Drive to Yard;
3. Install temporary grade crossing at Canal Landing;
4. Install utility sleeves under tracks;
5. Install intermodal ramp;
6. Install signalized traffic intersection at Beach Street;
7. Repair fenders; and
8. Install port security features such as site lighting, fencing, gates, and cameras.

CLIENT

Maine Department of Transportation (MaineDOT)
16 State House Station
Augusta, ME 04333-0016

Joel Kittredge	Project Manager Tel: (207) 624-3550 email: Joel.C.Kittredge@maine.gov
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Maine Port Authority (MPA)
16 State House Station
Augusta, ME 04333-0016

John Henshaw	Director of Ports & Marine Transportation (MaineDOT) Executive Director (MPA) Tel: (207) 200-2401 email: john.h.henshaw@maine.gov
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Patrick Arnold	Business Development & Marketing Manager Tel: (207) 200-2403 email: patrick.arnold@maineports.com
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PORT OPERATOR

Ports America
460 Commercial Street
Portland, Maine

Jack Humeniuk	Director of Port Operations Tel: (207) 232-5178 email: jack.humeniuk@portsamerica.com
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DESIGN TEAM

PRIME CONSULTANT

HNTB
340 County Road, Suite 6-C
Westbrook, ME 04092

Craig Morin, PE	Project Manager Tel: (207) 228-0908 Cell: (207) 409-9702 email: cmorin@hntb.com
Mitch Elliott, PE	Deputy Project Manager / Project Engineer (site/civil) Tel: (207) 228-0901 email: mielliott@hntb.com
Ray Hanf, PE	Project Engineer (highway) Tel: (207) 228-0903 email: rhanf@hntb.com
Ian Moon, PE	Project Engineer (track) Tel: (617) 996-0771 ext. 259 email: imoon@hntb.com
Bruce Munger, PE	Project Engineer (traffic) Tel: (207) 228-0896 email: bmunger@hntb.com

LEAD PERMITTING / LANDSCAPE ARCHITECT

Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Patrick Carroll	Principal Tel: (207) 772-1552 email: pcarroll@carroll-assoc.com
Matthew Phillips	Project Manager Tel: (207) 772-1552 email: mphilips@carroll-assoc.com

ELECTRICAL ENGINEERING (Site Electrical)

Bartlett Design
942 Washington Street
Bath, ME 04530

Larry Bartlett, PE

President / Senior Engineer
Tel: (207) 443-5447
Fax: (207) 443-5560
email: bartlettdesigninc@comcast.net

LAND SURVEYOR

Owen Haskell
390 US Route 1
Falmouth, ME 04105

Ellen Brewer, PLS

Project Manager
Tel: (207) 774-0424 (ext. 31)
email: ebrewer@owenhaskell.com

SECURITY SYSTEM

Galaxy Integrated Technologies
100 Leo M Birmingham Parkway
Brighton, MA 02135

John Gulezian

Executive Vice President
Tel: (617) 202-6388
email: Johng@galaxyintegrated.com

Mike Finegan

Project Manager
Tel: (617) 202-6388
email: MichaelF@galaxyintegrated.com

HNTB File No.: 50921-DS-200-001

58818-DS-500 Multimodal & Marine\502 - Portland IMT Corridor Connection\Work Plan\
Project Directory - Portland IMT.doc

14. Construction Management Plan

Construction Management Plan

See enclosed Construction Management Plan.

Construction Management Plan

The Maine Department of Transportation (MaineDOT) will administer the construction phase of this project and perform the necessary oversight and the construction management to ensure its overall success. As is customary for MaineDOT projects, a team of individuals will assist with the successful delivery of the project and will manage the construction phase from initial ground-breaking to project close-out. The team of individuals will comprise a Resident Engineer, a Consultant, and a Construction Manager.

The role of the Resident Engineer is to maintain a daily presence on the job site and oversee and review the contractor's work in accordance with the contract documents including the drawings, specifications, and any federal, state, or local ordinances that are applicable. The Resident Engineer coordinates inspection activities and testing of materials to the satisfaction of the MaineDOT, and reviews the construction schedule and various submittals. Also, the Resident Engineer ensures the maintenance of all erosion control measures are in place and kept in proper working order throughout the project. The MaineDOT will employ a full-time Resident Engineer as part of its construction management plan.

While the Resident Engineer provides the day-to-day oversight of the project, it is the engineer of record (the Consultant) that provides the technical oversight and ensures the design intent of the project details are completed to serve the ultimate needs of the client and end-users. The Consultant is oftentimes the project manager from the original design team, who has been involved in the project from the conceptual design through completion of the final contract documents. The Consultant will participate in weekly construction meetings, keep abreast of the project development, and answer technical questions as the need arises. Since the Consultant is very familiar with not only the design details shown in the contract documents but also the development and perhaps nuances of those details, the Consultant provides continuity to the construction process and can assist the Resident and Contractor when unforeseen conditions are encountered or field changes are required. The MaineDOT will employ a technical Consultant as part of its construction management plan.

Lastly, a Construction Manager from the MaineDOT will provide routine oversight on the project to ensure that all participants including the Resident Engineer, the Consultant, and the Contractor, are following the contract documents and resolving field issues in a timely manner. The Construction Manager acts as a quality assurance person whose role is to verify that the construction project remains on schedule, on budget, and is completed in a quality manner. The Construction Manager routinely reports back to the MaineDOT and various stakeholders to provide assurances that the project is well managed and meeting the overall needs of all parties. The MaineDOT will utilize an in-house Construction Manager that will be assigned to this project as part of its construction management plan.

As part of the overall Construction Management Plan, the Contractor itself will have the responsibility to submit for approval a Construction Plan and Construction Schedule for the project. As part of the Contractor's submittal, specific items will include traffic control along Commercial Street to allow for unimpeded flow of vehicular, pedestrian and bicycle traffic for the duration of the project. This will include such items as concrete barrier with security fencing, construction signage, public transportation

signage and detour routes. It will be the Contractor's responsibility to determine project phasing for the major components such as, Commercial Street improvements, rail improvements and the chassis storage yard improvements.

Whereas the Portland IMT facility is in compliance with Homeland Security requirements and MTSA 33 CFR Part 105, the existing terminal must remain secure at all times. The Contractor will be required to confine the work zone with temporary fencing when installing the electronic gate between the existing terminal and the proposed storage yard. The Contractor will be required to employ workers with Transportation Worker Identification Credential badges (TWIC cards) so as to comply with regulated access within the existing terminal.

The construction sequence of the project will be determined by the Contractor given the multiple disciplines and tasks at hand. There will likely be overlap in the construction activities since the work will comprise various trades working in different locations throughout the site. It is possible that the three major components of work, namely the track installation, the storage yard development, and the Commercial Street improvements, are all performed simultaneously albeit with offsetting start and end times. Other variables that will contribute to the Contractor's schedule of work are availability of staff and equipment, weather, and coordination with neighboring businesses. A general outline of the workflow for this project may resemble the following:

1. Mobilization
 - o Delivery of Equipment
 - o Material Procurement
 - o Coordination with local agencies and utilities
2. Installation and Maintenance of temporary erosion and sediment control measures including:
 - o Sedimentation barrier to protect adjacent properties and the Fore River
 - o Silt sacks at all surface inlet structures
 - o Check dams if needed in swales/ditches
3. Installation of temporary traffic, pedestrian and bicycle control along Commercial Street
4. Installation of temporary fencing and access gates around perimeter of Contractor work area.
5. Commence construction of Track Components
 - o Removals of old track within project limits
 - o Perform grading and installation of underdrains
 - o Installation of subballast, ballast, and ties
 - o Installation of temporary grade crossing
6. Commence construction of Storage Yard
 - o Install underground utility lines such as electrical and water provisions
 - o Install lights, fire hydrants, and protective site bollards
 - o Performing grading and installation of underdrains
 - o Install concrete loading slab
 - o Install security fences and gates
 - o Install security cameras and card access readers

7. Commence construction of Commercial Street Improvements

- o Install mast arm foundations
- o Perform grading and installation of underdrains
- o Perform modifications to existing sidewalks
- o Install mast arms
- o Install pavement
- o Install pavement markings (travel lanes, bike, lanes, shoulders)
- o Install advanced-warning systems
- o Install light signal and signs
- o Install roadway signage

Individual components of the project require clearing and grubbing and earthwork throughout the site to within the work limits. The Contractor will be required to perform all earthwork activities as outlined in Section 656 – TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL (SEWPCP), of the MaineDOT Standard Specifications, Revised December 2002. The Contractor, as part of his contract is required to submit for review and approval all SEWPCP that is specific to the project. Similarly, Per MaineDOT Standard Specifications, Revision of December 2002, Section 652–MAINTENANCE OF TRAFFIC, Section 652.3.3 Submittal of Traffic Control Plan, the Contractor will be required to submit for approval to the MaineDOT a Traffic Control Plan (TCP) that provides continuous and effective traffic control and management of the project that is appropriate the construction means, methods, and sequencing allowed by the contract and selected by the Contractor. These individual specifications are a mere sample of the standard construction specifications that the Contractor will be required to perform during the construction project.

Standard MaineDOT Specifications included in the project bid documents will also outline methods for dealing with any undesirable or contaminated soils on the project. The Contractor will be responsible for providing and maintaining environmental controls as required by federal, state and municipal regulations and permits. Environmental controls shall include but not be limited to noise, liquids and dust.

15. Traffic Study and Transportation Related Plans

Traffic Study and Transportation Related Plans

See enclosed Traffic Analysis letter.

Date

January 29, 2014

To

Craig Morin, PE

**Project
Correspondence****From**

Bruce Munger, PE, PTOE

Subject

International Marine Terminal – Traffic Analysis

BACKGROUND

The Maine Department of Transportation (MaineDOT) has retained HNTB to provide engineering services for the expansion of the Portland International Marine Terminal (IMT). The last phase of expansion to the IMT was completed in 2012 and did not require a Traffic Movement Permit (TMP). Prior to the 2012 expansion the last major work to the IMT was in 1995. The existing facility prior to the 2012 expansion is older than five years and there is no change of use, and is therefore grandfathered under the MaineDOT TMP Rules. The analysis below will show that a TMP is not needed for the proposed expansion of the IMT based on the acreage improved in the 2012 expansion, and the current proposed acreage to be improved.

REQUIRED ANALYSIS

Trip Generation - As per the MaineDOT TMP Application, all proposed development are required to calculate Trip Generation for the proposed land use. Furthermore, if that trip generation is significantly higher than the existing use trip generation (100 trips or more in a peak hour) a traffic impact study will be required.

As per MaineDOT standards, Trip Generation is calculated based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 7th Edition.

The Trip generation for the grandfathered section, first phase of the IMT facility expansion (2012), and the proposed expansion are based on Land Use Code (LUC) 010 Waterport/Marine Terminal and are listed below:

CONDITION	AVERAGE RATE TRIP END PER DAY	NUMBER OF ACRES	TRIP ENDS PER WEEKDAY
Existing (Prior to 2012)	11.93 trips per acre	5.5 acres	66 trip ends
Existing (Completed 2012)	11.93 trips per acre	5.28 acres	63 trip ends
Proposed	11.93 trips per acre	12.02 acres	144 trip ends

It should be noted that the Trip Ends are calculated for an average weekday and not peak hour. Assuming the peak hour would account for 15% of the average weekday trip generation, the peak hour trip generation for both the 2012 expansion and the proposed expansion would be 31 trip Ends. Also, if we assume that vehicles entering and exiting are large vehicles (tractor trailers) and these large vehicles would be equal to two passenger car equivalents (PCE), then the peak hour trip generation would be 62 trip ends (31 entering and 31 exiting) in a peak hour.

CONCLUSION

Based on the analysis above, the Portland IMT does not require a MaineDOT Traffic Movement Permit based on the previous and proposed expansion trip generation as per MaineDOT trip generation standards.

16. Summary of Significant Natural Features

Summary of Significant Natural Features

The project site is a previously developed (former industrial /rail-yard/working water front) urban site that largely consists of a gravel type surface over a fill condition. From years of non-use, parts of the vacant site have started the transformation into a successional re-growth type landscape. There are many first growth indicator species: trees - gray birch, aspen, apple, cherry, pitch pine; shrubs – sumac, meadowsweet, sweet fern, etc. and many grasses, as well as many invasive plants (purple loosestrife, Japanese knotweed, bittersweet, multiflora rose, etc.). Much of the site is covered with a weedy type growth, as would be expected in such a harsh, inhospitable site. There are no significant plant species, communities, or specimens within the site.

There are no significant natural features on the site except for the the adjacent Fore River.

Enclosed is a copy of the findings from the wetland field evaluation prepared by HNTB, dated January 31, 2014. The field evaluation found five potential areas exhibiting inland wetland characteristics. All locations are within previously disturbed and formerly developed sites. See exhibit #26 for specifics and letter.

Enclosed is a copy of a botanical review letter from the Maine Department of Conservation, Maine Natural Areas Program, dated March 31, 2014 in which they state there are no document cases of rare or unique botanical features in the vicinity of the project site.

Enclosed is a copy of correspondence with the Maine Historic Preservation Commission concerning archaeological review.

MaineDOT sent the project location and a request for review to the Maine Department of Fisheries and Wildlife. The response will be forwarded upon receipt.

MaineDOT screened the project using GIS Datalayers from the Maine Office of GIS. No rare, threatened, or special concern species were noted on the project site. Peregrine falcons were documented on the Casco Bay Bridge adjacent to the project site.

Maine Natural Areas Program

17 Elkins Lane

State House Station #93

Augusta, Maine 04333

Date: March 31, 2014

To: Kristen Chamberlain

From: Don Cameron, Ecologist

Re: Rare and exemplary botanical features: IMT Railroad Connector Project, Portland, ME

I have searched the Natural Areas Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site in response to your request received March 28, 2014 for our agency's comments on the project.

According to our current information, there are no rare botanical features that will be disturbed within the project site. This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We welcome the contribution of any information collected if a site survey is performed.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact our office if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Matthew Phillips

From: Chamberlain, Kristen <Kristen.Chamberlain@maine.gov>
Sent: Thursday, April 03, 2014 2:05 PM
To: Kittredge, Joel; Mitch Elliott (mielliott@HNTB.com); mphilips@carroll-assoc.com; HNTB (cmorin@HNTB.com) (cmorin@HNTB.com)
Subject: FW: Portland IMT

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Below please find the latest on MHPC/archaeology for inclusion in the City application. I will pass on their concurrence as soon as I get it.

*Kristen Chamberlain
Bridge, Multi Modal and Traffic Team Leader
Environmental Office
Maine Department of Transportation
(207) 557-5089
(207) 624-3101 Fax*

From: Hopkin, Megan M
Sent: Thursday, April 03, 2014 1:38 PM
To: Spiess, Arthur
Cc: Chamberlain, Kristen
Subject: Portland IMT
Importance: High

Art-

This a follow-up e-mail regarding Portland IMT site and archaeology concerns. Based on the plans sent to MHPC on March 26, 2014, MHPC Archaeologist (Leith Smith and Art Spiess) responded with the following statements:

- o We agree that there will be no adverse effect to the C & O Canal site, if it is still preserved, by minimal re-grading and placing porous, granular material in preparation of the area labeled “yard 8” and the area adjacent to Casco Bay Bridge.
- o We agree that there will be minimal or no adverse effect to the Glass Works from construction of the rail line on fill. However, we do not know whether the Glass Works remains are buried under 6” of fill or much greater depth of fill. To help determine the status of the Glass Works site underneath the proposed rail line, we would like to dig a series of hand-dug, 1 m square test units (up to a half dozen in number) along the proposed rail relocation line. These testpits could be adjacent to the line or within the proposed rail line footprint, depending on timing. They would provide information necessary for future assessment of impact to the Glass Works if there were to be future development along the rail line.
- o We conclude that the excavation for the proposed 730’-long concrete slab loading area has the potential to encounter and destroy a section of the C&O Canal. We agree with your email of earlier this week that the appropriate mitigation would be for an archaeologist or small team of

archaeologists to work with the excavation crew, monitor the excavation, and record features of the canal if/as they are exposed. This mitigation approach would be analogous to Section 106 data recovery.

In order to address the concerns that MHPC has regarding the C& O Canal and the glassworks, MHPC proposes the following:

MaineDOT agrees to allow MHPC to use a 4 man day of fieldwork to complete 1m hand dug test pits (half dozen in number) in the area of the former Glassworks where the rail line is proposed to go. Test pit work would have to be completed by the end of June 2014 in this area.

MaineDOT agrees to allow MHPC archaeologists to be on site during excavation of the proposed 730' concrete slab loading area.. Archaeologists are permitted to be on site during the length of excavation; however; delays caused by archaeological study can be no more than 2 days. This information will be included in a Special Provision 105.9 included with the contract.

If you could concur or provide your response by tomorrow morning, it would be greatly appreciated. If you would like to discuss this matter further, we can also do that. We will be including the above language in our application for a city permit tomorrow.

Thank you,

Megan M. Hopkin
Historic Coordinator
Maine DOT- Environmental Office
16 State House Station
Phone: 207.592.3486
Fax: 207.624.3099

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2014.0.4355 / Virus Database: 3722/7292 - Release Date: 04/03/14

17. Stormwater Management Plan and Calculations

Stormwater Management Plan and Calculations

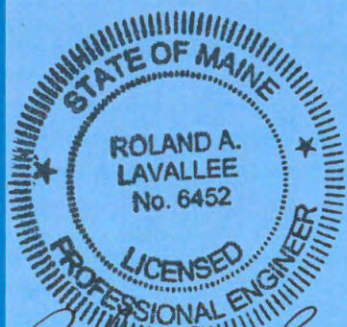
See enclosed Stormwater Management Report.

PORT OF PORTLAND

INTERNATIONAL MARINE TERMINAL



EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION



MARCH 26, 2014

STORMWATER REPORT

Roland A. Lavalley



STORMWATER MANAGEMENT REPORT

This section describes the impact of the proposed Portland International Marine Terminal (IMT) Existing Laydown and Connecting Corridor Connection project on the quantity and quality of stormwater runoff from the site. As this project is being developed by and under the supervision of the Maine Department of Transportation (MaineDOT), the permitting requirements follow the guidelines as outlined in the Memorandum of Agreement (MOA) for Stormwater Management between the Maine DOT, Maine Turnpike Authority and Maine Department of Environmental Protection (MaineDEP) as well as the MaineDEP Site Location of Development Act General Permit (MaineDEP GP) for the MaineDOT. Both of these guidance documents outline the requirements for MaineDOT projects in order to meet the standards of the MaineDEP's Chapter 500 Stormwater Management Rules.

The project is located between Commercial Street and the Fore River in Portland, Maine. The project location includes portions of land bounded by Commercial Street (Route 1A) between Cassidy Point Road and the Casco Bay Bridge (Route 77) and the Fore River to the south. The property is partially developed with marine and rail industrial uses, and evidence of the once extensive former developed waterfront and rail yard are commonly found in the site. Portions of the site are wooded with young growth trees and shrubs. The site is very flat with only subtle evidence of vertical relief. Non-active use portions of the site have roads and former rail sidings.

The proposed project includes construction of approximately 4,600 lf of railroad track, 55,000 sf of concrete loading slab, improvements to Commercial Street, improvements to the Beach Street Intersection and yard improvements to allow for storage of approximately 140 cargo chassis trailers. Figure 1 shows the proposed improvements.



Figure 1

EXISTING SITE FEATURES

The present parcel historically served as extensive railroad, industrial and marine operations as can be seen in the aerial photo in Figure 2. Over the last 30 to 40 years, rail activity along this parcel has decreased so that currently, only the Unitil propane terminal uses direct rail and the remaining portion of the site is primarily used as storage yards.



Figure 2: Historic photo, showing industrial and rail use (circa 1940)

Currently, the western portion of the site is primarily undeveloped with tracts of rail whereas the eastern portion is previously developed, abandoned rail yard, most of which is unused today. The existing site to be developed is approximately 11.2 acres and is comprised of the following ground covers:

- 5.54 acres (49%) Gravel with overgrowth of weeds
- 2.15 acres (19%) Trees/Brush
- 1.59 acres (14%) Railroad ballast
- 1.31 acres (12%) Gravel roads and roadway shoulders
- 0.47 acres (4%) Grass
- 0.15 acres (1%) Pavement

Recent photos of the site show the majority of the parcel contains some vegetation however upon further inspection it can be seen that the surface material is sand and gravel. It appears that vegetation has been allowed to grow due to the lack of recent use. Therefore, these overgrow, previously granular areas, are considered a combination of gravel and vegetation impervious groundcover as defined by Maine DEP Chapter 500. Although the soil is classified as impervious, runoff from rain events infiltrates into the granular materials and this methodology will be mimicked for Post-Development conditions.



Gravel ground cover with intermittent vegetation



Vegetation overgrowth on abandoned paved road, small tree growth

EXISTING DRAINAGE FEATURES

Commercial Street drainage flows to a series of catch basins located along the edge of pavement and in the gravel shoulder. Basins are connected via an 18" closed brick drainage system located within the Commercial Street Right of Way. The closed drainage system ties into the 24" Combined Sewer Overflow (CSO) which in turn traverses the IMT site and discharges into the Fore River. The rail portion of the site has no known drainage infrastructure and surface runoff infiltrates into the existing ground. The yard

portion of the site also has no drainage infrastructure for surface runoff. Similar to the rail portion, runoff infiltrates into existing ground. The existing 24" CSO line runs through this portion of the site however there is no surface runoff directed into the drainage system through this portion of the site. The CSO is shown on the survey provide by Owen Haskell included in Appendix A.

EXISTING SOILS

The site was inspected on January 21, 2014 to determine evidence of ecological communities that could indicate potential presence of state or federal jurisdictional wetlands. It was determined that wetlands do not likely exist on the site and that the existing soils are well draining. The Wetland Delineation/Regulated Resource Findings Memo is included as Appendix B.

The soils on the project site are cut and fill lands with moderately well drained drainage class. No surface waters other than the adjacent Fore River occur at the site. From the former land use indicators at the site, the entire area is likely appropriately identified on the soil survey. In general, the site consists of well drained silty sand which allows all stormwater runoff to either enter into the Commercial Street closed drainage system or to infiltrate into the granular soils where it enters the groundwater table.

PROPOSED DRAINAGE FEATURES

The proposed project consists of three primary areas of development which are identified as rail improvements; Commercial Street improvements and chassis storage yard improvements. The proposed development results in an overall disturbance of approximately 11.2 acres. The MaineDEP Chapter 500 Stormwater standards that apply to this project are the Basic and General Standards. A waiver from the flooding standard is applicable as runoff from the site discharges to the tidal Fore River via a piped system and in sheet flow.

Rail improvements consist of re-alignment of 4,600 LF of rail which extends from Cassidy Point to the IMT. Approximately 66% of the rail improvements are located within the limits of current rail or gravel roads. The remaining 34% of rail improvements occur within existing vegetated land. Rail improvements also include 750 LF of concrete loading slab which extends alongside the track at the eastern most segment of track. The slab will be used for loading cargo containers onto rail cars from within the IMT facility. The rail improvements result in the disturbance of approximately 2.14 acres. The loading slab disturbance is approximately 1.39 acres, which results in a total combined rail disturbance of 3.53 acres. HNTB has considered the development of the rail corridor and concrete loading slab linear as it is associated with an existing travel corridor in existence prior to July 19, 2007 as outlined in the MOA for Stormwater Management, Section 3(B)(2) and therefore is not required to meet the General Standards.

Commercial Street improvements consist of pavement widening of the eastbound travel lane to the Beach Street intersection in conjunction with widening the driveway into the IMT facility. The pavement widening width ranges from 11 FT to 17 FT directly adjacent to the north edge of the concrete slab. These improvements result in approximately 0.28 acres of new pavement which encompasses the existing gravel and grass shoulder. Additional Commercial Street improvements include improving the sidewalks at the Beach Street intersection and restriping travel lanes. These additional improvements are not considered in the overall project disturbance as there are no impacts in stormwater patterns. HNTB has considered Commercial Street shoulder widening linear for the same reason as noted above and therefore is not required to meet the General Standards.

The chassis storage yard improvements include extension of the IMT driveway into the site, grading/resurfacing the existing gravel yard, lighting and electrical infrastructure, fencing, and the installation of fire hydrants. These improvements result in an overall disturbance of 7.4 acres. The entrance into the site will be paved with asphalt and a curbed island will be provided to allow for pedestrian access to the site. The remaining disturbed area will include minor grading with the installation of a 24" granular porous section which includes a crushed stone surface to allow for movement of chassis vehicles. Based on the historic use of the site as an industrial and rail yard, existing subgrade soils are assumed to be granular fill with sufficient strength capacity to handle the anticipated loads at the facility. Therefore, excavation of existing soils will be minimized and the new granular section will be constructed on the existing soils. Approximately 6" of existing granular soils will be removed in order to keep the proposed yard elevation close to Commercial Street grades. HNTB has considered this portion of the project to be non-linear as outlined in the MOA for Stormwater Management, Section 3(B)(4) and is required to meet the General Standards.

STORMWATER QUANTITY

The drainage patterns for the Post-Development condition remain essentially unchanged from Pre-Development conditions. Rail improvements proposed for the western portion of the site remain within the same watershed and drainage patterns are essentially unchanged. The track realignment results in the track being shifted toward the waterfront approximately 50 feet and the surface runoff for Post-Development conditions will mimic current conditions in that runoff will be allowed to infiltrate into the ballast and shoulder and ultimately into underlying soils. There are no known issues with drainage as noted along the existing tracks therefore this is not anticipated to be of concern for Post-Development conditions. Additionally, an underdrain is included along the entire length of track to ensure subgrade soils are properly drained. The proposed underdrain system connects to the existing CSO's. Field inlets have also been provided at low points along the north side underdrain as the proposed track is elevated and acts as a dam to the up gradient parcel along Commercial Street. Field inlets will ensure that ponding does not occur along the track during larger storm events.

Drainage patterns for Commercial Street also remain unchanged from Pre-Development conditions. Runoff along the Commercial Street corridor is collected in a series of existing catchbasins where it is conveyed to the 24 inch diameter CSO that discharges into the Fore River. The proposed widened shoulder along the eastbound travel lane will be graded such that surface water runoff sheds to the edge of pavement and is channelized along the face of the concrete barrier. The concrete barrier is located along the curb line of the widened shoulder and separates track loading operations from Commercial Street. The gutter line includes a porous concrete section the entire face of barrier. Runoff is collected in a proposed underdrain system located in the widened eastbound travel lanes of Commercial Street. The underdrain system acts to collect and convey runoff to the catch basin located at the intersection of Beach Street. Runoff from Commercial Street and the Beach Street intersection is currently collected by the closed drainage system therefore drainage characteristics are essentially unchanged. The existing catch basin will need to be cored to allow for tie-in of the underdrain system. The City of Portland has indicated that there are no concerns with connecting to the existing drainage infrastructure.

The chassis storage yard subcatchment is also essentially unchanged. Currently, all stormwater runoff collected between the south edge of Commercial Street and the Fore River infiltrates into the existing porous granular materials throughout the entire site. As indicated in the Wetlands Delineation memo, existing soils are cut and fill lands that are moderately well drained. In Post-Development conditions, grades are raised 6" to remove any undesirable organics and allow for installation of 20" of Type D

Aggregate Subbase and 4"-6" of Crushed Stone surface while minimizing excavations of existing soil. Installation of these materials meets strength requirements to allow for storage of cargo containers on truck chassis bodies while also promoting infiltration of stormwater runoff. Due to the porous nature of the existing subgrade soils, an underdrain system is not proposed.

Due to the nature of existing subgrade soils and the ability of runoff to infiltrate into the granular soils, the majority of surface runoff from the proposed development will be allowed to infiltrate. The exception to this is the Commercial Street improvements where runoff is conveyed into the existing closed drainage system as previously noted. As this system ultimately discharges into the Fore River via the existing 24" CSO, a waiver from the flooding standard is being requested as outlined in MaineDEP Chapter 500 Stormwater Management Rules, section 4 (E)(2)(a).

Flooding calculations were conducted for the widened shoulder and truck storage lane on the eastbound travel lane of Commercial Street. Calculations for the 50-year storm event demonstrate that flooding along the concrete barrier does not occur as the porous concrete, granular layer and underdrain have sufficient capacity to store and convey all runoff. A drainage model was performed to determine extent of flooding in the event the porous media becomes clogged. Analysis shows that ponding occurs at the catch basin located at the eastern end of the concrete barrier however does not extend into the through travel lane of Commercial Street. The 400 sf puddle encompasses a portion of the shoulder and overflows into the IMT facility across the newly paved entrance before entering into a proposed catch basin. The Maine Port Authority has indicated this is not of concern and should not impede their operations. Calculations are included in Appendix C.

STORMWATER QUALITY

BASIC STANDARDS

The MaineDEP GP for MaineDOT states that all projects shall comply with the Basic Standards of the DEP Stormwater Rules as outlined in Section II(D). The MaineDOT requires that the Contractor develop a project specific Erosion Control Plan to be approved by the MaineDOT. As noted in the MOA for Stormwater Management, all MaineDOT transportation projects shall comply with the Basic Standards of Chapter 500 through implementation of best management practices described in the MaineDOT's Best Management Practices for Erosion and Sedimentation Control (MaineDOT Manual).

Standard erosion control notes are provided on the plans and outline the requirements of the Contractor to provide a construction entrance, sediment barrier, silt sacks, and check dams. This plan includes adequate measures to prevent construction related erosion from negatively impacting the Fore River located adjacent to the proposed development.

GENERAL STANDARDS

The MOA for Stormwater Management outlines the requirements for linear and non-linear portions of projects MaineDOT related projects. As previously discussed, the rail corridor improvements, concrete loading slab and Commercial Street improvements are considered linear portions of the project and are associated with existing travel corridors constructed prior to July 19, 2007; therefore, per Section 3(B)(2) of the MOA, these developed areas are not required to meet the General Standards. The chassis storage yard is considered non-linear and must meet the General Standards for portions of the redevelopment that are new impervious, Section 4(B)(3)(e) of Chapter 500.

LINEAR PORTIONS OF THE PROJECT

Although linear portions of the project are not required to meet the General Standards, some linear portions of the project provide treatment of stormwater runoff in much the same way it is today. Rail runoff infiltrates into the ballast stone and shoulder soils and therefore treatment is provided for via infiltration. Commercial Street runoff continues to be conveyed into the existing closed drainage system within the roadway. However, a porous concrete shoulder is proposed along the entire length of the roadway improvements. All of the pavement widening is sloped to drain into the porous concrete strip. The porous pavement section consists of a 6" porous concrete surface, 24" Type D subbase gravel and 4" +/- granular underdrain material with 6" perforated underdrain pipe which connects to the existing Commercial Street closed drainage system. The granular media acts as a filter layer to provide stormwater treatment although none is required.

The concrete slab along the rail results in 1.21 acres of new impervious area. Runoff from the slab sheds toward the rail and is conveyed directly into an underdrain system via a series of scuppers located along the entire length of the slab. The underdrain is connected to the existing 24" CSO located in the chassis storage yard. Stormwater treatment is therefore not provided for this portion of the project which is consistent with the criteria as outlined in the MOA, Section 3(B)(2).

NON-LINEAR PORTIONS OF THE PROJECT

The chassis storage yard improvements are constructed with a granular section consisting of 20" MaineDOT 304.10, Type D gravel with 4"-6" MaineDOT 411.12, Crushed Stone Surface course. This section has been designed to handle the heavy vehicle loads anticipated at the IMT facility, provide for infiltration and treatment of stormwater runoff, and provide storage of the 1" rain event within the stone voids. Drainage calculations for the 1" storm are provided in Appendix C. In order to achieve the required treatment of new impervious area, the entire yard is constructed to allow infiltration and treatment of runoff. The porous section is constructed per Section 7.7 Manmade Pervious Surfaces BMP from the BMP's Technical Design Manual.

The proposed developed results in approximately 11.2 acres of disturbance and is comprised of the following ground covers:

- 6.90 acres (62%) Crushed stone surface
- 2.14 acres (19%) Railroad ballast
- 1.87 acres (17%) Pavement
- 0.21 acres (2%) Gravel
- 0.08 acres (1%) Grass

The summary of treatment for new impervious and new developed areas (acres) is tabulated below:

	EXIST IMP.	PROP IMP.	NEW IMP:	DEVEL- OPED	TREAT- MENT	METHOD	% NEW IMP	% DEVELOPED
RAIL:	1.40	2.14	0.74	2.14	2.14	INFILTRATION TO EXIST MEDIA	2.14/.74=289%	2.14/2.14=100%
ROAD:	0.15	0.28	0.12	0.28	0.28	INFILTRATION TO UNDERDRAIN	.28/.12=233%	.28/.28=100%
SLAB:	0.11	1.33	1.21	1.39	0		0%	0%
YARD:	1.38	7.38	6.00	7.40	6.90	INFILTRATION TO EXIST MEDIA	6.9/6=115%	6.9/7.4=93.2%
TOTAL:	3.05	11.12	8.07	11.20	9.32		9.32/8.07=115%	9.32/11.21=83%

**Note: Linear portions of the project are not required to provide treatment per the MOA. Rail and Commercial Street is considered to have 100% treatment provided through infiltration through existing granular soils or through infiltration through granular underdrain media. Treatment is not required but considered in the above table.*

As summarized in the above table, the required treatment of new impervious surfaces and total developed area for the non-linear portions of the development are exceeded. The reason for excess treatment is that the development of the chassis storage area converts existing impervious paved and gravel areas to the crushed stone surface which is designed to allow infiltration and provide for stormwater treatment.

The design of the chassis storage yard followed the guidelines of the Manmade Pervious Surfaces BMP, Section 7.7, in order to provide treatment of stormwater runoff at the IMT Facility. There seems to be a bit of flexibility in this BMP that allows alternative pavement/surface systems but there are specific requirements that must be met. Of these requirements are maintaining light to moderate traffic volumes, maintaining flat slopes (<5%), minimize sediment loading (such as winter sanding), and course clean aggregate for use as reservoir course. Additionally, the filter layer is required to be a minimum of 8" with between 4 and 7% fines. Calculations show that based on a 40% voids ratio in the MDOT 703.12 Crushed Stone Surface, a minimum thickness of 2.5" is required in order to collect the 1" storm and therefore meets the reservoir criteria. The 20" granular base material is noted on the plans to require 4-7% fines. The guidelines in the BMP have been used to design an alternative to the filtration BMP that works for the IMT facility. The storage reservoir is located at the surface as this material also acts as the operating surface for the yard where typically the reservoir layer would be under a layer of porous pavers and the filter layer. We feel that the filter layer and reservoir course should have the same final end result in that stormwater runoff will be sufficiently "treated" before allowed to infiltrate into underlying soils. This is all provided that the crushed stone surface is properly inspected and maintained and therefore this will be part of the annual inspection and maintenance program for the IMT facility.

HNTB has reviewed the Geotechnical report for the currently developed adjacent property which shows the groundwater table is six to nine feet below existing grade. It is HNTB's opinion that since grades are uniform across the proposed IMT development and into the adjacent property, that the groundwater table on the IMT site would be similar in elevation.

SUMMARY

The natural drainage patterns that exist today will remain essentially unchanged by the proposed development. Improvements along Commercial Street consist of a widened, paved shoulder. The MOA for Stormwater Management requires the MaineDOT to meet the MaineDEP's General Standards for stormwater quality on linear projects if the project is located in the direct watershed of a lake most at risk from new development or in the watershed of an urban impaired stream. Neither of these criteria are met therefore linear portions of the proposed project are not required to meet the MaineDEP's General Standards for stormwater quality. However, treatment is being provided via infiltration into existing soils and a porous concrete pavement section. Computer modeling indicates that flooding will be limited by use of the porous concrete pavement located along the face of the concrete barrier and by conveyance of potential overflow to the existing catch basin located at the IMT entrance. Flooding could potentially occur during large storm events however modeling indicates the highest flood stages do not result in flooding within the travel lanes or intersection of Commercial Street and Beach Street; flooding is anticipated to be limited to within the IMT driveway where it flows into a new catch basin.

Yard improvements at the IMT consist of upgrades to the granular section to allow for handling heavy loads of loaded truck chassis. The section mimics existing soils drainage characteristics in that it

continues to allow for infiltration of stormwater runoff. Surface runoff is pitched towards existing structures located along the existing 24" CSO. The structures will be converted from manholes to catchbasins and allow for possible highest flood stage overflow into the CSO closed drainage system. The CSO discharges into the Fore River therefore flooding of down gradient drainage areas is not of concern.

In conclusion, the existing Commercial Street drainage system operates sufficiently and will not be significantly impacted by the proposed improvements; the existing infiltration characteristics for the chassis storage yard will be carried over for the proposed development; and therefore the improvements as outlined herein will have no significant impact in regards to off-site runoff stormwater discharge or degradation of stormwater quality.

APPENDICES

APPENDIX A: OWEN HASKELL SURVEY PLANS

APPENDIX B: WETLAND DELINEATION/REGULATED RESOURCE FINDINGS MEMO

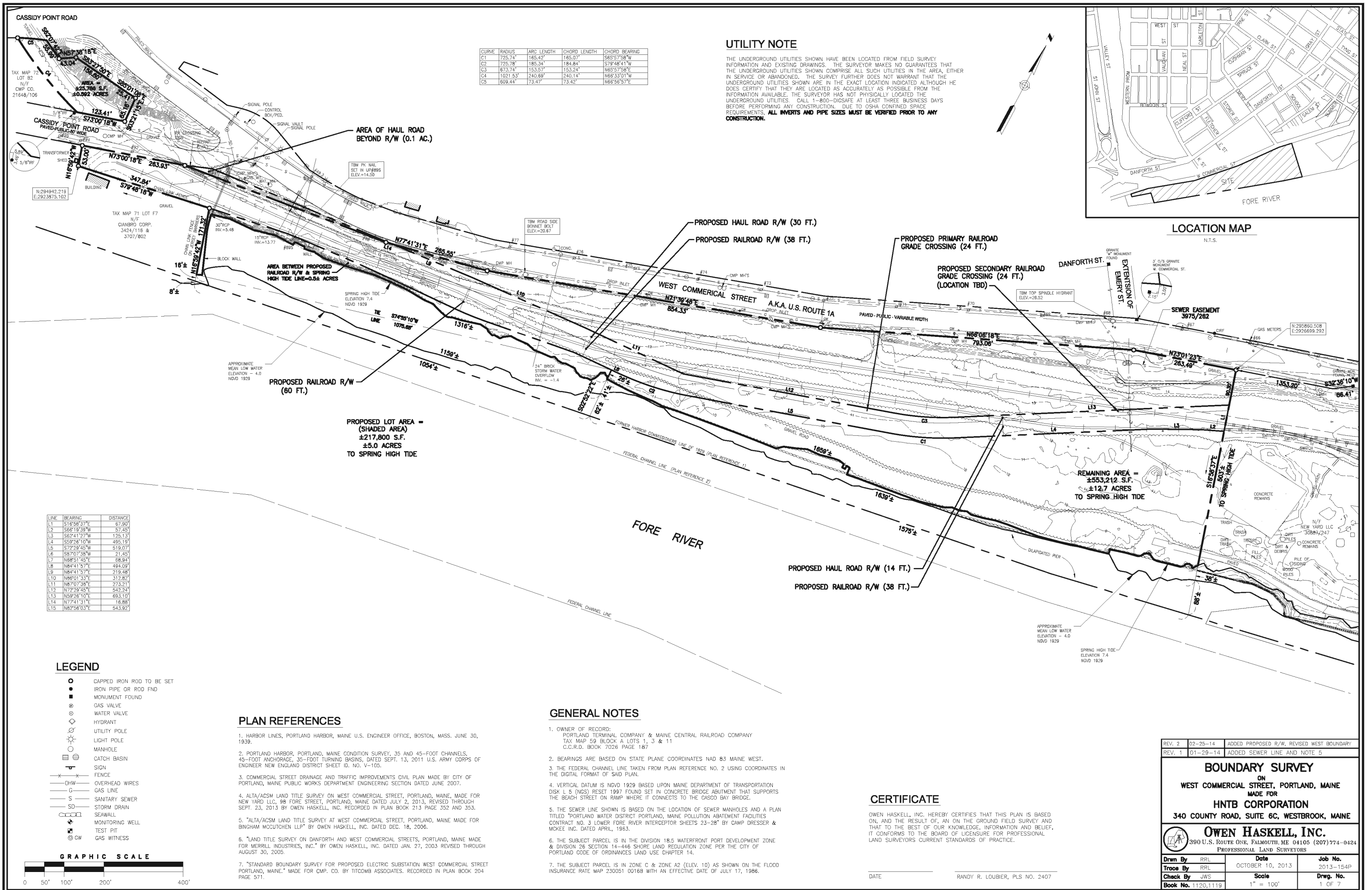
APPENDIX C: DRAINAGE CALCULATIONS

- COMMERCIAL STREET STORMWATER CALCULATIONS
- 1" STORM CALCULATIONS

APPENDIX D: DRAWINGS

- PRE-DEVELOPMENT CONDITIONS
- POST-DEVELOPMENT CONDITIONS
- SITE PLAN
- SITE GRADING PLAN
- EROSION AND SEDIMENT CONTROL PLAN
- EROSION AND SEDIMENT CONTROL NOTES
- EROSION AND SEDIMENT CONTROL DETAILS

APPENDIX A: OWEN HASKELL SURVEY PLANS



Possible Encroachments:

- ▲ BUILDING OVER LINE 3/4
▲ FENCE OVER LINE 18.52

Notes:

1. THE FEDERAL CHANNEL LINE TAKEN FROM PLAN REFERENCE NO. 7 USING COORDINATES IN THE DIGITAL FORMAT OF SAID PLAN.
2. VERTICAL DATUM IS NGVD 1929 BASED UPON MAINE DEPARTMENT OF TRANSPORTATION DISK L-5 (NGS) RESET 1997 FOUND SET IN CONCRETE BRIDGE ABUTMENT THAT SUPPORTS THE BRIDGE STREET ON RAMP WHERE IT CONNECTS TO THE CASCO SALT BRIDGE.
3. BEARINGS ARE MAINE STATE PLANE WEST 1983 DATUM.
4. NO RECORD HAS BEEN FOUND FOR THIS RIGHT OF WAY, EXCEPT FOR IT HAS BEEN SHOWN ON OR IMPLIED ON THE PLANS REFERENCED.

Utility Note:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEY FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-800-DRINKER AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

Legend:

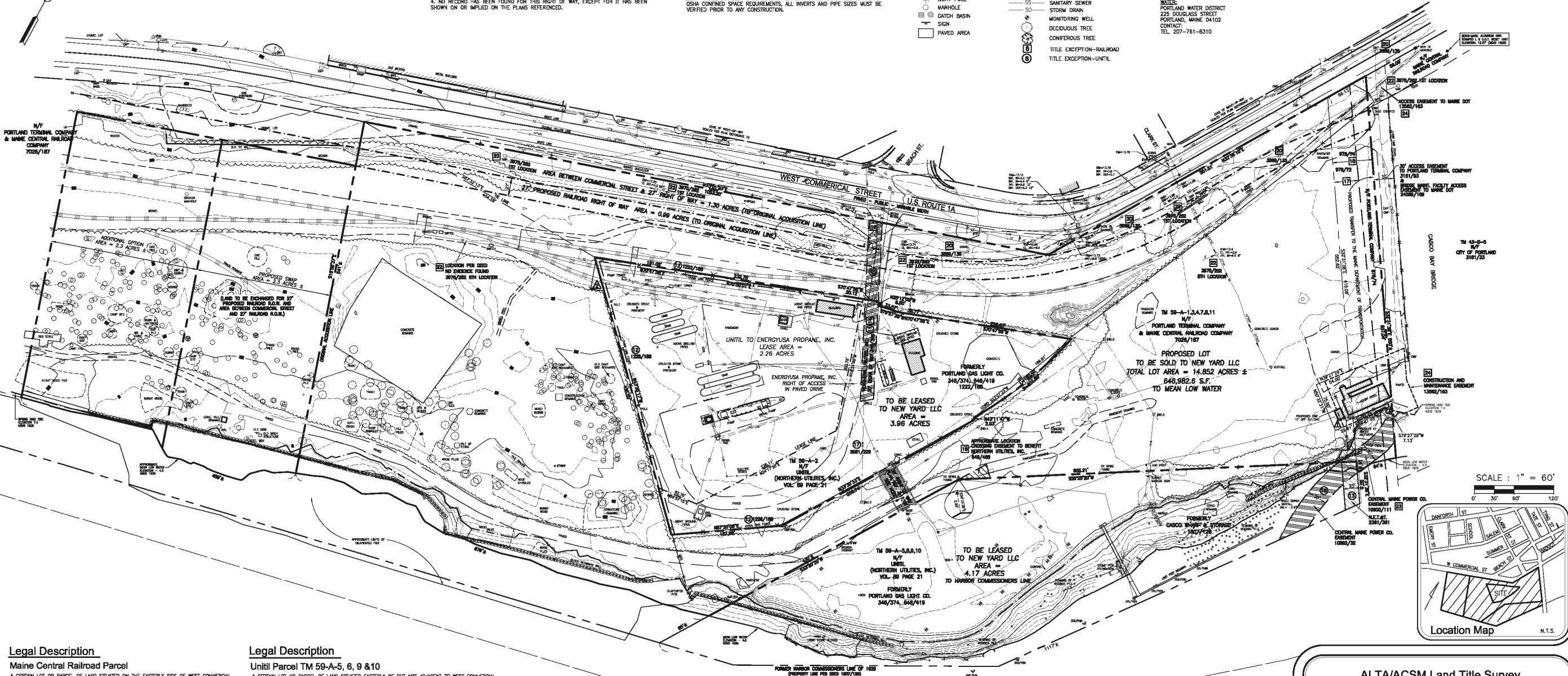
- IRON PIPE OR ROD FND
- MONUMENT FOUND
- GAS VALVE
- WATER VALVE
- HYDRANT
- UTILITY POLE
- LIGHT POLE
- MANHOLE
- CATCH BASIN
- SIGN
- PAVED AREA
- FENCE
- CURB
- OVERHEAD WIRES
- UNDERGROUND ELECTRIC
- TELEPHONE
- WATER LINE
- GAS LINE
- SANITARY SEWER
- STORM DRAIN
- MONITORING WELL
- DECIDUOUS TREE
- CONIFEROUS TREE
- TITLE EXCEPTION—RAILROAD
- TITLE EXCEPTION—UNTIL

Utility Companies:

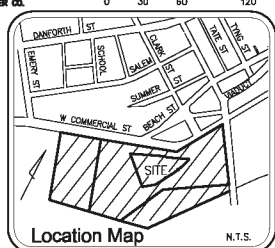
SANITARY SEWER/STORM DRAIN:
CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
55 PORTLAND STREET
PORTLAND, MAINE 04101
CONTACT:
TEL. 207-874-874

WATER:
PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PORTLAND, MAINE 04102
CONTACT:
TEL. 207-761-8310

GAS:
UNITIL
1075 FOREST AVENUE
PORTLAND, MAINE 04103
CONTACT:
TEL. 207-797-8002
TEL. 1-888-833-3821



SCALE: 1" = 60'



Legal Description

Maine Central Railroad Parcel

A CERTAIN LOT OR PARCEL OF LAND SITUATED ON THE EASTERLY SIDE OF WEST COMMERCIAL STREET IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND AND STATE OF MAINE BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A GRANITE MONUMENT IN A MANHOLE LOCATED IN THE SOUTHERLY SIDELINE OF WEST COMMERCIAL STREET AS SHOWN ON "ALTA/ACSM LAND TITLE SURVEY ON WEST COMMERCIAL STREET, PORTLAND, MAINE MADE FOR NEW YARD LLC DATED JULY 2, 2012 REVISED THRU 4-08-13 BY OWEN HASKELL, INC. TO BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS (THE "PLAN"); THENCE S 32°36'10" W ALONG THE SOUTHERLY SIDELINE OF WEST COMMERCIAL STREET 86.09 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING S 32°31'30" E ALONG LAND NOW OR FORMERLY OF PORTLAND TERMINAL COMPANY AND LAND NOW OR FORMERLY OF THE CITY OF PORTLAND 580 FEET MORE OR LESS TO LOW WATER; THENCE WESTERLY AND SOUTHWESTERLY ALONG LOW WATER 64 FEET MORE OR LESS TO LAND NOW OR FORMERLY OF CASCO WHARF & STORAGE AS DESCRIBED IN DEED RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 1507, PAGE 126; THENCE N 32°13'50" W ALONG LAND NOW OR FORMERLY OF SAID CASCO WHARF & STORAGE 14 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LAND NOW OR FORMERLY OF SAID CASCO WHARF & STORAGE; THENCE S 59°25'20" W ALONG LAND NOW OR FORMERLY OF SAID CASCO WHARF & STORAGE 802.21 FEET TO LAND NOW OR FORMERLY OF PORTLAND GAS LIGHT CO. AS DESCRIBED IN DEED RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 346, PAGE 374 AND BOOK 846, PAGE 416; THENCE S 33°20'20" W ALONG LAND NOW OR FORMERLY OF SAID PORTLAND GAS LIGHT CO. 430 FEET MORE OR LESS TO LOW WATER; THENCE WESTERLY ALONG LOW WATER 679 FEET MORE OR LESS TO A POINT; THENCE N 19°58'37" W ALONG REMAINING LAND OF THE GRANTEE 541 FEET MORE OR LESS TO THE SOUTHERLY SIDELINE OF WEST COMMERCIAL STREET; THENCE N 73°01'23" E ALONG THE SOUTHERLY SIDELINE OF SAID WEST COMMERCIAL STREET 1053.00 FEET; THENCE N 32°36'10" E ALONG THE SOUTHERLY SIDELINE OF SAID WEST COMMERCIAL STREET 551.51 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM THE ABOVE DESCRIBED PARCEL THE FOLLOWING PARCEL OF LAND:

BEGINNING AT A POINT LOCATED 404.28 FEET ON A COURSE OF S 87°32'13" E FROM THE MOST NORTHWEST CORNER OF THE ABOVE DESCRIBED LOT;

THENCE THE FOLLOWING COURSES AND DISTANCES:

N 70°47'58" E 181.08 FEET;
N 70°50'01" E 232.75 FEET;
S 29°12'00" E 25.12 FEET;
S 29°12'00" E 6.50 FEET;
N 70°57'28" E 33.57 FEET;
N 70°47'58" E 38.77 FEET;
N 70°47'58" E 228.63 FEET;

ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 603.80 FEET AN ARC DISTANCE OF 190.40 FEET, BEARING A CHORD OF S 23°07'23" W A DISTANCE OF 189.61 FEET;

S 43°11'47" E 2.93 FEET;
S 33°30'33" W 256.74 FEET;
S 37°20'08" W 167.96 FEET;

N 42°25'17" W 435.50 FEET TO THE POINT OF BEGINNING CONTAINING 3.96 ACRES.

Legal Description

Unitil Parcel TM 59-A-5, 6, 9 & 10

A CERTAIN LOT OR PARCEL OF LAND SITUATED EASTERLY OF BUT NOT ADJACENT TO WEST COMMERCIAL STREET IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND AND STATE OF MAINE BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A GRANITE MONUMENT IN A MANHOLE LOCATED IN THE SOUTHERLY SIDELINE OF WEST COMMERCIAL STREET AS SHOWN ON "ALTA/ACSM LAND TITLE SURVEY ON WEST COMMERCIAL STREET, PORTLAND, MAINE MADE FOR NEW YARD LLC DATED JULY 2, 2012 REVISED THRU 4-08-13 BY OWEN HASKELL, INC. TO BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS (THE "PLAN"); THENCE S 32°36'10" W ALONG THE SOUTHERLY SIDELINE OF WEST COMMERCIAL STREET 102.22 FEET; THENCE S 32°31'30" E THROUGH LAND NOW OR FORMERLY OF PORTLAND TERMINAL COMPANY RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 7026, PAGE 187 552.80 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING S 59°25'20" W ALONG LAND NOW OR FORMERLY OF SAID PORTLAND TERMINAL COMPANY 802.21 FEET; THENCE S 33°20'20" W ALONG LAND NOW OR FORMERLY OF SAID PORTLAND TERMINAL COMPANY 430 FEET MORE OR LESS TO LOW WATER; THENCE CONTINUING ALONG THE SAME COURSE 85 FEET MORE OR LESS TO THE FORMER HARBOR COMMISSIONERS LINE OF 1928; THENCE EASTERLY ALONG THE HARBOR COMMISSIONERS LINE OF 1928, 1117 FEET MORE OR LESS TO LAND NOW OR FORMERLY OF SAID PORTLAND TERMINAL COMPANY; THENCE N 32°31'30" W ALONG LAND NOW OR FORMERLY OF SAID PORTLAND TERMINAL COMPANY 64 FEET MORE OR LESS TO THE POINT OF BEGINNING.

Unitil Parcel TM 59-A-2

A CERTAIN LOT OR PARCEL OF LAND SITUATED EASTERLY OF BUT NOT ADJACENT TO WEST COMMERCIAL STREET IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND AND STATE OF MAINE AS SHOWN ON THE PLAN AND BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A GRANITE MONUMENT IN A MANHOLE LOCATED IN THE SOUTHERLY SIDELINE OF WEST COMMERCIAL STREET AS SHOWN ON THE PLAN;

THENCE S 32°36'10" W ALONG THE SOUTHERLY SIDELINE OF WEST COMMERCIAL STREET 637.80 FEET TO AN ANGLE POINT IN SAID STREET;

THENCE S 87°32'13" E THROUGH LAND NOW OR FORMERLY OF SAID PORTLAND TERMINAL COMPANY AS RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 7026, PAGE 187 404.28 FEET TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING COURSES AND DISTANCES:

N 70°47'58" E 181.08 FEET;
N 70°50'01" E 232.75 FEET;
S 29°12'00" E 25.12 FEET;
S 29°12'00" E 6.50 FEET;
N 70°57'28" E 33.57 FEET;
N 70°47'58" E 38.77 FEET;
N 70°47'58" E 228.63 FEET;

ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 603.80 FEET AN ARC DISTANCE OF 190.40 FEET, BEARING A CHORD OF S 23°07'23" W A DISTANCE OF 189.61 FEET;

S 43°11'47" E 2.93 FEET;
S 33°30'33" W 256.74 FEET;
S 37°20'08" W 167.96 FEET;
N 42°25'17" W 435.50 FEET TO THE POINT OF BEGINNING, CONTAINING 3.96 ACRES.

Schedule B Section 2 Exceptions

Maine Central Railroad Parcel

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
FILE # 1000115, EFFECTIVE DATE: UPDATE FROM 11-30-12
40 WEST COMMERCIAL STREET, PORTLAND, CUMBERLAND COUNTY, STATE OF MAINE

- 1-10. NON-SURVEY ITEMS
11. INTENTIONALLY DELETED
12. INTENTIONALLY DELETED
13. INTENTIONALLY DELETED
14. CONDITIONS DESCRIBED IN DEED FROM PORTLAND GAS LIGHT COMPANY TO PORTLAND AND KENNEBEC RAIL ROAD COMPANY, DATED OCTOBER 6, 1886 AND RECORDED IN BOOK AT 346, PAGE 376. — AS SHOWN
15. INTENTIONALLY DELETED
16. EASEMENT RESERVED IN DEED FROM PORTLAND GAS LIGHT COMPANY TO MAINE CENTRAL RAILROAD COMPANY, DATED MAY 5, 1907 AND RECORDED IN BOOK 648, PAGE 468 — AS SHOWN
17. EASEMENT FROM PORTLAND TERMINAL COMPANY TO COUNTY OF CUMBERLAND, DATED AUGUST 30, 1918 AND RECORDED IN BOOK 976, PAGE 73 — AS SHOWN
18. EASEMENT RESERVED IN DEED FROM PORTLAND TERMINAL COMPANY TO PORTLAND TERMINAL COMPANY, DATED AUGUST 30, 1918 AND RECORDED IN BOOK 976, PAGE 74 — AS SHOWN
19. INTENTIONALLY DELETED
20. EASEMENT FROM PORTLAND TERMINAL COMPANY TO CENTRAL MAINE POWER COMPANY, DATED APRIL 15, 1976 AND RECORDED IN BOOK 3689, PAGE 133 — AS SHOWN
21. INTENTIONALLY DELETED
22. EASEMENT FROM PORTLAND TERMINAL COMPANY TO PORTLAND WATER DISTRICT, DATED FEBRUARY 11, 1977 AND RECORDED IN BOOK 3975, PAGE 262 — AS SHOWN
23. EASEMENT FROM PORTLAND TERMINAL COMPANY AND MAINE CENTRAL RAILROAD COMPANY TO CENTRAL MAINE POWER COMPANY, DATED FEBRUARY 9, 1993 AND RECORDED IN BOOK 10600, PAGE 111 — AS SHOWN
24. EASEMENT FROM PORTLAND TERMINAL COMPANY TO STATE OF MAINE, DATED JANUARY 14, 1998 AND RECORDED IN BOOK 13562, PAGE 183 — AS SHOWN
25. SUCH STATEMENT OF FACTS AS IS SHOWN ON THE ALTA/ACSM LAND TITLE SURVEY OWEN HASKELL, ENTITLED "WEST COMMERCIAL STREET, COUNTY OF CUMBERLAND, MAINE MADE FOR NEW YARD LLC", DATED JULY 2, 2012, LAST REVISED _____, 2013 AND RECORDED IN PLAN BOOK _____, PAGE _____, INCLUDING SPECIFICALLY:
 - (a) ENCROACHMENT OF BUILDING OWNED BY THE EASTERLY ADJUTER'S PROPERTY ON THE INSURED PREMISES — AS SHOWN

Schedule B Section 2 Exceptions

Unitil Parcels

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
FILE # 1000115, EFFECTIVE DATE: UPDATE FROM 11-30-12
WEST COMMERCIAL STREET, PORTLAND, CUMBERLAND COUNTY, STATE OF MAINE

- 1-8. NON-SURVEY ITEMS
9. EASEMENT FROM MILLIAM LANSDE TO PORTLAND GAS LIGHT COMPANY, DATED OCTOBER 28, 1863 AND RECORDED IN BOOK 318, PAGE 468 — LOCATION UNKNOWN
10. INTENTIONALLY DELETED
11. CONDITIONS DESCRIBED IN THE DEED FROM PORTLAND GAS LIGHT COMPANY TO PORTLAND AND KENNEBEC RAIL ROAD COMPANY, DATED OCTOBER 6, 1886 AND RECORDED IN BOOK AT 346, PAGE 376. — AS SHOWN
12. CONDITIONS DESCRIBED IN THE DEED FROM PORTLAND TERMINAL COMPANY TO PORTLAND GAS LIGHT COMPANY, DATED DECEMBER 26, 1925 AND RECORDED IN BOOK 1222, PAGE 188. — AS SHOWN
13. EASEMENTS DESCRIBED IN THE DEED FROM PORTLAND TERMINAL COMPANY TO CASCO WHARF AND STORAGE COMPANY, DATED AUGUST 31, 1936 AND RECORDED IN BOOK 1507, PAGE 126, AS ATTESTED BY AN EASEMENT FROM CASCO WHARF AND STORAGE CO. TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, DATED JUNE 15, 1957 AND RECORDED IN BOOK 2361, PAGE 301. — AS SHOWN
14. EASEMENT FROM PORTLAND GAS LIGHT COMPANY TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, DATED NOVEMBER 1, 1951 AND RECORDED IN BOOK 2070, PAGE 128 — POLE #85.3 NOT LOCATED
15. EASEMENT FROM PORTLAND GAS LIGHT COMPANY TO CENTRAL MAINE POWER COMPANY, DATED JANUARY 6, 1956 AND RECORDED IN BOOK 2276, PAGE 265 — POLE #82.1 NOT LOCATED
16. INTENTIONALLY DELETED
17. EASEMENT FROM NORTHERN UTILITIES, INC. TO CENTRAL MAINE POWER COMPANY, DATED SEPTEMBER 2, 1982 AND RECORDED IN BOOK 5081, PAGE 229 — AS SHOWN
18. EASEMENT AS DESCRIBED IN THE INDEMTURE BY AND BETWEEN NORTHERN UTILITIES, INC. AND CENTRAL MAINE POWER COMPANY, DATED JULY 23, 1993 AND RECORDED IN BOOK 10882, PAGE 32 — AS SHOWN
19. INTENTIONALLY DELETED
20. NON-SURVEY ITEM
21. SUCH STATEMENT OF FACTS AS IS SHOWN ON THE ALTA/ACSM LAND TITLE SURVEY OWEN HASKELL, ENTITLED "WEST COMMERCIAL STREET, COUNTY OF CUMBERLAND, MAINE MADE FOR NEW YARD LLC", DATED JULY 2, 2012, LAST REVISED _____, 2013 AND RECORDED IN PLAN BOOK _____, PAGE _____, INCLUDING SPECIFICALLY:
 - (a) ENCROACHMENT OF CHAIN LINK FENCE ONTO WESTERLY ADJUTER'S PROPERTY — AS SHOWN

Plan References:

1. HARBOR LINES, PORTLAND HARBOR, MAINE U.S. ENGINEER OFFICE, BOSTON, MASS. JUNE 30, 1939.
2. STANDARD BOUNDARY SURVEY SOUTH OF COMMERCIAL STREET, PORTLAND, MAINE FOR CENTRAL MAINE POWER COMPANY, PROPOSED EASEMENT LOCATION ON LAND OF PORTLAND TERMINAL COMPANY & MAINE CENTRAL RAILROAD AND CASCO WHARF AND STORAGE DATED DEC. 10, 1992 REV. 2 JAN. 27, 1993 BY OWEN HASKELL, INC.
3. STANDARD BOUNDARY & TOPOGRAPHIC SURVEY ON COMMERCIAL STREET, PORTLAND, MAINE MADE FOR NORTHERN UTILITIES, INC. DATED AUGUST 6, 1999 BY OWEN HASKELL, INC.
4. STANDARD BOUNDARY SURVEY FOR PROPERTY AT PORTLAND INTERNATIONAL MARINE TERMINAL, COMMERCIAL STREET, PORTLAND, CUMBERLAND COUNTY, MAINE OWNED BY CITY OF PORTLAND DATED AUGUST 14, 2002 BY EASTERLY SURVEYING, INC.
5. PLAN OF LAND ON WEST COMMERCIAL STREET, PORTLAND, MAINE MADE FOR CENTRAL MAINE POWER COMPANY DATED APRIL 24, 2003 BY OWEN HASKELL, INC.
6. ALTA/ACSM LAND TITLE SURVEY AT WEST COMMERCIAL STREET, PORTLAND, MAINE MADE FOR BINGHAM MCCUTCHEN LLP DATED DEC. 18, 2006 BY OWEN HASKELL, INC.
7. STANDARD BOUNDARY SURVEY FOR PROPERTY AT PORTLAND INTERNATIONAL MARINE TERMINAL, COMMERCIAL STREET, PORTLAND, CUMBERLAND COUNTY, MAINE OWNED BY CITY OF PORTLAND DATED AUGUST 14, 2002 BY EASTERLY SURVEYING, INC.
8. STANDARD BOUNDARY SURVEY FOR PROPERTY AT PORTLAND INTERNATIONAL MARINE TERMINAL, COMMERCIAL STREET, PORTLAND, CUMBERLAND COUNTY, MAINE OWNED BY CITY OF PORTLAND DATED AUGUST 14, 2002 BY EASTERLY SURVEYING, INC.
9. PORTLAND TERMINAL COMPANY OFFICE OF THE VICE PRESIDENT — ENGINEERING, LAND SALE PLAN, POWER COMPANY DATED DEC. 30, 2011.
10. COMMERCIAL STREET DRAINAGE AND TRAFFIC IMPROVEMENTS CIVIL PLAN MADE BY CITY OF PORTLAND, MAINE PUBLIC WORKS DEPARTMENT ENGINEERING SECTION DATED JUNE 2007.
11. PLAN OF PROPERTY IN THE CITY OF PORTLAND BY W. ANSON, CITY ENGINEER, PORTLAND, JUNE 1854, RECORDED IN THE PLAN BOOK 2 PAGE 5.
12. ATLAS OF THE CITY OF PORTLAND AND SOUTH PORTLAND MAINE PLAT 4 BY RICHARDS MAP CO. SPRINGFIELD, MASS. DATED 1914.

ALTA/ACSM Land Title Survey

West Commercial Street
Portland, Cumberland County, Maine
made for
New Yard LLC
56 Fore Street, Portland, Maine

Surveyor's Certification

TO: NEW YARD LLC, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 2, 2012 AND MAY 24, 2013.

JOHN W. SWAN
PROFESSIONAL LAND SURVEYOR NO. 1038
IN THE STATE OF MAINE
DATE OF PLAN: JULY 31, 2012
REVISION DATE: MAY 31, 2013
OH JOB NO. 2012-051P



OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. Route One, Unit #10
Falmouth, Maine 04105
Tel. (207)774-0424 Fax (207)774-0511
www.owenhaskell.com

APPENDIX B: WETLAND DELINEATION/REGULATED RESOURCE FINDINGS MEMO

To

Craig R. Morin, P.E.

From

Kevin Slattery, PWS Boston, MA

**Subject**

Portland International Marine
Terminal Expansion – Yard 8 /
Commercial Street, Portland, ME

Wetland Delineation/Regulated
Resource Findings

Date

January 31, 2014

**Project
Memorandum**

This memorandum presents the findings of the wetland field evaluation and classification at the proposed International Marine Terminal (IMT) expansion along Commercial Street/Fore River in Portland, Maine. The site evaluation was conducted during winter conditions with 4-12" of snow cover and frozen ground, therefore, is not a definitive assessment of the presence/absence of jurisdictional wetlands. Based upon conditions, a formal delineation of wetland areas was not performed. The site was walked to look for evidence of potential jurisdictional areas, based upon topography, off-season vegetation, and potential evidence of hydrology (ice). The site inspection did not consider jurisdictional limits of the Waters of the U.S. (high tide line), or Coastal Wetlands (all tidal and sub-tidal lands, including all areas below any identifiable debris line left by tidal action [Maine Natural Resources Protection Act]) at Fore River, which is being determined separately by surveyors.

SITE DESCRIPTION

The project location includes portions of the land bounded by Commercial Street (Route 1) between Cassidy Point Road and the Casco Bay Bridge (Route 77) and the Fore River to the south (Figure 1). The property is partially developed with marine and rail industrial uses, and evidence of the once extensive former developed waterfront and rail yard are commonly found in the site. Portions of the site are wooded with young growth trees of aspen, birch, oak, ornamental pear and crabapple, and various grasses and herbs. The site is very flat with only subtle evidence of vertical relief. Non-active use portions of the site have trails and access roads, and former rail sidings. Stone bulkheads and wooden piles and pier remnants in various states of condition typify the waterfront.



Figure 1 – Site Evaluation Area shown on an aerial photograph from Google Earth. Figure orientation is approximately with north to the top.

EVALUATION METHODS

The site was inspected on January 21, 2014, to look for any evidence of ecological communities that could indicate potential presence of state or federal jurisdictional wetlands. Conditions at the time of the assessment included snow covered frozen ground and typical winter vegetation indicators (tree and shrub form, bark, buds, leaves, and dried grasses, herb stems and seeds). Based upon the site conditions, the assessment focused on land form, hydrological indications of standing or surface water (ice surfaces below the snow), and vegetation communities that included hydrophytes as dominants. Neither a soil auger nor a shovel were used to attempt checking frozen soils, although in some locations near drainage outfalls from Commercial Street, non-frozen ground was encountered. Since the site assessment was made when conditions preclude full verification of wetlands, a follow-up inspection could be performed during the non-frozen spring growing season. Locations showing indicators of potential jurisdictional wetlands were marked with a single florescent orange and florescent pink survey ribbon, and located by conventional survey methods. Representative pictures were taken from locations throughout the site at locations potentially having inland wetlands characteristics and at the coastal wetlands.

FINDINGS

Soils

The *USDA on-line Web Soil Survey* (<http://websoilsurvey.nrcs.usda.gov/app>) shows the project site to be cut and fill lands with a moderately well drained drainage class (Figure 2). No surface waters other than the adjacent Fore River occur at the site. From the former land use indicators at the site, the entire area is likely appropriately identified on the soil survey.



Figure 2 NRCS Web Soil Survey Map. Cu is “Cut and Fill Land”, with a “moderately well drained” drainage class rating. Orientation of figure is with north to the top.

Hydrology

Fore River: The Fore River is wide and tidally influenced water body at the project location, and a component of Portland Harbor. The River is defined as a navigable “Waters of the United States” as regulated under the U.S. Clean Water Act. The average tidal amplitude in the harbor at the site is approximately 9.2 feet based upon the published information from the nearby tidal gauging station 8418268 at Fore River in Portland. From a regulatory perspective, the US Army Corps of Engineers considers the high tide line as referenced in the Section 404 regulations, as the jurisdictional limit of navigable tidal waters. The Maine Department of Environmental Protection (Maine DEP) considers the coastal wetland limit as areas up to the identifiable drift line, and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service.

Vegetation

Common vegetation at the project site includes young trees of quaking aspen (*Populus tremuloides*), grey birch (*Betula populifolia*), paper birch (*Betula papyrifera*), cherry (*Prunus sp.*), apple (*Malus sp.*), ornamental pear (*Pyrus sp.*), pin oak (*Quercus palustris*), red oak (*Quercus rubra*), black locust (*Robinia pseudoacacia*), white pine (*Pinus strobus*), and pitch pine (*Pinus rigida*). Asiatic bittersweet (*Celastrus orbiculatus*) is a common vine at the site, and staghorn sumac (*Rhus typhina*), multiflora rose (*Rosa multiflora*), meadowsweet (*Spiraea alba*) and sweet fern (*Comptonia peregrina*) common shrubs. Tender herbaceous vegetation was difficult to locate, but commonly found was little bluestem (*Schizachyrium scoparium*), everlasting (*Anaphalis sp.*), goldenrod (*Solidago sp.*), evening primrose (*Oenothera biennis*), bush clover (*Lespedeza capitata*), knotweed (*Polygonum cuspidatum*), and asters (*Aster sp.*).

At drainage outfalls along Commercial Street, purple loosestrife (*Lythrum salicaria*) was evident. There were no areas of strongly hydrophytic vegetation that would indicate presence of potential wetlands. The best indicators of areas with more persistent hydrology were all dominated by meadowsweet.

Inland Wetlands

Five locations within and near the site were noted as having frozen standing water, and appeared to be slightly depressed relative to surrounding land. Hydrophytic vegetation was not prominent at these locations, but was present inferring potentially higher moisture persistence during the growing season. Based upon the landform, former land uses and disturbances, the soil survey, and observed vegetation communities, all of these locations are suspected to be anthropogenic features of soil compaction or excavation, causing an accumulation of temporarily ponded water, such as occurs on dirt road or in wheel ruts. In one of the depression locations, non-hydrophytic moss *Polytrichum sp.* was noted beneath the ice, further inferring this frozen surface is reflective of ground compaction and combination of freeze/thaw weather conditions over the few weeks prior to the site inspection. It is likely that all of the above described locations do not meet the criteria to be jurisdictional wetlands; however, confirmation could best be made during the growing season.

Some drainage features pointing toward potential wetland areas were observed near Commercial Street. Storm drains discharging from the toe of slope from the road have hydrophytic vegetation such as purple loosestrife and show hydrological indications. However, these are clearly man-made drainage conveyances and not jurisdictional wetlands. Similarly, it appears there is a drainage swale in some locations between the active rail tracks and Commercial Street, which may directly receive runoff from the road. As a man-made drainage feature, the swale is not jurisdictional wetland. Ice was noted in this low-lying area, however, vegetation did not include a high percentage of hydrophytes. This location is outside of the IMT expansion area, but it may extend eastward in closer proximity to the proposed work area. The extent of the swale and potential for wetlands adjacent to the swale could be further investigated in the spring.

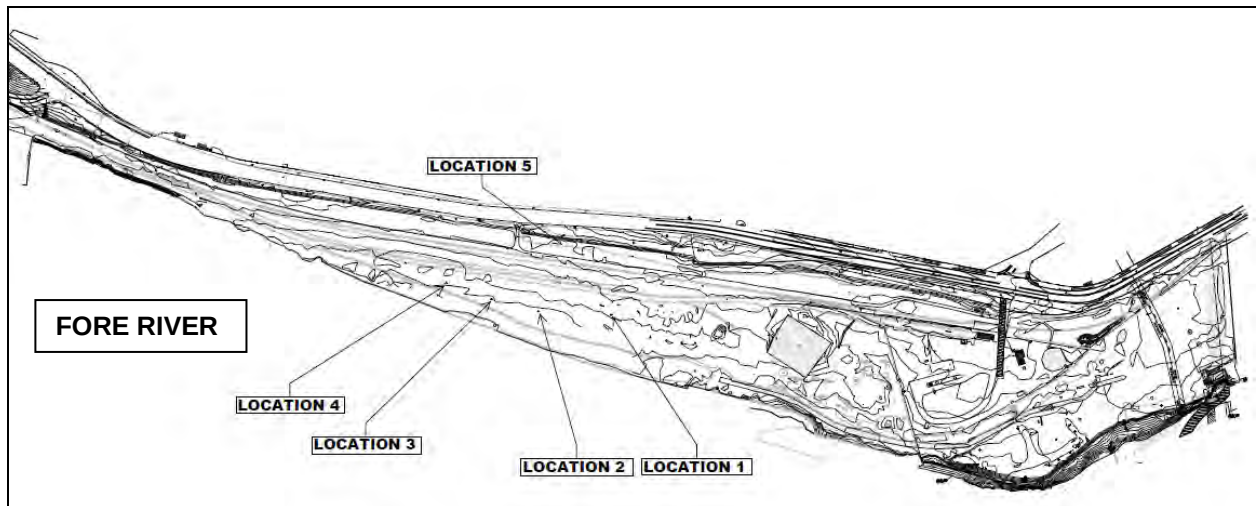


Figure 3 – locations of the areas exhibiting potential inland wetland characteristics. All locations are within disturbed and formerly developed soils. Orientation of figure is with north to the top.

Coastal Wetlands

The entire southern limit of the site is bounded by tidal waters which are Waters of the U.S. per the Army Corps and Coastal Wetlands per Maine DEP. The coastal boundary is entirely altered with granite bulkhead, former collapsed bulkhead, abandoned pier, or rock slope/stabilized treatments. Intertidal areas were observed in portions of the coastal boundary as shown in Figure 5 below.



Figure 4 – Picture of one of the slight depression areas with ice beneath the snow and some hydrophytic vegetation (goldenrod and meadowsweet), growing around the perimeter.



Figure 5 – Picture of the Fore River waterfront at the west end of the site near Cassidy Point Drive shows intertidal areas as evidenced by the lack of snow and ice within the tidal reach, and rock stabilization.



Figure 6 – Picture of drainage feature from Commercial Street. Pipe outlet is to the right and water flow from the pipe is evident by melted snow and ice.



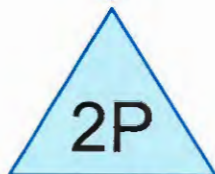
Figure 7 – Picture of a linear swale feature between Commercial Street and rail line. Commercial Street is to the left. Although water is evident during the frozen conditions, little hydrophytic vegetation was noted here. Non-hydrophytes such as multiflora rose are growing from the low ground/ice.

APPENDIX C: DRAINAGE CALCULATIONS

- COMMERCIAL STREET STORMWATER CALCULATIONS
- 1" STORM CALCULATIONS



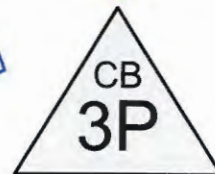
Commercial Street



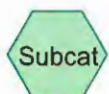
POROUS CONCRETE

Exist CB-GRATE

CB
3P



Exist CB-TO 24" CSO



50-YR MODEL

Routing Diagram for Commercial Street

Prepared by HNTB, Printed 3/5/2014

HydroCAD® 10.00 s/n 03962 © 2013 HydroCAD Software Solutions LLC

Commercial Street

Prepared by HNTB

HydroCAD® 10.00 s/n 03962 © 2013 HydroCAD Software Solutions LLC

Type III 24-hr 50-Year Rainfall=6.00"

Printed 3/5/2014

Summary for Pond 2P: POROUS CONCRETE

Inflow Area = 0.278 ac, 100.00% Impervious, Inflow Depth > 5.50" for 50-Year event
 Inflow = 1.48 cfs @ 12.12 hrs, Volume= 0.127 af
 Outflow = 1.18 cfs @ 12.19 hrs, Volume= 0.126 af, Atten= 20%, Lag= 4.7 min
 Primary = 1.18 cfs @ 12.19 hrs, Volume= 0.126 af
 Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.05 hrs / 2
 Peak Elev= 12.25' @ 12.20 hrs Surf.Area= 0.009 ac Storage= 0.009 af

Plug-Flow detention time= 14.8 min calculated for 0.125 af (98% of inflow)
 Center-of-Mass det. time= 9.0 min (729.1 - 720.0)

Volume	Invert	Avail.Storage	Storage Description
#1A	9.75'	0.016 af	3.75'W x 100.50'L x 5.05'H Field A 0.044 af Overall - 0.004 af Embedded = 0.040 af x 40.0% Voids
#2A	14.33'	0.001 af	PaveDrain S6-45 x 400 Inside #1 Inside= 7.1"W x 5.6"H => 0.10 sf x 1.00'L = 0.1 cf Outside= 12.0"W x 5.6"H => 0.43 sf x 1.00'L = 0.4 cf
			0.017 af Total Available Storage

ONLY 100' STRIP OFF PAVEDRAIN
USED IN MODEL

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	10.00'	6.0" Round Culvert-UNDERDRAIN L= 20.0' CPP, mitered to conform to fill, Ke= 0.700 Inlet / Outlet Invert= 10.00' / 9.50' S= 0.0250 ' S= 0.0250 ' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.20 sf
#2	Device 1	10.20'	0.5" Horiz. Orifice OF UNDERDRAIN X 400.00 columns X 2 rows C= 0.600 Limited to weir flow at low heads
#3	Secondary	14.80'	10.0' long x 10.0' breadth OVERFLOW TO CB GRATE Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.49 2.56 2.70 2.69 2.68 2.69 2.67 2.64

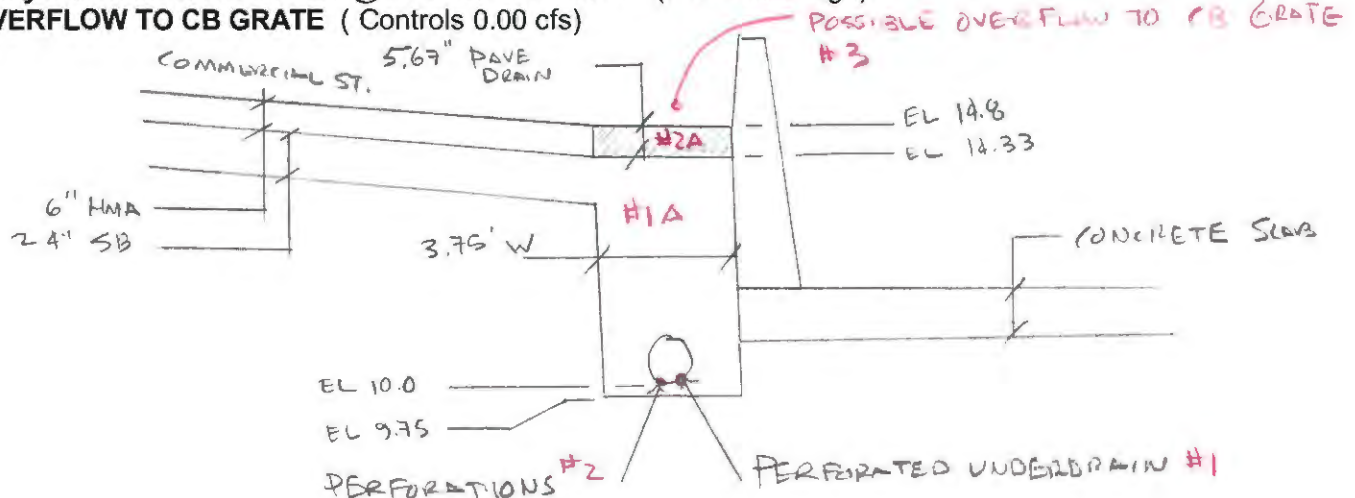
Primary OutFlow Max=1.17 cfs @ 12.19 hrs HW=12.23' (Free Discharge)

1=Culvert-UNDERDRAIN (Inlet Controls 1.17 cfs @ 5.98 fps)

2=Orifice OF UNDERDRAIN (Passes 1.17 cfs of 7.49 cfs potential flow)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=9.75' (Free Discharge)

3=OVERFLOW TO CB GRATE (Controls 0.00 cfs)



Commercial Street

Type III 24-hr 50-Year Rainfall=6.00"

Prepared by HNTB

Printed 3/5/2014

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Summary for Pond 3P: Exist CB-TO 24" CSO

Inflow Area = 0.278 ac, 100.00% Impervious, Inflow Depth > 5.42" for 50-Year event
Inflow = 1.18 cfs @ 12.19 hrs, Volume= 0.126 af
Outflow = 1.18 cfs @ 12.19 hrs, Volume= 0.126 af, Atten= 0%, Lag= 0.0 min
Primary = 1.18 cfs @ 12.19 hrs, Volume= 0.126 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.05 hrs

Peak Elev= 8.96' @ 12.19 hrs

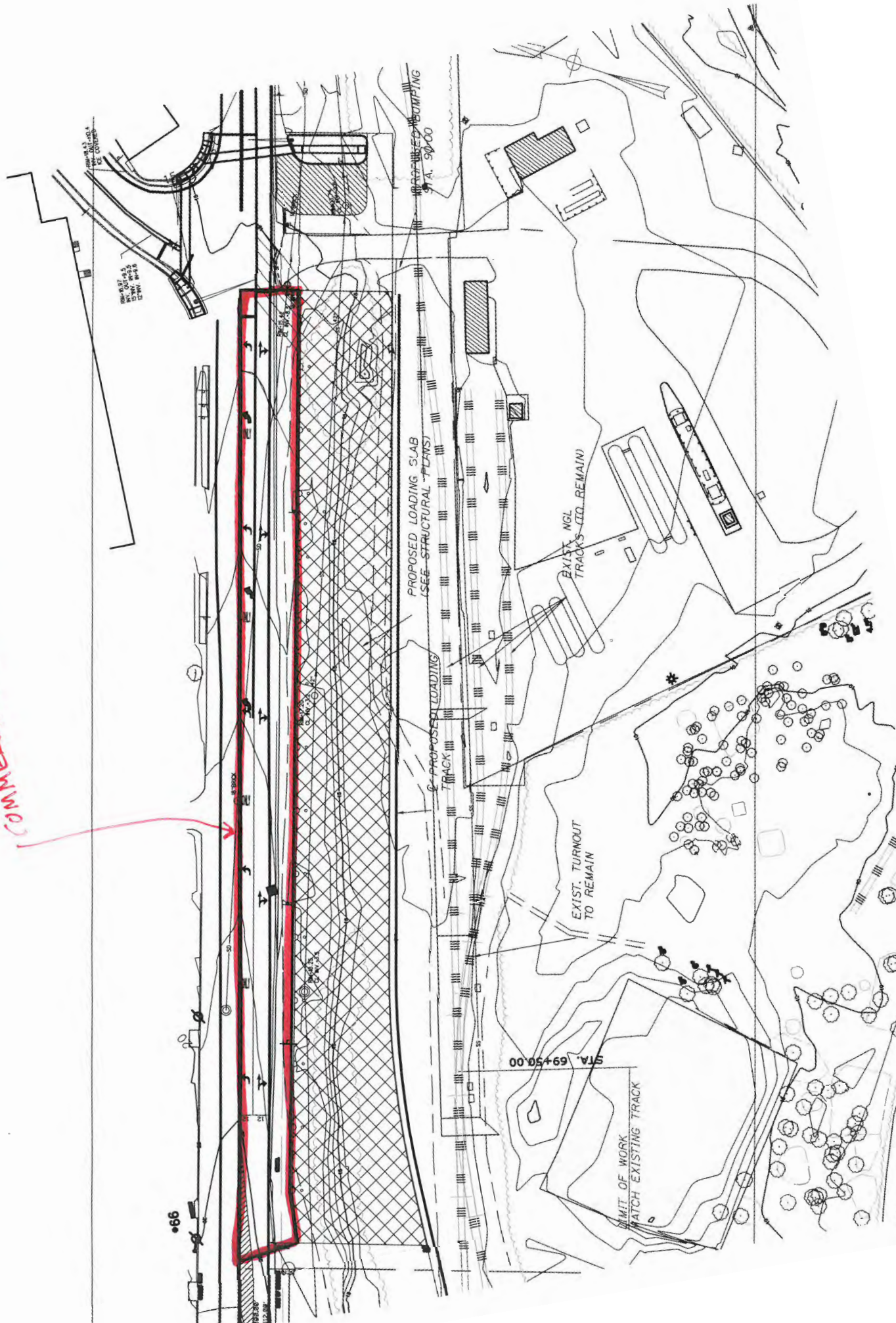
Flood Elev= 14.80'

Device	Routing	Invert	Outlet Devices
#1	Primary	8.50'	24.0" Round Culvert - CSO L= 253.0' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 8.50' / 6.30' S= 0.0087 ' S= 0.0087 ' Cc= 0.900 n= 0.015 Brickwork, Flow Area= 3.14 sf

Primary OutFlow Max=1.17 cfs @ 12.19 hrs HW=8.96' (Free Discharge)

1=Culvert - CSO (Barrel Controls 1.17 cfs @ 3.19 fps)

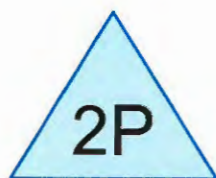
COMMERCIAL ST. SUBCATCHMENT



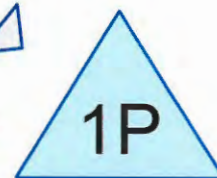


Commercial Street

* CONSIDER POROUS CONCRETE
CLOGGED, ANALYSIS OF
CB @ INT ENTRANCE



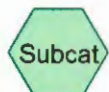
POROUS CONCRETE



Exist CB-GRATE



Exist CB-TO 24" CSO



50-YR MODEL

Routing Diagram for Commercial Street

Prepared by HNTB, Printed 3/5/2014

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Commercial Street

Type III 24-hr 50-Year Rainfall=6.00"

Prepared by HNTB

Printed 3/5/2014

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Summary for Pond 1P: Exist CB-GRATE

[79] Warning: Submerged Pond 2P Secondary device # 3 by 0.20'

Inflow Area = 0.278 ac, 100.00% Impervious, Inflow Depth > 5.50" for 50-Year event
 Inflow = 1.48 cfs @ 12.12 hrs, Volume= 0.127 af
 Outflow = 1.48 cfs @ 12.12 hrs, Volume= 0.127 af, Atten= 0%, Lag= 0.3 min
 Primary = 0.27 cfs @ 12.12 hrs, Volume= 0.092 af
 Secondary = 1.21 cfs @ 12.12 hrs, Volume= 0.035 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.05 hrs

Peak Elev= 15.01' @ 12.12 hrs Surf.Area= 490 sf Storage= 51 cf

Plug-Flow detention time= 1.1 min calculated for 0.127 af (100% of inflow)

Center-of-Mass det. time= 1.0 min (721.0 - 720.0)

Volume	Invert	Avail.Storage	Storage Description
#1	14.80'	293 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
14.80	10	0	0
15.10	712	108	108
15.20	890	80	188
15.30	1,200	104	293

Device	Routing	Invert	Outlet Devices
#1	Primary	14.80'	24.0" Horiz. CB Grate X 25.00 C= 0.600 in 4.2" x 4.2" Grate Limited to weir flow at low heads
#2	Secondary	14.95'	35.0' long x 20.0' breadth Wier overflow into IMT yard Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=0.27 cfs @ 12.12 hrs HW=15.00' (Free Discharge)↑ **1=CB Grate** (Orifice Controls 0.27 cfs @ 2.17 fps)**Secondary OutFlow** Max=1.17 cfs @ 12.12 hrs HW=15.00' (Free Discharge)↑ **2=Wier overflow into IMT yard** (Weir Controls 1.17 cfs @ 0.62 fps)

25 SCALE



APPROX ELEV 15.01
50-YR FLOOD W/ POSSIBLE
CLOGGED POROUS STRIP

15.1 (120 SF)
15.2 (120 SF)
15.3 (120 SF)
15.4 (120 SF)
15.5 (120 SF)

18" BRICK
RIM=13.74
CL INV.=2.8

OVERFLOW

APPROXIMATE LOCATION
OF PROPOSED CB-
EXACT LOCATION TBD

WIDENED
SHOULDER
4' POROUS CONCRETE
GUTTER

RIM=15.42
CL INV.=8.5

SS 42"

PROPOSED

FOR:	JOB NO:	SHEET NO:
MADE BY: M Elliott	CHECKED BY:	BACKCHECKED BY:
DATE:	DATE:	DATE:

HNTB

STORAGE CAPACITY OF CRUSHED STONE SURFACE

RESERVOIR COURSE - MANMADE PERVIOUS SURFACE

AREA OF CRUSHED STONE SURFACE = 300,609 SF

RUNOFF VOLUME FOR 1" STORM $300,609 \text{ SF} \left(\frac{1"}{12}\right) = 25,050 \text{ CF}$

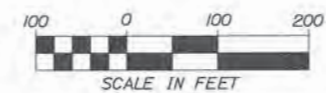
ASSUME 40% VOIDS IN STONE LAYER:

$1" / 0.4 = 2.5"$ STONE REQ'D MINIMUM

MIN = 3" LAYER FOR 1" STORAGE

APPENDIX D: DRAWINGS

- PRE-DEVELOPMENT CONDITIONS
- POST-DEVELOPMENT CONDITIONS
- SITE PLAN
- SITE GRADING PLAN
- EROSION AND SEDIMENT CONTROL PLAN
- EROSION AND SEDIMENT CONTROL NOTES
- EROSION AND SEDIMENT CONTROL DETAILS



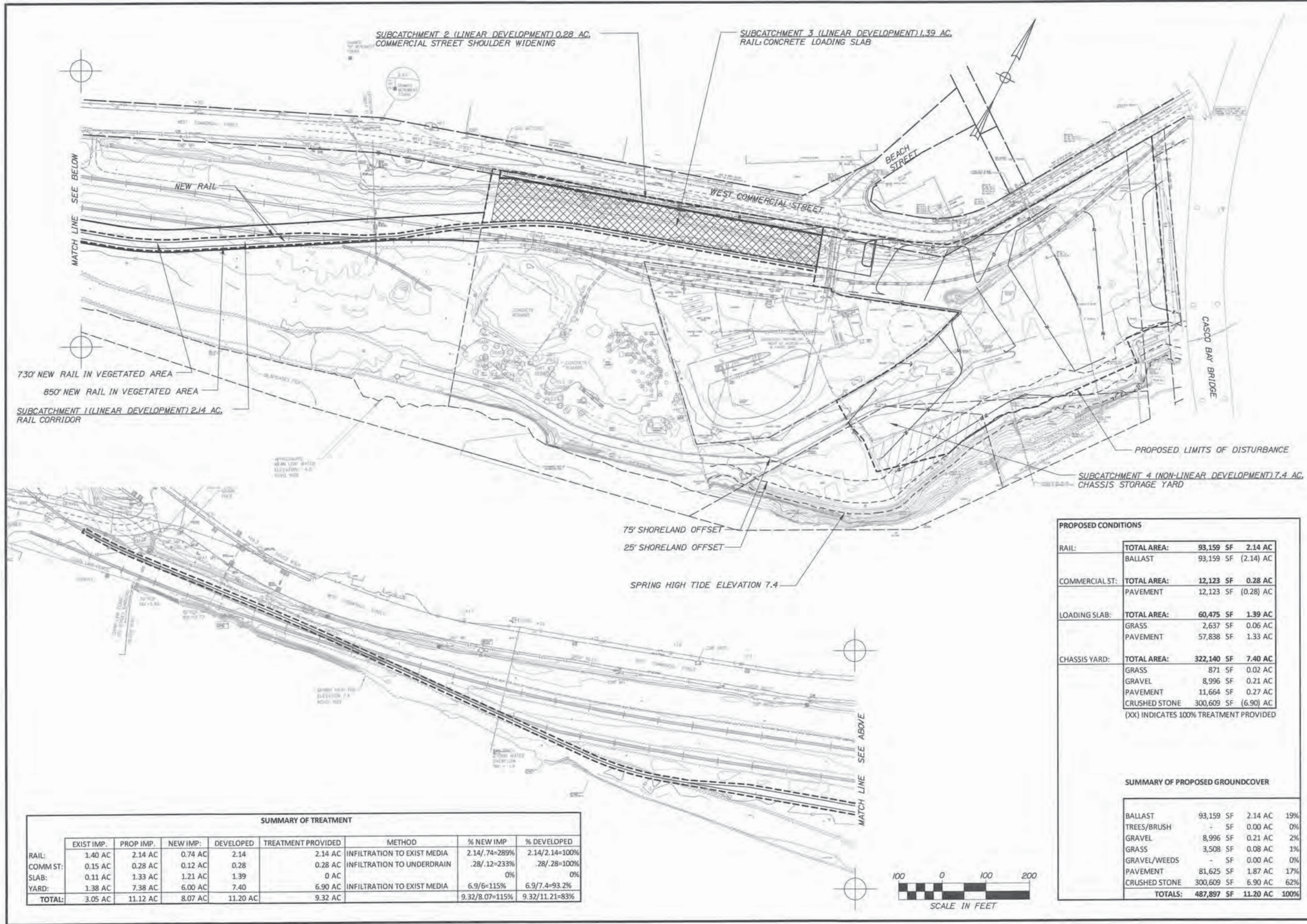
EXISTING CONDITIONS			
RAIL:	TOTAL AREA:	93,159 SF	2.14 AC
	BALLAST	61,067 SF	1.40 AC
	TREES/BRUSH	32,092 SF	0.74 AC
COMMERCIAL ST:	TOTAL AREA:	12,123 SF	0.28 AC
	GRAVEL	6,684 SF	0.15 AC
	GRASS	5,439 SF	0.12 AC
LOADING SLAB:	TOTAL AREA:	60,475 SF	1.39 AC
	GRASS	14,927 SF	0.34 AC
	TREES/BRUSH	11,953 SF	0.27 AC
	GRAVEL	4,997 SF	0.11 AC
	GRAVEL/WEEDS	28,598 SF	0.66 AC
CHASSIS YARD:	TOTAL AREA:	322,140 SF	7.40 AC
	TREES/BRUSH	49,557 SF	1.14 AC
	GRAVEL	45,330 SF	1.04 AC
	BALLAST	8,260 SF	0.19 AC
	PAVEMENT	6,400 SF	0.15 AC
	GRAVEL/WEEDS	212,593 SF	4.88 AC
SUMMARY OF EXISTING GROUND COVER			
BALLAST	69,327 SF	1.59 AC	14%
TREES/BRUSH	93,602 SF	2.15 AC	19%
GRAVEL	57,011 SF	1.31 AC	12%
GRASS	20,366 SF	0.47 AC	4%
GRAVEL/WEEDS	241,191 SF	5.54 AC	49%
PAVEMENT	6,400 SF	0.15 AC	1%
TOTALS:	487,897 SF	11.20 AC	100%

Date: 3/26/2014

Username:

Division:

Filename: 002_developPost.dgn



SUMMARY OF TREATMENT								
	EXIST IMP.	PROP IMP.	NEW IMP.	DEVELOPED	TREATMENT PROVIDED	METHOD	% NEW IMP	% DEVELOPED
RAIL:	1.40 AC	2.14 AC	0.74 AC	2.14	2.14 AC	INFILTRATION TO EXIST MEDIA	2.14/.74=289%	2.14/2.14=100%
COMM ST:	0.15 AC	0.28 AC	0.12 AC	0.28	0.28 AC	INFILTRATION TO UNDERDRAIN	.28/.12=233%	.28/.28=100%
SLAB:	0.11 AC	1.33 AC	1.21 AC	1.39	0 AC		0%	0%
YARD:	1.38 AC	7.38 AC	6.00 AC	7.40	6.90 AC	INFILTRATION TO EXIST MEDIA	6.9/6=115%	6.9/7.4=93.2%
TOTAL:	3.05 AC	11.12 AC	8.07 AC	11.20 AC	9.32 AC		9.32/8.07=115%	9.32/11.21=83%

PROPOSED CONDITIONS				
RAIL:	TOTAL AREA:	93,159 SF	2.14 AC	
	BALLAST	93,159 SF	(2.14) AC	
COMMERCIAL ST:	TOTAL AREA:	12,123 SF	0.28 AC	
	PAVEMENT	12,123 SF	(0.28) AC	
LOADING SLAB:	TOTAL AREA:	60,475 SF	1.39 AC	
	GRASS	2,637 SF	0.06 AC	
	PAVEMENT	57,838 SF	1.33 AC	
CHASSIS YARD:	TOTAL AREA:	322,140 SF	7.40 AC	
	GRASS	871 SF	0.02 AC	
	GRAVEL	8,996 SF	0.21 AC	
	PAVEMENT	11,664 SF	0.27 AC	
	CRUSHED STONE	300,609 SF	(6.90) AC	
(XX) INDICATES 100% TREATMENT PROVIDED				
SUMMARY OF PROPOSED GROUNDCOVER				
BALLAST	93,159 SF	2.14 AC	19%	
TREES/BRUSH	- SF	0.00 AC	0%	
GRAVEL	8,996 SF	0.21 AC	2%	
GRASS	3,508 SF	0.08 AC	1%	
GRAVEL/WEEDS	- SF	0.00 AC	0%	
PAVEMENT	81,625 SF	1.87 AC	17%	
CRUSHED STONE	300,609 SF	6.90 AC	62%	
TOTALS:	487,897 SF	11.20 AC	100%	



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.00
WIN
022809.00

SIGNATURE: *Ronald A. Lavoie*
P.E. NUMBER: 6462
DATE: 3/26/14

PROJ. MANAGER: J. KITTREDGE
DESIGN: DETAILER: [blank]
CHECKED: REVIEWER: [blank]
DESIGN: DETAILER: [blank]
CHECKED: REVIEWER: [blank]
REVISIONS: 1
REVISIONS: 2
REVISIONS: 3
REVISIONS: 4
FIELD CHANGES: [blank]

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
PORTLAND CUMBERLAND COUNTY
POST-DEVELOPMENT
CONDITIONS

SHEET NUMBER
SW2
2 OF 9

Filename: 003_SitePlan1.dgn



PLAN

Scale of Feet

PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY SITE PLAN 1		STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.00	
PROJ. MANAGER J. WITFREDSE		DATE BY	
DESIGN DET. DETAILED RWH		DATE BY	
CHECKED-REVIEWED RWH		DATE BY	
DESIGN DET. DETAILED -		DATE BY	
DESIGN DET. DETAILED -		DATE BY	
DESIGN DET. DETAILED -		DATE BY	
DESIGN DET. DETAILED -		DATE BY	
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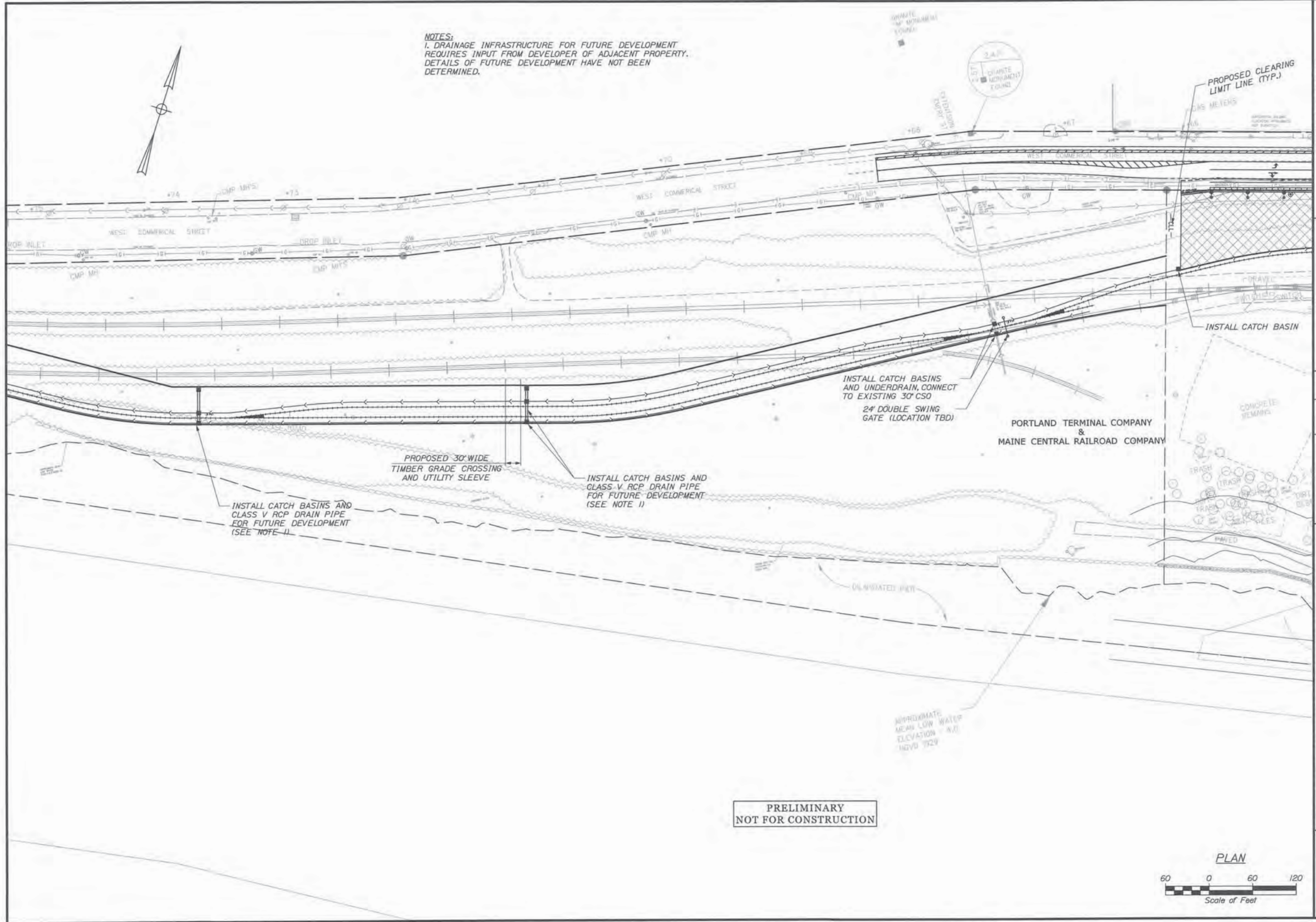
Date: 3/26/2014

Username:

Division:

Filename: 004_SitePlan2.dgn

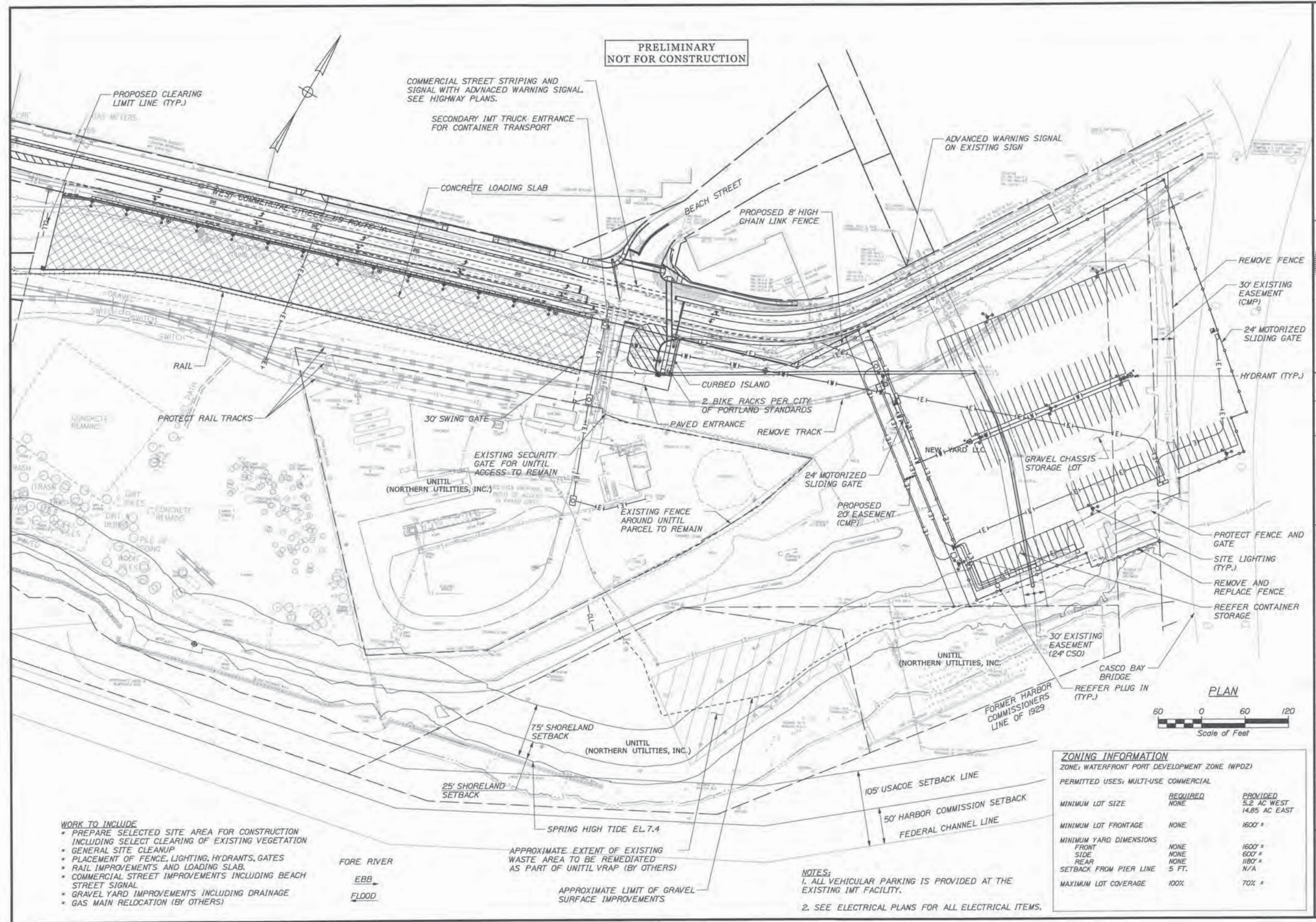
NOTES:
1. DRAINAGE INFRASTRUCTURE FOR FUTURE DEVELOPMENT
REQUIRES INPUT FROM DEVELOPER OF ADJACENT PROPERTY.
DETAILS OF FUTURE DEVELOPMENT HAVE NOT BEEN
DETERMINED.



PRELIMINARY
NOT FOR CONSTRUCTION



STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.00 WIN 022809.00	
PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY SITE PLAN 2	
SHEET NUMBER SW 4 4 OF 9	
DATE: 03/14/14 BY: SWH PROJ. MANAGER: J. MITCHELL DESIGN: DETAIL 1 CHECKED: REVERED DESIGN: DETAIL 2 CHECKED: DETAIL 3 REVISIONS: 1 REVISIONS: 2 REVISIONS: 3 REVISIONS: 4 FIELD CHANGES	
SIGNATURE: [Signature] P.E. NUMBER: 6467 DATE: 3/14/14	

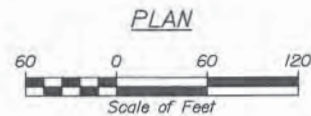
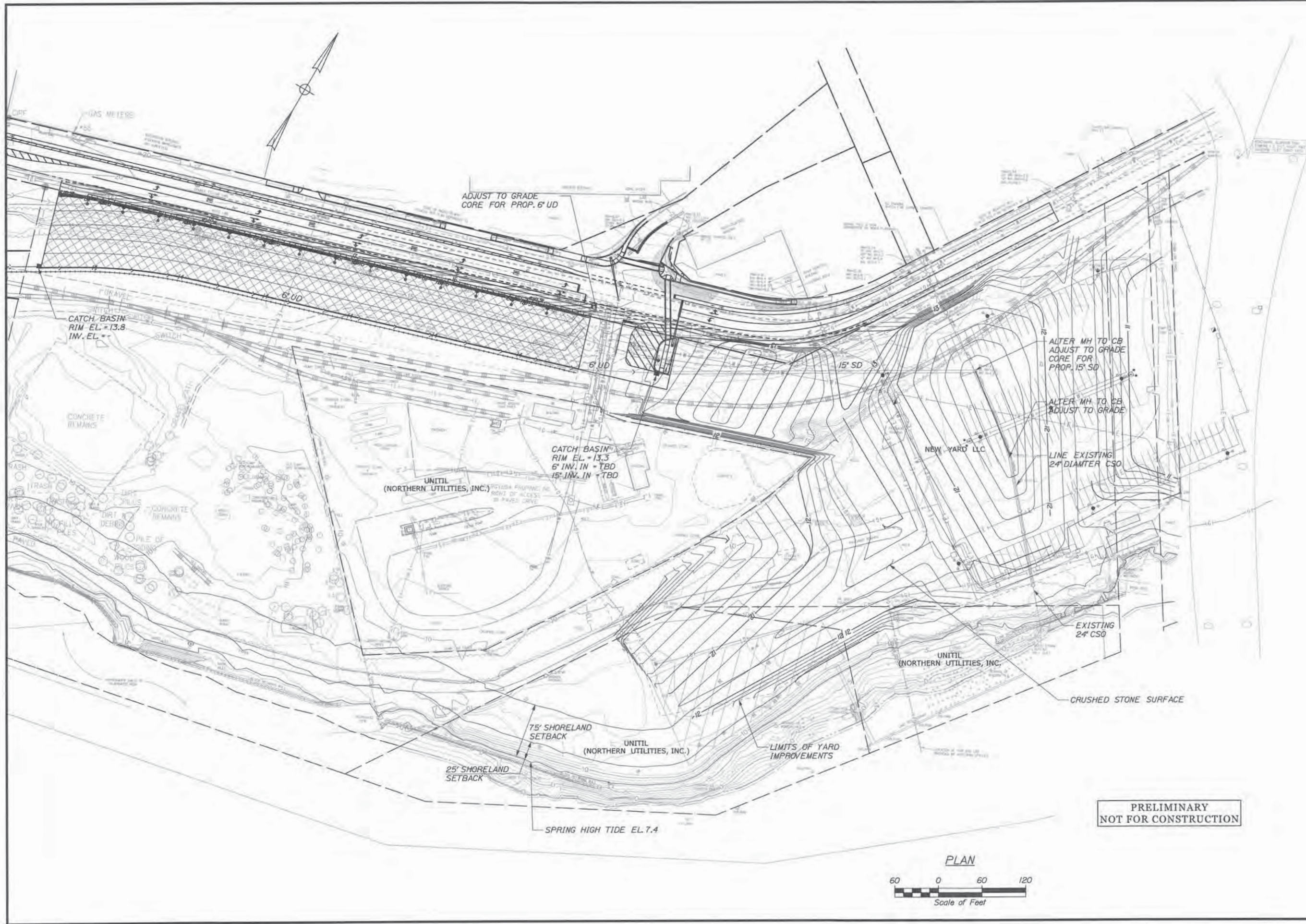


Date: 3/26/2014

Username:

Division:

Filename: 006_SiteGradingPlan3.dgn



PRELIMINARY
NOT FOR CONSTRUCTION

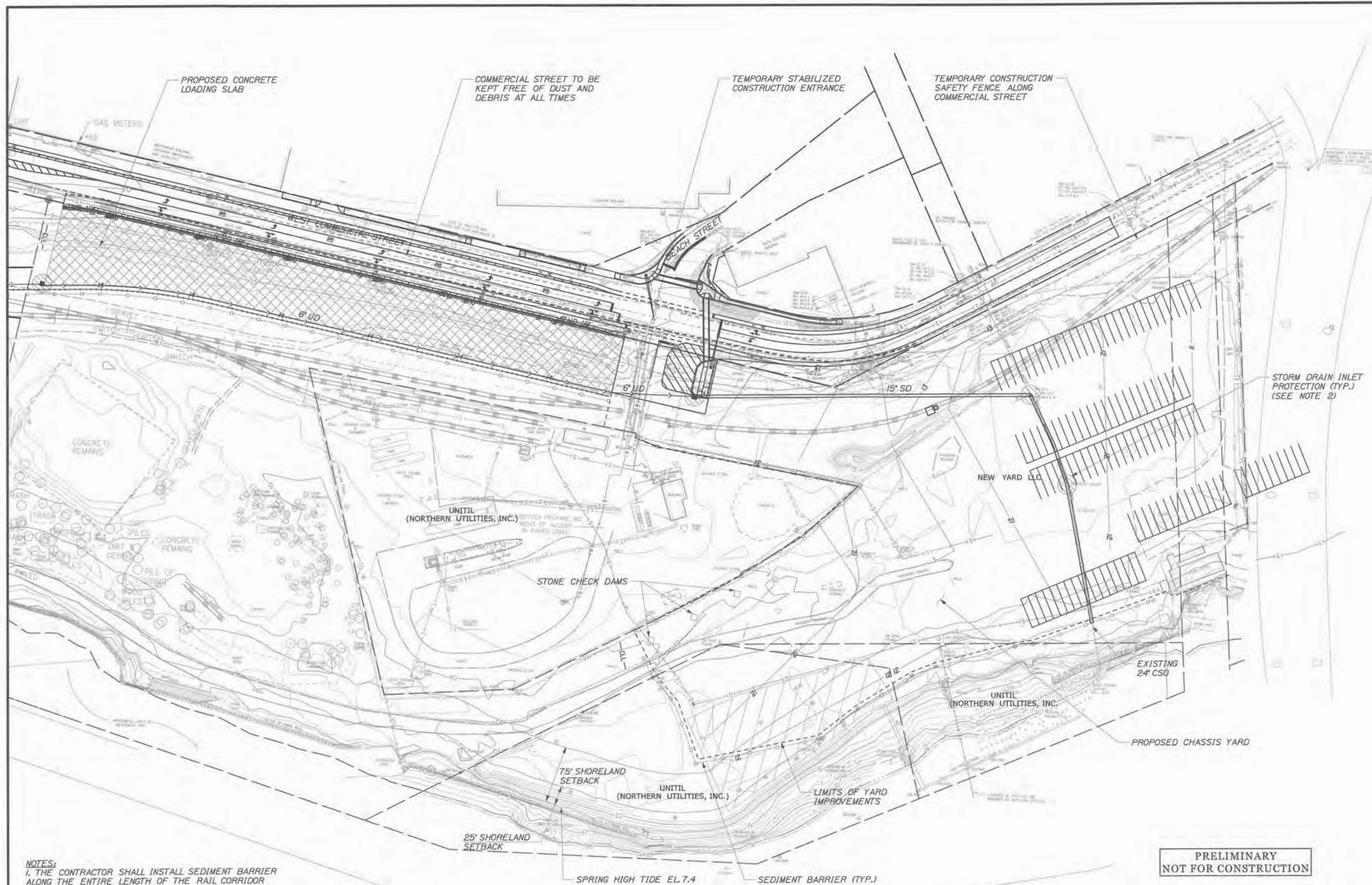
STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.00		DATE: 3/26/14 P.E. NUMBER: 14252 SIGNATURE: [Signature] ROLAND A. LAVALLEE No. 6462 LICENSED PROFESSIONAL ENGINEER	
PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY		SHEET NUMBER SW6 6 OF 9	
SITE GRADING PLAN		WIN 022809.00	

Date: 3/26/2014

Username:

Division:

Filename: 007_ErosSediPlan3.dgn



PRELIMINARY
NOT FOR CONSTRUCTION



STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.00 WIN 022809.00	
PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY EROSION AND SEDIMENT CONTROL PLAN	
SHEET NUMBER SW7 7 OF 9	

DATE	BY	PROJECT MANAGER	J. MITCHELL	DATE	BY	PROJECT MANAGER	J. MITCHELL
03/24	FINH	DESIGN-REVIEWED	ME	03/24	FINH	DESIGN-REVIEWED	ME
		DESIGN-REVIEWED	ME			DESIGN-REVIEWED	ME
		DESIGN-REVIEWED	ME			DESIGN-REVIEWED	ME
		DESIGN-REVIEWED	ME			DESIGN-REVIEWED	ME
		DESIGN-REVIEWED	ME			DESIGN-REVIEWED	ME
		DESIGN-REVIEWED	ME			DESIGN-REVIEWED	ME
		DESIGN-REVIEWED	ME			DESIGN-REVIEWED	ME
		DESIGN-REVIEWED	ME			DESIGN-REVIEWED	ME
		DESIGN-REVIEWED	ME			DESIGN-REVIEWED	ME

SIGNATURE	P.E. NUMBER	DATE
[Signature]	6452	3/24/14

STATE OF MAINE ROLAND A. LAMALLEE No. 9462 LICENSED PROFESSIONAL ENGINEER
--

Date:3/26/2014

Username:

Division:

Filename: 008_ErosSedNotes.dgn

EROSION CONTROL NOTES:

1. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PROVIDED IN ACCORDANCE WITH THE LATEST "MAINE EROSION AND SEDIMENT CONTROL BMPs" BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.
2. THE CONTRACTOR SHALL ONLY DISTURB THE AREAS OF THE PROPOSED CONSTRUCTION AND GRADING. ANY DISTURBANCE OUTSIDE THESE LIMITS MUST BE APPROVED BY THE ENGINEER.
3. THE CONTRACTOR SHALL INSTALL ALL EROSION AND SEDIMENTATION CONTROL MEASURES IN ACCORDANCE WITH THE EROSION CONTROL PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR EMPLOYING EROSION CONTROL METHODS BEYOND THE CONTROLS SHOWN ON THE PLANS IN ORDER TO MEET THE ABOVE-REFERENCED DEP EROSION CONTROL STANDARDS.
4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR RE-GRADING. ALL DISTURBED AREAS ON SITE NOT COVERED BY OR DESIGNATED AS PARKING AREAS, DRIVEWAYS, SIDEWALKS, OR RAILROAD SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED/DESCRIBED IN THE MAINE DEP BMP STANDARDS.
5. PERMANENT SEEDING OR STABILIZATION SHALL BE PERFORMED IMMEDIATELY AFTER FINAL GRADING IS COMPLETED OR TEMPORARY MEASURES SHALL BE APPLIED SUCH AS MULCHING OR SEEDING UNTIL PERMANENT MEASURES ARE IN PLACE.
6. WITHIN 7 CALENDAR DAYS FOLLOWING THE COMPLETION OF ANY SOIL DISTURBANCE, AND PRIOR TO ANY STORM EVENT, MULCH MUST BE SPREAD ON ANY EXPOSED SOILS.
7. THE CONTRACTOR SHALL STABILIZE ANY SOIL STOCKPILES WHICH WILL REMAIN UNUSED FOR MORE THAN 7 DAYS, OR PRIOR TO A STORM EVENT.
8. ALL EROSION CONTROL DEVICES MUST BE CHECKED WEEKLY AND AFTER EACH SIGNIFICANT RAINFALL TO MINIMIZE PONDING, DAMAGE, DETERIORATION OR UNDERMINING. ANY PROBLEMS SHALL BE REPAIRED IMMEDIATELY. TRAPPED SEDIMENT SHALL BE REMOVED WHEN IT HAS ACCUMULATED TO NO MORE THAN HALF THE ORIGINAL HEIGHT OF ANY BARRIER OR AS OTHERWISE SHOWN ON THE PLANS.
9. ALL TRAFFIC INTO AND OUT OF THE SITE SHALL BE OVER THE STABILIZED CONSTRUCTION ENTRANCE.
10. LINEAR UTILITY CONSTRUCTION SHALL BE SEEDDED AND MULCHED WITHIN 7 DAYS AFTER BACKFILL AND NO MORE THAN 500 FEET SHALL BE OPEN AT ANY ONE TIME. WHERE CONSISTENT WITH JOB SAFETY REQUIREMENTS, ALL EXCAVATED MATERIALS SHALL BE PLACED ON THE UPHILL SIDES OF ALL TRENCHES. ALL TEMPORARY EARTH BERMS SHALL BE SEEDDED AND MULCHED WITH TEMPORARY VEGETATION WITHIN 7 DAYS AFTER GRADING.
11. SEDIMENT BARRIERS MUST BE MAINTAINED UNTIL DISTURBED AREAS ARE PERMANENTLY STABILIZED.
12. EROSION CONTROL DEVICES (CHECK DAMS, SILT SACKS, SEDIMENT BARRIER, STABILIZED CONSTRUCTION ENTRANCE) SHALL BE REMOVED WITHIN 30 DAYS OF FINAL STABILIZATION.
13. SEEDDED AREAS SHALL BE FERTILIZED AND RESEEDDED AS NECESSARY TO ENSURE VEGETATION IS ESTABLISHED.

SEEDING NOTES:

1. ALL FINAL SEEDING SHALL BE COMPLETED WITHIN SEVEN (7) DAYS FOLLOWING FINAL GRADING.
2. ALL AREAS SHALL BE MULCHED IMMEDIATELY AFTER SEEDING. THE CONTRACTOR SHALL MONITOR THE MULCH PERFORMANCE AND, IF MULCHING PROVES TO BE INEFFECTIVE, THEN NETTING AND MATTING SHALL BE USED IN ITS PLACE.
3. SEEDING SHALL BE PERFORMED BETWEEN APRIL 15TH AND OCTOBER 1ST (WITHOUT DORMANT SEEDING).
4. IF SEEDING IS APPROVED BY THE ENGINEER BEYOND THOSE DATES, DORMANT SEEDING SHALL BE APPLIED AT DOUBLE THE APPLICATION RATE. IN THIS CASE, ALL FERTILIZING, SEEDING AND MULCHING SHALL BE COMPLETED ON THE SAME DAY IMMEDIATELY AFTER THE LOAM IS SPREAD. FINAL GRADING SHALL BE LIMITED TO AREAS WHICH CAN BE COMPLETED AND SEEDDED THE SAME DAY.
5. USE PERMANENT SEED MIXES AND RATES BETWEEN 5/15 AND 9/30.
6. USE TEMPORARY SEED MIXES FOR PERIODS LESS THAN 12 MONTHS. IF USING TEMPORARY SEED MIXES AND RATES BETWEEN 10/1 AND 5/14, RE-SEED WITH PERMANENT SEED MIX AFTER 5/15.

PERMANENT SEED (CONSERVATION MIX):			
CROWN VETCH	21.78	LBS/ACRE	
TALL FESCUE	32.67	LBS/ACRE	
CREEPING RED FESCUE	32.67	LBS/ACRE	
PERENNIAL RYGRASS	52.27	LBS/ACRE	
WHITE CLOVER	6.53	LBS/ACRE	
BIRDSFOOT TRIFOLIUM	3.92	LBS/ACRE	
REDTOP	2.61	LBS/ACRE	

TEMPORARY SEED:			
OATS	80.00	LBS/ACRE	4/01-5/14
ANNUAL RYEGRASS	40.00	LBS/ACRE	
SUDAN GRASS	40.00	LBS/ACRE	5/15-8/14
ANNUAL RYEGRASS	80.00	LBS/ACRE	5/15-9/14
WINTER RYE	112.00	LBS/ACRE	9/15-9/30
WINTER RYE (PROTECT WITH MULCH COVER)	112.00	LBS/ACRE	10/01-3/31

LIME AND FERTILIZER:
LIMING AND FERTILIZER RATES WILL BE BASED ON FIELD SOIL TESTING OF ON-SITE TOPSOILS BY A CERTIFIED LABORATORY. SUBMIT TEST RESULTS TO THE ENGINEER.

SEEDING NOTES (CONTINUED):

MULCH: STRAW OR HAY (ANCHORED) STRAW OR HAY (ANCHORED) SHREDDED OR CHOPPED JUTE MESH EXCELSIOR MAT	70-90	LBS	PROTECTED AREAS
	185-275	LBS	WINDY AREAS
	185-275	LBS	
	AS REQUIRED MODERATE TO HIGH VELOCITY AREAS & STEEP SLOPES AS REQUIRED		
MULCH ANCHORING: PEG AND TWINE MULCH NETTING ASPHALT EMULSION	LIQUID ASPHALT		
	WOOD CELLULOSE FIBER		
	CHEMICAL TACK		

WINTER CONSTRUCTION NOTES:

THE WINTER CONSTRUCTION PERIOD IS FROM NOVEMBER 1 THROUGH APRIL 15. IF THE CONSTRUCTION SITE IS NOT STABILIZED WITH PAVEMENT, A ROAD GRAVEL BASE, 75 % MATURE VEGETATION COVER, OR RIPRAP BY NOVEMBER 15 THEN THE SITE NEEDS TO BE PROTECTED WITH OVER-WINTER STABILIZATION. AN AREA CONSIDERED OPEN IS ANY AREA NOT STABILIZED WITH PAVEMENT, VEGETATION, MULCHING, EROSION CONTROL MATS, RIPRAP OR GRAVEL BASE ON A ROAD. WINTER EXCAVATION AND EARTHWORK SHALL BE COMPLETED SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME. LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS EXPECTED TO BE UNDER TAKEN DURING THE PROCEEDING 15 DAYS AND THAT CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT. ALL AREA SHALL BE CONSIDERED TO BE DENUDED UNTIL THE SUBBASE GRAVEL IS INSTALLED IN ROADWAY AREAS OR THE AREAS OF FUTURE LOAM AND SEED HAVE BEEN LOAMED, SEEDDED, AND MULCHED. HAY AND STRAW MULCH RATES SHALL BE A MINIMUM OF 150 LBS./1,000 S.F. (3 TONS/ACRE) AND SHALL BE PROPERLY ANCHORED. THE CONTRACTOR MUST INSTALL ANY ADDED MEASURES WHICH MAY BE NECESSARY TO CONTROL EROSION/SEDIMENTATION FROM THE SITE DEPENDENT UPON THE ACTUAL SITE AND WEATHER CONDITIONS. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED, IN ORDER TO MINIMIZE AREAS WITHOUT EROSION CONTROL PROTECTION.

1. SOIL STOCKPILES
STOCKPILES OF SOIL OR SUBSOIL WILL BE MULCHED FOR OVER WINTER PROTECTION WITH HAY OR STRAW AT TWICE THE NORMAL RATE OR AT 150 LBS./1,000 S.F. (3 TONS PER ACRE) OR WITH A FOUR-INCH LAYER OF WOODWASTE EROSION CONTROL MIX. THIS WILL BE DONE WITHIN 24 HOURS OF STOCKING AND RE-ESTABLISHED PRIOR TO ANY RAINFALL OR SNOWFALL. ANY SOIL STOCKPILE WILL NOT BE PLACED (EVEN COVERED WITH HAY OR STRAW) WITHIN 100 FEET FROM ANY NATURAL RESOURCES.
2. NATURAL RESOURCES PROTECTION
ANY AREAS WITHIN 100 FEET FROM ANY NATURAL RESOURCES, IF NOT STABILIZED WITH A MINIMUM OF 75 % MATURE VEGETATION CATCH, SHALL BE MULCHED BY DECEMBER 1 AND ANCHORED WITH PLASTIC NETTING OR PROTECTED WITH EROSION CONTROL MATS. DURING WINTER CONSTRUCTION, A DOUBLE LINE OF SEDIMENT BARRIERS (I.E. SILT FENCE BACKED WITH HAY BALES OR EROSION CONTROL MIX) WILL BE PLACED BETWEEN ANY NATURAL RESOURCE AND THE DISTURBED AREA.
3. SEDIMENT BARRIERS
DURING FROZEN CONDITIONS, SEDIMENT BARRIERS SHALL CONSIST OF WOODWASTE FILTER BERMS AS FROZEN SOIL PREVENTS THE PROPER INSTALLATION OF HAY BALES AND SEDIMENT SILT FENCES.
4. MULCHING
ALL AREA SHALL BE CONSIDERED TO BE DENUDED UNTIL AREAS OF FUTURE LOAM AND SEED HAVE BEEN LOAMED, SEEDDED AND MULCHED. HAY AND STRAW MULCH SHALL BE APPLIED AT A RATE OF 150 LB. PER 1,000 SQUARE FEET OR 3 TONS/ACRE (TWICE THE NORMAL ACCEPTED RATE OF 75-LBS./1,000 S.F. OR 1.5 TONS/ACRE) AND SHALL BE PROPERLY ANCHORED. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW. THE SNOW WILL BE REMOVED DOWN TO A ONE-INCH DEPTH OR LESS PRIOR TO APPLICATION. AFTER EACH DAY OF FINAL GRADING, THE AREA WILL BE PROPERLY STABILIZED WITH ANCHORED HAY OR STRAW OR EROSION CONTROL MATTING. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH STRAW OR HAY AT A RATE OF 150 LB. PER 1,000 SQUARE FEET (3 TONS/ACRE) AND ADEQUATELY ANCHORED SO THAT GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH.

BETWEEN THE DATES OF NOVEMBER 1 AND APRIL 15, ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING, ASPHALT EMULSION CHEMICAL, TRACK OR WOOD CELLULOSE FIBER. WHEN GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH THEN COVER IS SUFFICIENT. AFTER NOVEMBER 1ST, MULCH AND ANCHORING OF ALL BARE SOIL SHALL OCCUR AT THE END OF EACH FINAL GRADING WORK DAY.

5. MULCHING ON SLOPES AND DITCHES
SLOPES SHALL NOT BE LEFT EXPOSED FOR ANY EXTENDED TIME OF WORK SUSPENSION UNLESS FULLY MULCHED AND ANCHORED WITH PEG AND NETTING OR WITH EROSION CONTROL BLANKETS. MULCHING SHALL BE APPLIED AT A RATE OF 230 LBS./1,000 S.F. ON ALL SLOPES GREATER THAN 8 %. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH A SLOPE GREATER THAN 3 % FOR SLOPES EXPOSED TO DIRECT WINDS AND FOR ALL OTHER SLOPES GREATER THAN 8 %. EROSION CONTROL BLANKETS SHALL BE USED IN LIEU OF MULCH IN ALL DRAINAGE WAYS WITH SLOPES OF 8 %. EROSION CONTROL MIX CAN BE USED TO SUBSTITUTE EROSION CONTROL BLANKETS ON ALL SLOPES EXCEPT DITCHES. FOLLOWING THE TEMPORARY AND OR FINAL SEEDING AND MULCHING.
6. SEEDING
BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1ST, LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES FINISHED AREAS SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1ST AND IF THE EXPOSED AREA HAS BEEN LOAMED, FINAL GRADED WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT SEEDDED AT A RATE OF 3 TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED. DORMANT SEEDING MAY BE SELECTED TO BE PLACED PRIOR TO THE PLACEMENT OF MULCH AND FABRIC NETTING ANCHORED WITH STAPLES. IF DORMANT SEEDING IS USED FOR THE SITE, ALL DISTURBED AREAS SHALL RECEIVE 4" OF LOAM AND SEED AT AN APPLICATION RATE OF 5 LBS./1000 S.F. ALL AREAS SEEDDED DURING THE WINTER WILL BE INSPECTED IN THE SPRING FOR ADEQUATE CATCH. ALL AREAS SUFFICIENTLY VEGETATED (LESS THAN 75 % CATCH) SHALL BE REVEGETATED BY REPLACING LOAM, SEED AND MULCH. IF DORMANT SEEDING IS NOT USED FOR THE SITE, ALL DISTURBED AREAS SHALL BE REVEGETATED IN THE SPRING.

WINTER CONSTRUCTION NOTES (CONTINUED):

7. WATER FROM CONSTRUCTION TRENCH DEWATERING OR TEMPORARY STREAM DIVERSIONS WILL PASS FIRST THROUGH A FILTER BAG OR SECONDARY CONTAINMENT STRUCTURE (E.G. HAY BALE LINED POOL) PRIOR TO DISCHARGE. THE DISCHARGE SITE SHALL BE SELECTED TO AVOID FLOODING, ICING, AND SEDIMENT DISCHARGES TO A PROTECTED RESOURCE. IN NO CASE SHALL THE FILTER BAG OR CONTAINMENT STRUCTURE BE LOCATED WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE.
8. INSPECTION AND MONITORING
MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION SEASON. AFTER EACH RAINFALL, SNOW STORM OR PERIOD OF THAWING AND RUNOFF, THE SITE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES AND PERFORM REPAIRS AS NEEDED TO INSURE THEIR CONTINUOUS FUNCTION. FOLLOWING THE TEMPORARY AND OR FINAL SEEDING AND MULCHING, THE CONTRACTOR SHALL IN THE SPRING INSPECT AND REPAIR ANY DAMAGES AND/ OR UNESTABLISHED SPOTS. ESTABLISHED VEGETATIVE COVER MEANS A MINIMUM OF 85 TO 90 % OF AREAS VEGETATED WITH VIGOROUS GROWTH.

STANDARDS FOR TIMELY STABILIZATION OF CONSTRUCTION SITES DURING WINTER:

1. STANDARD FOR THE TIMELY STABILIZATION OF DITCHES AND CHANNELS
THE APPLICANT WILL CONSTRUCT AND STABILIZE ALL STONE-LINED DITCHES AND CHANNELS ON THE SITE BY NOVEMBER 15. THE APPLICANT WILL CONSTRUCT AND STABILIZE ALL GRASS-LINED DITCHES AND CHANNELS ON THE SITE BY SEPTEMBER 15. IF THE APPLICANT FAILS TO STABILIZE A DITCH OR CHANNEL TO BE GRASS-LINED BY SEPTEMBER 15, THEN THE APPLICANT WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE DITCH FOR LATE FALL AND WINTER.
INSTALL A SOD LINING IN THE DITCH – THE APPLICANT WILL LINE THE DITCH WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL, AND ANCHORING THE SOD WITH JUTE OR PLASTIC MESH TO PREVENT THE SOD STRIPS FROM SLOUGHING DURING FLOW CONDITIONS.
INSTALL A STONE LINING IN THE DITCH – THE APPLICANT WILL LINE THE DITCH WITH STONE RIPRAP BY NOVEMBER 15. THE APPLICANT WILL HIRE A REGISTERED PROFESSIONAL ENGINEER TO DETERMINE THE STONE SIZE AND LINING THICKNESS NEEDED TO WITHSTAND THE ANTICIPATED FLOW VELOCITIES AND FLOW DEPTHS WITHIN THE DITCH. IF NECESSARY, THE APPLICANT WILL REGRADE THE DITCH PRIOR TO PLACING THE STONE LINING TO PREVENT THE STONE LINING FROM REDUCING THE DITCH'S CROSS-SECTIONAL AREA.

2. STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SLOPES
THE APPLICANT WILL CONSTRUCT AND STABILIZE STONE-COVERED SLOPES BY NOVEMBER 15. THE APPLICANT WILL SEED AND MULCH ALL SLOPES TO BE VEGETATED BY SEPTEMBER 15. THE DEPARTMENT WILL CONSIDER ANY AREA HAVING A GRADE GREATER THAN 15% (10H:V) TO BE A SLOPE. IF THE APPLICANT FAILS TO STABILIZE ANY SLOPE TO BE VEGETATED BY SEPTEMBER 15, THEN THE APPLICANT WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER.
STABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS – BY OCTOBER 1 THE APPLICANT WILL SEED THE DISTURBED SLOPE WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET AND APPLY EROSION CONTROL MATS OVER THE MULCHED SLOPE. THE APPLICANT WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SLOPE BY NOVEMBER 1, THEN THE APPLICANT WILL COVER THE SLOPE WITH A LAYER OF WOODWASTE COMPOST AS DESCRIBED IN ITEM III OF THIS CONDITION OR WITH STONE RIPRAP AS DESCRIBED IN ITEM IV OF THIS CONDITION.
STABILIZE THE SLOPE WITH SOD – THE APPLICANT WILL STABILIZE THE DISTURBED SLOPE WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE APPLICANT WILL NOT USE LATE-SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 33% (13H:V).
STABILIZE THE SLOPE WITH WOODWASTE COMPOST – THE APPLICANT WILL PLACE A SIX-INCH LAYER OF WOODWASTE COMPOST ON THE SLOPE BY NOVEMBER 15. PRIOR TO PLACING THE WOODWASTE COMPOST, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED SLOPE. THE APPLICANT WILL NOT USE WOODWASTE COMPOST TO STABILIZE SLOPES HAVING GRADES GREATER THAN 50% (24H:V) OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.
STABILIZE THE SLOPE WITH STONE RIPRAP – THE APPLICANT WILL PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15. THE APPLICANT WILL HIRE A REGISTERED PROFESSIONAL ENGINEER TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP.

3. STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SOILS
BY SEPTEMBER 15 THE APPLICANT WILL SEED AND MULCH ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15%. IF THE APPLICANT FAILS TO STABILIZE THESE SOILS BY THIS DATE, THEN THE APPLICANT WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SOIL FOR LATE FALL AND WINTER.
STABILIZE THE SOIL WITH TEMPORARY VEGETATION – BY OCTOBER 1 THE APPLICANT WILL SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET, LIGHTLY MULCH THE SEEDDED SOIL WITH HAY OR STRAW AT 75 POUNDS PER 1000 SQUARE FEET, AND ANCHOR THE MULCH WITH PLASTIC NETTING. THE APPLICANT WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 15, THEN THE APPLICANT WILL MULCH THE AREA FOR OVER-WINTER PROTECTION AS DESCRIBED IN ITEM III OF THIS STANDARD.
STABILIZE THE SOIL WITH SOD – THE APPLICANT WILL STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL.
STABILIZE THE SOIL WITH MULCH – BY NOVEMBER 15 THE APPLICANT WILL MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150 POUNDS PER 1000 SQUARE FEET ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. PRIOR TO APPLYING THE MULCH, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED AREA. IMMEDIATELY AFTER APPLYING THE MULCH, THE APPLICANT WILL ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.

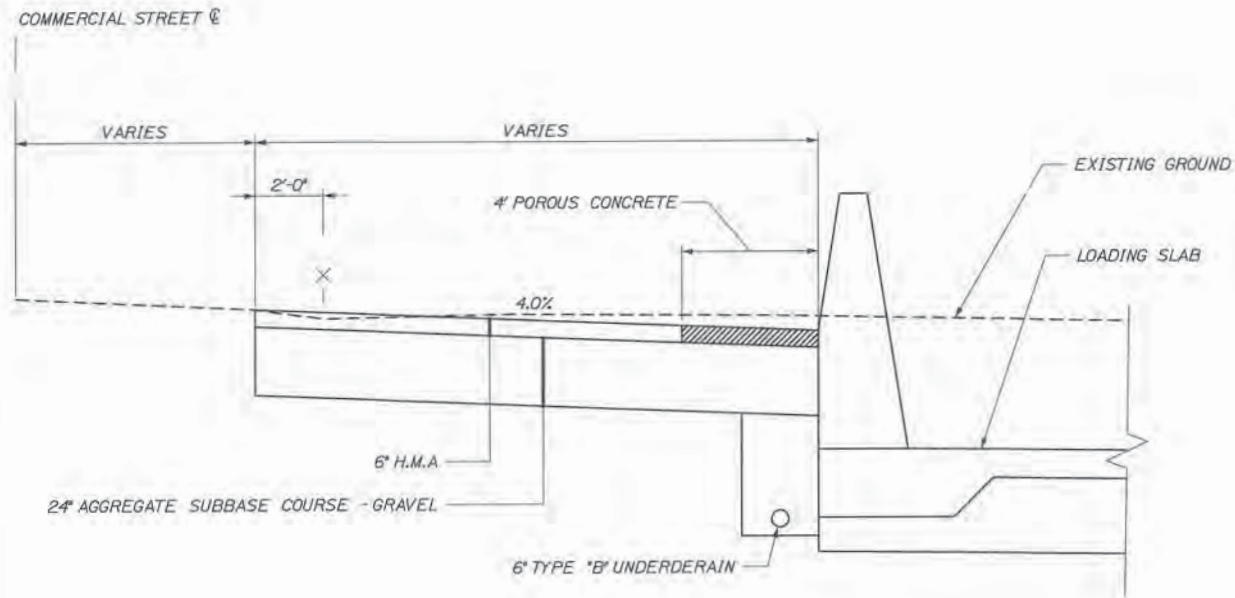
STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.00 WIN 022809.00	 Signature: <i>[Signature]</i> P.E. NUMBER: 6572 DATE: 7/26/14
DATE: 07/14 BY: MFC J. WITROUSE DESIGN: DETAILED CHECKED: REVIEWED DESIGNED: FIELD REVISIONS: 1 REVISIONS: 2 REVISIONS: 3 REVISIONS: 4 FIELD CHANGES	PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY EROSION AND SEDIMENTATION CONTROL NOTES
SHEET NUMBER SW8 8 OF 9	

Date: 3/26/2014

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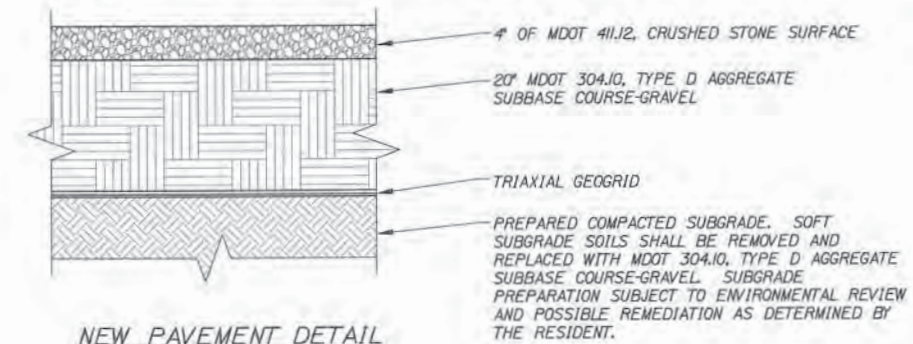
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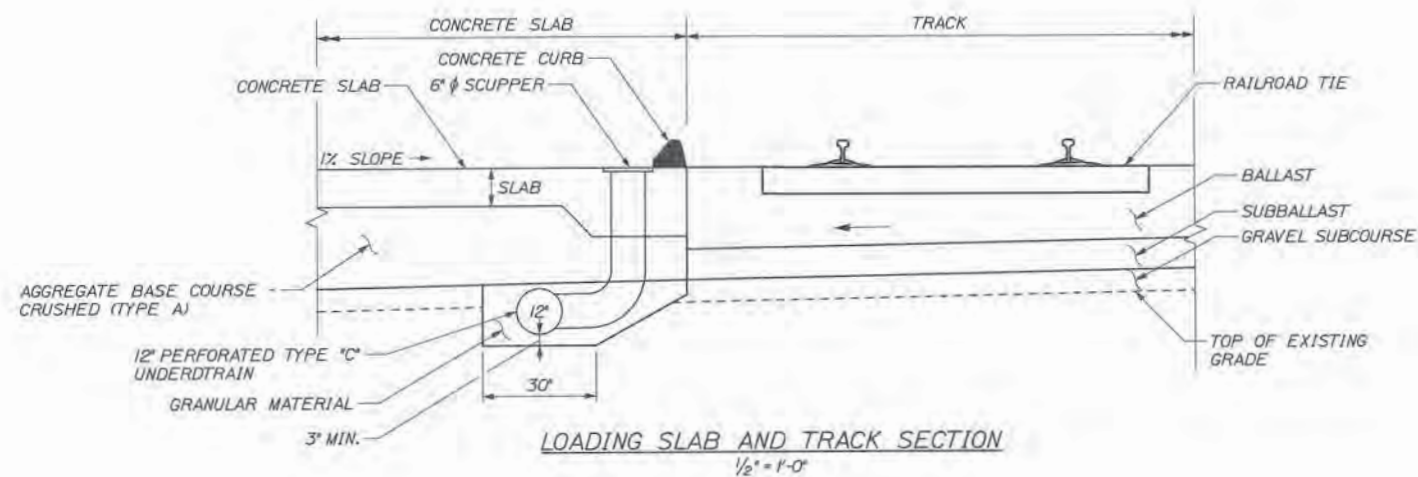


COMMERCIAL STREET SHOULDER WIDENING
NOT TO SCALE

NOTE:
TYPE D AGGREGATE SUBBASE SHALL HAVE BETWEEN 4% AND 7%
FINES (PERCENT PASSING #200 SIEVE) TO ACT AS A FILTER LAYER.



NEW PAVEMENT DETAIL
NOT TO SCALE



LOADING SLAB AND TRACK SECTION
1/2\" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.00	WIN 022809.00																						
Professional Engineer Seal: State of Maine, License No. 6462, Signature: [Signature], Date: 3/26/14																							
<table><tr><td>DATE</td><td>BY</td><td>PROJECT MANAGER</td><td>DESIGN-DETAILED</td><td>CHECKED-REVIEWED</td><td>DESIGN-DETAILED</td><td>REVISIONS 1</td><td>REVISIONS 2</td><td>REVISIONS 3</td><td>REVISIONS 4</td><td>FIELD CHANGES</td></tr><tr><td>03/14</td><td>MFC</td><td>CRM</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>		DATE	BY	PROJECT MANAGER	DESIGN-DETAILED	CHECKED-REVIEWED	DESIGN-DETAILED	REVISIONS 1	REVISIONS 2	REVISIONS 3	REVISIONS 4	FIELD CHANGES	03/14	MFC	CRM								
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PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY EROSION CONTROL DETAILS																							
SHEET NUMBER SW9 9 OF 9																							

Matthew Phillips

From: Mitch Elliott <mielliott@HNTB.com>
Sent: Friday, March 28, 2014 9:54 AM
To: Chamberlain, Kristen (Kristen.Chamberlain@maine.gov); Tibbetts, Stephen W (Stephen.W.Tibbetts@maine.gov)
Cc: Craig Morin; 'Kittredge, Joel (Joel.C.Kittredge@maine.gov)'; Patrick Carroll (pcarroll@carroll-assoc.com); mphilips@carroll-assoc.com
Subject: Portland Laydown and connecting corridor (IMT) - Stormwater Report
Attachments: 00_PORTLAND-IMT STORMWATER REPORT 03-26-14.pdf; _Certification_.htm

The attached revised stormwater report was provided to the DEP Wednesday 3/26 and it addressed Ben Viola's comments. Additionally, it's worth noting that Marybeth agreed to consider the concrete loading slab a linear portion of the project thus eliminating the need to treat runoff from the slab.

I have not heard back from John Hopeck regarding my response to his comments.

I will let you know once I receive any comments.

Mitch

From: Viola, Ben [mailto:Ben.Viola@maine.gov]
Sent: Wednesday, March 26, 2014 8:43 AM
To: Mitch Elliott
Subject: RE: Portland Laydown and connecting corridor (IMT)

I have added to your response below.

Ben Viola

Environmental Engineer in the Bureau of Land and Water Quality

Phone: 207-822-6365 (*desk*)

207-822-6300 (*receptionist*) 207-822-6303 (*fax*)

ben.viola@maine.gov

From: Mitch Elliott [<mailto:mielliott@HNTB.com>]
Sent: Wednesday, March 26, 2014 7:36 AM
To: Viola, Ben
Subject: RE: Portland Laydown and connecting corridor (IMT)

Good morning Ben, I am hoping to deliver to you revised drawings and tables today but have a couple questions regarding the revised stormwater submittal, see red below:

From: Viola, Ben [<mailto:Ben.Viola@maine.gov>]
Sent: Tuesday, March 25, 2014 11:07 AM
To: Mitch Elliott; Chamberlain, Kristen; Richardson, Marybeth

Cc: Tibbetts, Stephen W; Hodgkins, Nick; Craig Morin; Hopeck, John T

Subject: RE: Portland Laydown and connecting corridor (IMT)

This e-mail is in follow up to my telephone conversation with Mitch Eliot this morning. Items we discussed were:

- Professional Stamps - The plans and report the Maine Department of Environmental Protection (MDEP) received were not stamped by the professional that prepared them. The Department requires all submittals be stamped by the professional that performed the work. I have revised the Pre- and Post-Development plans to include updated tables. Can only these be stamped along with the cover of the report? My concern is that the Site and Grading plans are not yet at the final design stage and therefore we're a bit hesitant to put an engineer's stamp on these. They are however included in the revised narrative as an appendix. We are looking for final plans, so the stamped plans are the standard. If the final plans will be different the MDEP will need to review them.
- General Standard – The applicant is pulling together the final treatment tables for the site and is planning to use the exemption allowed in the Memorandum of Agreement (MOA) between Maine Department of Transportation (MDOT) and MDEP regarding treatment of the linear portion of the project. To use the exemption the areas in question will need to be determine by the MDEP project manager, Marybeth Richardson, to be linear. I have revised the tables and updated them as shown on the Pre- and Post-Development plans. I have also revised the stormwater narrative which discusses the MOA, the associated exemptions with regards to the General Standards, and also revised the section that discusses the concrete loading slab classification of linear as we had discussed. Therefore I was planning on re-submitting the entire package so you have one complete package. We will wait for a determination from Marybeth that the rail loading slab portion of the project is linear before submitting to the City. Marybeth is ok with the rail loading slab portion being linear.
- Basic Standard - In my understanding of the MOA between MDOT and MDEP, MDOT is not required to submit a maintenance plan but to follow the practices of MaineDOT Best Management Practices for Erosion and Sedimentation Control manual. Therefore, I did not review a maintenance plan for this project. As we discussed on the phone, I will provide the draft SWPPP for the IMT facility. We are meeting with the facility tomorrow morning to review and add more detail to this plan but at least you will see that we're addressing erosion control, maintenance and inspection, and recordkeeping. That's fine, however that will not be part of my review.

Please let me know if you disagree with any of the above.

Ben Viola

Environmental Engineer in the Bureau of Land and Water Quality

Phone: 207-822-6365 (*desk*)

207-822-6300 (*receptionist*) 207-822-6303 (*fax*)

ben.viola@maine.gov

From: Mitch Elliott [<mailto:mielliott@HNTB.com>]

Sent: Thursday, March 20, 2014 3:52 PM

To: Chamberlain, Kristen; Hopeck, John T

Cc: Tibbetts, Stephen W; Richardson, Marybeth; Viola, Ben; Hodgkins, Nick; Craig Morin

Subject: FW: Portland Laydown and connecting corridor (IMT)

Hi Kristen,
Thanks for forwarding John's comments.

John,
I have provided responses in red below and hope that I have addressed each question appropriately. I have also attached the AMEC report which I reference in my responses. Please let me know if you have further questions regarding my responses or the project itself.
Mitch

Mitch Elliott P.E.
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340 County Road, Suite 6-C
Westbrook, Maine 04092

direct 207-228-0901
tel 207-774-5155 x80901
fax 207-228-0909
www.hntb.com

From: Chamberlain, Kristen [<mailto:Kristen.Chamberlain@maine.gov>]
Sent: Friday, March 14, 2014 12:36 PM
To: Tibbetts, Stephen W; Mitch Elliott
Subject: FW: Portland laydown and connecting corridor

Kristen Chamberlain
Bridge, Multi Modal and Traffic Team Leader
Environmental Office
Maine Department of Transportation
(207) 557-5089
(207) 624-3101 Fax

From: Hopeck, John T
Sent: Friday, March 14, 2014 10:38 AM
To: Chamberlain, Kristen
Cc: Richardson, Marybeth; Viola, Ben
Subject: Portland laydown and connecting corridor

Hi Kristen. Here are a couple of questions about the facility. With any luck, we'll lose a lot of snow by the end of the month and it will be possible to see something out there.

- 1) Page 5 of the stormwater report says that approximately twelve inches of "existing granular soils will be removed". Was this area of soil removal analyzed as part of a Phase I or Phase II investigation? If so, the results of that investigation should be submitted. If not, what evidence indicates absence of contamination in these materials? Where is the removed material to be disposed? **We discussed whether a Phase I or II ESA had been done at the meeting with DEP but did not have an answer. Craig suggested that Dwight Doughty maybe take a look in the boxes of stuff to see what he can find. As we have not seen anything we are assuming one has not been done. The only report we have reviewed is from March 14, 2014 by AMEC which only identifies three contaminated areas on the site. Two are within our project limits and the other is within the Unitil site. One of the hazard areas on the IMT site was noted as being a gravel mound that was removed and the other on our site is the VRAP area near the shoreline. The AMEC report indicates contaminants are 2-5 feet below grade in the**

VRAP area. Our preliminary design considered approximately 12" of excavations across the site. We are now considering raising grades across the site to limit excavations to 6"+/- which only removes the undesirable top layer which includes some organic matter. The AMEC report does not limit future use or excavations within the VRAP area and therefore we feel comfortable removing the a thin surface layer and replacing it with 24" of clean material. This also is not anticipated to be of concern for the rest of the site as no contaminated areas have been brought to our attention that should cause us to revise our design.

- 2) The proposed contours on Sheet C8 (Site Grading Plan, 11 of -) are not clearly labeled, but show alteration of possibly the entire VRAP area; this is not discussed in the stormwater report or other material received. Is that area proposed for development as part of this project? If so, there could be additional questions related to the proposed plan of development in the VRAP area. As discussed in my response to item #1, the proposed disturbance to the VRAP area is limited to only minimal excavations as noted in item #1 and installation of the 24" granular/crushed stone surface. No excavations are proposed that could extend into the VRAP envelope and therefore we feel that improvements in this area will not have negative impacts on the VRAP area. The AMEC report does not make recommendations limiting future use of this area upon completion of the VRAP. We feel that development of this area, and for the rest of the site for that matter, does not have a significant impact on the underlying soils. Marybeth had indicated following up with Nick H regarding the VRAP. Who is Nick and how would he be able to help out with this?
- 3) The stormwater report refers to almost any filtration as treatment. Although, as we discussed, use of porous pavement is not treated as infiltration for the purposes of groundwater protection under Chapter 500 provided that other relevant Appendix D criteria are met, it should not be assumed that granular fill and railroad ballast provide anything other than minimal filtration; I would, in general, be cautious about calling this "treatment" in any meaningful sense. We have followed the guidelines of the Manmade Pervious Surfaces BMP, Section 7.7, in order to provide treatment of stormwater runoff at the IMT Facility. There seems to be a bit of flexibility in this BMP that allows alternative pavement/surface systems but there are specific requirements that must be met. Of these requirements are maintaining light to moderate traffic volumes, maintaining flat slopes (<5%), minimize sediment loading (such as winter sanding), and course clean aggregate for use as reservoir course. Additionally, the filter layer is required to be a minimum of 8" with between 4 and 7% fines. The crushed stone surface acts to collect the 1" storm and therefore meets the reservoir criteria and the 20" granular base material is noted on the plans to require 4-7% fines. We have used the guideline in the BMP to design an alternative to the filtration BMP that works for our site. We have located the storage reservoir at the surface as this material also acts as the operating surface for the yard where typically the reservoir layer would be under a layer of porous pavers and the filter layer. We feel that the filter layer and reservoir course should have the same final end result in that stormwater runoff will be sufficiently "treated" before allowed to infiltrate into underlying soils. This is all provided that the crushed stone surface is properly inspected and maintained and therefore this will be part of the annual inspection and maintenance program for the IMT facility. In order to meet the other relevant criteria, certain uses must be specifically prohibited in the porous pavement area and any area draining to it, including but not limited to storage of salt or salt/sand mixtures, bulk storage of petroleum products, maintenance or washing of vehicles and equipment, long-term (i.e., for longer than necessary to accomplish loading and unloading – obviously in this case railcars might be at the site for some time to accommodate this process, but the idea is that vehicles and equipment should not be essentially abandoned in these areas) storage of vehicles and equipment, and other activities that present risks of significant pollutant discharges to groundwater. This concern will be addressed in that the use of the porous chassis storage yard will be limited such that storage of possible contaminants will be prohibited. The IMT will not be allowed to store the items listed above and this portion of the site will not be used for maintenance or washing of vehicles and equipment. This will become part of the IMT facility operations manual and the Maine Port Authority will ensure this is upheld as long as the surface is porous.

Let me know if you have any questions. Good to see you again.

- John

From: Chamberlain, Kristen [<mailto:Kristen.Chamberlain@maine.gov>]
Sent: Friday, March 14, 2014 12:36 PM
To: Tibbetts, Stephen W; Mitch Elliott
Subject: FW: Portland laydown and connecting corridor

*Kristen Chamberlain
Bridge, Multi Modal and Traffic Team Leader
Environmental Office
Maine Department of Transportation
(207) 557-5089
(207) 624-3101 Fax*

From: Hopeck, John T
Sent: Friday, March 14, 2014 10:38 AM
To: Chamberlain, Kristen
Cc: Richardson, Marybeth; Viola, Ben
Subject: Portland laydown and connecting corridor

Hi Kristen. Here are a couple of questions about the facility. With any luck, we'll lose a lot of snow by the end of the month and it will be possible to see something out there.

- 1) Page 5 of the stormwater report says that approximately twelve inches of "existing granular soils will be removed". Was this area of soil removal analyzed as part of a Phase I or Phase II investigation? If so, the results of that investigation should be submitted. If not, what evidence indicates absence of contamination in these materials? Where is the removed material to be disposed?
- 2) The proposed contours on Sheet C8 (Site Grading Plan, 11 of -) are not clearly labeled, but show alteration of possibly the entire VRAP area; this is not discussed in the stormwater report or other material received. Is that area proposed for development as part of this project? If so, there could be additional questions related to the proposed plan of development in the VRAP area.
- 3) The stormwater report refers to almost any filtration as treatment. Although, as we discussed, use of porous pavement is not treated as infiltration for the purposes of groundwater protection under Chapter 500 provided that other relevant Appendix D criteria are met, it should not be assumed that granular fill and railroad ballast provide anything other than minimal filtration; I would, in general, be cautious about calling this "treatment" in any meaningful sense. In order to meet the other relevant criteria, certain uses must be specifically prohibited in the porous pavement area and any area draining to it, including but not limited to storage of salt or salt/sand mixtures, bulk storage of petroleum products, maintenance or washing of vehicles and equipment, long-term (i.e., for longer than necessary to accomplish loading and unloading – obviously in this case railcars might be at the site for some time to accommodate this process, but the idea is that vehicles and equipment should not be essentially abandoned in these areas) storage of vehicles and equipment, and other activities that present risks of significant pollutant discharges to groundwater.

Let me know if you have any questions. Good to see you again.

- John

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments. Thank you.

18. Summary of Consistency with Related City Master Plans

Summary of Consistency with Related City Master Plans

The are no current City of Portland Master Plans that are applicable to the Waterfront Port Development Zone (WPDZ).

19. Evidence of Utilities Capacity to Serve

Evidence of Utilities Capacity to Serve

See enclosed ability to serve letters from CMP and Portland Water District.



February 24, 2014

HNTB
C/O Mr. Craig Morin
340 County Road
Westbrook, Maine 04092

RE: Three Phase Electric Service, West Commercial Street, Portland, Maine

Dear Mr. Morin,

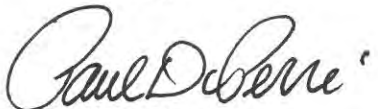
This letter is to advise you Central Maine Power has three phase electrical service in the area to serve the subject project.

Once the project is accepted by the City of Portland, the owner will need to call our Customer Service Center at 1-800-565-3181 to sign up for a New Account and a Work Request Order so we may provide an actual cost.

I will need to know what size service and voltage the Customer will be requesting.

If you have any questions please feel free to call me at 828-2882.

Sincerely,


Paul DuPerre
Energy Service Specialist



Portland Water District

FROM SERAGO LAKE TO CASCO BAY

April 3, 2014

HNTB Corporation
340 County Road, Suite 6C
Westbrook, ME 04092

Attn: Mitch Elliott, P.E.

Re: Portland International Marine Terminal; 460 Commercial Street, Portland
Ability to Serve with PWD Water

Dear Mr. Elliott:

The Portland Water District has received your request for an Ability to Serve determination for the noted site submitted on March 27, 2014. 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 currently have existing water service. An 8-inch diameter ductile iron fire service line with a domestic service line tapped on private, located as shown on the attached water service card, provides water service to 2 West Commercial Street. A second domestic service was tapped on private off the fire service line to serve the New Yard, LLC's boat yard; this service is not currently metered or recognized as a District customer. A 1-inch diameter HDPE domestic water service, located as shown of the attached water service card, provides water service to the Maine DOT maintenance and generator building for Casco Bay Bridge (528 Commercial Street). Please refer to the "Conditions of Service" section of this letter for requirements related to the use of these services.

Water System Characteristics

According to District records, there is a 12-inch diameter cast iron water main on the north side of Commercial Street and multiple public fire hydrants located across the street from the site.

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

Hydrant Location: Commercial Street 400' east of Beach Street
Hydrant Number: POD-HYD00069
Last Tested: 9/13/2011
Static Pressure: 106 psi
Residual Pressure: 100 psi
Flow: 1,209 GPM



Existing Sewer Service

Wastewater from the existing Unitil building discharges through a private sewer service into the Portland Water District's existing 48-inch interceptor sewer. We have previously sent the relevant sewer record drawing of this sewer main to your attention.

Proposed 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 Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

Proposed Domestic Water Needs

The ability to serve request dated March 26, 2014 does not mention the need for new domestic water supply to the IMT. The District understands that the domestic water needs of the leased Unitil site will not change as a result of the development.

Private Fire Protection Water Needs

You have indicated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact the MEANS Division to request a hydrant flow test and we will work with you to get more complete data.

Conditions of Water Service

Note that all water infrastructure on the property will be classified as private service lines to be owned and maintained by the property owner; PWD will not own any public mains within the site. The existing 8-inch fire service may be used by the proposed development as long as the project team determines that it will provide adequate flow and pressure for the proposed use. As shown on the Site Utility Plan, this 8-inch service will provide fire protection to both the leased Unitil site and the IMT site. The account for the fire service line will need to be assumed by one of these entities, as PWD will recognize only a single account holder and customer for this private fire protection service.

The existing domestic service to the Unitil site is a non-conforming service. As part of this project the service must be brought up to current standards. The tap off the fire service on private property must be terminated and the domestic service line should be relocated to tap the fire service within the Commercial Street public way. Separate control valves will be required within the public way on both the domestic and fire services so they may be operated independently.

The new services that were installed to serve the New Yard, LLC's boat yard must be terminated. New services for the New Yard property should be installed from the water main in Commercial Street. Since the New Yard property does not have frontage on Commercial Street, an easement will be required from the IMT site citing the right to install and maintain utilities.

The existing 1-inch service line that serves the Maine DOT maintenance and generator building should be maintained to serve the existing building only.

Conditions of Sewer Service

The District's 48" interceptor sewer, located partially within the site, conveys a significant portion of the City's wastewater flow towards the East End Treatment Facility. As part of preliminary discussions with MDOT/HNTB, the District noted that the proposed construction of a reinforced concrete slab over the interceptor is not compatible with the existing utility easement. The District worked with MDOT to look at alternatives which included a structural lining of the interceptor. If the structural lining is the preferred alternative, construction details must be reviewed and approved by the District. An easement modification will also need to be approved by the Board of Trustees of the District.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District



Rico Spugnardi, P.E.
Senior Project Engineer

20. Summary of Solid Waste Generation & Proposed Management

Summary of Solid Waste Generation & Proposed Management

No significant new waste will be generated from the daily operations of the proposed facility expansion. There will be one security guard with a small shack and most likely only a small waste can. All equipment will be serviced at the existing terminal building. At the existing terminal there are two existing dumpsters (both 10 C.Y. capacity) which have the ability to handle the small amount of new solid waste generated from the expansion. These containers are serviced by Troiano, an independent solid waste contractor, on a weekly basis. The waste is typically domestic goods such as paper, miscellaneous trash, and cardboard which is generated from office and warehouse type uses.

All waste generated from the site preparation and general site work will be collected and separated on-site until they are removed and disposed of properly, off-site, by a private contractor. Required tree clearing and grubbing will be performed by qualified personnel and the logs, brush, and stumps will be either taken off-site for disposal or ground/chipped on-site by a portable stump grinder and used as erosion control mulch.

21. Fire Safety Plan and Fire Safety Assessment / Code Summary (NFPA 1) and Fire Department Technical Standards

Fire Safety Plan and Fire Safety Assessment / Code Summary (NFPA 1) and Fire Department Technical Standards

See enclosed Fire Safety Plan along with a Fire Safety Assessment / Code Summary.



FIRE RISK MANAGEMENT, INC

1 Front St., Bath, ME 04530
207/442-7200 [221-1295 (fax)]
www.fireriskmgt.com

Date: 10 March, 2014

Memo Report

From: W. Mark Cummings, P.E.

To: Mr. Craig Morin; HNTB

Subject: Fire Safety Assessment of the International Marine Terminal, Portland, ME.

As requested, Fire Risk Management, Inc. (FRM) has performed a review of the proposed site layout for the planned expansion of the International Marine Terminal (IMT) in Portland, ME. The purpose of this review is to evaluate the proposed layout for and operations within, the newly expanded areas of the IMT and to assess the requirements for providing adequate fire and life safety protection throughout this new area.

Background

The Portland IMT site is continuing to be upgraded and expanded to further increase the capabilities and flexibility of this facility to better serve its clients. The site is now being expanded to primarily support the receipt, temporary storage, and shipment of bulk containers of a variety of cargo/materials. The site improvements are being designed by HNTB Corporation of Westbrook, ME. This fire safety assessment is based on the site plan documents provided by HNTB that depict the proposed expansion of the IMT to the west of the Casco Bay Bridge, including the proposed fire protection features as outlined on the Fire Protection Plan; drawing C17 (see Attached). This new area is to be used for the temporary storage of bulk containers and for the loading of these containers on to rail cars.

The operations being performed at the Portland IMT are generally of an industrial nature, with only a limited number and type of potential fire hazards. This is primarily due to the fact that the port's primary operations consist of the loading and offloading of bulk storage containers; both for dry goods and liquids. Under normal operations, none of the contents of these containers are directly exposed to these operations or the ambient environment. As such, unless the containers themselves become damaged, the fire risk associated with any container is relatively low, regardless of the combustibility/flammability of the specific contents, since the contents are isolated from any potential, external ignition source. However, it is this potential for the containers to be damaged that results in the need to continue to consider and implement measures to mitigate any fire risks that may be associated with the materials being transported within the various containers, along with ensuring adequate access is provided to all containers by emergency response personnel (firefighters) and equipment.

The general fire protection requirements outlined by the National Fire Protection Association (NFPA) for facilities such as the Portland IMT are based on both the specific operations being conducted at the facility and the expected types of materials that are being handled. Based on the information provided for the new area, it is understood that no materials that would meet the NFPA's (or Department of Transportation's) definition of "hazardous materials" will be handled or stored within the new area of the Portland IMT; at least at this point in time.

A prior fire safety assessment of the IMT was performed in October 2011 that included an evaluation of the handling and storage of bulk containers of ethanol; a flammable liquid. This current assessment is based on the premise that those containers will continue to be handled and stored only within the previously

designated areas (eastern portion) of the IMT. Should this change and/or other hazardous or flammable materials are to be handled within this new area of the IMT, it is possible that additional fire and life safety protection measures would need to be implemented.

Fire Hazards

In general, it is understood that the majority of shipping containers that are to be handled by the Portland IMT are of the “standard” bulk intermodal container type; the majority of which contain dry goods/materials or smaller pre-packaged containers of liquids. The fire risk associated with these containers is typically considered to be low, due to the fact that even if the container itself is damaged and it does contain some combustible or flammable contents, these would not necessarily pose a significant fire threat due to the individual packaging of the contents; thereby minimizing the potential for (initial) involvement of the material(s) being transported, even if a fire is initiated. Should a fire somehow occur, such as one involving the handling equipment, whereby adjacent bulk containers that have quantities of flammable or combustible materials inside may be exposed, there is the potential that these contents could become involved if they are not sufficiently remote from the fire source or cooled to prevent failure of the container’s shell; thereby preventing sufficient transmission of heat through the container’s shell that could result in the ignition of the materials within. Otherwise, there are no other known activities or materials that are associated with the port’s operations within this new area that are considered to pose a notable fire risk. Although a portion of the new site will be adjacent to an existing DOT Bridge Maintenance Building, any potential fire hazards associated with this facility can be precluded by maintaining proper separation.

Review and Assessment of Code & Standards Requirements

Although a number of sources have been used in support of the overall fire hazard assessment associated with the expanded IMT operations, the primary fire protection requirements that are discussed below are those outlined by the applicable code requirements; including those contained in:

- The City of Portland Code of Ordinances, Chapter 10, *Fire Prevention and Protection*
- NFPA 1, *Fire Code*
- NFPA 307, *Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves*
- City of Portland Fire Department Rules and Regulations
- The City of Portland Technical Manual, Section 3 – *Public Safety*

The applicable chapters of NFPA 307 represent the primary source of most of the fire protection requirements for the Portland IMT site. NFPA 1 was reviewed, but in general, the requirements within this code, applicable to the IMT, simply mirror those of NFPA 307. The Fire Prevention and Protection chapter of the City of Portland’s ordinances was also reviewed, but again, did not impose any additional requirements beyond those of NFPA 307; albeit the sections of the City’s Ordinances, Technical Manual, and Fire Department Rules and Regulations that outline requirements for fire hydrants and access by fire department equipment will need to be adhered to.

A significant aspect of the fire protective measures for a marine terminal is having access to adequate firefighting water. This fact is exhibited in the requirement that fire hydrants connected to an adequate water supply be installed throughout the marine terminal yard. Currently, the proposed IMT expansion is to include six (6) additional hydrant and/or standpipe locations, located within the new container storage area and along the access route that will be used to transport the containers from the secured storage area to the railway loading area. These sources for firefighting water are located specifically to meet the NFPA requirements indicate the spacing between hydrants cannot exceed 300 ft, nor that any “dead end” area be more than 150 ft from the nearest hydrant. Due to the specific design of the container loading area and the lack of available space to accommodate the installation of fire hydrants, it is being recommended that a series of standpipes be installed along the concrete barrier that will be separating the railway loading area

from Commercial Street. The proposed hydrant and standpipe locations throughout the expanded IMT site are depicted on the proposed site Fire Protection Plan; drawing C17. Due to the fact that the standpipes will be exposed to freezing temperatures, it is recommended that the standpipe section of the fire water supply system be supplied from a single post indicator valve (PIV), located adjacent to the access point to the loading area. To allow the fire department flexibility in connecting to the individual standpipes after the this portion of the system has been pressurized, it is recommended that each standpipe riser be provided with an isolation valve that will facilitate connection to the individual fire department connections after the PIV has been opened.

Associated with the hydrant (and standpipe) spacing requirements is the need to ensure adequate access is available to the entire yard area by firefighting equipment (trucks). The standards require fire lanes of at least 20 ft in width that will provide access to all areas of the site. The planned design/layout of the new storage yard at the IMT includes truck lanes (spacing between storage “groups”) that far exceed this requirement. The new storage area is a secure area that is completely enclosed by fencing. Access gates are provided on the east and west sides of this area (refer to Dwg C17). Similar to the other access gates for the IMT, Knox boxes will need to be provided at both gates; each containing the necessary key (card) to facilitate the opening of the security gates.

Both NFPA 1 and the City’s ordinances include a requirement to provide a “turn-around” area at the end of any “dead-end” fire access lane that is 150 ft or greater. The railway loading area will be considered a dead-end. However, based on the City’s requirements outlined in their Technical Manual, sufficient area is available at the end of the loading area to accommodate a turn-around; per Figure I-5 of the Technical Manual. Equally, the NFPA also requires that a fire hydrant be located no more than 150 ft. from the end of any dead-end access road. The spacing of the standpipe locations has been designed to accommodate this requirement as well.

NFPA 307 also has a requirement for ensuring fire department “notification” of an emergency. The method(s) used throughout the existing portion of the IMT will need to be extended to include the expanded areas as well. Associated with the notification requirement, the Fire Protection Program that governs the operations at the existing terminal will need to be modified to include this new area; especially as it pertains to restrictions on potential fire ignition sources. This includes restrictions on smoking and/or open flames within 50 ft of any areas that involve the handling and storage of any flammable or combustible materials. Equally, if the potential exists for hot work to be performed within the DOT’s Bridge Maintenance Building, or any other area within the IMT site, this too must be no closer than 100 feet of any operations (including storage) involving flammable or combustible materials. Currently, the planned design/layout for the new storage area is such that the closest point of storage is approximately 30 feet from the DOT’s Bridge Maintenance Building. Any such storage areas that are within 100 ft of the Maintenance Building should be specifically designated to ensure that only containers that are known to contain no flammable or combustible materials are stored at those locations.

Summary and Recommendations:

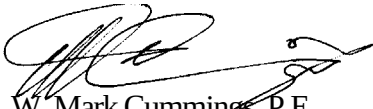
In general, the overall plan for the expansion to the Portland IMT site appears to address the required physical attributes needed to support adequate fire protection; assuming that all modifications depicted on the Fire Protection Plan for the expansion are implemented, including;

1. Install sufficient numbers of fire hydrants and standpipe connections throughout the expanded IMT site to provide adequate access to firefighting water for the Fire Department. The Fire Protection Plan (Dwg C17) should be updated to include the location for a PIV to isolate the standpipe section of the water supply piping. It is understood that the codes do not specifically discuss the use of standpipes in lieu of fire hydrants. However, due to the area restrictions within the railway loading area, coupled with a desire to ensure that no damage occurs to the fire water supply access points (hydrants), this design represents the likely best option to facilitate that goal. However, it will be necessary to obtain input from the fire department to ascertain the

specific type of fire department connections they would prefer be installed on the standpipe risers. It will also be necessary to develop administrative procedures that will ensure that the standpipe system is drained (suctioned) after any time where water has been introduced to this piping during periods when freezing temperatures are anticipated.

2. It will be necessary to ensure that the turn-around area at the end of the railway loading area remains clear of any obstructions that could limit fire department use of this area. Similarly, it may be necessary to provide a means to mark the fire department access lanes outside of the secured storage area to ensure that these lanes remain clear at all times.

Should there be any questions regarding this assessment and the recommendations contained herein, please do not hesitate to contact me.



W. Mark Cummings, P.E.
Principal Fire Protection Engineer

Maine Port Authority
International Marine Terminal

FIRE SAFETY PLAN

(Rev. 01, 24 March, 2014)

Fire Safety Program

As part of the overall objective to ensure that adequate fire and life safety protection are provided at the Portland International Marine Terminal (IMT), a Fire Safety Program has been implemented. This Fire Safety Plan outlines not only the fire protection and life safety systems that are installed throughout the IMT, but also provides specific operational requirements that are designed to minimize any potential fire risks to personnel or property, resulting from flammable or combustible materials that are being used, handled, and/or stored at the IMT site. In general, the IMT Fire Safety Program consists of:

- Installed fire protection and life safety systems that are distributed throughout the IMT site to support both early notification of a fire emergency and provide ready access to firefighting water,
- Operational and administrative procedures that provide guidance for ensuring that day-to-day operations at the IMT are conducted in a fire-safe manner, and
- The assignment of personnel responsible for the oversight of the fire safety measures implemented at the IMT.

All three facets of the program must be maintained and administered on a day-to-day basis to ensure that operations within the IMT are conducted in the most fire safe manner possible and that if a fire emergency does occur, that emergency responders have ready access to all portions of the site, including the installed fire protection systems.

Fire Protection Systems

The fire protection systems installed at the Portland IMT consist of both a fire alarm/notification system and a fire water supply system to support manual firefighting operations. The fire alarm/notification system consists of six (6) manual fire alarm pull stations that are installed at locations throughout the IMT site. These pull stations provide a means for rapid notification of emergency responders to a fire or other emergency at the site. The general locations of these pull stations are included on Attachment 1; the site's Fire Safety Plan (Dwg. C17). These pull stations are to be connected to the main fire alarm control panel (FACP) for the main Terminal Building. Upon activation, these will alert the Fire Department via the wireless Master Box system that is connected to the FACP.

In addition to the five (5) Municipal fire hydrants installed along the north side of Commercial Street, adjacent to the IMT site, the private fire water supply system on the IMT site has been updated such that nine (9) fire hydrants and three (3) standpipe connections, which are supplied from the Municipal system, are dispersed throughout the IMT. The three standpipe connections are located along the length of the railroad loading area. Due to space constraints associated with large equipment used to load containers on the rail cars, along with ensuring adequate protection from damage, it was not possible to site hydrants within this area. The standpipes are connected to the remainder of the fire water supply system via a post indicator valve (PIV) that is located adjacent to the west access road from Commercial St. The location of the hydrants and standpipes is intended to maximize the ease of access to firefighting water from all points within the IMT site. Equally, the specified clear space that is to be maintained between all container storage areas has been designed to facilitate the ease of movement and operation of firefighting vehicles within the IMT. The locations for all fire hydrants and standpipes, including the standpipe's PIV, throughout the IMT are indicated on Attachment 1. Although Attachment 1

Maine Port Authority
International Marine Terminal

FIRE SAFETY PLAN

(Rev. 01, 24 March, 2014)

also shows the locations of several existing hydrants that are located on adjacent properties, these are not IMT control and were not considered when evaluating the fire water supply requirements for IMT.

An associated aspect of providing adequate site fire protection capabilities is the need to ensure that the responding Fire Department will have ready access to the site itself. The IMT is a “secure” site, with access from Commercial St. provided by two automatic-opening gates at the eastern end of the IMT, along with the access road at the western end of the site. Additionally, the IMT site includes a secure storage area for the wheeled containers that are awaiting loading on rail cars. This secure storage area is accessed from the eastern end by an automatic-opening gate from within the IMT site, along with another automatic-opening gate on the western side; which is accessed by the (unsecured) roadway on the western end of the site. Each gate is operated by use of a key card. To ensure that the Fire Department will have ready access to all areas of the site, including during non-working hours when the site is unmanned, a “knock” box will be located adjacent to each gate; with each containing the necessary key card that will open the respective gate.

Control of Flammable/Combustible Materials

Inherent in the site Fire Protection Plan is a requirement to control the locations of both potential ignition sources and all flammable and combustible materials; with the emphasis being to maintain separation between the two.

Areas within the IMT site where the potential exists for open flame or other ignition sources to be present are specifically designated. These areas include the IMT Maintenance Shop, the DoT Bridge Maintenance Building, and any designated smoking areas. No flammable or combustible materials are to be stored within 100 feet of the “shop” areas associated with the Maintenance Buildings. Any storage areas within this distance must be designated for non-flammable/combustible materials only, including any bulk containers that may contain flammable or combustible materials. Smoking areas may be designated at locations throughout the IMT site, but these may be no closer than 50 feet from any areas where flammable/combustible materials are used, handled, or stored. All areas designated as either flammable/combustible storage “exclusion” areas or smoking areas must be clearly marked.

The IMT is certified for the handling of bulk containers of ethanol; a flammable liquid. Due to the specific hazards associated with the (temporary) storage of large quantities of flammable liquids, a specific area of the IMT storage yard has been designated for the storage of the bulk ethanol containers. To alleviate the potential for errors, the size of the designated flammable liquid storage area is sufficient to accommodate both the incoming “full” containers and those that are empty and awaiting return shipping. The location for the storage of the bulk flammable liquids containers is highlighted on Attachment 1. Should the site be recertified to handle other types of flammable liquids, the proposed specific location to be designated for storing these additional containers will be reviewed and approved by the Authority(ies) Having Jurisdiction.

Site Fire Safety Coordinator

Although all IMT site personnel will receive basic instruction regarding the fire safety requirements at the IMT, a full-time employee of the Maine Port Authority will be assigned as the site’s Fire Safety Coordinator. This individual will receive specific orientation training that

Maine Port Authority
International Marine Terminal

FIRE SAFETY PLAN

(Rev. 01, 24 March, 2014)

will provide a more in-depth understanding of all facets of the site's Fire Safety Plan. He/She will be responsible for ensuring the day-to-day implementation of, and adherence to, the Fire Safety Plan by all site personnel. Equally, this individual will be responsible for coordinating the IMT fire safety requirements with the site's two adjacent tenants whose personnel must transit portions of the IMT site to reach their respective facilities; the DoT Bridge Maintenance Building and the Canal Landing Boatyard. Each will be instructed as to the specific fire safety requirements to which they must adhere to ensure the safety of all personnel operating at, or immediately adjacent to, the IMT site. At a minimum, this individual's responsibilities will include;

- Ensuring all IMT personnel receive an initial briefing regarding all facets of the site's Fire Safety Program, including the location and use of all fire protection and life safety equipment,
- Acting as the site's primary liaison with the local Fire Department; both for coordinating any maintenance and testing of the fire water supply system and scheduling routine familiarization and training exercises at the IMT,
- Acting as the site's primary liaison with representatives of the DoT Bridge Maintenance facility and Canal Landing Boatyard to ensure they are fully knowledgeable of the fire safety requirements associated with the IMT's operation and their responsibilities when operating within the IMT site.
- Conducting routine site inspections to verify that all fire protection systems remain undamaged and in good working condition and that access to all fire hydrants, standpipes (and controlling PIV), and manual pull stations remains unobstructed, and
- Verifying that all hot work activities are performed only in designated areas, including smoking, and that all flammable and combustible materials are stored within their proper areas.

The Maine Port Authority management will ensure that this individual has the necessary authority to carry out and enforce the assigned responsibilities. Equally, an alternate Fire Safety Coordinator will be designated as/if needed to support periods when the primary designee is unavailable to perform these functions.

Fire Protection and Life Safety Systems Inspection, Testing, and Maintenance

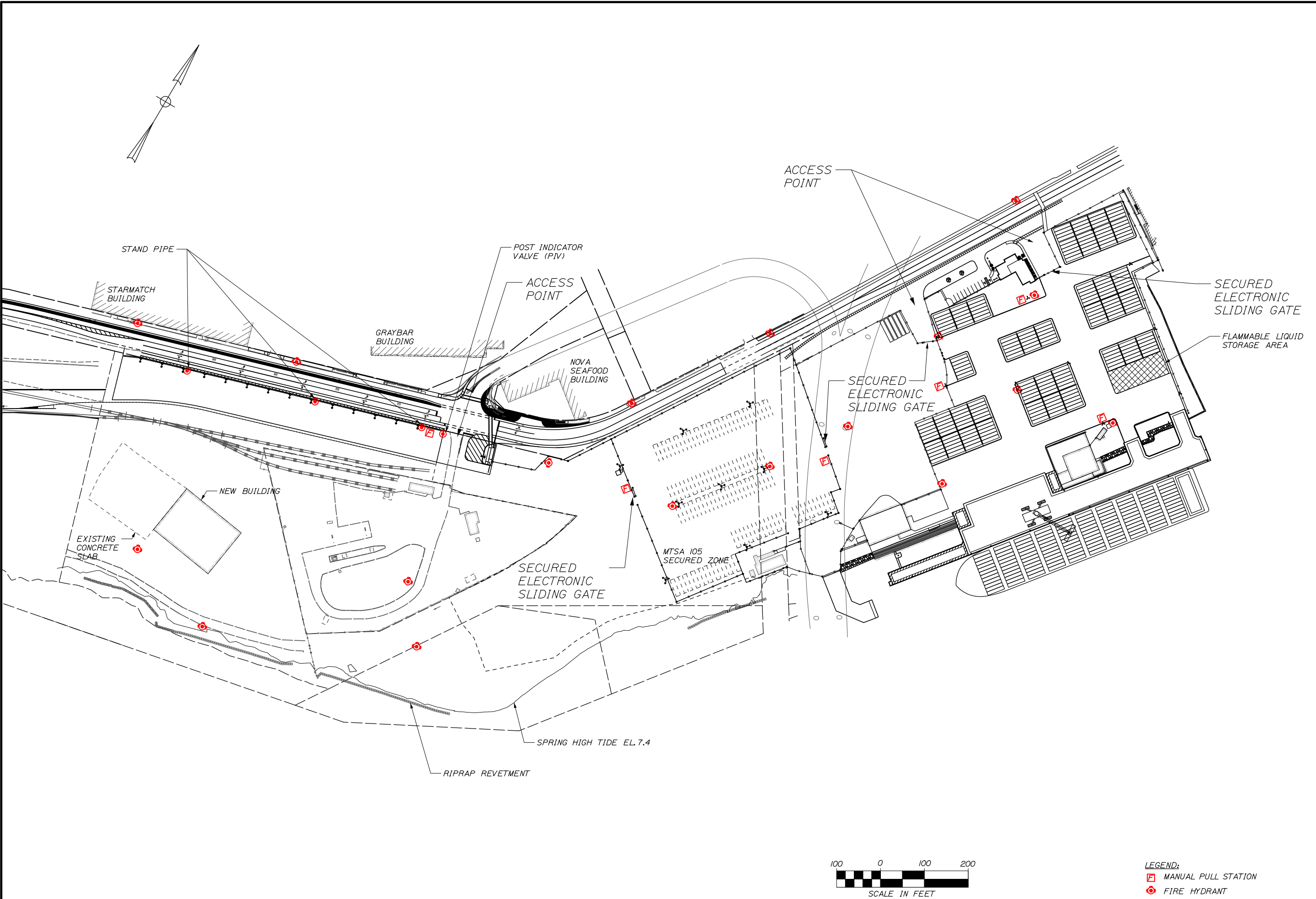
To ensure that all fire protection and life safety systems are operational and ready for use when/if needed, the site's Fire Safety Coordinator will maintain records that demonstrate all installed systems are being properly maintained and tested in accordance with applicable industry codes and standards. The Maine Port Authority will ensure that the site's fire alarm/notification system is being properly inspected, tested, and maintained by an authorized fire alarm contractor. Equally, the Fire Safety Coordinator will work with the Municipal Authorities to ensure that authorized personnel have the necessary access to the site to properly inspect, test, and maintain all components associated with the fire water supply system, including performing the routine hydrant flow tests, along with performing the necessary inspections and testing of the standpipe system, including its controlling PIV.

Date:3/24/2014

Username:

Division:

Filename: 020_FireSafety.dgn



PROJ. MANAGER	J. KITTREDE	BY	DATE
DESIGN-DETAILED	RWH	RWH	01/14
CHECKED-REVIEWED	-	-	-
DESIGN-DETAILED	-	-	-
REVISIONS 1	-	-	-
REVISIONS 2	-	-	-
REVISIONS 3	-	-	-
REVISIONS 4	-	-	-
FIELD CHANGES	-	-	-
SIGNATURE		P.E. NUMBER	
DATE		DATE	

22. Summary of Conformity with Applicable Design Standards

Summary of Conformity with Applicable Design Standards

The City of Portland Design Standards and Guidelines do not apply to the Waterfront Port Development Zone (WPDZ).

23. Manufacturer's Verification of Equipment Meeting Emission Requirements

Manufacturer's Verification of Equipment Meeting Emission Requirements

Not applicable, there will be no electrical or HVAC equipment that applies as part of this project.

24. Boundary Survey Certification

Boundary Survey Certification

See enclosed survey letter from Owen Haskell.



OWEN HASKELL, INC.

Professional Land Surveyors

390 U.S. Route 1, Unit 10 • Falmouth, ME 04105 • 207/774-0424 • FAX: 774-0511 • www.owenhaskell.com

February 25, 2014

Craig Morin
HNTB Corporation
340 County Road, Suite 6-C
Westbrook, ME 04092

Dear Craig:

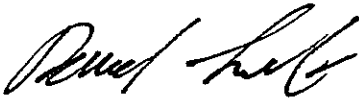
The survey entitled "Boundary Survey on West Commercial Street, Portland, ME made for HNTB Corporation" by Owen Haskell, Inc. dated October 10, 2012 Revised through 02-25-14 does not meet all the City of Portland technical standards under Section 13 for the following reasons:

- incomplete utility information (all rims and inverts & all underground utilities are not shown)

- incomplete topographic information (topographic data has not been obtained in an area at the southern side of the site & within West Commercial St. R/W)

It is my understanding that the Maine DOT is working with the utility companies to locate the underground utilities.

Sincerely,



Randy Loubier, PLS
Staff Surveyor

25. Lighting Summary

Lighting Summary

See enclosed lighting cut sheets and summary.

International Marine Terminal

Commercial Street
Portland, Maine

Page 1

April 4, 2014

SITE LIGHTING

Requirements for site lighting are addressed by the City of Portland in two documents: The City of Portland, Maine Code of Ordinances, and the City of Portland Technical Manual. Listed below are the issues pertaining to the proposed IMT site lighting as relates to the two city documents.

The City of Portland, Maine Code of Ordinances

Chapter 14 – Land Use

Article III Zoning

Division 18.5 Waterfront Port Development Zone

14-320.3(k) Lighting

(k) Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

The proposed IMT site lighting conforms to this requirement. The storage yard lighting fixtures are classified as having cut-off optics according to the *Illuminating Engineering Society of North America (IESNA)*. No light is emitted from these luminaires at angles of 90 degrees or higher.

The City of Portland, Maine Code of Ordinances

Chapter 14 – Land Use

Article V Site Plan

14-526.6 Exterior Lighting

6. Exterior Lighting

a. Site Lighting

- (i) All exterior site lighting, including lighting of building entrances, shall be full cut-off with no light emitted above the horizontal plane or spilled onto adjacent properties and streets. Illumination levels shall be adequate but not excessive for safety, comfort and convenience of occupants and users of the site, and shall conform to applicable standards of Section 12 of the Technical Manual.*
- (ii) For major or minor site plans within or abutting a residential use or zone where light from the proposed development may adversely impact adjacent residential properties, exterior lighting shall employ house-side shielding.*

The luminaires that are located along Commercial Street at the Intermodal Ramp are equipped with house-side shields and are oriented away from Commercial Street.

International Marine Terminal

Commercial Street
Portland, Maine

Page 2

April 4, 2014

SITE LIGHTING

The City of Portland Technical Manual

Section 12 Site Lighting Standards

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.*

The proposed lighting solution meets the recommendations of RP-33-99.

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.).*

The uniformity of the proposed lighting at the container yard and at the intermodal ramp is calculated to be as follows:

- Container Area (with no containers) 15.5-to-1 (max-to-min)
- Intermodal Ramp 8.8-to-1 (max-to-min)

12.2.3. Illumination Levels:

<i>Minimum</i>	<i>0.2 footcandles (fc)</i>
<i>Maximum</i>	<i>5.0 footcandles (fc)</i>
<i>Average</i>	<i>1.25 footcandles (fc)</i>

The requirement for site lighting levels at the container yard to promote adequate safety exceeds the illuminance levels listed in the City Technical Manual paragraph 12.2.3. The proposed site lighting performance conforms with the *IESNA* recommendations for illumination levels for active pier freight areas. The ninth edition of the IESNA Lighting Handbook includes a recommended maintained horizontal illuminance level of 5.0 footcandles at grade for such areas. The proposed average maintained illuminance across the site is less than 5.0 footcandles.

The maintained illuminance levels of the proposed lighting at the container yard and at the intermodal ramp is calculated to be as follows:

- Container Area (with no containers)
Minimum = 0.4 FC Maximum = 6.2 FC Average = 3.4 FC
- Intermodal Ramp
Minimum = 0.5 FC Maximum = 4.4 FC Average = 3.1 FC

April 4, 2014

SITE LIGHTING

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

The type of the work performed at the IMT site is of an industrial nature. The necessary illumination levels for adequate safety cannot be achieved with 250-watt lamps. The luminaire wattage for all luminaires is 284 watts (as allowed on industrial sites)

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.

The site only abuts other industrial uses.

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.

All luminaires are classified as having "cut-off" optical distribution as defined by the Illuminating Engineering Society of North America (IESNA). No light is emitted at or above a horizontal plane.

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.

The mounting height of luminaires along the Intermodal Ramp is 34 feet. The mounting height of luminaires in the container storage area is 35 feet. The luminaire mounting height that was approved for the adjacent IMT container site was 60 feet. The proposed height is required to meet safety needs with the height of stacked containers. The current proposed site includes a single height of containers, whereas the adjacent site that was previously constructed accommodates containers stacked three-high.

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.

April 4, 2014

SITE LIGHTING

The proposed luminaires in the container area (Type S2 AND Type S3) will operate at 50% light output until the yard is actively used, whereupon the light level will be increased to 100% output. The proposed luminaires at the Intermodal Ramp will be divided into two groups for operational control. Type S1A light poles will only be turned on when the ramp is in use and will operate at 100% light output. Type S1A and Type S1B light poles will serve as security lights. They will operate each night at 50% light output unless the ramp is actively used, whereupon the light level will be increased to 100% output.



Consistent with LEED® goals
& Green Globes™ criteria
for light pollution reduction



Autobahn Series ATB2 Roadway Lighting

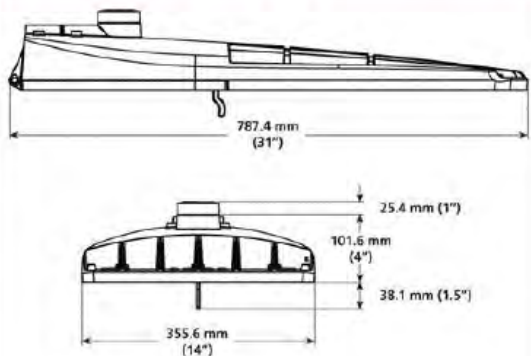
PRODUCT OVERVIEW



Applications:

Roadways
Off ramps
Residential streets
Parking lots

DIMENSIONS



Effective Projected Area (EPA): The EPA for the ATB2 is .78 sq. ft.
Approx. Wt. = 21 lbs.

Features:

OPTICAL

Same Light: Performance is comparable to 200-400W HPS roadway luminaires.

White Light: Correlated color temperature - standard 4000K, 70 CRI minimum or optional 5000K, 65 CRI minimum.

Unique IP66 rated LED light engines provided 0% uplight and restrict backlight to within sidewalk depth, providing optimal application coverage and optimal pole spacing.

Available in Type II, III, IV, & V roadway distributions.

ELECTRICAL

Expected Life: LED light engines are rated >100,000 hours at 25°C, L70. Electronic driver has an expected life of 100,000 hours at a 20°C ambient.

Lower Energy: Saves an average of 40-50% over comparable HPS platforms.

Robust Surge Protection: Acuity's proprietary SPD provides IEEE/ANSI C62.41 Category C (10kV/5kA) level of protection.

MECHANICAL

Easy to Maintain: Includes standard AEL lineman-friendly features such as tool-less entry, tool-less NEMA photocontrol receptacle, terminal block and quick disconnects. Bubble level located inside the electrical compartment for easy leveling at installation.

Rugged die-cast aluminum housing is polyester powder-coated for durability and corrosion resistance. Rigorous five-stage pre-treating and painting process yields a finish that achieves a scribe creepage rating of 8 (per ASTM D1654) after over 1000 hours exposure to salt fog chamber (operated per ASTM B117) Optional Enhanced Corrosion Resistant finish (CR) increases the salt spray exposure to 5000 hours.

Four-bolt mast arm mount is adjustable for arms from 1-1/4" to 2" (1-5/8" to 2-3/8" O.D.) diameter and provides a 3G vibration rating per ANSI C136. Wildlife shield is cast into the housing (not a separate piece).

Die-cast trigger latch on doorframe allows for tool-less entry and enables easy and secure opening with one hand.

CONTROLS

NEMA photocontrol receptacle is standard; tool-less "lift and turn" receptacle.

Dimming version (available with DE and VE option) uses proprietary Acuity Brands components to enable continuous 0-10V dimming down to 10% output via the ROAM® smart controls system (sold separately).

Photocontrol for solid-state lighting (available with PCSS and PCLL options) meets ANSI C136.10 criteria.

WARRANTY & STANDARDS

5 year limited warranty. Full warranty terms located at http://www.acuitybrands.com/Libraries/Terms_and_Conds/ABL_LED_Commerical_Outdoor.sflb.ashx

Rated for -40°C to 40°C ambient.

CSA Certified to U.S. and Canadian standards

TYPE S1, TYPE S1A, AND TYPE S1B LIGHTING POLES

Autobahn Series ATB2

Roadway Lighting

ORDERING INFORMATION

Example: ATB2 40BLEDE70 MVOLT R2

Series	Performance Packages	Voltage	Optics
ATB2 Autobahn LED Roadway, Large	40BLEDE53 40B Chips, 525 mA Driver 40BLEDE70 40B Chips, 700 mA Driver 40BLEDE10 40B Chips, 1000 mA Driver 60BLEDE53 60B Chips, 525 mA Driver 60BLEDE70 60B Chips, 700 mA Driver 60BLEDE10 60B Chips, 1000 mA Driver 80BLEDE53 80B Chips, 525 mA Driver 80BLEDE70 80B Chips, 700 mA Driver 80BLEDE10 80B Chips, 1000 mA Driver	120 120V MVOLT Multi-volt, 120-277V 347 347V 480 480V	R2 Roadway Type II R3 Roadway Type III R4 Roadway Type IV R5 Roadway Type V

Options	
<u>Color Temperature (CCT)</u> (blank) 4000K (standard) 5K 5000K	<u>Misc.</u> HS House-Side Shield BL External Bubble CR Enhanced Corrosion Resistant Finish NL Nema Label XL Not CSA Listed
<u>Mounting</u> (blank) 4-bolt Internal (standard)	
<u>Paint</u> (blank) Gray (standard) GI Graphite BK Black BZ Bronze DDB Dark Bronze WH White UP Unpainted	<u>Controls</u> (blank) 3-Pin Photocontrol Receptacle (standard) NR ¹ No Photocontrol Receptacle PCSS Solid State Lighting Photocontrol(120-277V) PCLL Solid State Long Life Photocontrol SH Shorting Cap DE ^{2,3} ROAM CONCIERGE Dimming Control VE ^{2,3} ROAMVIEW Dimming control 0V - 10V dimmable driver (controls provided by others)
<u>Terminal Block</u> (blank) Terminal Block (standard) T2 Wired to L1 and L2 Position	

TYPES S1

Notes:

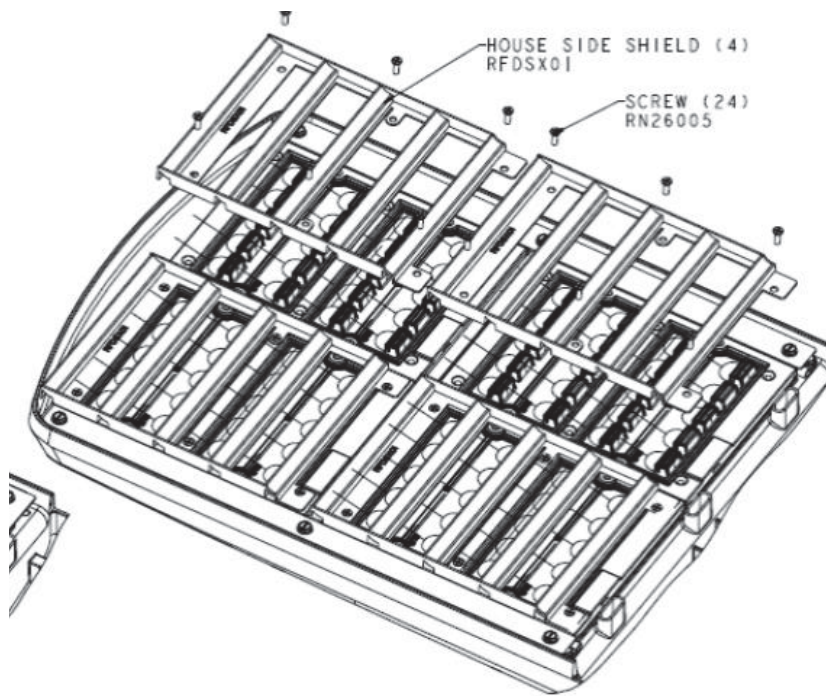
1. Not available with PCSS, PCLL, SH, DE, or VE
2. Specifies a ROAM dimming enabled fixture with a dimming control module factory installed. NEMA photocontrol receptacle required. Additional hardware and services required ROAM deployment must be purchased separately
3. 60BLEDE10, 80BLEDE70 AND 80BLEDE10, Not available in 347V or 480V for DE and VE options

TYPE S1: LUMINAIRE TO OPERATE WITH BI-LEVEL CONTROLS: 50% AND 100% OUTPUT
TYPE S1A AND TYPE S1B: LUMINAIRE TO OPERATE AT 100% OUTPUT ONLY



American Electric Lighting
 Acuity Brands Lighting, Inc.
 3825 Columbus Rd, S.w., Granville, OH 43023

TYPE S1 AND TYPE S1A LIGHTING POLES



HOUSE-SIDE SHIELD FOR TYPE S1 LUMINAIRE
(View Shown From Underside of Luminaire)

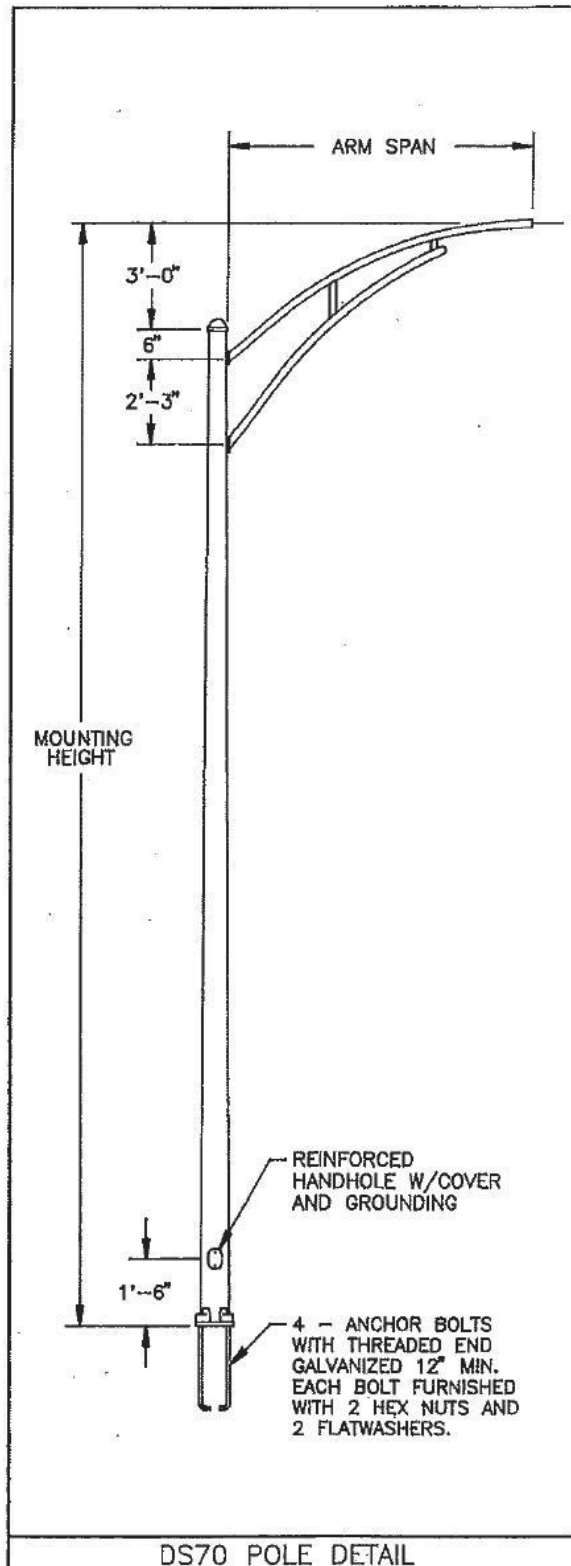
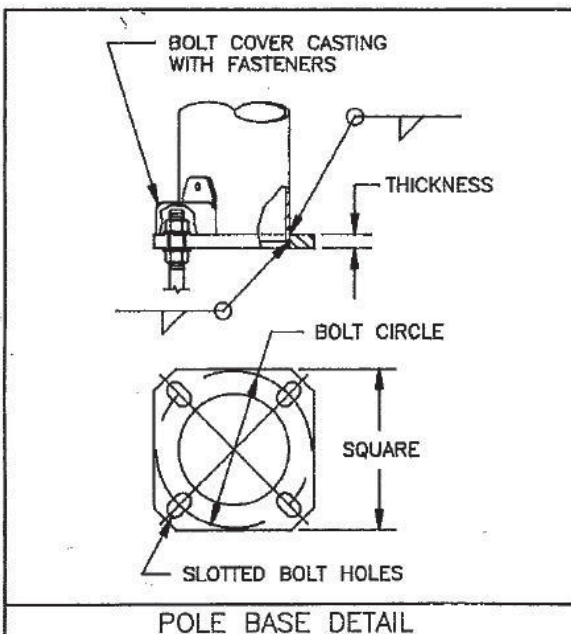
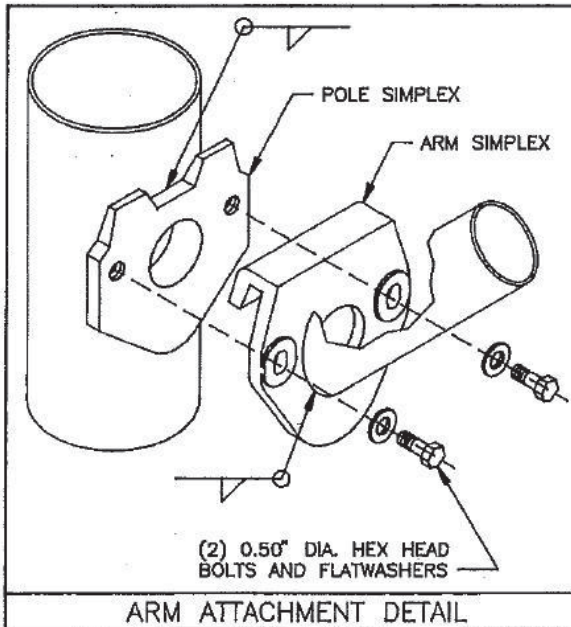
TYPE S1 AND TYPE S1A ONLY

TYPE S1, TYPE S1A, AND TYPE S1B LIGHTING POLES

POLE TO BE PROVIDED WITH 12-FOOT
SINGLE ARM

TYPE S1 AND TYPE S1A: INSTALLED ON
RAMP FOUNDATION WALL

TYPE S1B: INSTALLED AT GRADE



TYPE S1 AND TYPE S1A: POLE HEIGHT = 25 FT.
BRACKET ARM HEIGHT = 3FT. FOUNDATION BASE HEIGHT = 4 FT.
BREAKAWAY BASE HEIGHT = 8 INCHES
OVERALL HEIGHT = 32 FT - 8 IN

TYPE S1B: POLE HEIGHT = 30 FT BRACKET ARM HEIGHT = 3FT.
BREAKAWAY BASE HEIGHT = 8 INCHES
OVERALL HEIGHT = 33 FT

TYPE S1, TYPE S1A, AND TYPE S1B LIGHTING POLES

**STANDARD SAFETY BASE INSTALLATION
LUMINAIRES**

**STANDARD SAFETY BASE INSTALLATION
INSTRUCTIONS**

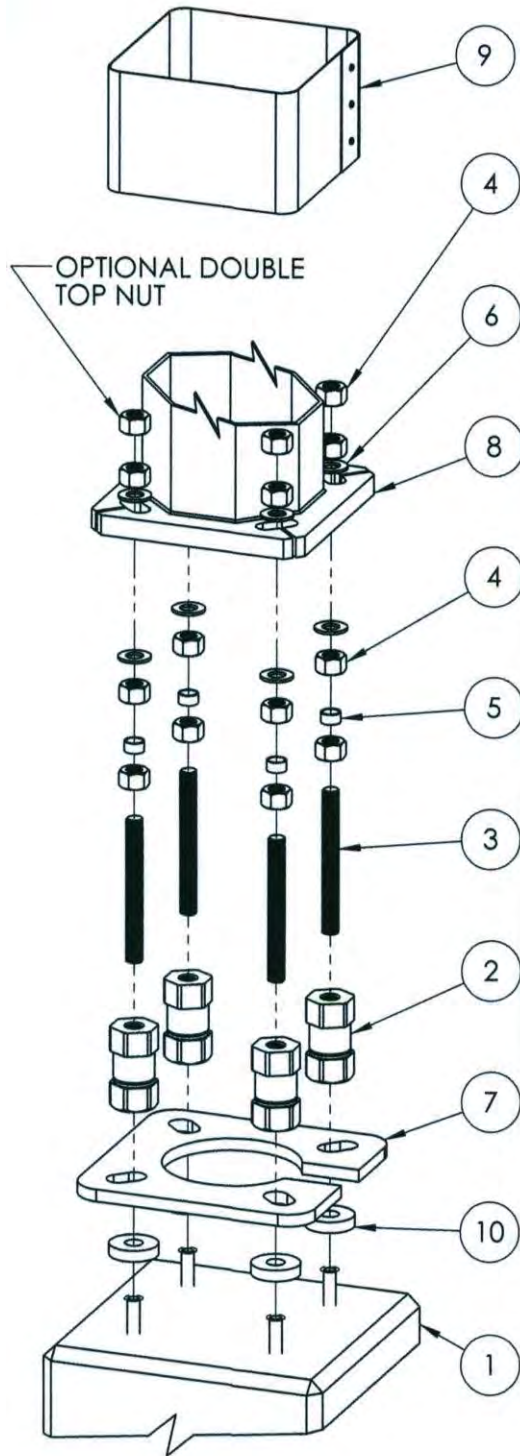
ALL ANCHOR BOLT SIZES

THE FOLLOWING INSTALLATION INSTRUCTIONS ARE APPLICABLE TO NEW INSTALLATIONS OR EXISTING INSTALLATIONS WHERE APPROPRIATE ANCHOR BOLTS HAVE BEEN CAST INTO THE CONCRETE BASE SUPPORT.

PROCEDURE

1. CLEAN THE TOP SURFACE OF THE CONCRETE BASE AND ENSURE SURFACE IS FLAT AND LEVEL WITH NO SPALLING OR OTHER SURFACE CONDITIONS THAT MAY AFFECT THE PERFORMANCE OF THE COUPLERS OR, IF USED, THE REACTION PLATE.
2. THE PREFERRED MAXIMUM HEIGHT ABOVE LEVEL GRADE TO THE BASE OF THE COUPLER IS 2 1/4 INCHES OR LESS. THIS PROVIDES THE RECOMMENDED CLEARANCE IN THE EVENT OF A COLLISION WITH THE STRUCTURE.
3. MEASURE THE HEIGHT OF THE THREADED ANCHOR BOLTS ABOVE THE CONCRETE BASE AND VERIFY THIS MEASUREMENT IS BETWEEN 1 1/4 AND 1 5/8 INCHES. IF A REACTION PLATE IS BEING USED, MEASURE THE HEIGHT ABOVE THE REACTION PLATE TO THE TOP OF THE ANCHOR.
4. IF THE EXPOSED LENGTH OF THE ANCHOR BOLT IS GREATER THAN THE RECOMMENDED LENGTH, OPTIONAL SPACERS MAY BE USED (ITEM 10)
5. IT IS RECOMMENDED THAT THE THREADED ANCHOR BOLT-COUPLER CONNECTION BE COATED WITH RUST-INHIBITING GREASE. THIS WILL FACILITATE REMOVAL OF THE COUPLER WHEN IT IS NECESSARY. A SUITABLE PRODUCT FOR THIS APPLICATION IS ARCAN 1, A WHITE, WATER RESISTANT GREASE MARKETED BY IMPERIAL OIL LTD.

BREAKAWAY BASE



OPTIONAL

OPTIONAL





Consistent with LEED® goals
& Green Globes™ criteria
for light pollution reduction



Autobahn Series ATB2 Roadway Lighting

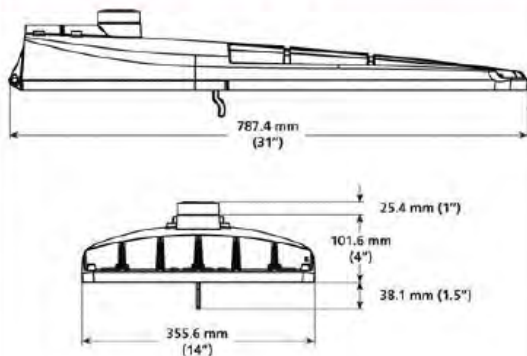
PRODUCT OVERVIEW



Applications:

Roadways
Off ramps
Residential streets
Parking lots

DIMENSIONS



Effective Projected Area (EPA): The EPA for the ATB2 is .78 sq. ft.
Approx. Wt. = 21 lbs.

Features:

OPTICAL

Same Light: Performance is comparable to 200-400W HPS roadway luminaires.

White Light: Correlated color temperature - standard 4000K, 70 CRI minimum or optional 5000K, 65 CRI minimum.

Unique IP66 rated LED light engines provided 0% uplight and restrict backlight to within sidewalk depth, providing optimal application coverage and optimal pole spacing.

Available in Type II, III, IV, & V roadway distributions.

ELECTRICAL

Expected Life: LED light engines are rated >100,000 hours at 25°C, L70. Electronic driver has an expected life of 100,000 hours at a 20°C ambient.

Lower Energy: Saves an average of 40-50% over comparable HPS platforms.

Robust Surge Protection: Acuity's proprietary SPD provides IEEE/ANSI C62.41 Category C (10kV/5kA) level of protection.

MECHANICAL

Easy to Maintain: Includes standard AEL lineman-friendly features such as tool-less entry, tool-less NEMA photocontrol receptacle, terminal block and quick disconnects. Bubble level located inside the electrical compartment for easy leveling at installation.

Rugged die-cast aluminum housing is polyester powder-coated for durability and corrosion resistance. Rigorous five-stage pre-treating and painting process yields a finish that achieves a scribe creepage rating of 8 (per ASTM D1654) after over 1000 hours exposure to salt fog chamber (operated per ASTM B117) Optional Enhanced Corrosion Resistant finish (CR) increases the salt spray exposure to 5000 hours.

Four-bolt mast arm mount is adjustable for arms from 1-1/4" to 2" (1-5/8" to 2-3/8" O.D.) diameter and provides a 3G vibration rating per ANSI C136.

Wildlife shield is cast into the housing (not a separate piece).

Die-cast trigger latch on doorframe allows for tool-less entry and enables easy and secure opening with one hand.

CONTROLS

NEMA photocontrol receptacle is standard; tool-less "lift and turn" receptacle.

Dimming version (available with DE and VE option) uses proprietary Acuity Brands components to enable continuous 0-10V dimming down to 10% output via the ROAM® smart controls system (sold separately).

Photocontrol for solid-state lighting (available with PCSS and PCLL options) meets ANSI C136.10 criteria.

WARRANTY & STANDARDS

5 year limited warranty. Full warranty terms located at http://www.acuitybrands.com/Libraries/Terms_and_Conds/ABL_LED_Commerical_Outdoor.sflb.ashx

Rated for -40°C to 40°C ambient.

CSA Certified to U.S. and Canadian standards

TYPE S2 LIGHTING POLE

Autobahn Series ATB2

Roadway Lighting

ORDERING INFORMATION

Example: ATB2 40BLEDE70 MVOLT R2

Series	Performance Packages		Voltage		Optics
ATB2 Autobahn LED Roadway, Large	40BLEDE53	40B Chips, 525 mA Driver	120	120V	R2 Roadway Type II
	40BLEDE70	40B Chips, 700 mA Driver	MVOLT	Multi-volt, 120-277V	R3 Roadway Type III
	40BLEDE10	40B Chips, 1000 mA Driver	347	347V	R4 Roadway Type IV
	60BLEDE53	60B Chips, 525 mA Driver	⇒ 480	480V	⇒ R5 Roadway Type V
	60BLEDE70	60B Chips, 700 mA Driver			
	60BLEDE10	60B Chips, 1000 mA Driver			
	80BLEDE53	80B Chips, 525 mA Driver			
	80BLEDE70	80B Chips, 700 mA Driver			
	⇒ 80BLEDE10	80B Chips, 1000 mA Driver			

Options	
<u>Color Temperature (CCT)</u>	<u>Misc.</u>
⇒ (blank) 4000K (standard)	HS House-Side Shield
5K 5000K	BL External Bubble
	CR Enhanced Corrosion
<u>Mounting</u>	Resistant Finish
(blank) 4-bolt Internal (standard)	NL Nema Label
	XL Not CSA Listed
<u>Paint</u>	<u>Controls</u>
⇒ (blank) Gray (standard)	⇒ (blank) 3-Pin Photocontrol Receptacle (standard)
GI Graphite	NR ¹ No Photocontrol Receptacle
BK Black	PCSS Solid State Lighting
BZ Bronze	Photocontrol(120-277V)
DDB Dark Bronze	PCLL Solid State Long Life
WH White	Photocontrol
UP Unpainted	SH Shorting Cap
<u>Terminal Block</u>	DE ^{2,3} ROAM CONCIERGE
(blank) Terminal Block (standard)	Dimming Control
T2 Wired to L1 and L2 Position	VE ^{2,3} ROAMVIEW
	Dimming control
	⇒ DM 0V - 10V dimmable driver (controls provided by others)

Notes:

1. Not available with PCSS, PCLL, SH, DE, or VE
2. Specifies a ROAM dimming enabled fixture with a dimming control module factory installed. NEMA photocontrol receptacle required. Additional hardware and services required ROAM deployment must be purchased separately
3. 60BLEDE10, 80BLEDE70 AND 80BLEDE10, Not available in 347V or 480V for DE and VE options

LUMINAIRE TO OPERATE WITH BI-LEVEL CONTROLS: 50% AND 100% OUTPUT



An Acuity Brands Company

American Electric Lighting

Acuity Brands Lighting, Inc.

3825 Columbus Rd, S.w., Granville, OH 43023

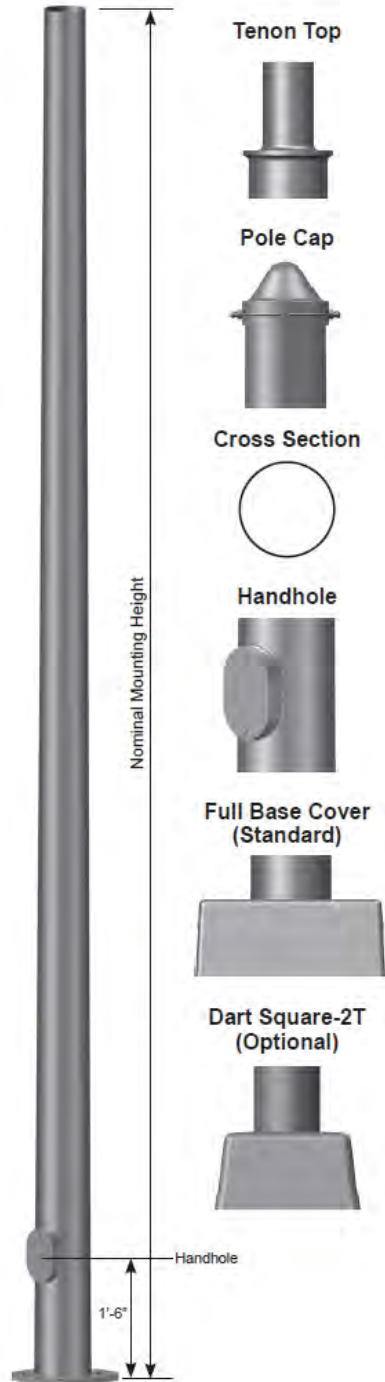
TYPE S2 LIGHTING POLE



ROUND TAPERED STEEL DS210 Light Duty

Job Name: _____	Client Name: _____
Job Location - City: _____ State: _____	Created By: _____ Date: _____
Product: DS210 --- Quote: _____	Customer Approval: _____ Date: _____

SPECIFICATIONS



Pole - The pole shaft conforms to ASTM A595 Grade A or A572 Grade 55 with a constant linear taper of 0.14 in/ft. Pole can be either a one-piece or two-piece field assembled unit.

Pole Top - A pole top plate and tenon are provided for top mount luminaire and/or bracket. A removable pole cap is provided for poles receiving drilling patterns for side-mount luminaire arm assemblies.

Handhole - A covered handhole and grounding provision with hardware is provided.

Full Base Cover - The two-piece standard full base cover is fabricated from ABS plastic. Valmont reserves the right to provide an optional two-piece steel full base cover on some applications depending upon the finish requirement and/or pole base diameter. Optional Dart Square-2T cast and decorative base covers available as special order.

Nut Covers - Optional anchor bolt nut covers are available upon request.

Anchor Base - The anchor base (base plate) conforms to ASTM A36.

Anchor Bolts - Anchor bolts conform to ASTM F1554 Grade 55 and are provided with two hex nuts and two flat washers. Bolts have an "L" bend on one end and are galvanized a minimum of 12" on the threaded end.

Hardware - All structural fasteners are galvanized high strength carbon steel. All non-structural fasteners are galvanized or zinc-plated carbon steel or stainless steel.

Finish - Standard finishes are galvanized, prime painted or any of Valmont's V-PRO™ Protection Systems. Additional finish options available upon request.

Design Criteria - Please reference Design Criteria Specification for appropriate design conditions.

POLE TO BE PROVIDED WITH FOUR 3-FOOT
BRACKET ARMS

TYPE S2 LIGHTING POLE

ROUND TAPERED STEEL

DS210

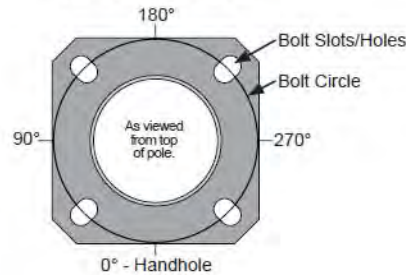
Light Duty

valmont 
STRUCTURES

Job Name: _____	Client Name: _____
Job Location - City: _____ State: _____	Created By: _____ Date: _____
Product: DS210 _____ Quote: _____	Customer Approval: _____ Date: _____

ANCHORAGE DATA

POLE BASE OD (IN)	WALL THK (GA)	BASE PLATE				ANCHOR BOLTS			
		BOLT CIRCLE		SQUARE (IN)	THK (IN)	DIA x LENGTH x HOOK (IN)	PROJECTION (IN)	± (IN)	
		DIA (IN)	± (IN)						
5.90	11	9.00	0.50	10.00	0.875	1.00 x 36.00 x 4.00	4.13	0.25	
6.50	11	9.50	0.50	10.50	0.875	1.00 x 36.00 x 4.00	4.13	0.25	
6.60	11	9.50	0.50	10.50	0.875	1.00 x 36.00 x 4.00	4.13	0.25	
7.00	11	10.00	0.50	10.88	0.875	1.00 x 36.00 x 4.00	4.13	0.25	
7.00	7	10.00	0.50	10.88	1.000	1.00 x 36.00 x 4.00	4.25	0.25	
7.30	11	10.50	0.50	11.25	0.875	1.00 x 36.00 x 4.00	4.13	0.25	
7.82	11	11.00	0.50	11.50	0.875	1.00 x 36.00 x 4.00	4.13	0.25	
8.00	11	11.00	0.50	11.50	0.875	1.00 x 36.00 x 4.00	4.13	0.25	
8.00	7	11.00	0.50	11.50	1.250	1.25 x 42.00 x 6.00	5.00	0.25	
8.50	11	11.50	0.50	12.00	1.000	1.00 x 36.00 x 4.00	4.25	0.25	
9.00	11	12.50	0.50	12.38	1.000	1.00 x 36.00 x 4.00	4.25	0.25	
9.00	7	12.50	0.50	12.38	1.250	1.25 x 42.00 x 6.00	5.00	0.25	
9.50	11	13.00	0.50	13.00	1.000	1.00 x 36.00 x 4.00	4.25	0.25	
10.00	11	13.50	0.50	14.00	1.000	1.00 x 36.00 x 4.00	4.25	0.25	
10.00	7	13.50	0.50	14.00	1.250	1.25 x 42.00 x 6.00	5.00	0.25	

Anchor Base Detail**LOAD AND DIMENSIONAL DATA**

DESIGN INFORMATION							POLE DIMENSIONS				MODEL NUMBER
NOMINAL MOUNTING HEIGHT	80 MPH w/1.3 GUST		90 MPH w/1.3 GUST		100 MPH w/1.3 GUST		BASE OD (IN)	TOP OD (IN)	WALL THK (GA)	STRUCTURE WEIGHT ² (LBS)	
	MAX EPA ¹ (SQFT)	MAX WEIGHT ¹ (LBS)	MAX EPA ¹ (SQFT)	MAX WEIGHT ¹ (LBS)	MAX EPA ¹ (SQFT)	MAX WEIGHT ¹ (LBS)					
20'-0"	19.3	482	15.1	377	12.2	305	5.90	3.10	11	140	R590A200
	24.2	605	19.3	482	15.6	390	6.50	3.70	11	160	R650A200
25'-0"	12.5	312	9.9	247	8.0	200	5.90	2.40	11	155	R590A250
	20.3	507	16.2	405	13.1	327	7.00	3.50	11	200	R700A250
	30.5	760	24.0	625	19.8	495	7.00	3.50	7	280	R700E250
30'-0"	11.7	292	9.3	232	7.5	187	6.60	2.40	11	200	R660A300
	18.9	473	14.9	373	12.0	300	8.00	3.80	11	265	R800A300
	33.5	838	27.0	675	22.0	550	8.00	3.80	7	380	R800E300
35'-0"	11.2	280	8.9	222	7.1	177	7.30	2.40	11	250	R730A350
	18.9	472	15.1	377	12.2	305	8.50	3.60	11	315	R850A350
	23.2	580	18.2	455	14.5	363	9.50	4.60	11	370	R950A350
39'-0"	10.7	267	8.5	212	6.6	165	7.82	2.40	11	285	R782A389
	17.2	430	13.5	338	10.8	270	9.00	3.58	11	355	R900A389
	28.5	715	23.0	575	19.0	475	9.00	3.58	7	515	R900E389
45'-0"	17.4	435	13.5	338	10.6	265	10.00	3.70	11	450	RT00A450
	28.5	715	23.0	575	19.0	475	10.00	3.70	7	650	RT00E450
50'-0"	13.2	330	10.6	265	8.3	208	10.00	3.00	11	475	RT00A500
	20.5	512	16.5	412	13.6	340	10.00	3.00	7	680	RT00E500

DS210 Heavy Duty
poles available at
valmontstructures.com

- Maximum EPA (Effective Projected Area) and weight values are based on top mounted luminaires and/or brackets having a centroid 2'-6" above the Nominal Mounting Height. Variations from sizes above are available upon inquiry at the factory. Satisfactory performance of poles is dependent upon the pole being properly attached to a supporting foundation of adequate design.
- Structure weight is a nominal value which includes the pole shaft and base plate only.

PRODUCT ORDERING CODES

DESIGN SERIES	MODEL NUMBER	FIXTURE MOUNTING	FINISH	COLOR	V-PRO™ PROTECTION SYSTEM	OPTIONS
DS210				--	--	
	R590A200 R650A200 R590A250 R700A250 R700E250 R660A300 R800A300 R800E300 R730A350 R850A350 R950A350 R782A389 R900A389 R900E389 RT00A450 RT00E450 RT00A500 RT00E500	Drill Mounting D1 = 1 Luminaire D2 = 2 @ 180° D3 = 3 @ 120° D4 = 4 @ 90° D5 = 2 @ 90° D6 = 3 @ 90° Tenon Mounting P2 = 2.38" OD x 4.00" P4 = 4.0" OD x 6.00" PL = 2.40" OD Plain Top	GV = Galvanize PP = Prime Paint FP = Finish Paint GF = Galvanized + Finish Paint	-- = Galvanize -- = Prime Paint WH = White ST = Sandstone BK = Black SM = Silver Metallic SL = Silver LG = Light Gray SG = Slate Gray DT = Dark Tan MB = Medium Bronze CB = Bronze DB = Dark Bronze BN = Brown HG = Hunter Green DG = Dark Green RD = Red SC = Special Color (Contact Factory)	-- = Galvanize -- = Prime Paint V1 = V-PRO 1 Basic 1 Coat Powder. V2 = V-PRO 2 2 Coat Powder or Liquid. Includes epoxy primer & top coat. V3 = V-PRO 3 2 Coat Powder or Liquid. Includes zinc primer & top coat. V4 = V-PRO 4 2 Coat Powder or Liquid. Includes zinc primer & premium top coat.	See Accessories at valmontstructures.com (Please Specify)

CUSTOM MODIFIED POLE:

7-GAGE WALL THICKNESS, 35 FT. TALL, WITH 20 MINIMUM EPA AT 100 MPH WIND LOAD

TYPE S2 LIGHTING POLE



**BRACKETS - SPOKE
Steel**

Job Name: _____		Client Name: _____	
Job Location - City: _____	State: _____	Created By: _____	Date: _____
Product: _____	Quote: _____	Customer Approval: _____	Date: _____

SPECIFICATIONS

Center Hub - The center hub is made from 2.50" schedule 40 pipe (2.88" OD) with a minimum yield strength of 36,000 psi.

Arms - Arms are made from 2.00" schedule 40 pipe (2.38" OD) with a minimum yield strength of 36,000 psi. The maximum straight luminaire slipfit length is 10.50" for all arm brackets. For other applications, please consult factory.

Arm Attachment (MO70 Only) - Connection allows arm to be erected and held in place by gravity and secured by a single bolt.

Hardware - All structural fasteners are galvanized high strength carbon steel. All non-structural fasteners are galvanized or zinc-plated carbon steel or stainless steel.

Finish - Standard finishes are galvanized, prime painted or any of Valmont's V-PRO™ Protection Systems. Additional finish options available upon request.

Design Criteria - Please reference Design Criteria Specification for appropriate design conditions.



Pole Top Bracket Attachment





Consistent with LEED® goals
& Green Globes™ criteria
for light pollution reduction



Autobahn Series ATB2 Roadway Lighting

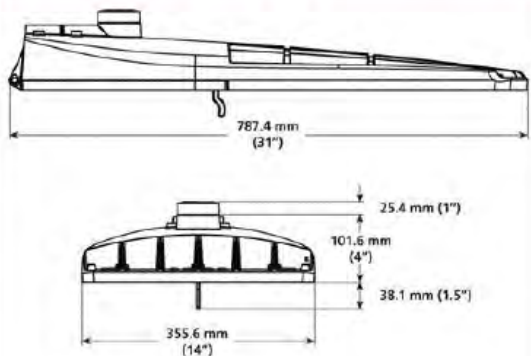
PRODUCT OVERVIEW



Applications:

Roadways
Off ramps
Residential streets
Parking lots

DIMENSIONS



Effective Projected Area (EPA): The EPA for the ATB2 is .78 sq. ft.
Approx. Wt. = 21 lbs.

Features:

OPTICAL

Same Light: Performance is comparable to 200-400W HPS roadway luminaires.

White Light: Correlated color temperature - standard 4000K, 70 CRI minimum or optional 5000K, 65 CRI minimum.

Unique IP66 rated LED light engines provided 0% uplight and restrict backlight to within sidewalk depth, providing optimal application coverage and optimal pole spacing.

Available in Type II, III, IV, & V roadway distributions.

ELECTRICAL

Expected Life: LED light engines are rated >100,000 hours at 25°C, L70. Electronic driver has an expected life of 100,000 hours at a 20°C ambient.

Lower Energy: Saves an average of 40-50% over comparable HPS platforms.

Robust Surge Protection: Acuity's proprietary SPD provides IEEE/ANSI C62.41 Category C (10kV/5kA) level of protection.

MECHANICAL

Easy to Maintain: Includes standard AEL lineman-friendly features such as tool-less entry, tool-less NEMA photocontrol receptacle, terminal block and quick disconnects. Bubble level located inside the electrical compartment for easy leveling at installation.

Rugged die-cast aluminum housing is polyester powder-coated for durability and corrosion resistance. Rigorous five-stage pre-treating and painting process yields a finish that achieves a scribe creepage rating of 8 (per ASTM D1654) after over 1000 hours exposure to salt fog chamber (operated per ASTM B117) Optional Enhanced Corrosion Resistant finish (CR) increases the salt spray exposure to 5000 hours.

Four-bolt mast arm mount is adjustable for arms from 1-1/4" to 2" (1-5/8" to 2-3/8" O.D.) diameter and provides a 3G vibration rating per ANSI C136. Wildlife shield is cast into the housing (not a separate piece).

Die-cast trigger latch on doorframe allows for tool-less entry and enables easy and secure opening with one hand.

CONTROLS

NEMA photocontrol receptacle is standard; tool-less "lift and turn" receptacle.

Dimming version (available with DE and VE option) uses proprietary Acuity Brands components to enable continuous 0-10V dimming down to 10% output via the ROAM® smart controls system (sold separately).

Photocontrol for solid-state lighting (available with PCSS and PCLL options) meets ANSI C136.10 criteria.

WARRANTY & STANDARDS

5 year limited warranty. Full warranty terms located at http://www.acuitybrands.com/Libraries/Terms_and_Conds/ABL_LED_Commerical_Outdoor.sflb.ashx

Rated for -40°C to 40°C ambient.

CSA Certified to U.S. and Canadian standards

TYPE S3 LIGHTING FIXTURE

Autobahn Series ATB2

Roadway Lighting

ORDERING INFORMATION

Example: ATB2 40BLEDE70 MVOLT R2

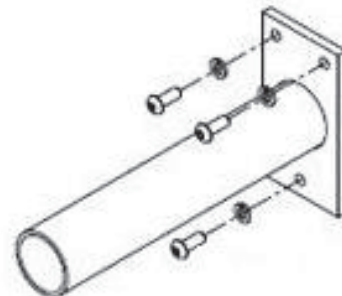
Series	Performance Packages		Voltage		Optics
ATB2 Autobahn LED Roadway, Large	40BLEDE53	40B Chips, 525 mA Driver	120	120V	R2 Roadway Type II
	40BLEDE70	40B Chips, 700 mA Driver	MVOLT	Multi-volt, 120-277V	R3 Roadway Type III
	40BLEDE10	40B Chips, 1000 mA Driver	347	347V	R4 Roadway Type IV
	60BLEDE53	60B Chips, 525 mA Driver	480	480V	R5 Roadway Type V
	60BLEDE70	60B Chips, 700 mA Driver			
	60BLEDE10	60B Chips, 1000 mA Driver			
	80BLEDE53	80B Chips, 525 mA Driver			
	80BLEDE70	80B Chips, 700 mA Driver			
	80BLEDE10	80B Chips, 1000 mA Driver			

Options	
<u>Color Temperature (CCT)</u>	<u>Misc.</u>
(blank) 4000K (standard)	HS House-Side Shield
5K 5000K	BL External Bubble
	CR Enhanced Corrosion
<u>Mounting</u>	Resistant Finish
(blank) 4-bolt Internal (standard)	NL Nema Label
	XL Not CSA Listed
<u>Paint</u>	<u>Controls</u>
(blank) Gray (standard)	(blank) 3-Pin Photocontrol Receptacle (standard)
GI Graphite	NR ¹ No Photocontrol Receptacle
BK Black	PCSS Solid State Lighting
BZ Bronze	Photocontrol(120-277V)
DDB Dark Bronze	PCLL Solid State Long Life
WH White	Photocontrol
UP Unpainted	SH Shorting Cap
<u>Terminal Block</u>	DE ^{2,3} ROAM CONCIERGE
(blank) Terminal Block (standard)	Dimming Control
T2 Wired to L1 and L2 Position	VE ^{2,3} ROAMVIEW
	Dimming control
	DM 0V - 10V dimmable driver (controls provided by others)

Notes:

1. Not available with PCSS, PCLL, SH, DE, or VE
2. Specifies a ROAM dimming enabled fixture with a dimming control module factory installed. NEMA photocontrol receptacle required. Additional hardware and services required ROAM deployment must be purchased separately
3. 60BLEDE10, 80BLEDE70 AND 80BLEDE10, Not available in 347V or 480V for DE and VE options

TYPE S3: LUMINAIRE TO BE INSTALLED ON EXISTING BRIDGE PIER at 25 FT.



LUMINAIRE WALL BRACKET

26. Wetland Field Evaluation Letter

Wetland Field Evaluation Letter

See enclosed field evaluation letter.

To

Craig R. Morin, P.E.

From

Kevin Slattery, PWS Boston, MA

**Subject**

Portland International Marine
Terminal Expansion – Yard 8 /
Commercial Street, Portland, ME

Wetland Delineation/Regulated
Resource Findings

Date

January 31, 2014

**Project
Memorandum**

This memorandum presents the findings of the wetland field evaluation and classification at the proposed International Marine Terminal (IMT) expansion along Commercial Street/Fore River in Portland, Maine. The site evaluation was conducted during winter conditions with 4-12" of snow cover and frozen ground, therefore, is not a definitive assessment of the presence/absence of jurisdictional wetlands. Based upon conditions, a formal delineation of wetland areas was not performed. The site was walked to look for evidence of potential jurisdictional areas, based upon topography, off-season vegetation, and potential evidence of hydrology (ice). The site inspection did not consider jurisdictional limits of the Waters of the U.S. (high tide line), or Coastal Wetlands (all tidal and sub-tidal lands, including all areas below any identifiable debris line left by tidal action [Maine Natural Resources Protection Act]) at Fore River, which is being determined separately by surveyors.

SITE DESCRIPTION

The project location includes portions of the land bounded by Commercial Street (Route 1) between Cassidy Point Road and the Casco Bay Bridge (Route 77) and the Fore River to the south (Figure 1). The property is partially developed with marine and rail industrial uses, and evidence of the once extensive former developed waterfront and rail yard are commonly found in the site. Portions of the site are wooded with young growth trees of aspen, birch, oak, ornamental pear and crabapple, and various grasses and herbs. The site is very flat with only subtle evidence of vertical relief. Non-active use portions of the site have trails and access roads, and former rail sidings. Stone bulkheads and wooden piles and pier remnants in various states of condition typify the waterfront.



Figure 1 – Site Evaluation Area shown on an aerial photograph from Google Earth. Figure orientation is approximately with north to the top.

EVALUATION METHODS

The site was inspected on January 21, 2014, to look for any evidence of ecological communities that could indicate potential presence of state or federal jurisdictional wetlands. Conditions at the time of the assessment included snow covered frozen ground and typical winter vegetation indicators (tree and shrub form, bark, buds, leaves, and dried grasses, herb stems and seeds). Based upon the site conditions, the assessment focused on land form, hydrological indications of standing or surface water (ice surfaces below the snow), and vegetation communities that included hydrophytes as dominants. Neither a soil auger nor a shovel were used to attempt checking frozen soils, although in some locations near drainage outfalls from Commercial Street, non-frozen ground was encountered. Since the site assessment was made when conditions preclude full verification of wetlands, a follow-up inspection could be performed during the non-frozen spring growing season. Locations showing indicators of potential jurisdictional wetlands were marked with a single florescent orange and florescent pink survey ribbon, and located by conventional survey methods. Representative pictures were taken from locations throughout the site at locations potentially having inland wetlands characteristics and at the coastal wetlands.

FINDINGS

Soils

The *USDA on-line Web Soil Survey* (<http://websoilsurvey.nrcs.usda.gov/app>) shows the project site to be cut and fill lands with a moderately well drained drainage class (Figure 2). No surface waters other than the adjacent Fore River occur at the site. From the former land use indicators at the site, the entire area is likely appropriately identified on the soil survey.



Figure 2 NRCS Web Soil Survey Map. Cu is “Cut and Fill Land”, with a “moderately well drained” drainage class rating. Orientation of figure is with north to the top.

Hydrology

Fore River: The Fore River is wide and tidally influenced water body at the project location, and a component of Portland Harbor. The River is defined as a navigable “Waters of the United States” as regulated under the U.S. Clean Water Act. The average tidal amplitude in the harbor at the site is approximately 9.2 feet based upon the published information from the nearby tidal gauging station 8418268 at Fore River in Portland. From a regulatory perspective, the US Army Corps of Engineers considers the high tide line as referenced in the Section 404 regulations, as the jurisdictional limit of navigable tidal waters. The Maine Department of Environmental Protection (Maine DEP) considers the coastal wetland limit as areas up to the identifiable drift line, and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service.

Vegetation

Common vegetation at the project site includes young trees of quaking aspen (*Populus tremuloides*), grey birch (*Betula populifolia*), paper birch (*Betula papyrifera*), cherry (*Prunus sp.*), apple (*Malus sp.*), ornamental pear (*Pyrus sp.*), pin oak (*Quercus palustris*), red oak (*Quercus rubra*), black locust (*Robinia pseudoacacia*), white pine (*Pinus strobus*), and pitch pine (*Pinus rigida*). Asiatic bittersweet (*Celastrus orbiculatus*) is a common vine at the site, and staghorn sumac (*Rhus typhina*), multiflora rose (*Rosa multiflora*), meadowsweet (*Spiraea alba*) and sweet fern (*Comptonia peregrina*) common shrubs. Tender herbaceous vegetation was difficult to locate, but commonly found was little bluestem (*Schizachyrium scoparium*), everlasting (*Anaphalis sp.*), goldenrod (*Solidago sp.*), evening primrose (*Oenothera biennis*), bush clover (*Lespedeza capitata*), knotweed (*Polygonum cuspidatum*), and asters (*Aster sp.*).

At drainage outfalls along Commercial Street, purple loosestrife (*Lythrum salicaria*) was evident. There were no areas of strongly hydrophytic vegetation that would indicate presence of potential wetlands. The best indicators of areas with more persistent hydrology were all dominated by meadowsweet.

Inland Wetlands

Five locations within and near the site were noted as having frozen standing water, and appeared to be slightly depressed relative to surrounding land. Hydrophytic vegetation was not prominent at these locations, but was present inferring potentially higher moisture persistence during the growing season. Based upon the landform, former land uses and disturbances, the soil survey, and observed vegetation communities, all of these locations are suspected to be anthropogenic features of soil compaction or excavation, causing an accumulation of temporarily ponded water, such as occurs on dirt road or in wheel ruts. In one of the depression locations, non-hydrophytic moss *Polytrichum sp.* was noted beneath the ice, further inferring this frozen surface is reflective of ground compaction and combination of freeze/thaw weather conditions over the few weeks prior to the site inspection. It is likely that all of the above described locations do not meet the criteria to be jurisdictional wetlands; however, confirmation could best be made during the growing season.

Some drainage features pointing toward potential wetland areas were observed near Commercial Street. Storm drains discharging from the toe of slope from the road have hydrophytic vegetation such as purple loosestrife and show hydrological indications. However, these are clearly man-made drainage conveyances and not jurisdictional wetlands. Similarly, it appears there is a drainage swale in some locations between the active rail tracks and Commercial Street, which may directly receive runoff from the road. As a man-made drainage feature, the swale is not jurisdictional wetland. Ice was noted in this low-lying area, however, vegetation did not include a high percentage of hydrophytes. This location is outside of the IMT expansion area, but it may extend eastward in closer proximity to the proposed work area. The extent of the swale and potential for wetlands adjacent to the swale could be further investigated in the spring.

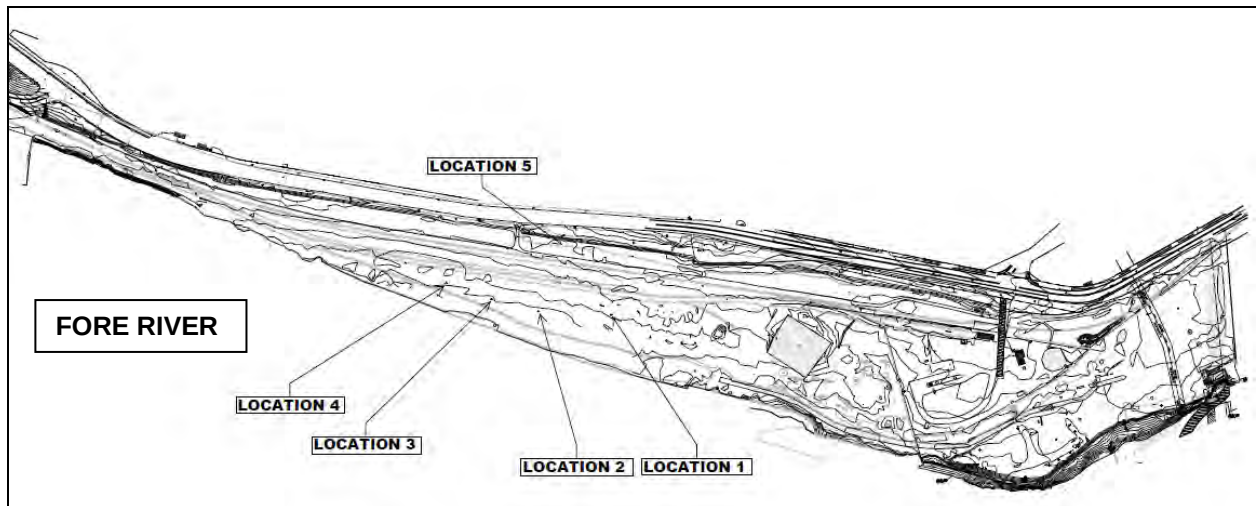


Figure 3 – locations of the areas exhibiting potential inland wetland characteristics. All locations are within disturbed and formerly developed soils. Orientation of figure is with north to the top.

Coastal Wetlands

The entire southern limit of the site is bounded by tidal waters which are Waters of the U.S. per the Army Corps and Coastal Wetlands per Maine DEP. The coastal boundary is entirely altered with granite bulkhead, former collapsed bulkhead, abandoned pier, or rock slope/stabilized treatments. Intertidal areas were observed in portions of the coastal boundary as shown in Figure 5 below.



Figure 4 – Picture of one of the slight depression areas with ice beneath the snow and some hydrophytic vegetation (goldenrod and meadowsweet), growing around the perimeter.



Figure 5 – Picture of the Fore River waterfront at the west end of the site near Cassidy Point Drive shows intertidal areas as evidenced by the lack of snow and ice within the tidal reach, and rock stabilization.



Figure 6 – Picture of drainage feature from Commercial Street. Pipe outlet is to the right and water flow from the pipe is evident by melted snow and ice.

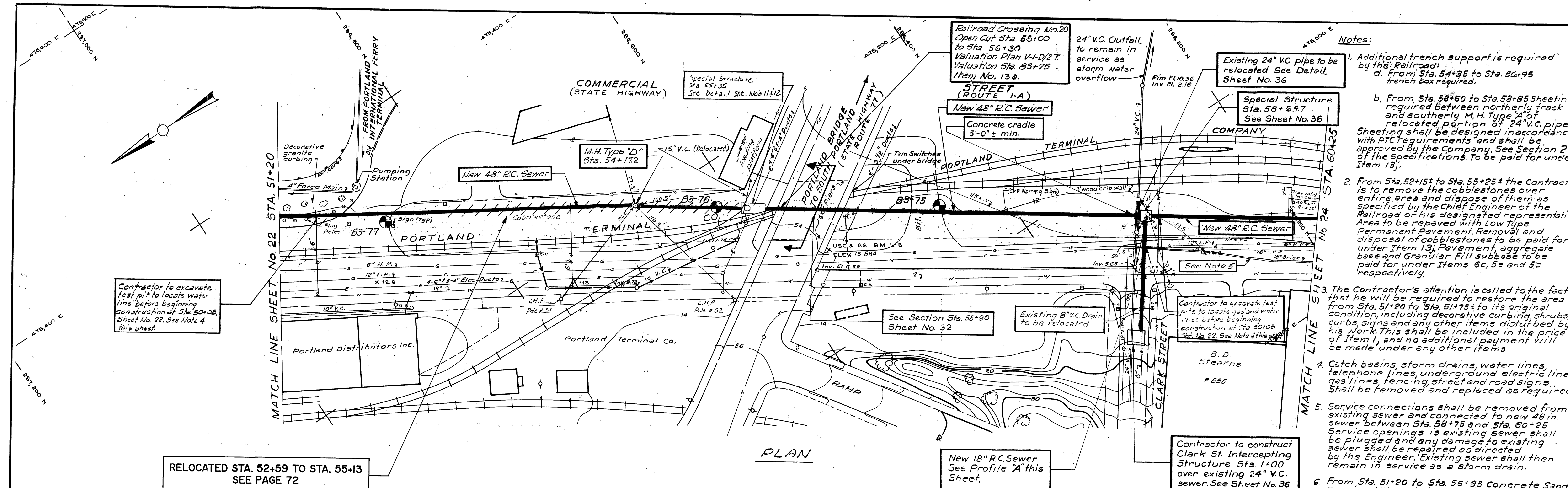


Figure 7 – Picture of a linear swale feature between Commercial Street and rail line. Commercial Street is to the left. Although water is evident during the frozen conditions, little hydrophytic vegetation was noted here. Non-hydrophytes such as multiflora rose are growing from the low ground/ice.

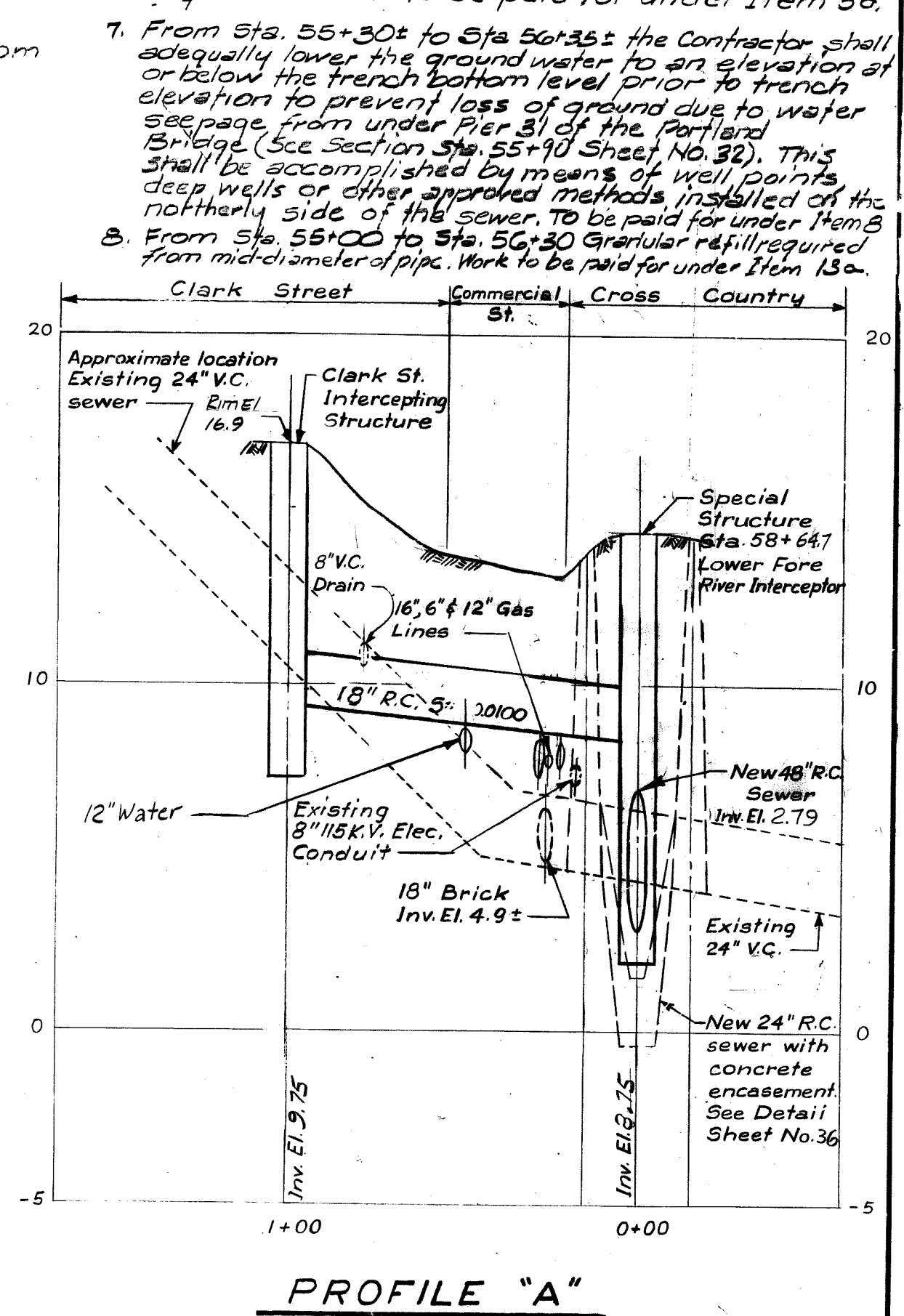
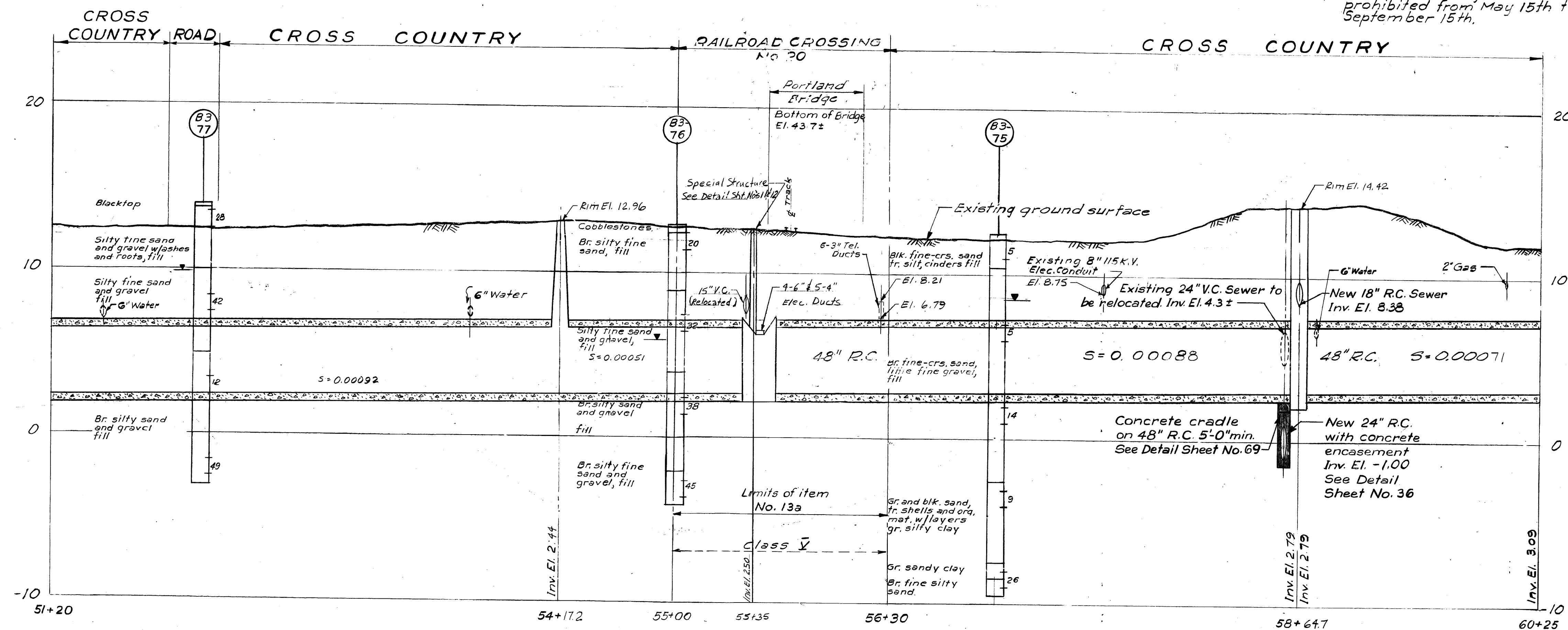
27. Test Boring Plan and Logs

Test Boring Plan and Logs

See enclosed plans showing test boring locations and soil profiles.



RELOCATED STA. 52+59 TO STA. 55+13
SEE PAGE 72



- Notes:**
- Additional trench support is required by the Railroad:
 - From Sta. 54+35 to Sta. 56+95 trench box required.
 - From Sta. 58+60 to Sta. 59+85 sheeting required between northerly track and southerly M.H. Type A of relocated portion of 24\"/>
 - From Sta. 52+15 to Sta. 55+25 the Contractor is to remove the cobblestones over entire area and dispose of them as specified by the Chief Engineer of the Railroad or his designated representative. Area to be removed with low type Permanent Pavement. Removal and disposal of cobblestones to be paid for under Item 13. Pavement, aggregate base and Granular Fill subbase to be paid for under Items 6c, 5e and 5d respectively.
 - The Contractor's attention is called to the fact that he will be required to restore the area from Sta. 51+20 to Sta. 51+75 to its original condition, including decorative curbing, shrubs, curbs, signs and any other items disturbed by his work. This shall be included in the price of Item 1, and no additional payment will be made under any other items.
 - Catch basins, storm drains, water lines, telephone lines, underground electric lines, gas lines, fencing street and road signs. Shall be removed and replaced as required.
 - Service connections shall be removed from existing sewer and connected to new 48\"/>

9. Work at entrance to Portland International Ferry Terminal, from Sta. 51+40 to 52+50, shall be prohibited from May 15th to September 15th.

Approved by:	Date	Name
Structural	2/2/73	R. Wood
Electrical		
HVAC		
Project Engineer	6-1-73	L. Ross
Project Manager	6-1-73	R. C. Co.

ANDREW T. JOHNSON CO., INC. 1515

RECORD DRAWING

8/8/1	CLL	Revised for record drawing
7/7/72	RGC	115 KV, ELECT. CONDUIT ADDED
Date	Ch'd.	Revision
Designed by:	L.A.P.	
Drawn by:	V.A./L.V.	Date: April 1973
Checked by:	R.J.B./R.H.E.	Hor. 1" = 40'
Approved by:	DRK	Scale: Vert. 1" = 4'

PORTLAND WATER DISTRICT
PORTLAND, MAINE
POLLUTION ABATEMENT FACILITIES
CONTRACT NO. 3
LOWER FORE RIVER INTERCEPTOR
CROSS COUNTRY
STA. 51+20 TO STA. 60+25

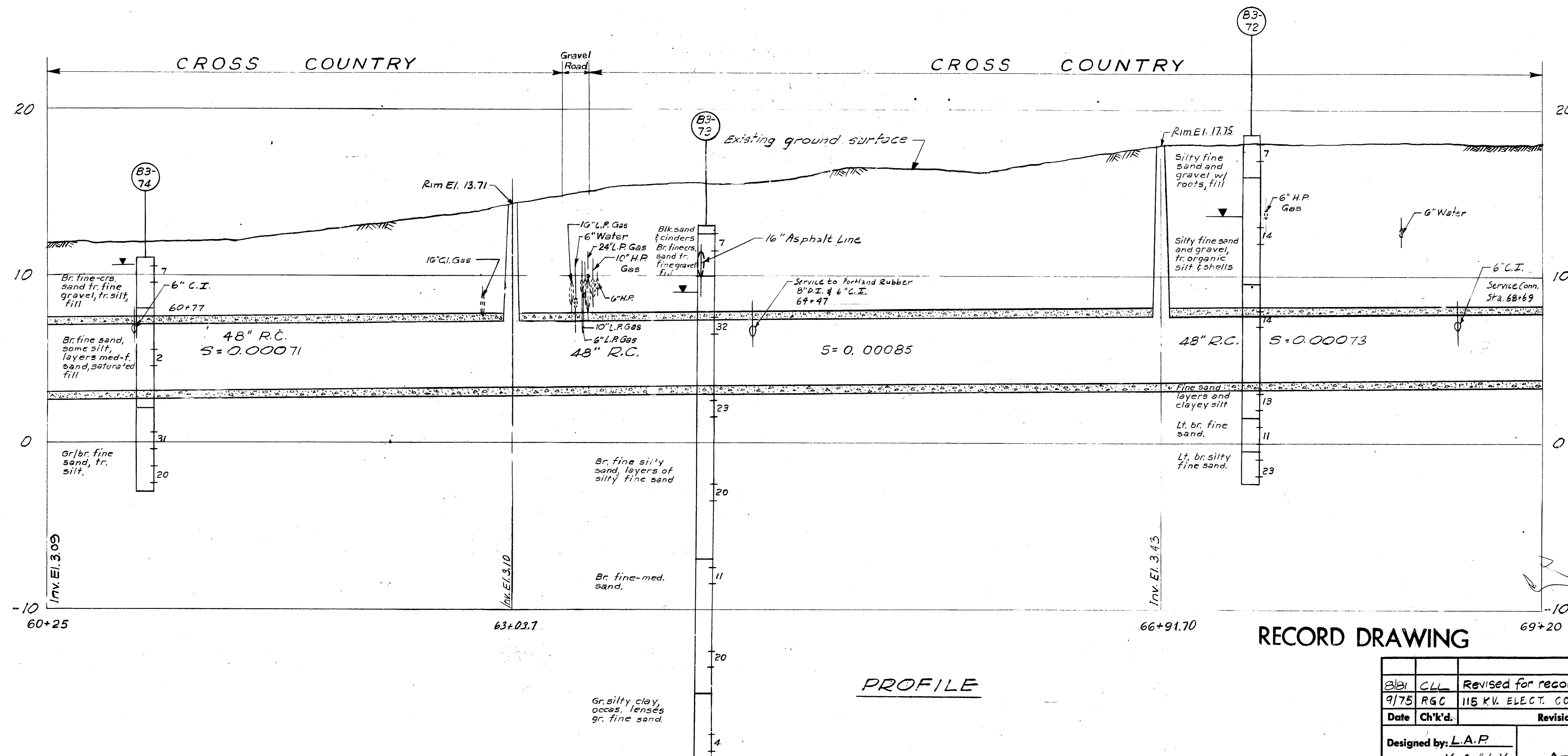
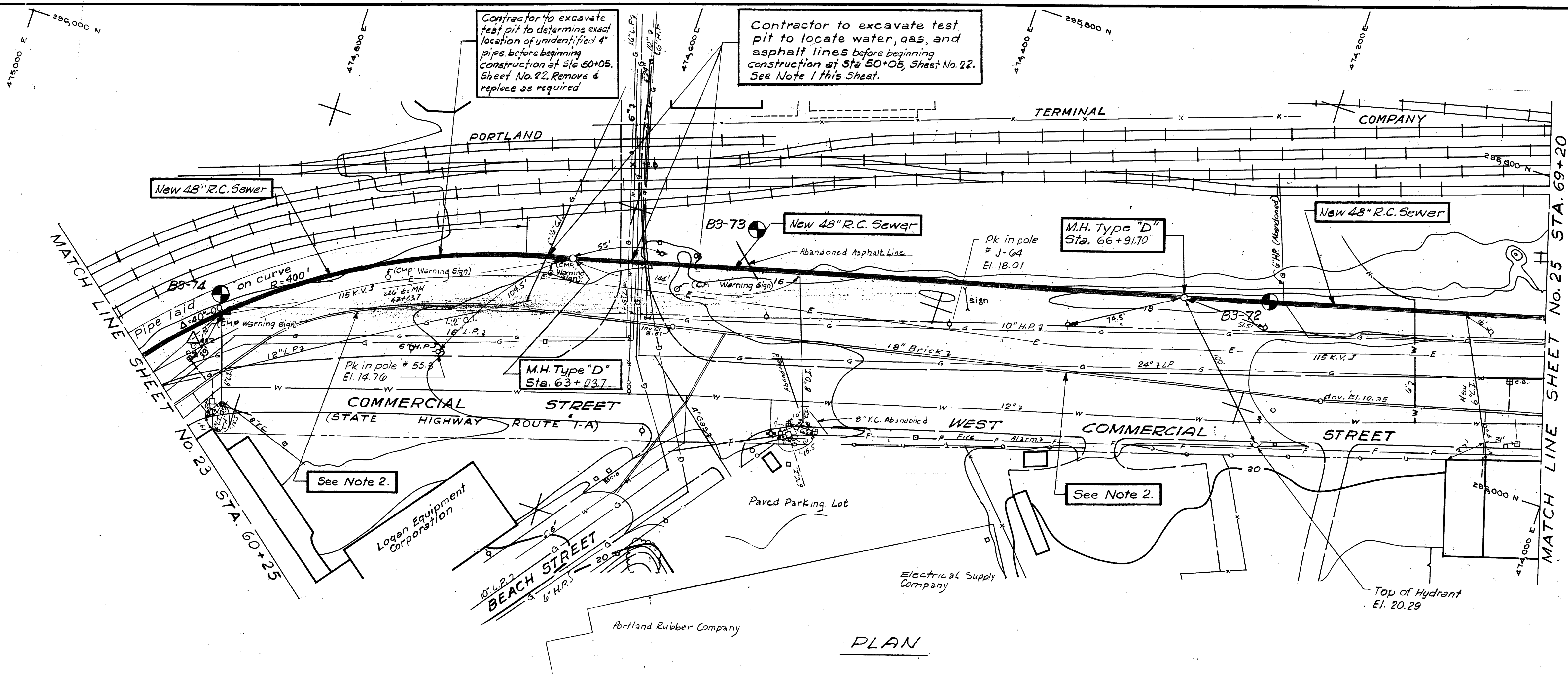
CAMP DRESSER & McKEE Inc.
Consulting Engineers
Boston, Mass.

SHEET NO.
23
197 - 19647

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REPORT BY NUMBER 1070000
POSITION LINE OF FRONT ON THIS LINE

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REPORT BY NUMBER 1070000
POSITION LINE OF FRONT ON THIS LINE

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REPORT BY NUMBER 1070000
POSITION LINE OF FRONT ON THIS LINE



NOTES:

- Catch basins, utility poles, water lines, gas lines, asphalt lines, street and road signs shall be removed and replaced as required.
- Service connections shall be removed from existing sewer and connected to new 48 in. sewer between Sta. 60+25 and Sta. 69+20. Service openings in existing sewer shall be plugged and any damage to existing sewer shall be repaired as directed by the Engineer. Existing sewer shall then remain in service as a storm drain.
- From Sta. 61+10 to Sta. 62+90 trench box required during construction, See Section 20 of the Specifications.

Approved by:	Date	Name
Structural	5/22/73	R. Wood
Electrical		
HVAC		
Project Engineer	6-1-73	R. Wood
Project Manager	6-1-73	R. Wood

ANDREW T. JOHNSON CO., INC. 1915

RECORD DRAWING

8/8/73	CLL	Revised for record drawing
9/7/73	RGC	115 KV. ELECT. CONDUIT ADDED
Date	Ch'kd.	Revision
Designed by:	L.A.P.	
Drawn by:	V.A.L.V.	Date: April 1973
Checked by:	R.J.R./R.H.E.	Hor. 1" = 40'
Approved by:	Dot	Scale: Vert. 1" = 4'

**PORTLAND WATER DISTRICT
PORTLAND, MAINE
POLLUTION ABATEMENT FACILITIES**

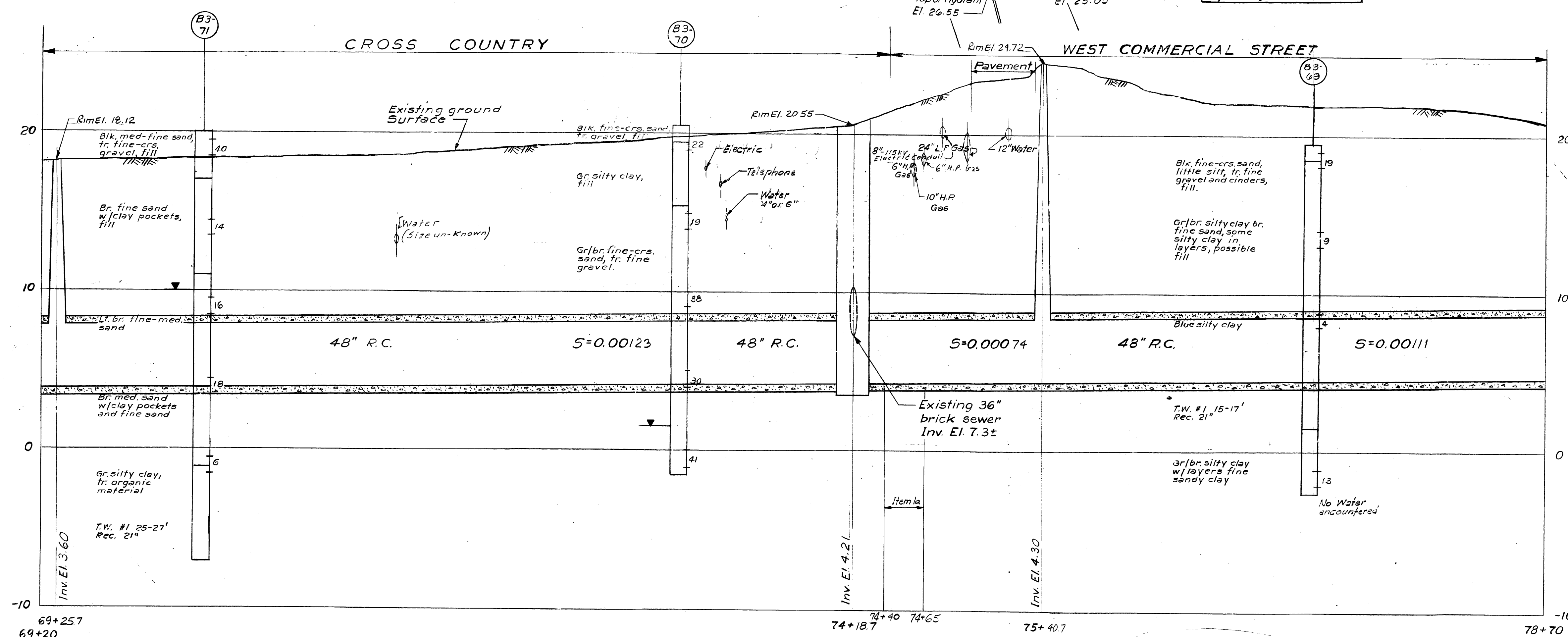
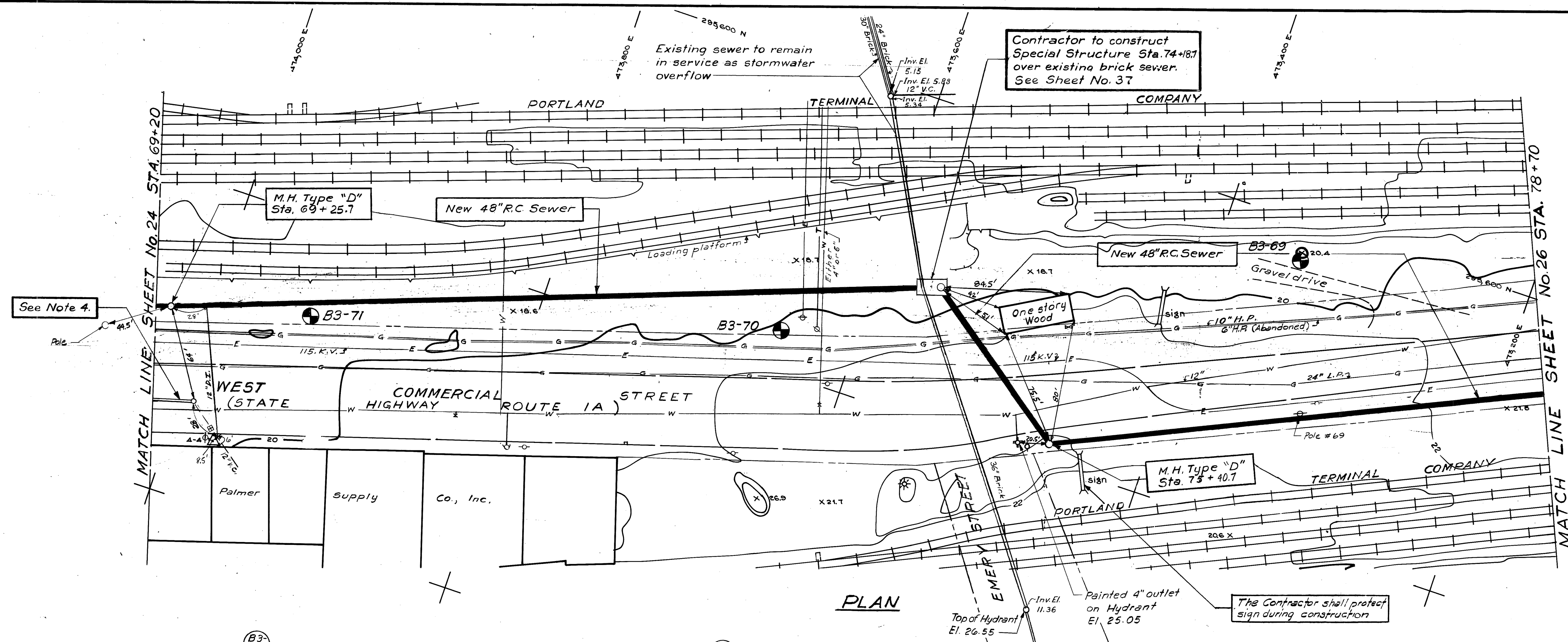
CONTRACT NO. 3
LOWER FORE RIVER INTERCEPTOR

**CROSS COUNTRY
STA. 60+25 TO STA. 69+20**



CAMP DRESSER & McKEE Inc.
Consulting Engineers
Boston, Mass.

SHEET NO.
24
197 - 1964



- ## NOTES
1. From Sta. 75+30 to Sta. 78+30 Concrete Sand required. Work to be paid for under Item 5d
 2. From Sta. 74+55 to Sta. 74+80, Steel Sheeting required. See Section 2 k of the Specifications.
 3. From Sta. 69+20 to Sta. 72+00, Sta. 74+45 to Sta. 74+55 & Sta. 74+80 to Sta. 75+00 trench box required during construction. See Section 20 of the Specifications.
 4. Service connections shall be removed from existing sewer and connected to new 48 in. sewer between Sta. 69+20 and Sta. 72+00. Service openings in existing sewer shall be plugged and any damage to existing sewer shall be repaired as directed by the Engineer. Existing sewer shall then remain in service as a storm drain.
 5. From Sta. 75+70 to Sta. 78+00 Common Refill required from mid diameter of pipe. Work to be paid for under Item 5a.
 6. The Contractor shall maintain public access to Railroad loading platform and ramp during construction Sta. 72+00± to Sta. 75+00±
 7. Work from Sta. 74+55 to Sta. 74+80 to be paid for under Item 1a.

Approved by:	Date	Name
Structural	5/2/13	R. Wood
Electrical		
HVAC		
Project Engineer	6-1-13	R. Wood
Project Manager	6-1-13	R. Wood

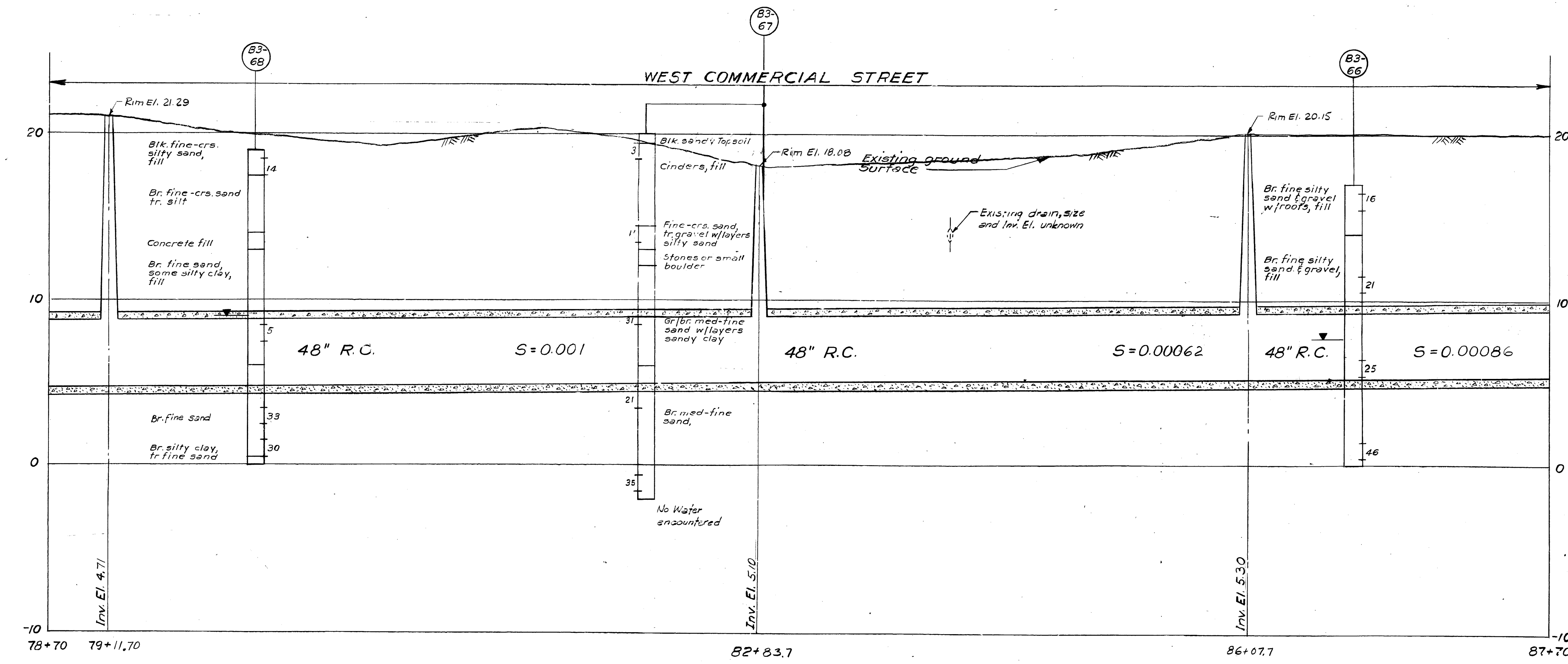
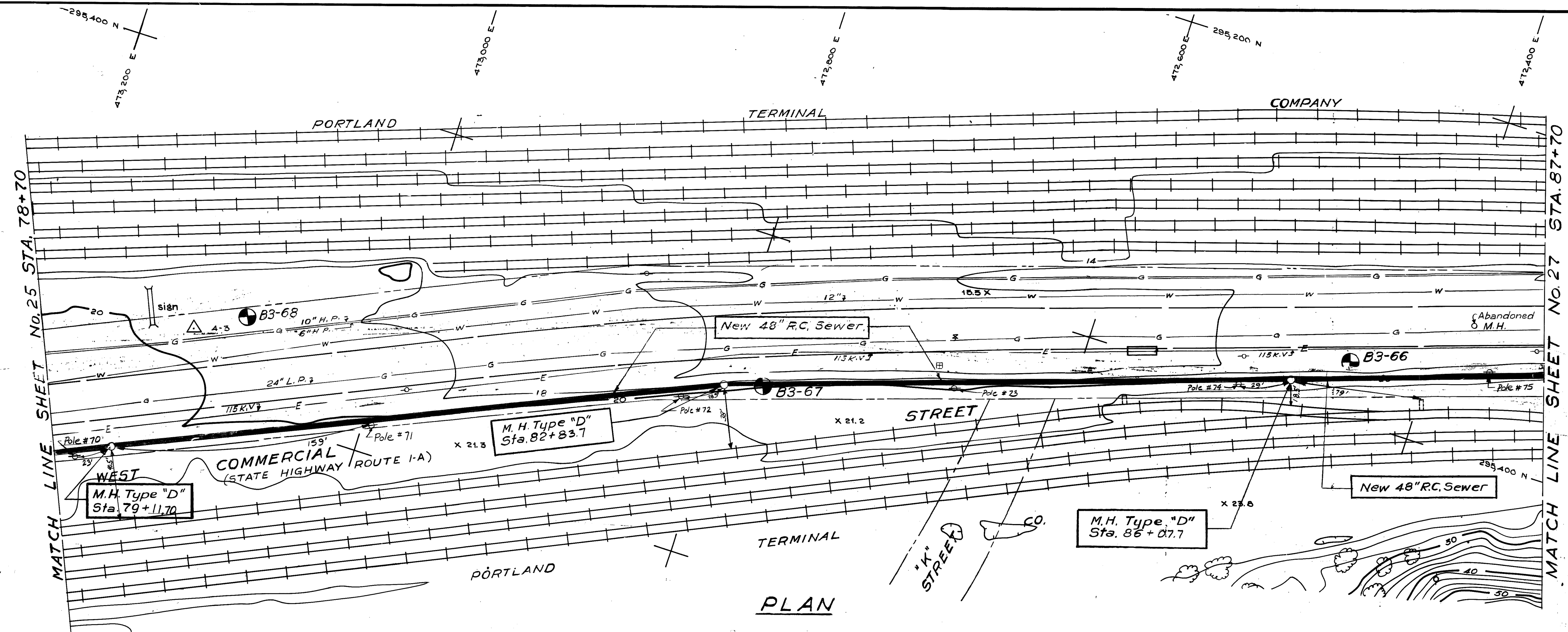
RECORD DRAWING		
5/15/	CLL	Revised for record drawing
7/75	RAC	115 KV. ELECT. CONDUIT ADDED
Date	Ch'k'd.	Revision
Designed by: L.A.P		Date: April 1973 Hor. 1" = 40' Vert. 1" = 40'
Drawn by: V.A. FLV		
Checked by: R.J.R./R.H.E.		
Approved by: <i>DMY</i>		

	PORTLAND WATER DISTRICT PORTLAND, MAINE POLLUTION ABATEMENT FACILITIES CONTRACT NO. 3 LOWER FORE RIVER INTERCEPTOR CROSS COUNTRY AND WEST COMMERCIAL STREET STA.69+20 TO STA.78+70	SHEET NO. 25
	CAMP DRESSER & McKEE Inc. Consulting Engineers Boston, Mass.	197 - (1964)

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REDESIGNED BY NUMBER 100000
POSITION BASE OF PRINT ON THIS LINE

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REDESIGNED BY NUMBER 100000
POSITION BASE OF PRINT ON THIS LINE

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REDESIGNED BY NUMBER 100000
POSITION BASE OF PRINT ON THIS LINE



- NOTES:**
1. From Sta. 84+85 to Sta. 87+70 Concr. Sand required. Work to be paid for under Item 5d.
 2. From Sta. 84+15 to Sta. 87+70 trer box required during construct. See Section 20 of the Specificat

Approved by:	Date	Name
Structural	5/6/73	R. Wood
Electrical		
HVAC		
Project Engineer	6-1-73	R. Wood
Project Manager	6-1-73	R. Wood

9/81	CLL	Revised for Record Drawing
9/75	RGC	115 KV. ELECT. CONDUIT ADDED
Date	Ch'd'd.	Revision
Designed by:	L.A.P.	
Drawn by:	V.I. LLV	Date: April 1973
Checked by:	RJR/RHE	Hor. 1" = 40'
Approved by:	DLN	Scale: Vert. 1" = 4'

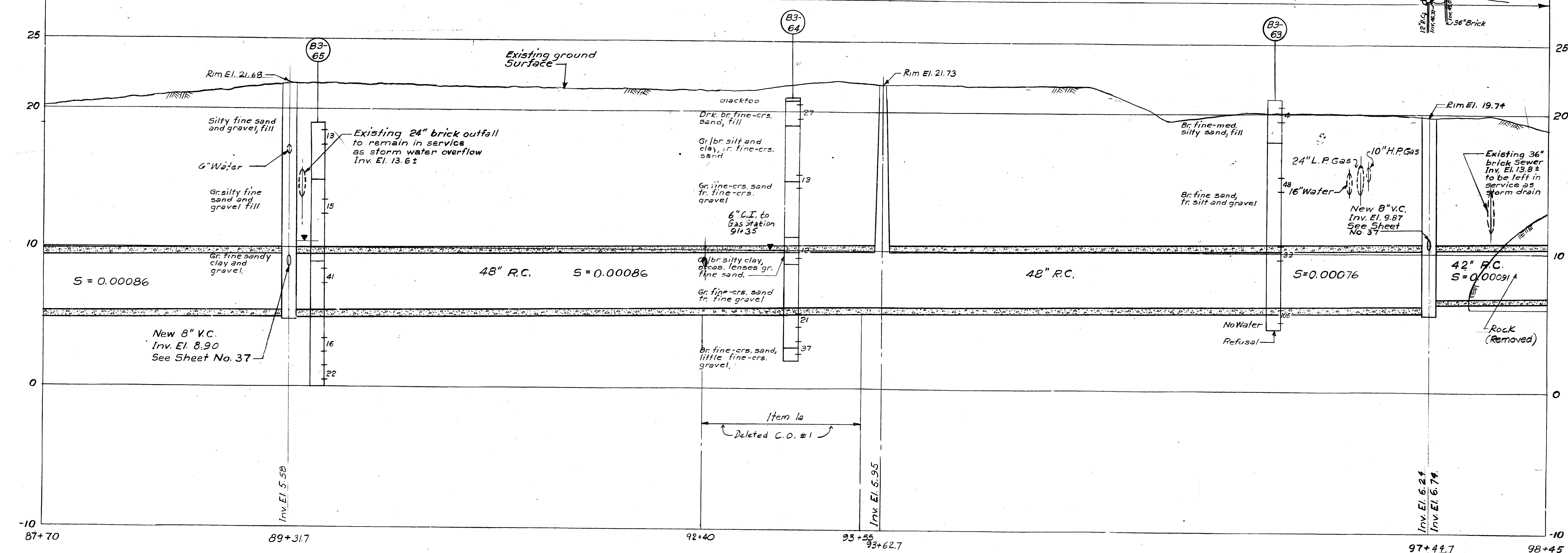
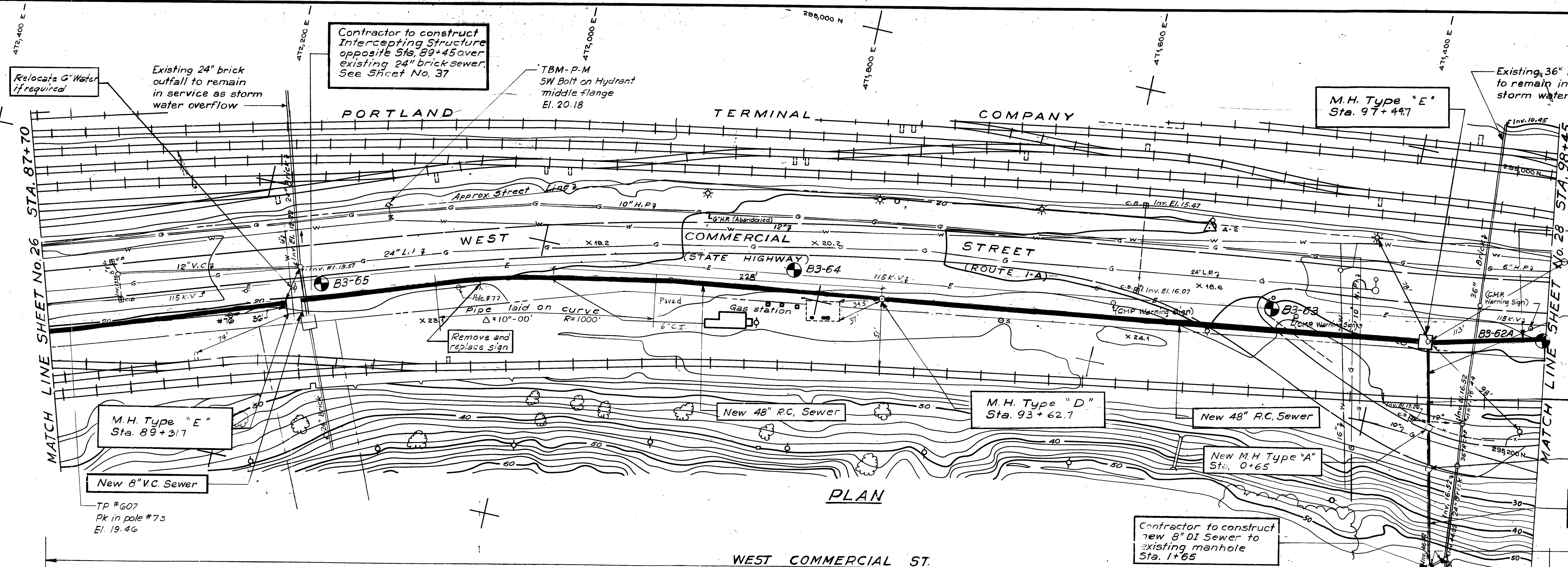
RECORD DRAWING

PORTLAND WATER DISTRICT
PORTLAND, MAINE
POLLUTION ABATEMENT FACILITY

CONTRACT NO. 3
LOWER FORE RIVER INTERCEPTOR
WEST COMMERCIAL STREET
STA. 78+70 TO STA. 87+70

CAMP DRESSER & McKEE Inc.
Consulting Engineers
Boston, Mass.

SHEET 26
197-19



- NOTES:**
- From Sta. 87+70 to Sta. 91+35 Concrete Sand required. Work to be paid for under Item 5d.
 - Contractor to plug existing pipe. See Specifications. Section 2 P.
 - 24" L.P. gas line located from plans done by Geographical Survey Systems, Inc. and furnished by CMP Co.
 - From Sta. 0+30 to Sta. 0+60 (Profile A) Sheet No. 37 Granular Fill required from mid-plan to top of pipe. To be paid for under Item 13b.
 - Sheeting required from Sta. 88+40 to Sta. 89+70 between Intercepting Structure Opposite Sta. 89+45 and railroad track northerly of structure. Shoring shall be designed in accordance with PTC requirements and shall be approved by the Company. See Section 20 of the Specifications. To be paid for under Item 13j.

Approved by:	Date	Name
Structural	5/2/73	R. Wood
Electrical		
HVAC		
Project Engineer	6-1-73	R. Cozz
Project Manager	6-1-73	R. S. Cozz

PROFILE

RECORD DRAWING

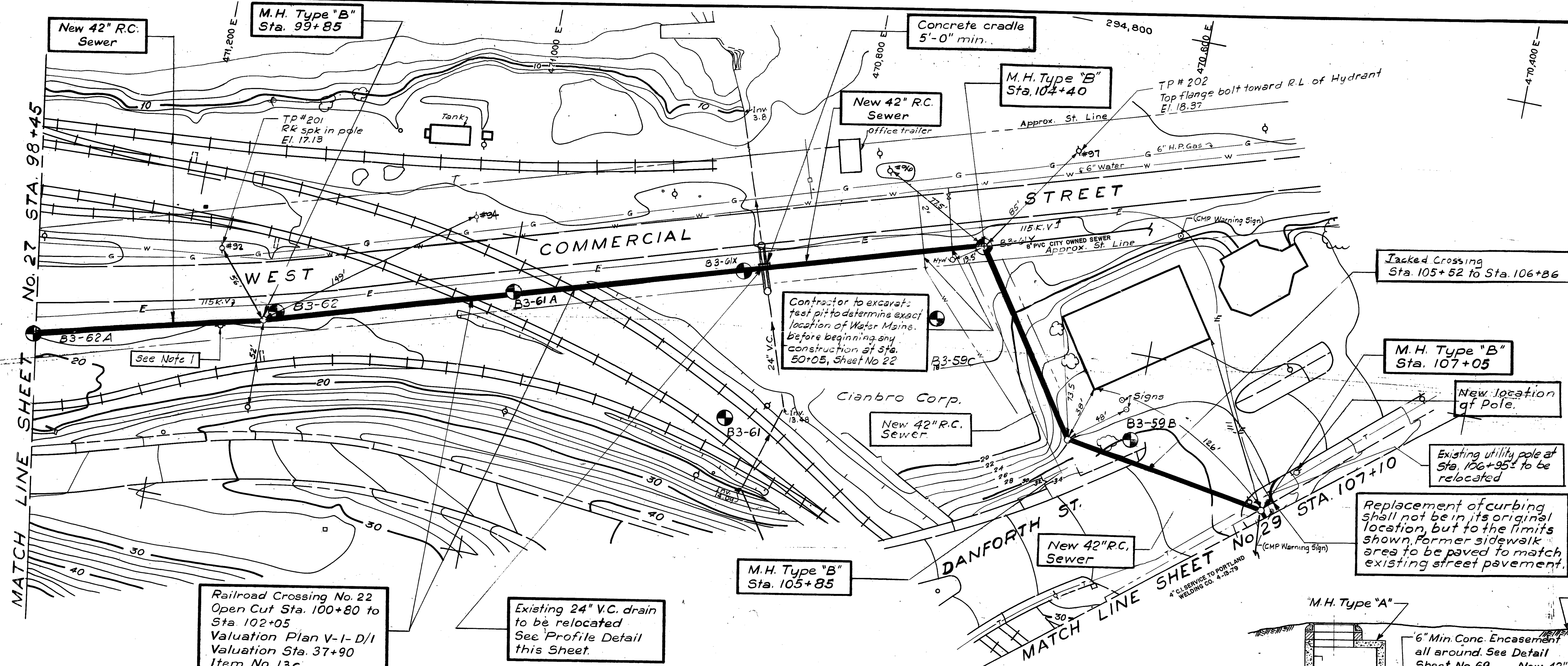
DESIGNED BY: LAP	DATE: April, 1973
DRAWN BY: V.A./L.V.	HOR. 1"=40'
CHECKED BY: R.I.R./R.H.E.	SCALE: VERT. 1"=4'
APPROVED BY: [Signature]	

PORTLAND WATER DISTRICT
PORTLAND, MAINE
POLLUTION ABATEMENT FACILITIES

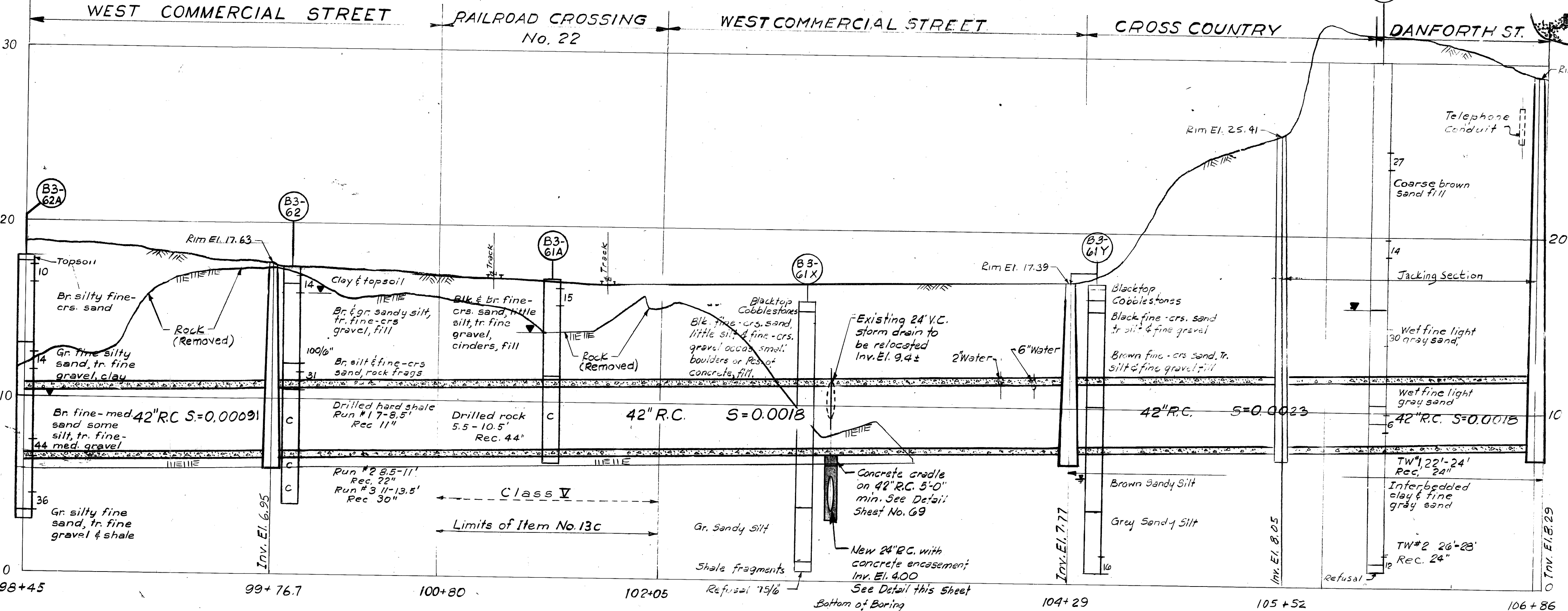
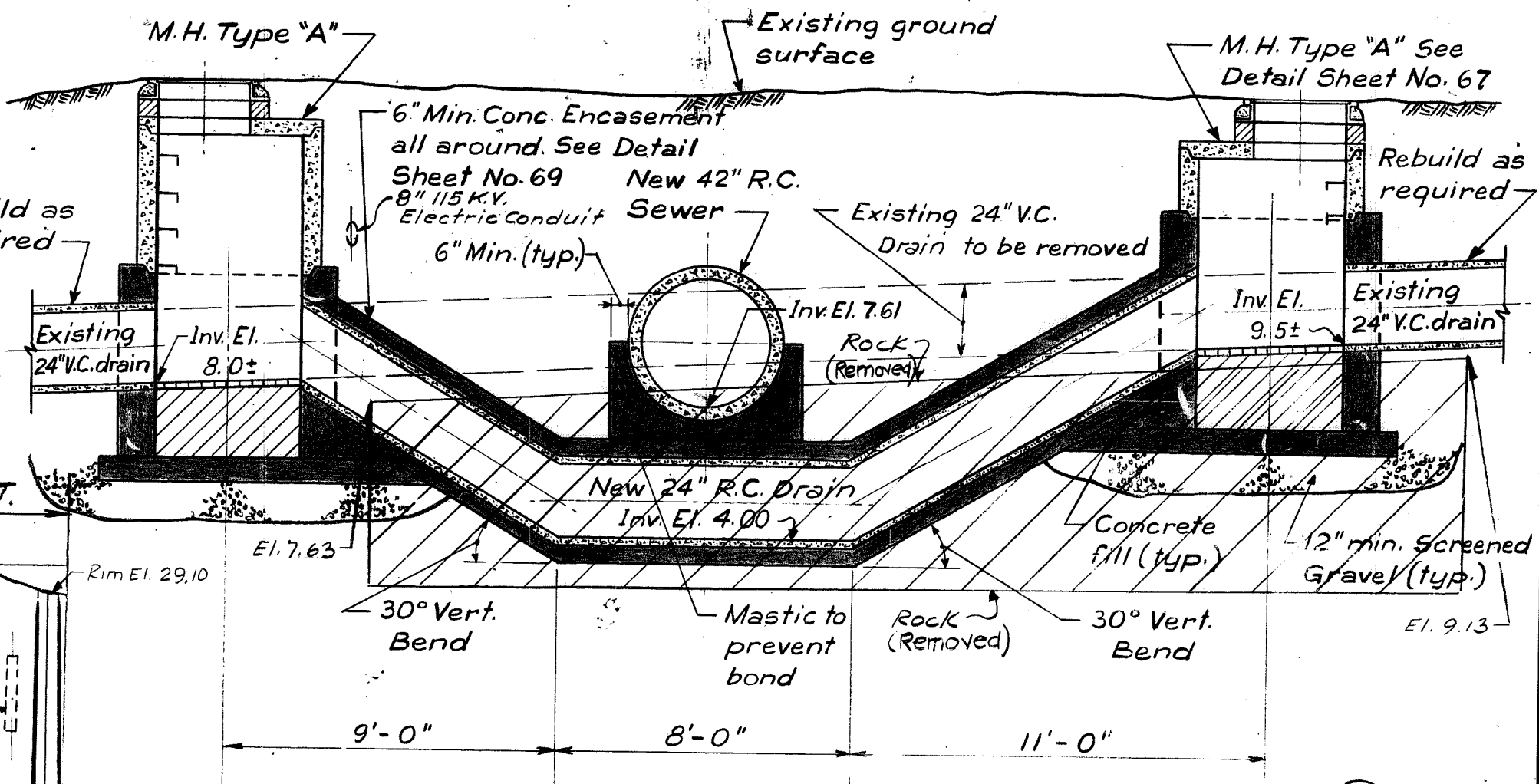
CONTRACT NO. 3
LOWER FORE RIVER INTERCEPTOR
**WEST COMMERCIAL STREET
STA. 87+70 TO STA. 98+45**

CAMP DRESSER & McKEE Inc.
Consulting Engineers
Boston, Mass.

SHEET NO.
27
197-19651



- NOTES:**
1. Curbing sidewalks, catch basins, storm drains, service connections, utility poles, hydrants, water lines, telephone lines, gas lines, fencing, street and road signs shall be removed and replaced as required.
 2. From Sta. 104+40 to Sta. 107+10 Concrete Sand required. Work to be paid for under Item 5d.
 3. From Sta. 104+45 to Sta. 107+10 Steel Sheet piling required. See Section 2k of the Specifications.
 4. All construction equipment and supplies located on the Cianbro Corp. construction easement shall be removed and replaced by Cianbro Corp. The Engineer shall notify Cianbro Corp. one month prior to construction on the easement. To be paid for under Item 24.
 5. Work from Sta. 104+40 to Sta. 107+10 to be paid for under Item 1a.
 6. From Sta. 100+80 to Sta. 102+05 Granular Fill required from mid-diameter of pipe. To be paid for under Item 13c.
 7. The Contractor may substitute 42" R.C.C. pipe for 42" R.C. pipe and Concrete Arch from Sta. 104+40 to Sta. 107+10. R.C.C. pipe to be designed as specified in Section 2g of the Specifications. No additional payment will be made for this substitution.



Approved by:	Date	Name
Structural	5/22/73	R. Wood
Electrical		
HVAC		
Project Engineer	4-1-73	R. Rose
Project Manager	6-1-73	E. S. Co.

RECORD DRAWING

2/94	(P.W.D.) T.E.W.	ADDED SERVICE TO PORTLAND WELDING
8/81	C.L.L.	Revised for record drawing
9/75	R.G.C.	115 KV. ELECT. CONDUIT ADDED
Date	Ch'd.	Revision
Designed by: <u>L.A.P.</u>		
Drawn by: <u>L.V.</u>		
Checked by: <u>R.J.R./R.H.E.</u>		
Approved by: <u>[Signature]</u>		
Date: <u>April 1973</u>		Hor. 1"=40'
		Scale: Vert 1"= 4'

**PORTLAND WATER DISTRICT
PORTLAND, MAINE**

POLLUTION ABATEMENT FACILITIES

CONTRACT NO. 3
LOWER FORE RIVER INTERCEPTOR
**WEST COMMERCIAL STREET
AND CROSS COUNTRY
STA. 98+45 TO STA. 107+10**

CAMP DRESSER & McKEE Inc.
Consulting Engineers
Boston, Mass.

SHEET NO.
28
197-19652

28. Turning Movements

Turning Movements

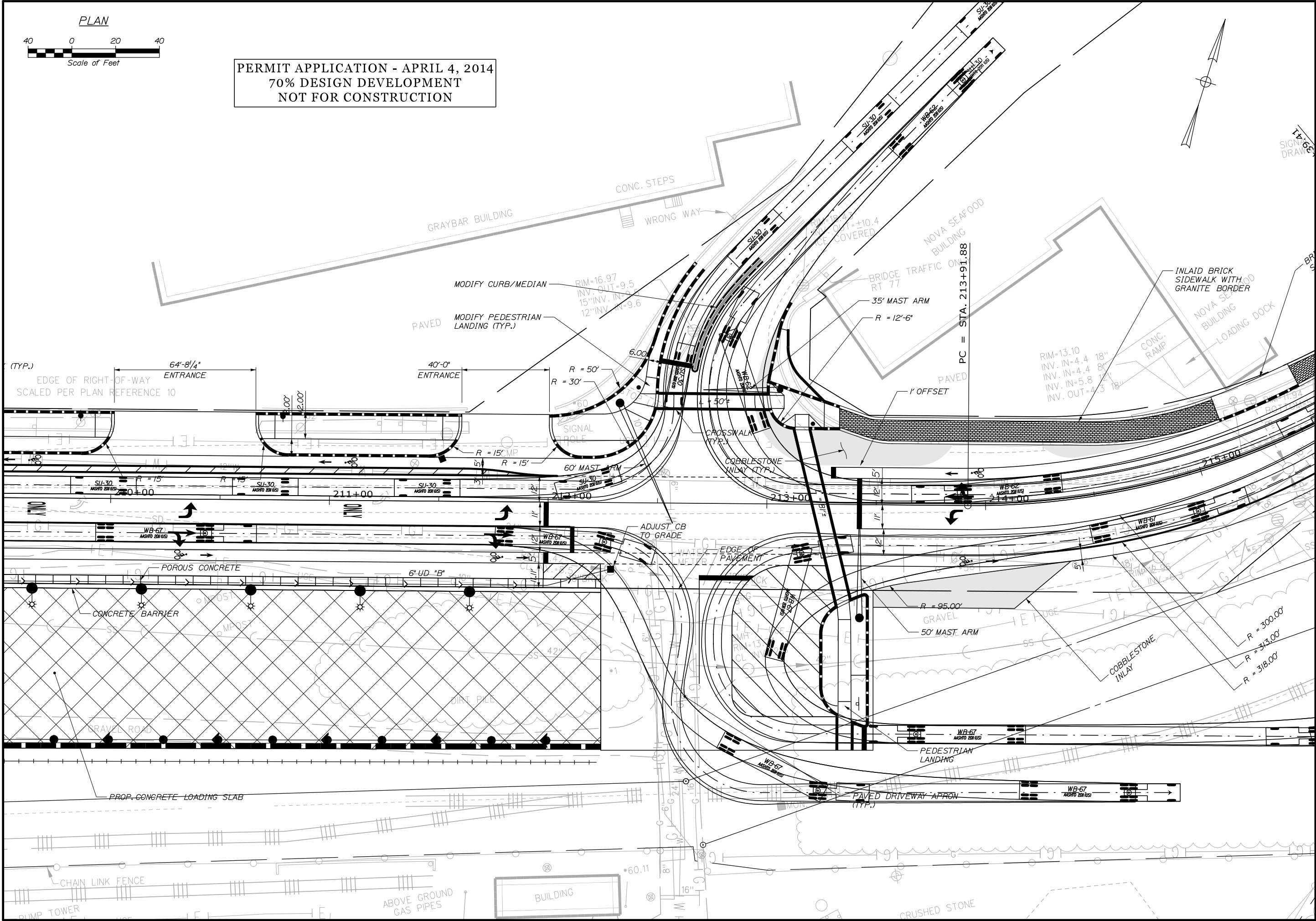
See enclosed plans showing turning movements at Beach Street intersection and project entrance.

Date:4/4/2014

Username:

Division:

Filename: 001_TurningMovements.dgn



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.20

WIN
022809.20

PROJ. MANAGER	J. KITTEDGE	BY	DATE
DESIGN-DETAILED	RWH		03/14
CHECKED-REVIEWED			
DESIGNS DETAILLED			
REVISIONS 1			
REVISIONS 2			
REVISIONS 3			
REVISIONS 4			
FIELD CHANGES			

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
PORTLAND CUMBERLAND COUNTY

COMMERCIAL STREET
TURNING MOVEMENTS

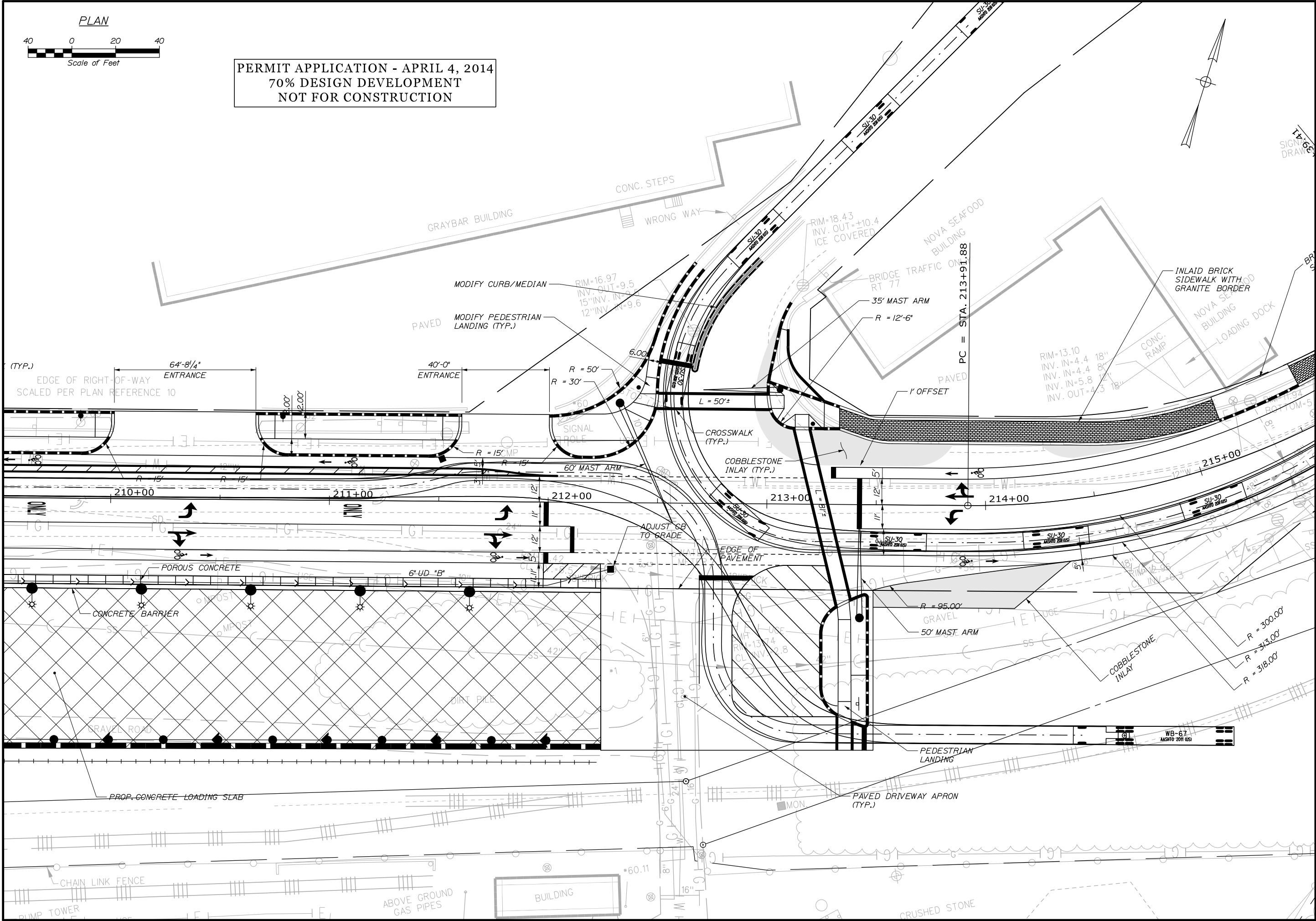
SHEET NUMBER
1
OF 5

Date:4/4/2014

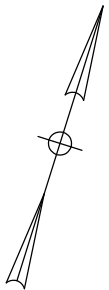
Username:

Division:

Filename: 002_TurningMovements.dgn



STATE OF MAINE		DEPARTMENT OF TRANSPORTATION		PROJECT NUMBER 022809.20		WIN 022809.20	
PORTLAND INTERNATIONAL MARINE TERMINAL		EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION		PORTLAND, CUMBERLAND COUNTY		COMMERCIAL STREET	
TURNING MOVEMENTS		SHEET NUMBER		2		OF 5	
PROJ. MANAGER	J. KITREDE	BY	DATE	SIGNATURE	P.E. NUMBER	DATE	
DESIGN-DETAILED	RWH	03/14					
CHECKED-REVIEWED							
DESIGNS-DETAILED							
REVISIONS 1							
REVISIONS 2							
REVISIONS 3							
REVISIONS 4							
FIELD CHANGES							



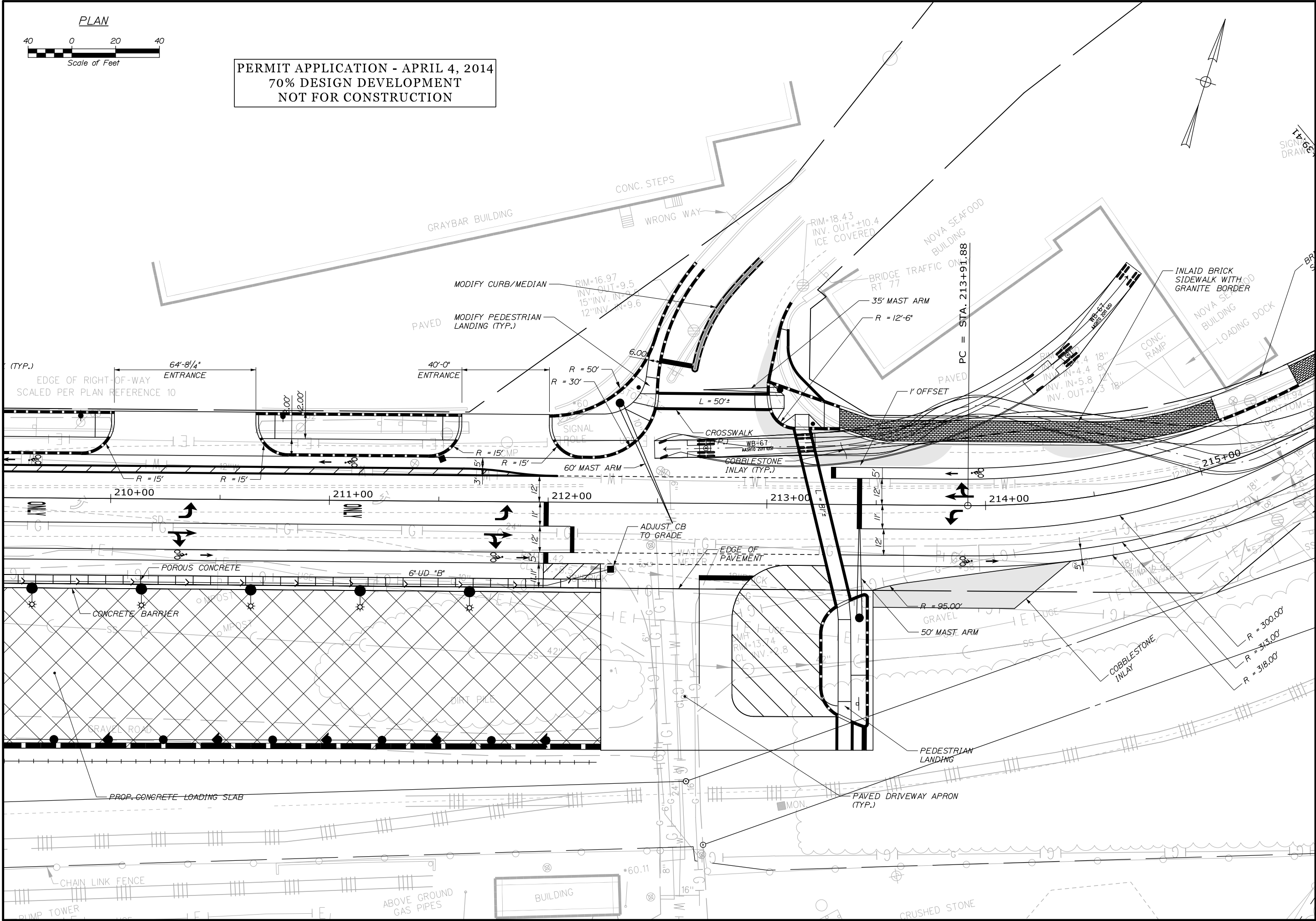
3 OF 5	SHEET NUMBER	PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY COMMERCIAL STREET TURNING MOVEMENTS	PROJ. MANAGER	J. KITTEDGE	BY	DATE
			DESIGN-DETAILED	RWH	RWH	03/14
			CHECKED-REVIEWED	-	-	-
			DESIGN2-DETAILED2	-	-	SIGNATURE
			DESIGN3-DETAILED3	-	-	
			REVISIONS 1	-	-	P.E. NUMBER
			REVISIONS 2	-	-	
			REVISIONS 3	-	-	
			REVISIONS 4	-	-	DATE
			FIELD CHANGES	-	-	
			STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.20 WIN 022809.20			

Date: 4/4/2014

Username:

Division:

Filename: 004_TurningMovements.dgn



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.20

WIN
022809.20

PROJ. MANAGER	J. KITTEGE	BY	DATE
DESIGN-DETAILED	RWH		03/14
CHECKED-REVIEWED			
DESIGNS-DETAILED			
REVISIONS 1			
REVISIONS 2			
REVISIONS 3			
REVISIONS 4			
FIELD CHANGES			

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
PORTLAND CUMBERLAND COUNTY

COMMERCIAL STREET
TURNING MOVEMENTS

SHEET NUMBER

4

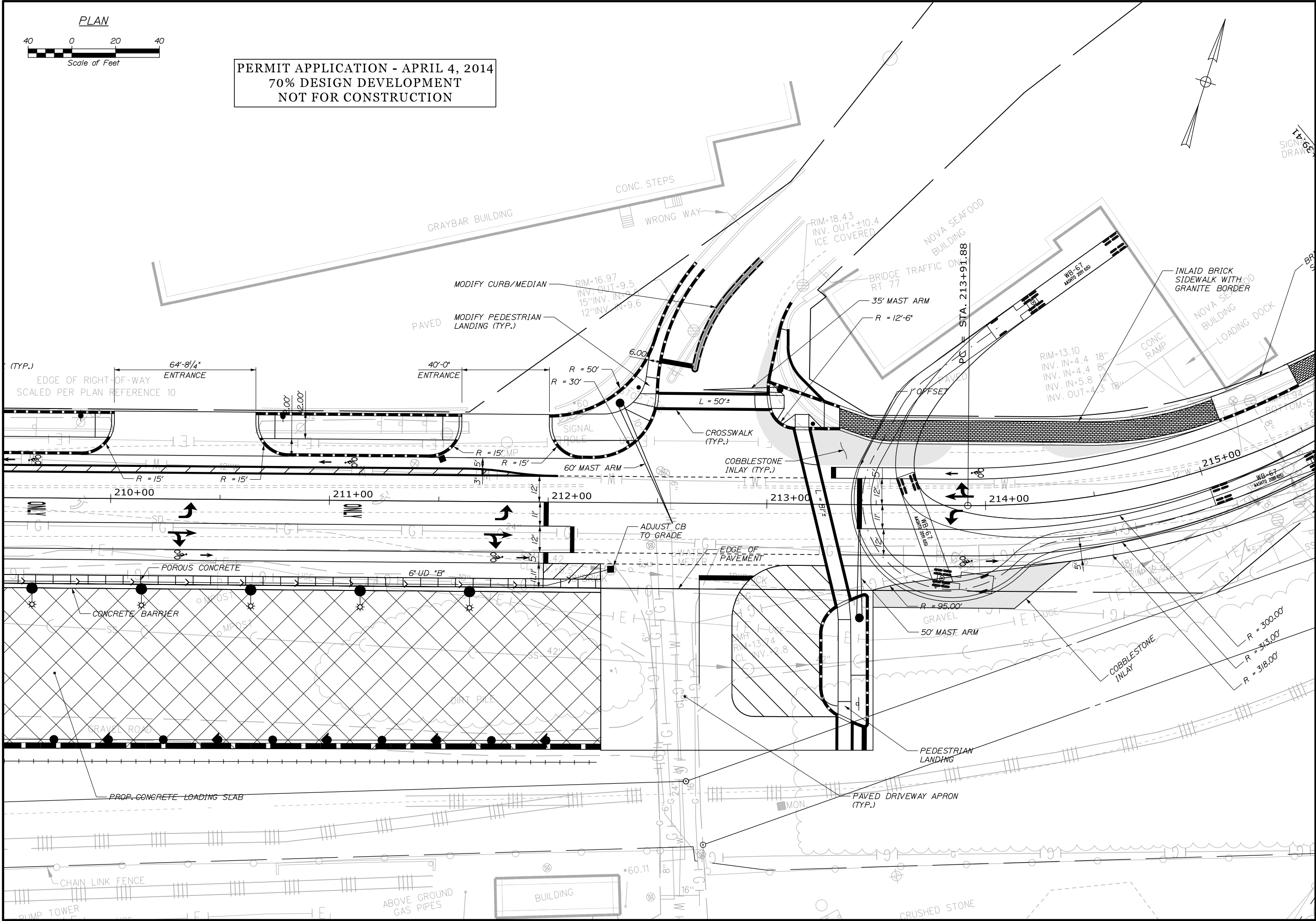
OF 5

Date:4/4/2014

Username:

Division:

Filename: 005_TurningMovements.dgn



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.20

WIN
022809.20

PROJ. MANAGER	J. KITREDE	BY	DATE
DESIGN-DETAILED	RWH		03/14
CHECKED-REVIEWED			
DESIGN-DETAILED			
DESIGN-REVIEWED			
REVISIONS 1			
REVISIONS 2			
REVISIONS 3			
REVISIONS 4			
FIELD CHANGES			

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
PORTLAND CUMBERLAND COUNTY

COMMERCIAL STREET
TURNING MOVEMENTS

SHEET NUMBER
5
OF 5

29. Temporary Soil Erosion and Control Narrative

Temporary Soil Erosion and Control Narrative

See enclosed Letter from DOT describing their approach to Erosion and Sedimentation Control.



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

April 3, 2014

City of Portland
Attn.: David Senus
389 Congress St
Portland Maine 04101

RE: Portland IMT Connector
MaineDOT Erosion and Sedimentation Control Practices

Erosion and sedimentation control plans are prepared for all earthmoving construction projects undertaken by MaineDOT. Standard Specification 656, Temporary Soil Erosion and Water Pollution Control is included in all contracts. The Standard Specification 656 is attached and can be found at this link:
http://maine.gov/mdot/contractors/publications/standardspec/docs/ss_division_600.pdf.

The specification requires the contractor to develop and implement a Soil Erosion and Water Pollution Control Plan (SEWPCP) in accordance with the *MaineDOT Best Management Practices for Erosion and Sedimentation Control Manual (last Revised February 2008)*:
<http://www.maine.gov/mdot/env/documents/pdf/bmp2008/BMP2008full.pdf>. It also outlines the requirements for documenting inspection and maintenance of erosion and sedimentation control measures. The site-specific plan prepared by the contractor is reviewed and approved by MaineDOT Environmental Office Staff. All work must be completed in accordance with the approved SEWPCP. Standard Specification 656 also includes requirements for a Spill Prevention Control and Countermeasures Plan.

A Special Provision is often used to add project-specific requirements as necessary. A draft Special Provision 656 for the proposed project is attached for reference.

These contract requirements are administered by the Surface Water Quality Unit (SWQU) of MaineDOT's Environmental Office.

Please do not hesitate to contact me if you have any additional questions or concerns regarding this matter.

Sincerely,

Kristen Chamberlain
MaineDOT Environmental Office
(207) 557-5089
kristen.chamberlain@maine.gov

653.06 Compaction Compaction of the first layer of aggregate subbase sand shall be by vibratory methods to the satisfaction of the Resident. After the first layer has been compacted, normal construction practices may be followed providing no loads are placed on the area which produce more than 390 kg/m² [80 lb/ft²] ground contact pressure.

653.07 Protection of Polystyrene Since gasoline, oil, heat, and sunlight will damage polystyrene, all precautions shall be taken to prevent them from damaging the insulating board. The insulating boards shall not be stored in sunlight for more than one day.

653.08 Method of Measurement Polystyrene plastic insulation will be measured by the square meter [square yard] in place.

653.09 Basis of Payment The accepted quantities of polystyrene plastic insulation will be paid for at the contract unit price per square meter [square yard] complete in place. Payment shall be full compensation for and for furnishing and placing the insulating boards of pegs.

Payment will be made under:

	<u>Pay Item</u>	<u>Pay Unit</u>
653.20	25 mm [1 in] Polystyrene Plastic Insulation	square meter [Square Yard]
653.21	38 mm [1½ in] Polystyrene Plastic Insulation	square meter [Square Yard]
653.22	50 mm [2 in] Polystyrene Plastic Insulation	square meter [Square Yard]
653.23	75 mm [3 in] Polystyrene Plastic Insulation	square meter [Square Yard]

SECTION 654 - VACANT

SECTION 655 - ELECTRICAL WORK

Reserved

SECTION 656 - TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL

656.1 Responsibility of the Contractor-Prepare and Follow Plan The Contractor shall provide continuous and effective temporary soil erosion and water pollution control for the Project that is appropriate to the construction means, methods and sequencing allowed by the Contract and selected by the Contractor. To do so, the Contractor shall prepare and submit a Soil Erosion and Water Pollution Control Plan (SEWPCP) and properly implement its approved SEWPCP. The Contractor shall have its SEWPCP approved, perform a preconstruction field review, and install and certify initial controls before commencing any Work, which could disturb soils or impact water quality.

If the Contractor properly implements its approved SEWPCP, then (1) any Work required in excess of that required by the SEWPCP will be Extra Work, (2) any Delay resulting from any such excess Work will be analyzed in accordance with Section 109.5 - Adjustments for Delay, and (3) the Contractor will not be responsible for damages relating to insufficient soil erosion and water pollution control including the cost of all environmental enforcement actions, penalties, or monetary settlements assessed any environmental regulatory entity and all costs incurred by or through the Department.

If the Contractor fails to prepare, submit, or seek approval of a SEWPCP or fails to properly implement its approved SEWPCP, then (1) the Department may suspend all Work, (2) the Department may withhold all Progress Payments or any portion thereof until the Contractor remedies all deficiencies; (3) the Department may remedy deficiencies with Departmental or contracted forces and deduct the cost thereof from payments otherwise due the Contractor; (4) any delay resulting from such failure or non-compliance will be a Non-excusable Delay; and (5) the Contractor will be responsible for all damages arising from or related to such failure or non-compliance including the cost of all environmental enforcement actions, penalties, or monetary settlements assessed by any environmental regulatory entity and all costs incurred by or through the Department including legal and consulting fees.

656.2 Submittal and Approval of the SEWPCP Within 21 calendar days of Contract Execution, the Contractor must submit two copies of its SEWPCP to the Resident.

Within 14 days of receipt, the Department will determine if the SEWPCP is in accordance with the Contract requirements and (1) notify the Contractor that its SEWPCP is approved or (2) return it for any needed revisions. If returned for revision, the Contractor must resubmit two copies of its revised SEWPCP as provided above within 7 days and the Department will have 7 days from receipt of the revised plan to notify the Contractor whether its SEWPCP is approved or again requires revision. Additional iterations will occur in a like manner until the Department approves the Contractor's SEWPCP. The Contractor must have its SEWPCP approved and implemented before commencing any Work, which could disturb soils or impact water quality.

SEWPCP REQUIREMENTS

656.3.1 Qualifications of Preparer The preparer of the SEWPCP must be knowledgeable and experienced in erosion and pollution control and must (1) be a "DEP Certified Contractor" as designated by the Maine Department of Environmental Protection (MDEP), or (2) be licensed in Maine as a Professional Engineer, Landscape Architect, or Soil Scientist.

656.3.2 Standards The SEWPCP must be in accordance with all applicable laws, rules, regulations, permit requirements and conditions, this specification, all other contractual provisions, and the latest version of Department's "Best Management Practices for Erosion & Sedimentation Control" (the "BMP Manual"). In the event of conflicting provisions, the SEWPCP must utilize the more restrictive requirements. If the Work could disturb soils in the watersheds of any sensitive waterbodies identified in the Contract Documents or listed in Appendix A of the BMP Manual, then the SEWPCP must be in accordance with the higher

standards for soil erosion and water pollution contained in Section II (B) - “Guidelines for Sensitive Waterbodies” of the BMP Manual.

656.3.3 General SEWPCP Elements In addition to other requirements provided for or referenced in this specification, the SEWPCP must include the following elements.

- a. The name and qualifications of the person preparing the SEWPCP.
- b. The name of the on-site person, the “Environmental Coordinator”, responsible for implementation of the SEWPCP, who must be the Prime Contractor's Superintendent or other supervisory employee with the authority to immediately remedy any deficient controls, with their phone number and emergency number (personal cellular phone or pager).
- c. The schedule and sequence of all activities that involve soil disturbance including work on sites outside the right-of-way such as borrow pit operations, haul roads, staging areas, equipment storage sites, mixing plants, and waste disposal sites including expansion of existing sites.
- d. Incorporation of permanent erosion control features into the project at the earliest practicable time.
- e. Identification of steep slopes and highly erodible soils, with the method and frequency of soil stabilization.
- f. Emergency procedures for storms, including availability of Materials and procedures and time frames for corrective action if controls fail.
- g. A discussion of how the SEWPCP meets or exceeds the Standards and Commitments contained in Section II of the BMP Manual.
- h. Type and location of all temporary erosion and sedimentation control measures. Temporary winter stabilization must be used between November 1 and April 1, or outside of said time period if the ground is frozen or snow covered. Temporary winter stabilization involves, at a minimum, covering all disturbed soils with some method other than using unanchored hay or straw mulch. Such other methods may include the use of Erosion Control Mix or other covers that are not susceptible to erosion or wind movement. If temporary winter stabilization practices are used, spring procedures for permanent stabilization shall also be described in the SEWPCP.
- i. Mulching type and frequency of application for disturbed soil areas.
- j. Location and frequency of application of temporary seeding.
- k. Description of all dust control procedures for roadways, haul roads, work areas, and all other contractor activities.

l. Location and method of temporary sediment control for existing and proposed catch basins and all other drainage inlet and outlet areas.

m. Describe all in-stream work, with timing and plans for temporary stream diversions and cofferdams.

n. Describe the design, location, and plans for sedimentation basins used for dewatering cofferdams.

o. Inspection and maintenance schedules for all erosion and water pollution control measures - temporary and permanent - including the method, frequency and disposal location for sediment removal.

p. Temporary erosion control features for any designated mitigation site that is specified in the Contract.

q. Procedures for removal of temporary erosion and pollution controls.

656.3.4 Water Pollution Control Requirements In addition to other requirements provided for or referenced in this specification, the SEWPCP must include all of the following requirements applicable to water pollution control.

a. The Contractor must comply with the applicable federal, state, and local laws, and regulations relating to prevention and abatement of water pollution.

b. Except as allowed by an approved permit or otherwise authorized by the Department in writing, pollutants and construction debris including excavated material, aggregate, residue from cleaning, sandblasting, or painting, cement mixtures, chemicals, fuels, lubricants, bitumens, raw sewage, wood chips, and other debris shall not be discharged into waterbodies, wetlands, or natural or man-made channels leading thereto and such materials shall not be located alongside waterbodies, wetlands, or such channels such that it will be washed away by high water or runoff.

c. Construction operations in waterbodies or wetlands shall be restricted to the construction limits shown on the plans and to those areas that must be entered for the construction of temporary or permanent structures, except as allowed by approved permit or otherwise authorized by the Department in writing.

d. Mechanized equipment shall not be operated in waterbodies or wetlands, except as allowed by approved permit or otherwise authorized by the Department in writing.

e. Upon completion of the work, waterbodies or wetlands shall be promptly cleared of all falsework, piling, debris or other obstructions caused by the construction operations, except as otherwise authorized by the Department in writing.

f. **Spill Prevention.** If the Work includes the handling, use, or storage of petroleum products or hazardous Matter/Substances including the on site fueling of Equipment, the SEWPCP must include a Spill Prevention Control and Countermeasure Plan (SPCCP). At a minimum, the SPCCP must include:

1. The name and emergency response numbers (telephone number, cellular phone and pager numbers, if applicable) of the Contractor's representative responsible for spill prevention and response;

2. General description and location of (1) handling, transfer, storage, and containment facilities of such products or hazardous Matter/Substances ("activities and facilities") and (2) potential receptors of such products or hazardous Matter/Substances including oceans, lakes, ponds, rivers, streams, wetlands, and sand and gravel aquifers ("sensitive resources") including the distances between said activities and facilities and said sensitive resources;

3. Description of preventative measures to be used to minimize the possibility of a spill including Equipment and/or Materials to be used to prevent discharges including containment and diversionary structures, inspections and personnel training;

4. A contingency response plan to be implemented if spill should occur including a list of emergency phone/pager numbers including the Contractor's representative, MDEP Spill Response, the Resident, and local police and fire authorities, a list of emergency response equipment and locations and a description of the capabilities of the equipment, a description of the general response and clean up protocols by product or Matter/Substances and an overview of the verbal and written notification procedures for federal, state and local officials. For a related provision, see 105.2.2 - "Project Specific Emergency Planning".

For a related provision, see Section 105.8.3 - "Wetland and Waterbody Impacts".

656.3.5 Material Requirements Unless otherwise approved by the Department, the Contractor must use temporary erosion control Materials contained on the Department's Preapproved List of Erosion Control Materials if such a list is established, the Department's latest BMP Manual, or Section 717 - Roadside Improvement Materials.

656.3.6 Construction Requirements In addition to other requirements provided for or referenced in this specification, the SEWPCP must include all of the following requirements applicable during construction.

- a. The Contractor shall install and maintain all temporary erosion control Materials in accordance with the manufacturer's recommendations, or the Department's latest BMP's or Standard Specifications where applicable.

- b. The Contractor shall perform in-stream work during low flow conditions, except as allowed by a specific Permit requirement. During in-stream work, the Contractor shall

maintain water flow at all times except in ponded water or where specifically authorized. The Contractor, to the maximum extent practicable, shall place pipes in dry conditions.

c. The Contractor, to the maximum extent practicable, shall install temporary and permanent erosion control measures prior to conducting clearing and grubbing operations. The Contractor shall not conduct clearing operations within any protected vegetative buffer area indicated in the plans, notes, or special provisions. The Contractor shall limit excavation, borrow and embankment operations commensurate with its capability and progress in keeping the finish grading, mulching, seeding, and other such temporary and permanent erosion control measures current in accordance with its schedule. Should seasonal limitations make such coordination impractical, temporary erosion control measures shall be provided immediately.

d. The Contractor shall not work in a wetland, except as allowed by a specific permit provision. All equipment which must work in a wetland shall travel and work on platforms or mats that protect vegetation which the Department has designated to remain. The Contractor shall not store or stockpile materials in a wetland. The Contractor shall contain and immediately remove from the wetland or waterbody any debris generated by the Work

e. The Contractor shall not place uncured concrete directly into a waterbody. The Contractor shall not wash tools, forms, or other items in or adjacent to a waterbody or wetland.

f. The Contractor shall contain all demolition debris (including debris from wearing surface removal, saw cut slurry, dust, etc.) and shall not allow it to discharge to any resource. All demolition debris shall be disposed of in accordance with Section 202.03 - Removing Existing Superstructure, Structural Concrete, Railings, Curbs, Sidewalks and Bridges. The Contractor shall dispose of debris in accordance with the Maine Solid Waste Law, Title 38 M.R.S.A., Section 1301 et. seq. Containment and disposal of demolition debris shall be addressed in the Contractor's SEWPCP.

g. The Contractor shall air dry all treated lumber for at least 21 days before use. All treated timber surfaces shall be exposed during air-drying.

h. The Contractor shall place all permanent seeding in accordance with Section 618 - Seeding unless the Contract states otherwise. The Contractor shall state what additional measures they will employ for soil stabilization between November 1st and April 1st.

i. The Contractor shall not remove rocks from below the normal high water line of any wetland, great pond, river, stream, or brook, except to the extent necessary for completion of the Work and as allowed by environmental permits. The Contractor shall not work below the high water line of a great pond, river, stream, or brook during periods of elevated water, except as necessary to protect work in progress or for emergency flood control and as allowed by environmental permits.

j. During periods of approved suspension, the Contractor shall inspect and maintain temporary and permanent erosion controls in accordance with its approved SEWPCP.

k. All sites of disturbed soil outside the right-of-way such as haul roads, staging areas, Equipment storage sites, mixing plants, and waste disposal sites including expansion of existing sites shall be graded smooth, loamed, seeded, and mulched upon completion of the work. For a related provision, see Section 105.8.6 - Pit Requirements.

IMPLEMENTATION OF SEWPCP

656.4.1 Preconstruction Field Review Before commencing any Work, that could disturb soils or impact water quality, the preparer of the SEWPCP and the Environmental Coordinator must field review the project. The Contractor shall provide the Department at least three days prior notice of this review.

656.4.2 Preconstruction Installation of Controls/Certification Before commencing any Work, which could disturb soils or impact water quality, initial soil erosion and water pollution controls must be installed in compliance with the Contractor's SEWPCP and the Environmental Coordinator must so certify to the Department in writing.

656.4.3 Follow Plan Until Acceptance of the Work, the Contractor must continuously provide soil erosion and water pollution controls in compliance with its approved SEWPCP as amended, if necessary, and in compliance with Section 656.4.5 - Additional Measures/Amendment of SEWPCP.

656.4.4 Inspection and Record Keeping The Environmental Coordinator must inspect and monitor all controls for the duration of the project and keep a written log. This log must include daily on-site precipitation and air temperature, as well as the performance, failure, and any corrective action for all controls in place. The log must be updated at least weekly and after all significant storm runoff and flood events. The Environmental Coordinator must make this log available to the Department upon request. The Contractor will retain the log for three years after the completion of the project.

656.4.5 Additional Measures/Amendment of SEWPCP If there exists observable evidence of erosion or sedimentation despite the installation of all controls in compliance with the Contractor's approved SEWPCP, then the Contractor must undertake such additional measures as are necessary to stop such erosion and prevent further erosion or sedimentation. Observable evidence of erosion or sedimentation includes visible sheet, rill, or gully erosion, discoloration of water by suspended particles, areas of sediment accumulation, slumping of banks, deposition of soil, and visible dust. Such additional measures must be undertaken within 24 hours and completed within 48 hours from the time such evidence is observed, unless otherwise authorized by the Department. Within 7 days of that time, the Contractor must submit an amendment to its SEWPCP setting forth the apparent cause of the erosion or sedimentation and the additional measures undertaken and that will continue to be undertaken. If the Contractor complies with the requirements of this Section, all additional measures and the amendment of the SEWPCP

will be Extra Work and any Delay resulting from the additional measures will be analyzed in accordance with Section 109.5 - Adjustments for Delay.

656.4.6 Duration of Contractor's Responsibility The Contractor shall provide temporary soil erosion and water pollution controls in compliance with its SEWPCP and maintain all permanent control features until Acceptance of the Work. Once final surface treatments are established, the Contractor is responsible for removal of all temporary sedimentation control practices such as silt fence. Notwithstanding the preceding sentence, all work needed to remedy damage to properly installed and maintained permanent control features caused by a weather-related Uncontrollable Event shall be Extra Work.

PAYMENT

656.5.1 If Pay Item 656.75 Provided If the Schedule of Items contains Pay Item 656.75 for Temporary Soil Erosion and Water Pollution Control, payment will be made on a Lump Sum basis, payment of which will constitute full and complete compensation for all labor, equipment, materials, inspection, professional services, and incidentals necessary to prepare, submit, obtain approval of, and properly implement the Contractor's SEWPCP. The Lump Sum will be payable in installments as follows: 10% of the Lump Sum once the final SEWPCP is approved and the initial soil erosion and water pollution controls are in place and certified by the Contractor, with the 90% balance to be paid as the Work progresses at a rate proportional to the percentage completion of the Contract.

Failure by the Contractor to comply with its SEWPCP and/or failure to implement additional measures will result in a reduction in payment, computed by reducing the 90% balance (a) by the number of days deficient divided by the number of days from start of work to project completion or (b) \$100 for each day deficient, whichever is greater. Payment may be further adjusted as provided in Section 656.1 - Responsibility of the Contractor - Prepare and Follow Plan.

Cofferdams and related temporary soil erosion and water pollution controls are incidental to the Pay Item 656.75, unless a specific pay item for cofferdams is included in the Schedule of Items. If a specific pay item for cofferdams is included, then related temporary soil erosion and water pollution controls, including inspection and maintenance, are incidental to the pay item for cofferdams.

656.5.2 If No Pay Item If Pay Item 656.75 is not provided in the Schedule of Items, then the cost related thereto shall be Incidental to the Contract.

Payment will be made under:

<u>Pay Item</u>	<u>Pay Unit</u>
656.75 Temporary Soil Erosion and Water Pollution Control	Lump Sum

DRAFT

SPECIAL PROVISION

SECTION 656

TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL

The following is added to Section 656 regarding Project Specific Information and Requirements. All references to the Maine Department of Transportation Best Management Practices for Erosion and Sedimentation Control (a.k.a. Best Management Practices manual or BMP Manual) are a reference to the latest revision of said manual. The latest version is dated "February 2008" and is available at: <http://www.maine.gov/mdot/env/documents/pdf/bmp2008/BMP2008full.pdf>

Procedures specified shall be according to the BMP Manual unless stated otherwise.

Project Specific Information and Requirements

The following information and requirements apply specifically to the Project. The temporary soil erosion and water pollution control measures associated with this work shall be addressed in the Contractor's Soil Erosion and Water Pollution Control Plan (SEWPCP).

1. Newly disturbed earth shall be mulched by the end of each workday. Mulch shall be maintained on a daily basis.
2. The SEWPCP shall describe the location and method of temporary erosion and sediment control for existing and proposed catch basins and outlet areas.
3. Sediment barriers shall be installed prior to construction at the edge of any down-gradient disturbed area and adjacent to any drainage channels within the disturbed areas. They shall be maintained until the disturbed area is permanently stabilized.
4. Areas that will not be worked for more than 7 days shall be temporarily stabilized.
5. If water is flowing within the drainage system, the water shall be diverted to a stable area or conduit and work shall be conducted in the dry. The Contractor's plan shall address when and where the diversions will be necessary.
6. Dust control items other than those under Standard Specification 637, if applicable, shall be included in the plan.
7. Permanent slope stabilization measures shall be applied within one week of the last soil disturbance. Temporary slope stabilization is required on a daily basis.
8. Permanent seeding shall be done in accordance with *Special Provision, Section 618, Seeding* unless the Contract states otherwise.
9. Temporary winter stabilization must be used between November 1st and April 15th or outside of that time period if the ground is frozen or snow covered. Temporary winter stabilization involves, at a minimum, covering all disturbed soils and seeded ground that is not Acceptable Work with an approved method. If temporary winter stabilization practices are used then spring procedures for permanent stabilization shall also be described in the SEWPCP. Use of these methods for over-winter temporary erosion control will be

incidental to the contract and be paid for as part of Pay Item 656.75.

10. Construction and demolition debris shall be contained and shall not be allowed to discharge to any resource. All construction and demolition debris shall be disposed of in accordance with *Standard Specifications, Section 202.03, Removing Existing Superstructure, Structural Concrete, Railings, Curbs, Sidewalks and Bridges*. Containment and disposal of construction and demolition debris shall be addressed in the Contractor's SEWPCP.
11. If a cofferdam sedimentation basin is used, it shall be located in an upland area where the water can settle and sink into the ground or be released slowly to the resource in a manner that will not cause erosion. The location of such a cofferdam sedimentation basin shall be addressed in the SEWPCP.
12. Prior to release to a natural resource, any impounded water that has been in contact with concrete placed during construction must have a pH between 7.0 and 8.5, must be within one pH unit of the background pH level of the resource and shall have a turbidity no greater than the receiving resource. This requirement is applicable to concrete that is placed or spilled (including leakage from forms) as well as indirect contact via tools or equipment. Water not meeting release criteria shall be addressed in the SEWPCP. Discharging impounded water to any resource must take place in a manner that does not disturb the resource bottom or cause erosion.
13. The Contractor shall be responsible for monitoring pH with a calibrated meter accurate to 0.1 units. A record of pH measurements shall be kept in the Environmental Coordinator's log (Section 656.4.4)
14. Disturbed and impervious areas and erosion control devices shall be inspected weekly, as well as before and after storm events and prior to permanent stabilization. Log reports must be kept summarizing the inspection. Logs shall be maintained for three years.

30. Stormwater Pollution Prevention Plan

Stormwater Pollution Prevention Plan

See enclosed narrative describing stormwater pollution prevention.

STORMWATER POLLUTION PREVENTION PLAN PORTLAND INTERNATIONAL MARINE TERMINAL

April 2014

FACILITY NAME: Port of Portland, International Marine Terminal

FACILITY ADDRESS: 460 Commercial Street Portland, Maine

OWNER/OPERATOR:

Maine Port Authority: John Henshaw (207) 200-2401; Patrick Arnold (207) 408-5391

Ports America: Jack Humeniuk, Bobby Connolly (207) 232-5178

Maine Department of Transportation: Joel Kittredge (207) 624-3550

WATER BODY: Fore River, Portland Harbor

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) OVERVIEW

This Stormwater Pollution Prevention Plan:

- Identifies the SWPPP coordinator with a description of the coordinator's duties;
- Identifies members of the SWPPP team and lists their responsibilities;
- Describes the facility operational areas and description of stormwater drainage features;
- Identifies potential stormwater contaminants;
- Describes stormwater management controls and BMP's required to reduce pollutants in stormwater discharges;
- Describes the facilities monitoring plan, and;
- Describes the implementation schedule and provisions for amendment of the plan.

1 PLANNING AND ORGANIZATION

1.1 SWPPP COORDINATOR AND TEAM

The team members and list of responsibilities is as follows:

Person in Charge: Patrick Arnold, (207) 408-5391

Title: Maine Port Authority

Responsibilities: Coordinates all stages of plan development, inspections and implementations. Coordinates employee training programs, keep all records and ensures that monitoring and inspection reports are maintained as part of the SWPPP. Coordinates container storage layout, movement, loading, unloading and site operations. Coordinates and implements other plans such as Spill Containment and Countermeasure (SPCC).

Member: Jack Humeniuk, Bobby Connolly (207) 232-5178

Title: Ports America

Responsibilities: Implement the preventative maintenance program. Oversee good housekeeping activities, serves as spill response coordinator. Conduct/assist with inspections and training program, conduct and document visual sampling and comprehensive inspections.

Member: Joel Kittredge, (207) 624-3550

Title: Maine Department of Transportation

Responsibilities: Assurance of quality control implementation.

2 ASSESSMENT

2.1 SITE DESCRIPTION

The following is an overview of the IMT facility, description of site usage and identification of possible stormwater pollutant areas. Each of the following areas are defined:

- Site activities
- Address
- Number of acres
- Length of waterfront
- Buildings and use
- Storage locations
- Container movement
- Type of vehicles used on site
- Vehicle maintenance activities
- Site restrictions
- Other potential hazards

The International Marine Terminal (IMT) is located at 460 Commercial Street in Portland, Maine, between Commercial Street and the Fore River, and at the same location as the Casco Bay Bridge. The site covers approximately 33 acres and has approximately 2,500 linear feet of frontage on the Fore River.

Activities on site include on and off loading of cargo containers from international shipping, storage of containers and deliver and pickup of containers by trucking and rail. Containers are moved on site with a Liebherr LHM 320 Mobile Harbor Crane, Taylor TEC-950L Top Lifter, Fantuzzi Reach Stacker, Kalmar Reach stacker DRF450-65S5 and Kalmar Ottawa 4x2 Yard Tractors.

The site contains three buildings, a 3,300 square foot office building for facility management staff near the Commercial Street entrance, a 4,500 square foot maintenance building located at the pier and a 6,300 square foot cold storage building (the Rubb Building).

Stormwater runoff from the facility drains to one of five outlets and is described from east to west as follows:

- The eastern most outlet is a 15" PVC storm drain that collects stormwater runoff from the upper yard where various containers are stored including refrigerated and flammable liquid. Runoff is collected via catch basins and storm drains. The outlet is located on the southern end of the site in the seawall and is shown as Outlet #1 on the Site Map.

- A catch basin with 4" PVC storm drain is located directly in front of the Maintenance Building overhead door and collects a small amount of stormwater from the area around the overhead door. The outlet is located beneath the Maintenance Building in the sea wall and is shown as Outlet #2 on the Site Map.
- A catch basin with 12" PVC storm drain is located east of the Rubb Building and collects a small amount of stormwater from the area around the concrete loading slab east of the Rubb Building. The outlet is located beneath the dilapidated wood pier in the sea wall and is shown as Outlet #3 on the Site Map.
- The middle portion of the site, east of the Casco Bay Bridge, outlets in the seawall via two separate storm drain systems. A 24" RCP and 30" RCP collect stormwater runoff from the lower container storage lot via catch basins and storm drains. The outlets are located near the Casco Bay Bridge and are shown as Outlet #4 on the Site Map.
- The western most portion of the site is the chassis storage yard and concrete loading ramp. The chassis storage yard is constructed of a porous crushed stone surface. All stormwater runoff from this portion of the site percolates into the existing ground. In the event the porous media becomes clogged, overflow is provided via two catch basins within the chassis storage yard. The catch basins are connected to the Combined Sewer Overflow (CSO) owned by the City of Portland and discharge into the Fore River near the Bridge Maintenance Building. The concrete slab drains into scuppers which also are connected to the CSO. The CSO outlet is located along the seawall near the Bridge Maintenance Building and is shown as CSO Outlet on the Site Map.

Vehicle Maintenance will only take place at the maintenance building (with the exception of in-place breakdown repairs). Residuals such as oil, grease or paint scrapings from typical maintenance operations will be collected and stored in 55 gallon drums and removed from the site as needed.

Container Cargo Ships will dock at the facility and will on and off-load container boxes. Bunkering and sewage management is performed by accredited vendors in accordance with United States Coast Guard regulations. Boats may replenish their supply of fresh water and may also recharge electrical capacitors while docked at the facility.

Containers and general cargo will be stored throughout the facility. Loaded containers will be sealed while stored at the facility. Loading and unloading of containers generally occurs at the Rubb Building. Containers and general cargo will not be stacked in the chassis storage lot.

Rail cars will be stored along the concrete loading slab at the western side of the facility and will allow for on and off-loading container boxes.

RESTRICTED USE: The chassis storage yard allows for infiltration of stormwater runoff into the underlying soils therefore use of this area is restricted to prevent contaminants from entering the groundwater. The following uses are strictly prohibited in this portion of the facility:

- Storage of salt/sand mixtures
- Bulk storage of petroleum products
- Maintenance of vehicles and equipment (excluding in-place breakdowns)
- Long term storage of vehicles and equipment that has potential to leak pollutants
- Other activities that present a risk of significant pollutant discharges to groundwater

A Site Map of the IMT facility for use with this SWPPP shows buildings, storage areas, parking areas, stormwater drainage outlets, vehicle maintenance areas, restricted areas and site access is shown on the following page.

2.2 SIGNIFICANT MATERIAL INVENTORY

SWPPP MATERIAL INVENTORY:

AREA	POTENTIAL SOURCE	POLLUTANT
Maintenance Bldg	Vehicles, waste containers	Oil, grease, metal chips, paint
Container on/off loading	Vehicles, vessel, rail, containers	Oil, grease
Container storage	Containers, transport vehicles	Oil, grease, metal chips
Travel ways	Transport vehicles	Oil, grease, sand, salt
Waste handling	Vehicles, waste containers	Trash, non-hazardous waste
Flammable liquids storage	Containers	Flammable liquids
Parking	vehicles	Oil, grease, sand, salt

Incoming Container Inspection: As part of the normal operating procedures for the facility, containers are monitored for leaks at time of arrival whether the arrival is from vessel, rail, or highway. Any leaks will be contained and cleaned up immediately and this information is recorded in the stevedore's "Statement of Fact".

Stored Container Inspections: Stored containers will be visually monitored as part of daily reconnaissance which includes visual observations.

Vehicles: Vehicles used at the IMT facility for container on and off loading as well as on-site transporting will be monitored by the Port Operator according to the standard operating procedures. Otherwise, monitoring will occur on a weekly basis. This will typically occur in the Maintenance Building where immediate repairs may be implemented. Vehicles stored in the chassis storage lot shall be visually monitored and relocated and repaired immediately if dripping fluid is observed.

Methods and Location of Storage & Disposal: Waste materials such as oils, grease and coolants will be stored at the Maintenance Building in specifically marked containers. All containers will be securely closed at all times. Transport will be limited to reduce risk of spills and will be conducted by equipment intended for transporting such containers. Disposal of waste materials will be in accordance with all local, state and federal regulations and will occur as needed. Waste products will be disposed of frequently enough as to prevent large quantities of storage at the facility.

All paved surfaces will be maintained, cleaned, and swept by a certified vendor as sediments buildup. Winter sanding will be kept to a minimum and salt will be primarily used during snow removal to limit sediment buildup.

Training and spill prevention for stormwater pollution prevention will become part of the IMT site operations program. New employees will be trained and become knowledgeable with this manual, locations of hazardous materials, storage locations, spill prevention, inspections, cleanup and reporting.

2.3 SPILLS AND LEAKS

All spills will be cleaned immediately and reported if necessary depending on the material, size and location of the spill. Spill kits will be located at the Maintenance Building and throughout the facility as deemed necessary depending on hazard type. Spill kits will be restocked as needed. In the event of spills, priority will be given to

preventing pollutants from entering into the stormwater drainage systems. Absorbent pads will be located between spill and catch basin inlets if applicable.

2.4 NON-STORMWATER DISCHARGES

Vehicle maintenance could result in non-stormwater discharges. Maintenance will occur in the Maintenance Building to prevent non-stormwater discharges from entering the drainage system except in the event of a breakdown in the yard. Non-stormwater pollutant and discharges that may result in contamination will be monitored and pollutants will be picked up with absorbent pads.

2.5 SITE SUMMARY

The IMT facility will be used for cargo container on- and off-loading from vessels, rail and highway transport vehicles and the movement and storage of cargo containers on site prior to their transport. Potential pollutants are those generally associated with vehicles and within storage containers.

3 IMPLEMENTATION

This section describes practices that are in place to control pollutants that have the potential to contaminate stormwater.

3.1 GOOD HOUSEKEEPING

Good housekeeping practices are the most effective first step towards preventing pollution in stormwater. The following is a list of good housekeeping practices that apply to the IMT facility:

- Immediately clean up spills with an absorbent material;
- Spills and leaks around containers are monitored as part of daily security;
- Vehicle monitoring is part of the operator standard operating procedures;
- Store fuel and wastes indoors and in sealed containers;
- Fuel storage containers are periodically monitored during fueling operations;
- Changing of fluids, painting, sandblasting, sanding and scraping is done in designated areas with proper containment for waste materials. Drip pans and tarps are used to capture drips or spills. Absorbent pads and quick-dry granular materials are used to clean up spills and leaks;
- Prohibit use and transport of contaminants in porous stone chassis storage yard;
- Crane maintenance procedures are performed in accordance with terminal's stevedore as part of their standard operating procedure.

3.2 PREVENTATIVE MAINTENANCE

This preventative maintenance program involves inspections and maintenance of stormwater management controls and routine monitoring of facility operations to detect faulty vehicles or containers. Such equipment will be routinely monitored for signs of deterioration. Preventative maintenance measures will include but not be limited to:

- Visual monitoring of incoming vessels, trucks and cargo containers;
- Regular monitoring of stored cargo containers;
- A written spill prevention and response policy;

- A spill prevention and response procedure;
- Spill response equipment is located at potential spill areas;
- Waste fluids are stored inside and are properly stored in sealed/labeled containers;
- Batteries are stored in a secure area and are properly disposed of as needed;
- Catch basins and sediment chambers are checked and cleaned as needed;
- Chassis storage yard porous stone surface is monitored and replenished as needed;
- Hydraulic equipment is kept in good repair to prevent leaks;
- Outdoor drum and storage tank containment areas are routinely checked for leaks;

3.3 BEST MANAGEMENT PRACTICES (BMP'S)

The following is a list of BMP's for the IMT facility. When implemented the following BMP's will prevent or reduce the discharge of potential pollutants in stormwater runoff.

- Hazardous materials that are in easily ripped or breakable containers (such as bags or plastic buckets) are handled with care;
- Staff members are present during all fueling operations and loading/unloading operations;
- Cover catch basin inlets in the vicinity of drum handling operations;
- Prohibit bulk contaminants from being stored or used on the porous chassis storage yard;
- Keep dumpster lid closed except for when in use.

3.4 SEDIMENT AND EROSION CONTROL

The existing shorefront has the potential for erosion in locations where soils are present. Soil areas along the shorefront will be inspected annually and after major storm events to ensure erosion does not occur and will be reported if noticed.

Winter sanding and salting have the potential for depositing sediments and therefore will be very limited at the facility. The porous crushed stone surface in the chassis storage yard also has the potential for clogging with winter sanding sediment therefore this area will not be sanded and will be limited to salt. Inspections will monitor sediments in the stone surface as well as ensuring crushed stone surface thickness is maintained at 3" or greater. If clogging or rutting occurs, the crushed stone surface will be removed, sediments removed, and stone surface replaced to a thickness of 4".

3.5 MANAGEMENT OF STORMWATER RUNOFF

The following management practices for runoff are used at the IMT facility:

- Stormwater catch basins are deep sump with hoods and are monitored and cleaned as necessary;
- Chassis storage yard porous crushed stone surface is monitored and repaired/replaced as necessary;
- Drainage outfalls discharge to riprap pads;

3.6 SPILL PREVENTION AND RESPONSE

- Spill response equipment is stored throughout the facility and includes absorbent pads and quick dry granular materials;
- All personnel are made aware of spill kit locations and trained in use;

- The pollution prevention team leader or spill coordinator will be advised immediately of all spills of hazardous materials or regulated materials, regardless of quantity;
- Spills will be evaluated to determine the necessary response. If there is a health hazard, fire or explosion potential, 911 will be called. If a spill is large or threatens surface waters, including storm drains, the MaineDEP will be called at (800) 482-0777;
- Spills will be contained as close to the source as possible with a berm of absorbent materials from the emergency spill kit. Additional berms will be deployed to protect stormwater.
- Spills in the porous chassis storage lot may require additional response and clean up such as removal and replacement of stone surfacing and underlying gravel media. This will depend on the nature and magnitude of the spill.

3.7 EMPLOYEE TRAINING

All employees will be properly trained in the implementation of this SWPPP. Pollution prevention team members will meet annually to discuss the effectiveness of and improvements to the plan.

4 EVALUATION

4.1 ANNUAL VISUAL MONITORING

Annually and after large storm events, SWPPP team members will examine the stormwater discharges at each outfall at the IMT facility. Monitoring should occur at or near LOW TIDE. Team members will document observed contamination/problems with date and time and will determine the source of contamination, if observed, and take action to eliminate it. The monitoring log will contain at a minimum the following information:

- Date, time, tide level and weather conditions;
- Outfall location and description;
- Observations and contaminants;
- Possible source of contaminant;
- Action taken to prevent future discharges;

4.2 ANNUAL SITE INSPECTIONS (COMPREHENSIVE SITE COMPLIANCE EVALUATION)

The SWPPP team for the IMT facility will prepare a Compliance Evaluation Report on an annual basis. The report will include the following information:

- Date;
- Name of person conducting inspection
- Observations;
- Evidence of pollution;
- Inspection of equipment and cargo containers;
- Evaluation and assessment of BMP's
- Corrective actions taken;
- Signed/dated certification;

Reports will be kept with the site SWPPP. Both the Evaluation Report and reports of follow-up action must be certified as follows: “This Compliance Evaluation Report has been prepared by qualified personnel who properly gathered and evaluated information submitted for this Report. The information provided in this Report, to the best of my knowledge, is accurate and complete.”

4.3 RECORDKEEPING AND REPORTING

The IMT facility will maintain records of spills, leaks, inspections and maintenance activities as described in this SWPPP for at least three (3) years from the date the permit coverage expires or is terminated. These records will be made available to state or federal inspectors upon request. Additionally, employee training records shall be maintained by Ports America and verified by the Maine Port Authority.

4.4 PLAN REVISIONS

If the IMT facility expands its operations or changes and significant material handling or storage practices which could impact stormwater, this SWPPP will be amended. The amended Plan will describe the new activities and planned control measures. This plan will also be amended if a state or federal inspector determines that it is not effective in controlling stormwater pollutants discharged to waterways.

5 CERTIFICATIONS

Certifications will be signed by an “authorized representative, “i.e., someone who is at or near the top of the IMT facility’s management team that has the authority to sign and certify this type of document.

- Non-stormwater Discharges;
- Stormwater Pollution Prevention Plan;

NON-STORMWATER DISCHARGES:

Example 1: “All stormwater outfalls to surface waters at this facility have been evaluated and found to be free of non-stormwater discharges.”

Example 2: “With the exception of run-off from the salt storage area, all stormwater outfalls to surface waters at this facility have been evaluated and found to be free of non-stormwater discharges.”

STORMWATER POLLUTION PREVENTION PLAN:

This Stormwater Pollution Prevention Plan has been prepared in accordance with good engineering practices. Qualified personnel gathered and evaluated information submitted for this Plan. The information in this Plan, to the best of my knowledge, is accurate and complete.

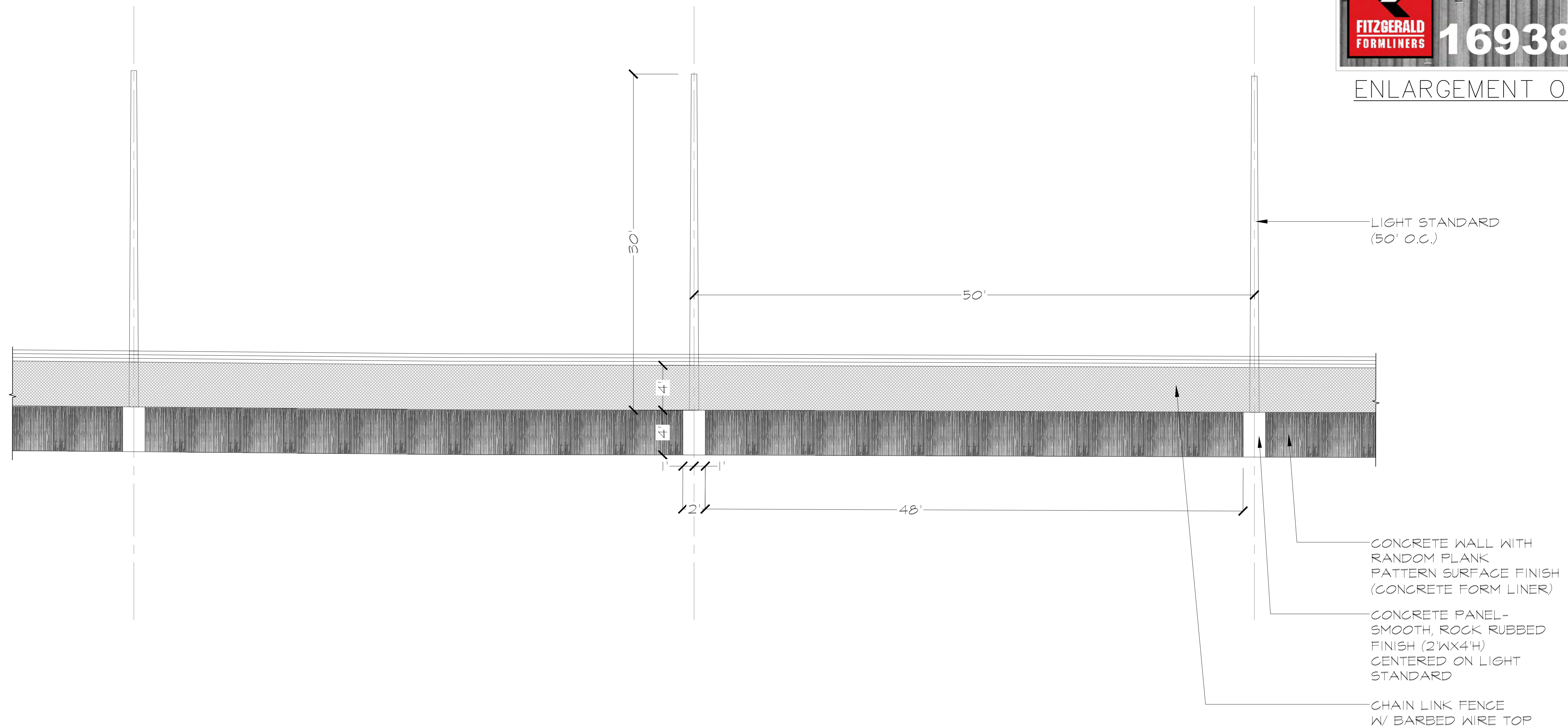
Name_____

Title_____

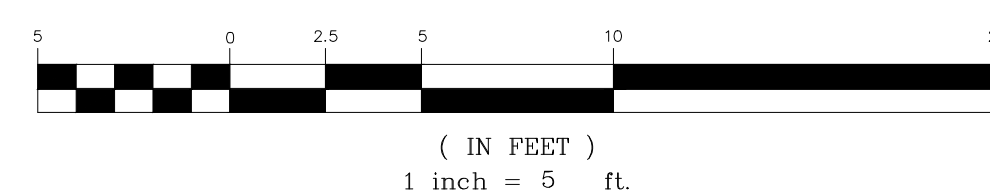
31. Intermodal Ramp Illustrative Elevation (Commercial Street)



ENLARGEMENT OF FINISHED SURFACE



ILLUSTRATIVE ELEVATION: CONCRETE LOADING SLAB





April 25, 2014

Mr. Rick Knowland, Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: IMT Expansion Project, Amended Drawings

Rear Rick,

On behalf of the Portland International Marine Terminal and MaineDOT, we are submitting revised drawings of the proposed Commercial Street Improvements for your review and consideration. These plans have been revised to better accommodate truck maneuvering by Nova Seafood in the area adjacent to the Beach Street Intersection. As you know, the design team has been working collaboratively with Nova Seafood over the past few weeks to develop a signalized intersection that meets the needs of Nova Seafood as well as the IMT and necessary intersection improvements at Beach Street. We believe that these latest revisions accommodate necessary maneuvering for Nova Seafood as well as through circulation and movement of vehicular, bicycle, and pedestrian traffic along West Commercial Street. This will provide significant and necessary improvement along this stretch of the roadway.

Also attached as part of this submittal are renderings of the Commercial Street streetscape that we recently completed indicating existing and proposed conditions looking east and west. These might be helpful in understanding how the West Commercial Street corridor will be improved as part of this project.

We are in receipt of Peer Review comments from Woodard and Curran and your office. These issues are being internally reviewed and we will be prepared to address those comments at the staff meeting scheduled for next Wednesday, April 30. We are planning to submit a formal response to all comments next week shortly after that staff meeting.

Please accept the attached plans for formal review. As always, we appreciate working with you and the City Staff on this important project and look forward to its successful approval and implementation. Please contact me if you have any questions or concerns.

With Regards,
CARROLL ASSOCIATES

A handwritten signature in black ink, appearing to read 'Patrick J. Carroll'.

Patrick J. Carroll, Principal

Cc: Joel Kitteredge, MaineDOT
Craig Morin, HNTB
Mitch Elliot, HNTB
Bill Needleman, City of Portland
Barbara Barhydt, City of Portland

Enc. See Transmittal for Plan Details

217 Commercial Street, Suite 200
Portland, ME 04101
207-772-1552 207-772-0712 (fax)

Carroll Associates

T R A N S M I T T A L

To: Rick Knowland

From: Pat Carroll

Date: 04.25.2014

Re: IMT Expansion Project

CC:

Amendment Package #1

☐ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Enclosed please find the following:

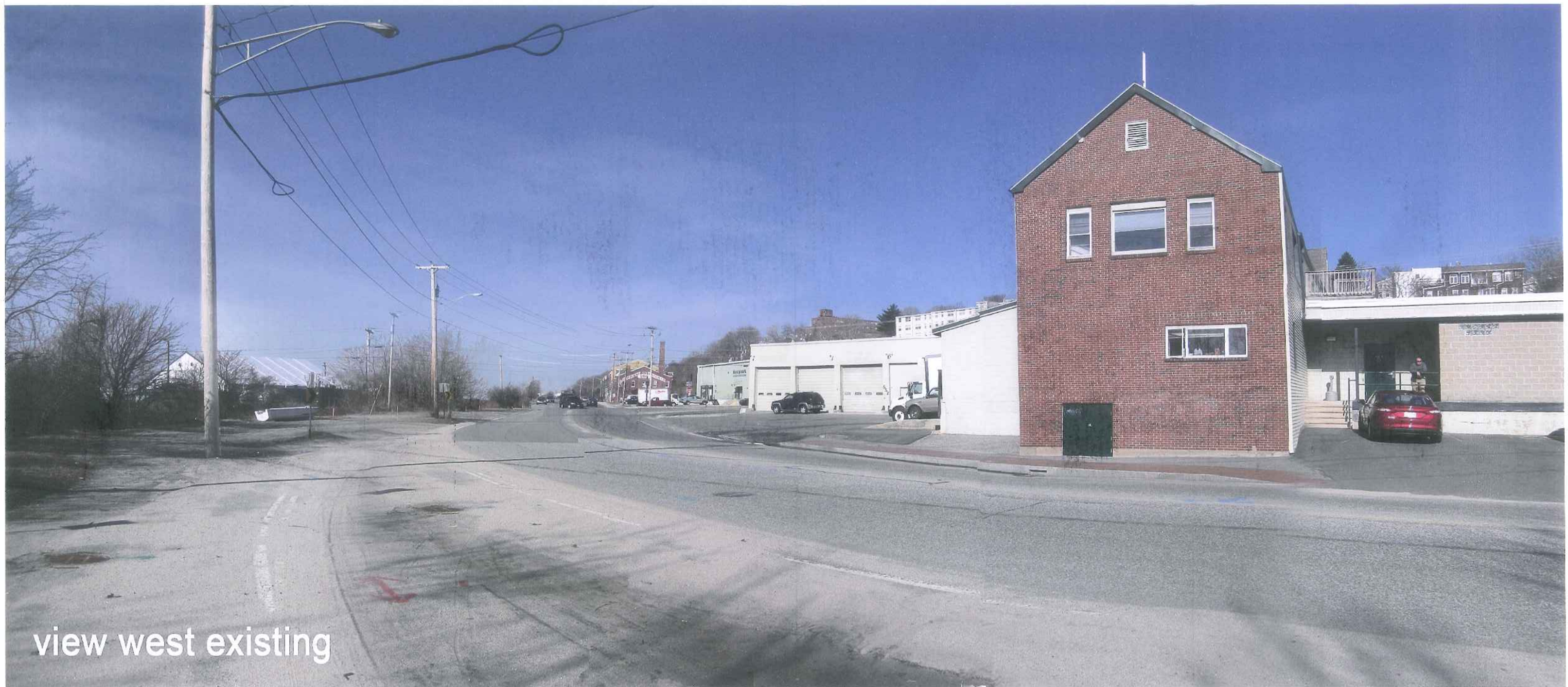
- Plans, updated April 24, 2014
 - H2- Commercial Street Plan 1 (Updated)
 - H3- Commercial Street Plan 2 (Updated)
 - H4- Commercial Street Plan 3 (Updated)
 - H32- Commercial Street Signal Plan 1 (NEW)
 - H4- Commercial Street Signal Notes (NEW)
- Perspective Sketches
 - Commercial Street View East, Existing
 - Commercial Street View East, Proposed
 - Commercial Street View West, Existing
 - Commercial Street View West, Proposed
- One full size copy of all plans (24"x36")
- One reduced copy of all plans (11"x17")
- CD of plans in pdf format



view east existing



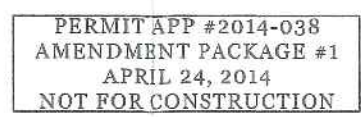
view east proposed



view west existing



view west proposed



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.20
WIN 022809.20

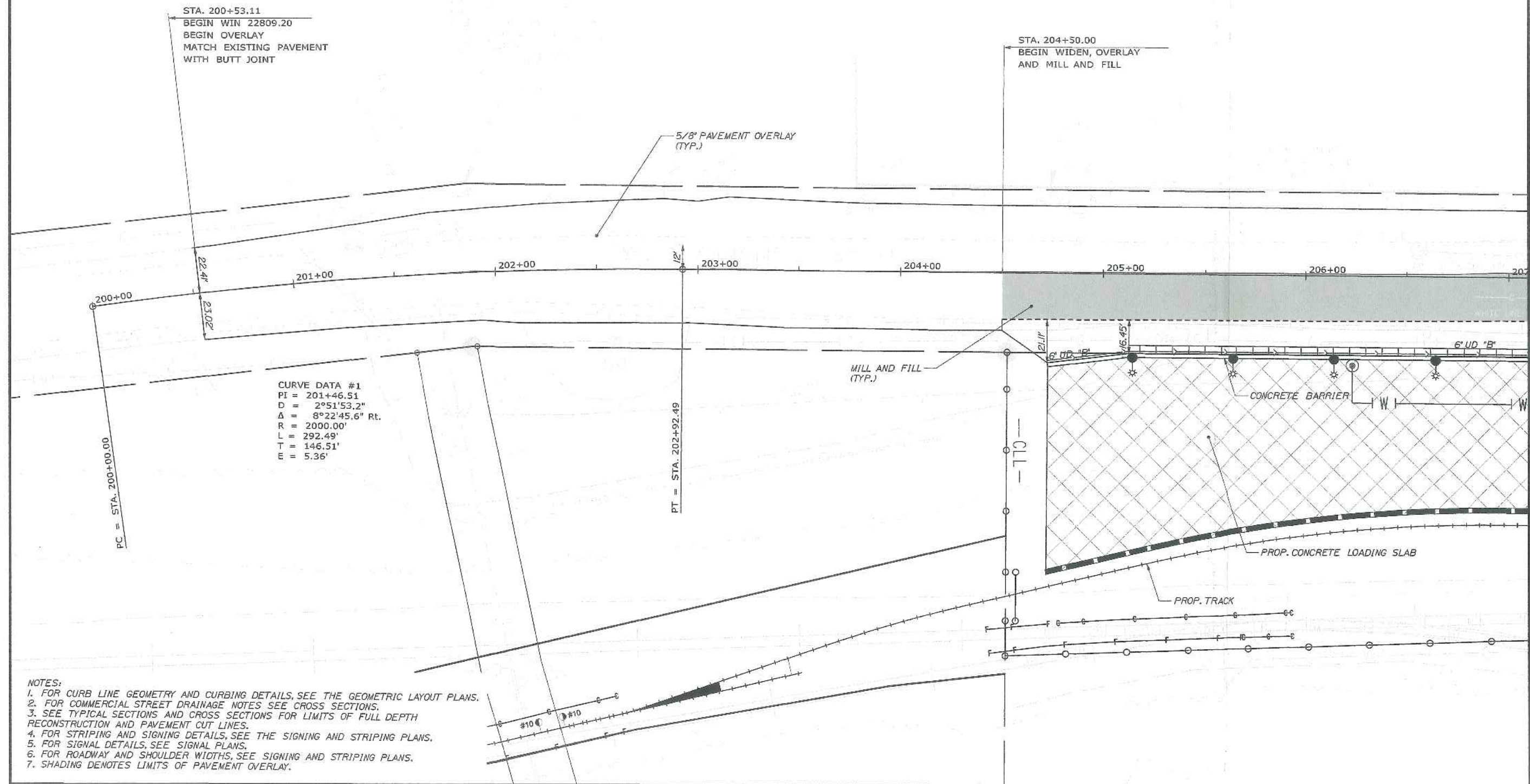
PROJ. MANAGER	J. INTREDE	BY	DATE
DESIGN DETAILD	FWH	RWH	04/14
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REVISIONS 1	UPDATE	INTERSECTION	4/24/14
REVISIONS 2	-	-	-
REVISIONS 3	-	-	-
REVISIONS 4	-	-	-
FIELD CHANGES	-	-	DATE

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
PORTLAND CUMBERLAND COUNTY
COMMERCIAL STREET
PLAN

SHEET NUMBER

H2

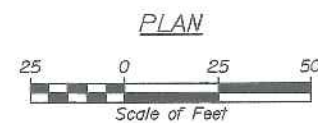
34 OF -



- NOTES:
1. FOR CURB LINE GEOMETRY AND CURBING DETAILS, SEE THE GEOMETRIC LAYOUT PLANS.
 2. FOR COMMERCIAL STREET DRAINAGE NOTES SEE CROSS SECTIONS.
 3. SEE TYPICAL SECTIONS AND CROSS SECTIONS FOR LIMITS OF FULL DEPTH RECONSTRUCTION AND PAVEMENT CUT LINES.
 4. FOR STRIPING AND SIGNING DETAILS, SEE THE SIGNING AND STRIPING PLANS.
 5. FOR SIGNAL DETAILS, SEE SIGNAL PLANS.
 6. FOR ROADWAY AND SHOULDER WIDTHS, SEE SIGNING AND STRIPING PLANS.
 7. SHADING DENOTES LIMITS OF PAVEMENT OVERLAY.

Filename: 034_Highway_001.dgn

Filename: 035_Highway_002.dgn



PERMIT APP #2014-038
AMENDMENT PACKAGE #1
APRIL 24, 2014
NOT FOR CONSTRUCTION

CURVE DATA #1
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Δ = 40°00'45.9" Rt.
R = 73.50'
L = 51.33'
T = 26.76'
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R = 263.50'
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STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.20
WIN
022809.20

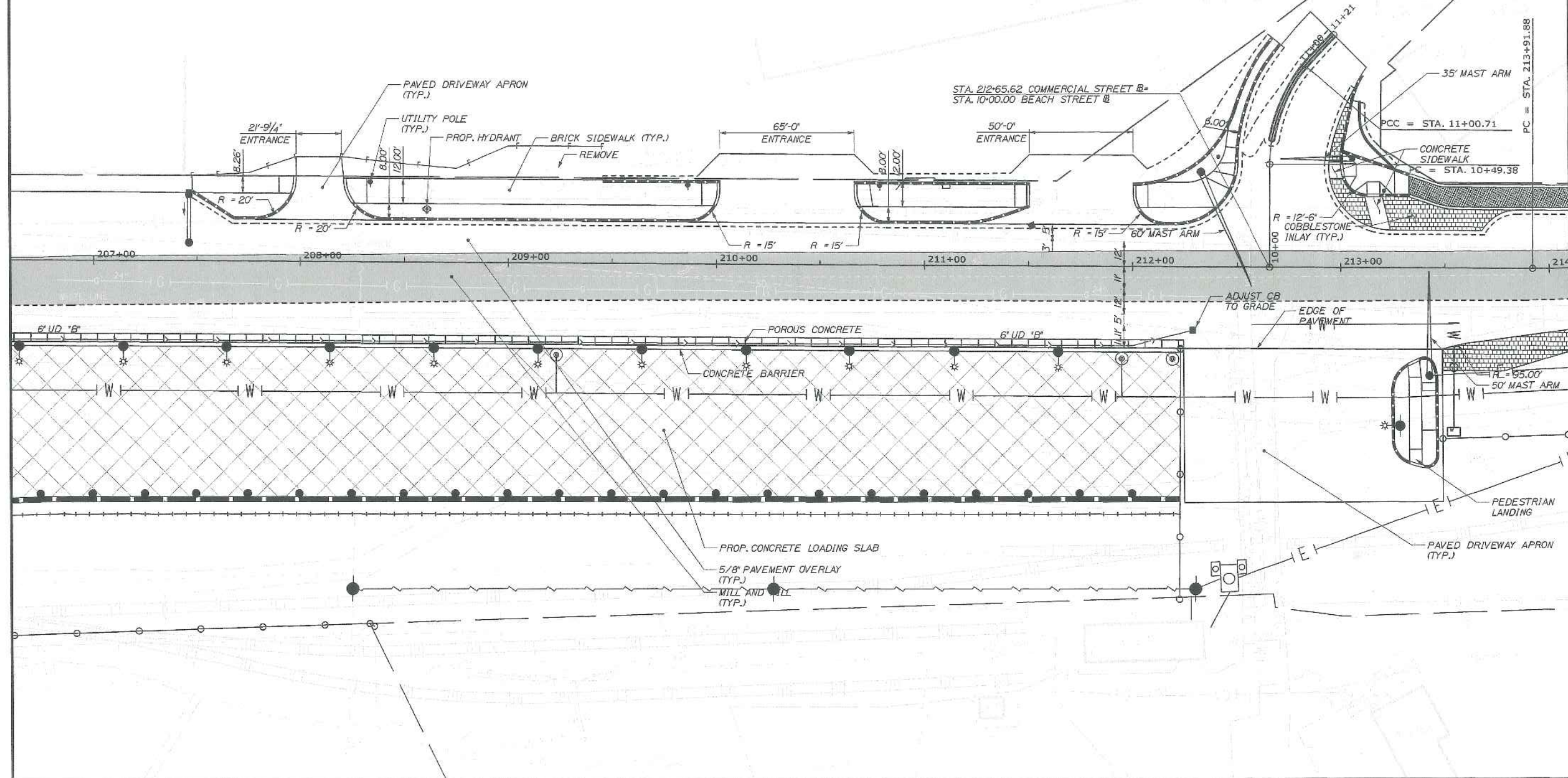
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CHECKED-REVIEWED	-	-	04/14
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PROVISIONS 1	-	UPDATED INTERSECTION	4/24/14
PROVISIONS 2	-	-	-
REVISIONS 3	-	-	-
REVISIONS 4	-	-	-
FIELD CHANGES	-	-	-
			SIGNATURE
			P.R. NUMBER
			DATE

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
PORTLAND CUMBERLAND COUNTY
COMMERCIAL STREET
PLAN

SHEET NUMBER

H3

35 OF -



Date: 4/24/2014

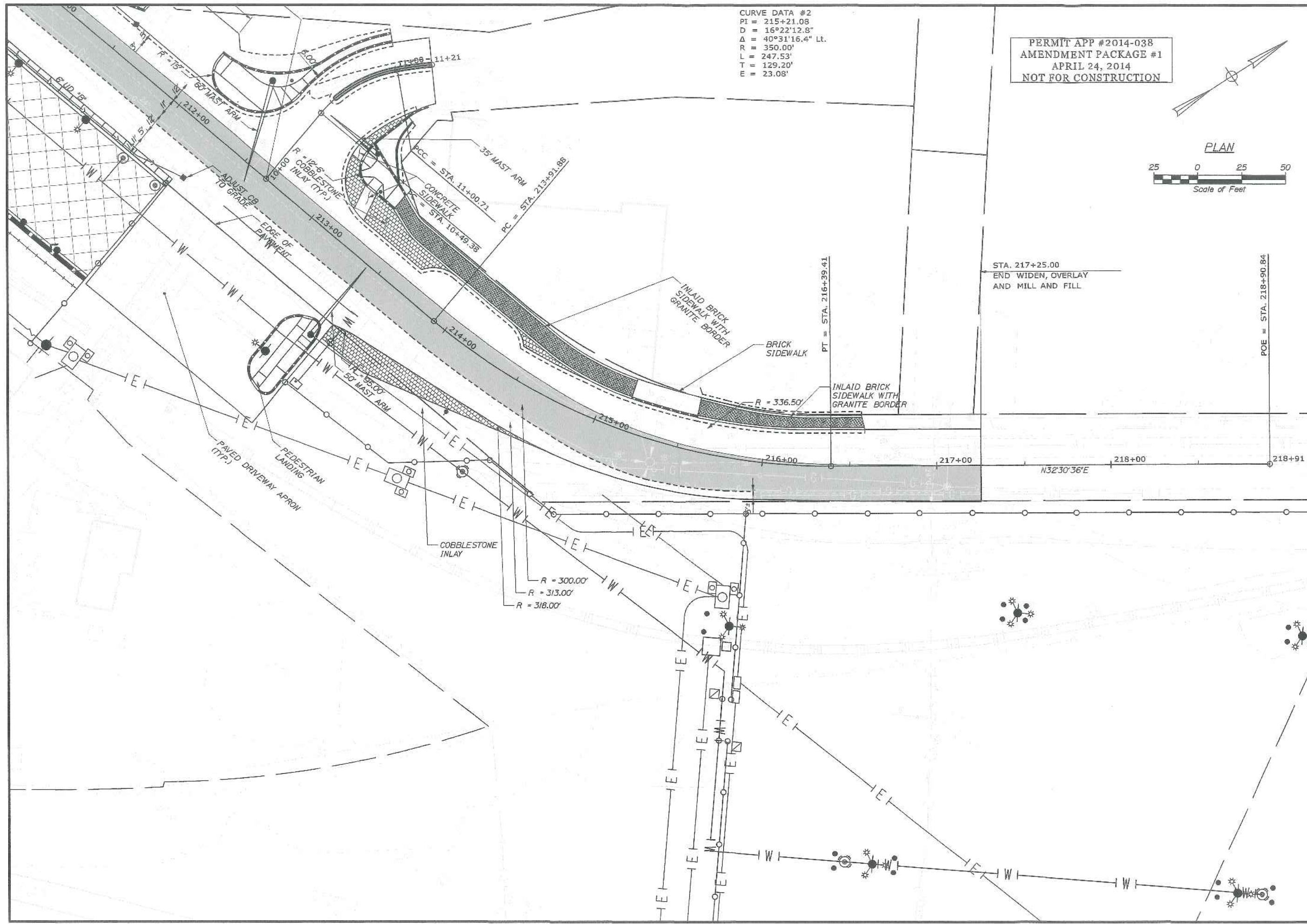
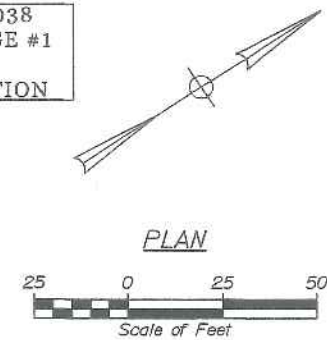
Username:

Division:

Filename: 036_Highway_003.dgn

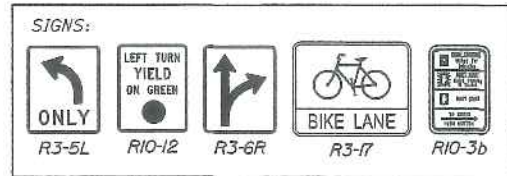
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T = 129.20'
E = 23.08'

PERMIT APP #2014-038
AMENDMENT PACKAGE #1
APRIL 24, 2014
NOT FOR CONSTRUCTION



STATE OF MAINE		DATE		BY		J. INTREDE		PROJ. MANAGER		PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY	
DEPARTMENT OF TRANSPORTATION		04/14		RWI		RWI		DESIGN DETAIL 02		COMMERCIAL STREET	
PROJECT NUMBER 022809.20		SIGNATURE		DATE		4/24/14		DESIGN DETAIL 03		PLAN	
WIN 022809.20		P.E. NUMBER		DATE		4/24/14		REVISIONS 1		SHEET NUMBER	
								REVISIONS 2		H4	
								REVISIONS 3		36 OF -	
								REVISIONS 4			
								FIELD CHANGES			

Date: 4/24/2014



MAST ARM & STEEL POLE ON FOUNDATION
PEDESTAL POLE & FOUNDATION
SIGNAL HEAD
PEDESTRIAN SIGNAL HEAD
PEDESTRIAN PUSH BUTTON & SIGN R10-3b
CONTROL CABINET & FOUNDATION
JUNCTION BOX
MAST ARM OR SPAN WIRE MOUNTED SIGN
DETECTOR ZONE
VIDEO DETECTOR
PREEMPTION RECEIVER
PREEMPTION CONFIRMATION STROBE
INTERCONNECT WIRE
3" UNDERGROUND CONDUIT
UNDERGROUND CONDUIT FOR LIGHTING

64 OF -

PROJ. MANAGER	J. MITCHELL	BY	DATE
DESIGNER-DEL TALLEO	UPC		04/14
CHECKED-REVIEWED	RW/IME		04/14
DESIGNER-DEL TALLEO			
DESIGNER-DEL TALLEO			
DESIGNER-DEL TALLEO			
REVISIONS 1	AUTOCAD PLAN		4/24/14
REVISIONS 2			
REVISIONS 3			
REVISIONS 4			
FIELD CHANGES			

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.20

WIN
022809.20

HNTB Corporation
The HNTB Companies
Engineers Architects Planners

340 County Road, Suite 6-C
Westbrook, ME 04092

Telephone (207) 774-5155
Facsimile (207) 228-0909
www.hntb.com

May 6, 2014



Mr. Rick Knowland
Planning Board Project Coordinator
City of Portland
389 Congress Street
Portland, ME 04101

RE: Site Plan Application for Portland IMT, Existing Laydown and Connecting Corridor Connection
Amendment #02

C/O: Pat Carroll, Carroll Associates (email: pcarroll@carroll-assoc.com)

Rick,

Please find attached responses to the City's questions and comments received to date regarding the Portland IMT subject project. We have copied the comments directly into this letter and provided our responses immediately following each comment. If you have any additional questions regarding these responses, please do not hesitate to contact me or our project liaison, Pat Carroll.

Regards,

A handwritten signature in blue ink, appearing to read "C.R. Morin".

Craig R. Morin, P.E.
Project Manager

C: Joel Kittredge, Project Manager, MaineDOT (via email: Joel.C.Kittredge@maine.gov)

Encl.: Response to Comments
Attachments

HNTB File No.: 62506-DS-001-001
M:\jobs\62506 - Portland IMT Corridor Connection (Stage1)\Communications\Letters\
LTR 01 Response to City Comments 05-06-14.docx

COMMENTS FROM DAVID SENUS (VIA EMAIL, APRIL 23, 2014, ATTACHMENT A) AND RESPONSES:

Comment 1

In accordance with Section 5 of the City of Portland Technical Manual, a Level III Site Plan project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards as written in Section 5 of the City of Portland Technical Manual. We offer the following comments:

- a) Basic Standard: The Applicant has provided a plan, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500; refer to sheets SW 7, SW 8 & SW 9. These plans should be made available to the contractor as part of the construction documents. The erosion and sediment control detail sheet (C11) should include details for stone check dams and a sediment barrier.

Response: The Erosion and Sediment Control Detail Sheet C11 will be revised to include details for stone check dams and sediment barrier.

- b) General Standard: The project will result in an increase in impervious area of approximately eight acres. As such, the project is required to include stormwater management features for stormwater quality control. The Applicant has proposed a porous crushed stone yard surface to infiltrate stormwater to meet the quality requirements associated with the General Standards; this approach is acceptable as presented.

The Applicant has considered the development of the rail corridor and concrete loading slab as a "linear" portion of the project and has noted that these features are part of an existing travel corridor in existence prior to July 19, 2007. The Applicant notes that the project is not required to meet the General Standards for linear areas, with reference to Section 3(B)(2) of the Memorandum of Agreement (MOA) for Stormwater Management that exists between the Maine DOT, Maine Turnpike Authority and Maine Department of Environmental Protection. However, the project must also meet the minimum standards set forth by the City of Portland, which includes conformance with the MaineDEP Chapter 500 standards without exception. Therefore, the Applicant is required to provide stormwater quality treatment for linear portions of the project to "no less than 75% of the volume from the impervious area" (Technical Standards Section 5, III., Chapter 500, Section 4, B, (3), c.). The Applicant should provide treatment for this area in accordance with the General Standard as written in the City's Technical Manual. The Applicant has considered the Commercial Street shoulder widening as "linear" and has stated that they are not required to provide treatment to meet the General Standards for the same reason as noted above; however, they have proposed porous concrete in this shoulder area, which will provide treatment for this new impervious area. As explained above, the Applicant would be required to provide treatment for this linear portion of the project, and the use of porous concrete is an acceptable measure for treating this area. Therefore, the Applicant has demonstrated compliance with the General Standard for the widened shoulder area of Commercial Street.

Response: As pertaining to the rail component, and per discussions at the April 30, 2014 City Staff Meeting, it was agreed that treatment of the rail portions of the project is provided through infiltration into the under drain system, similar to method used for the Commercial Street improvements. Linear portions of the project provide stormwater quality treatment as outlined in the Stormwater Report for the IMT dated March 26, 2014, submitted with the Level III Site Plan Applications. The Post-Development Conditions stormwater plan, SW2, has been revised to tabulate the area of stormwater quality treatment provided for linear portions of the project (see Attachment B). It can be seen from the Summary of Treatment table on SW2 that treatment is provided for 117% of new impervious areas and 64% of new developed areas. This is a result of the rail improvements provided for treatment for 100% of the track length therefore providing treatment where existing track previously provided no treatment. This results in a surplus of linear development that receives stormwater quality treatment thus eliminating the need for additional treatment at the concrete loading slab.

- c) Flooding Standard: The project will result in an increase in impervious area of approximately eight acres. As such, the project is required to include stormwater management features to control the

rate of stormwater runoff from the site; however, much of the runoff from the Site is proposed to discharge to City-owned pipes that convey combined sewer overflows (CSO's) to the Fore River from CSO control structures in Commercial Street. This area of the Fore River is a tidal waterbody. As such, the Applicant has requested a waiver from the Flooding Standard. The Applicant should obtain approval from the City Department of Public Services for the proposed connections to City owned overflow or drainage pipes. If these connections are acceptable to the City, we would support the requested waiver from the flooding standard.

Response: It was noted by David Margolis-Pineo at the City Staff Meeting #1 that it would be acceptable to connect to City owned CSO's and drainage pipes.

Comment 2

The Stormwater Management Plan will need to include a stormwater inspection and maintenance plan for the proposed stormwater measures, such as the porous crushed stone yard surface and the porous concrete, developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.

Response: The Portland IMT Stormwater Pollution Prevent Plan will be revised to include stormwater inspection and maintenance of the Porous Concrete shoulder on Commercial Street and the Concrete Loading Slab scuppers. The Porous Crushed Stone Surface is included in section 3.4-3.5 of SWPPP.

Comment 3

Final plans must be stamped by a professional engineer (Section 14-527, sub-section (e) of the City of Portland Land Use Ordinance). At this time, the plans have not been stamped.

Response: Final plans will be stamped by a professional engineer and submitted to the City of Portland.

Comment 4

The Applicant has noted that approvals will be obtained from the MaineDEP for compliance with the Site Location of Development Act and Natural Resources Protection Act, and will be provided to the City upon receipt.

Response: Kristen Chamberlain of the Maine DOT will provide the City copies of SLODA and NRPA final approvals when received.

Comment 5

The Applicant has requested a waiver from the soil infiltration testing requirements of Technical Standard Section 5. Appendix D.4(a), which states that permeability must be shown to be reasonably consistent across the proposed infiltration area and may be determined by in-place well or permeameter testing, by analyses of soil gradation, or other means acceptable to the department. The Applicant anticipates that, based on known Site conditions derived from soil borings, a consistent permeability can be assumed across the Site. We support this waiver request so long as it is also supported by the MaineDEP during their review.

Response: John Hopeck of the Maine DEP reviewed the Stormwater Report and provided several technical comments to the design team. Soil infiltration was not a concern of the reviewer; therefore, it is understood that the outlined approach to infiltration was deemed acceptable. Our approach was discussed at the City Staff Meeting #1 and agreed upon by David Senus.

Comment 6

The Applicant has provided emails from the Maine Historic Preservation Commission (MHPC), who noted that they would like to dig a series of hand-dug test units along the proposed rail relocation line to help determine the status of the Glass Works Site underneath the proposed rail line. MHPC also concluded that an archaeologist should work with the excavation crew to monitor the work and record features of the canal if/as they are exposed. The Applicant should clarify the status of these items and whether an agreement between the MaineDOT and MHPC has been reached.

Response: At the City Staff Meeting #1, Kristen Chamberlain provided copies of the MHPC email correspondence as evidence of their conditions of approvals. A formal letter is included herein as Attachment C.

Comment 7

The MaineDEP expressed concerns regarding potential impacts to the Site's VRAP area; the Applicant should clarify whether these concerns have been resolved.

Response: At the City Staff Meeting #1, Kristen Chamberlain provided copies of Nick Hodkins' email correspondence as evidence of his sign off of the project. Nick is the DOT's VRAP coordinator. A copy of the correspondence is included herein as Attachment D.

Comment 8

As part of the PWD Conditions of Water Service, the existing domestic service to the Unutil site must be brought up to current standards, and the new services installed to serve the New Yard, LLC's boat yard must be terminated. It does not appear that the Site Utility Plan currently reflects these conditions. The Applicant should clarify.

Response: The PWD revised the Capacity to Serve letter to allow the Unutil and New Yard LLC domestic services. The revised letter is attached hereto as Attachment E.

Comment 9

As part of the PWD Conditions of Sewer Service, the District noted that details for the preferred alternative to constructing a reinforced concrete slab over the sewer interceptor must be reviewed and approved by the District and that an easement modification will need to be approved by the PWD Board of Trustees. The Applicant should clarify the status of these approvals.

Response: The PWD has since requested that the sewer interceptor receive a slip-lining treatment as part of the IMT project at the expense of the applicant. The applicant is amenable to this solution in lieu of developing alternatives to a concrete loading slab.

Comment 10

The proposed grading shown on Sheet SW2 and SW6 in Appendix D of the Stormwater Report and Sheet C8 - Site Grading and Drainage Plan do not appear to match. The Applicant should clarify.

Response: Grading plans will be updated and resubmitted to City.

COMMENTS FROM CITY STAFF MEMBERS (VIA EMAIL, APRIL 23, 2014, ATTACHMENT F) AND RESPONSES:

Comment 1

Please give us an update on the condemnation process for the parcels not owned by MDOT. Provide documentation of your ownership of the existing IMT facility east of the Fore River Bridge.

Response: The condemnation process was completed on April 28 and is supported by the documentation provided herein as Attachment G.

Comment 2

The submitted site plan materials I find confusing and suspect the Planning Board will as well. Most of the submitted sheets are technical in nature or cover specific topics such as lighting, erosion and sedimentation control, etc. This is ok but we need to have a clear and understandable general site plan (at a reasonable a scale) that provides an overview of the project. Plan sheets C-5 to C-7 have a title of "Site Plan" so I would recommend that site plan elements be clearly labeled and with appropriate dimensions which may require the plan be reformatted. The "General Description of the Project" plans in the "Description of Project" section of the note book would be a good model for a site plan assuming there is sufficient detail and dimensions. With a Planning Board meeting coming up this needs to be addressed asap. When I write my review memo, I can only comment on the material in hand so a clear and understandable site plan would be most helpful.

Response: The design team is providing a separate graphical sketch which clearly illustrates the points of significant interest to the City staff members (see Attachment H). The construction drawings submitted as part of the site plan application are technical in nature and specifically follow the MaineDOT's requirements for technical drawings. Therefore, we believe that a separate interpretive sketch will better serve your needs through the use of colorization and specific information that we know is important to the City.

Comment 3

Submit a plan that shows the entire IMT site (east and west of the bridge) so that we understand the relationship between the two sites particularly in relation to circulation.

Response: Please see the aforementioned sketch, Attachment H.

Comment 4

If your submission package does not include a waiver request it should since the Board will need to process this request.

Response: Our original package included a waiver request, but we have since updated this form. The updated waiver request is included herein as Attachment I.

COMMENTS FROM CPT. CHRIS PIRONE (VIA EMAIL, APRIL 30, 2014, ATTACHMENT J) AND RESPONSES:

Comment 1

The proposed expansion must meet the requirements of NFPA 1 and NFPA 307.

Response: The proposed expansion will meet the requirements of NFPA 1 and NFPA 307. Please see our Fire Safety Assessment and Fire Safety Plan prepared by Fire Risk Management and originally submitted with the site plan application. They are included herein for your use as Attachments K and L.

Comment 2

There are two existing reports for the IMT performed by Fire Risk Management which one report assessed code compliance and the other was a Fire Safety Plan for operations. These reports must be updated to include this expansion of this Marine Terminal to confirm all applicable codes and ordinances are being met.

Response: As noted above, the two existing reports have been updated and are included herein.

Comment 3

At quick glance, it appears hydrants will need to be installed and fire alarm pull-boxes which would need to be connected with the master fire alarm system for the IMT.

Response: Hydrants, standpipes, post indicator valves and fire alarm pull boxes are included in the design and will be connected with the master fire alarm system for the IMT.

Comment 4

Aisle widths and fire department access must be maintained throughout the IMT which is generally 20' aisle widths.

Response: Fire department access is maintained as noted in the drawing attached to the Fire Safety Assessment document.

Comment 5

Area of concern is the operations that are taking place under and around the Casco Bay Bridge. The Fire Risk Management Reports should focus on this area to address safety concerns and NFPA code as well as other codes and ordinances. Does DOT have restrictions for operations around a bridge?

Response: The Fire Safety Assessment document addresses the sites fire hazards in context with the layout of the terminal and provides a list of summary and recommendations. The MaineDOT does not have any restrictions for operations around a bridge.

Comment 6

If there are any gates installed Fire Department access must be maintained using the Knox Key system.

Response: A Knox Key system has been included in the design.

Comment 7

The IMT site must have entrances/gates identified in master plan and visible signage on site.

Response: The entrances and gates are identified on the drawings.

Mitch Elliott

ATTACHMENT A

From: Patrick Carroll <pcarroll@carroll-assoc.com>
Sent: Wednesday, April 23, 2014 9:08 AM
To: Craig Morin; Joel.C.Kittredge@maine.gov; Mitch Elliott; Matthew Phillips
Subject: imt comments from David Senus
Attachments: 2014.04.21 IMT Expansion Peer Review Memo.pdf

Hi Craig,

Here are comments from Dave Senus, who reviewed the plans as peer reviewer for the City.
We should be ready to address these comments for our Staff meeting on 4/28.
Rick has some other comments he will be forwarding over the next couple of days.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

☐ Please consider the environment before printing this email.

-----Original Message-----

From: Rick Knowland [<mailto:RWK@portlandmaine.gov>]
Sent: Wednesday, April 23, 2014 8:33 AM
To: pcarroll@carroll-assoc.com
Subject: imt

Hi Pat, Comments from David Senus.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

MEMORANDUM



TO: Rick Knowland, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: April 21, 2014
RE: IMT Expansion, Level III Site Plan Application

Woodard & Curran has reviewed the Level III Site Plan Application for the proposed International Marine Terminal (IMT) expansion at 460 Commercial Street in Portland, Maine. The project consists of expanding the existing IMT facility and will result in approximately eight acres of new impervious area.

Documents Reviewed by W&C

- Level III Site Plan Application and attachments dated April 4, 2014, prepared by Carroll Associates and HNTB Corporation on behalf of MaineDOT.
- Engineering Plans, Sheets C1-C20, dated March 14, 2014, prepared by the MaineDOT.

Comments

- 1) In accordance with Section 5 of the City of Portland Technical Manual, a Level III Site Plan project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards as written in Section 5 of the City of Portland Technical Manual. We offer the following comments:
 - a) Basic Standard: The Applicant has provided a plan, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500; refer to sheets SW 7, SW 8 & SW 9. These plans should be made available to the contractor as part of the construction documents. The erosion and sediment control detail sheet (C11) should include details for stone check dams and a sediment barrier.
 - b) General Standard: The project will result in an increase in impervious area of approximately eight acres. As such, the project is required to include stormwater management features for stormwater quality control. The Applicant has proposed a porous crushed stone yard surface to infiltrate stormwater to meet the quality requirements associated with the General Standards; this approach is acceptable as presented.

The Applicant has considered the development of the rail corridor and concrete loading slab as a "linear" portion of the project and has noted that these features are part of an existing travel corridor in existence prior to July 19, 2007. The Applicant notes that the project is not required to meet the General Standards for linear areas, with reference to Section 3(B)(2) of the Memorandum of Agreement (MOA) for Stormwater Management that exists between the Maine DOT, Maine Turnpike Authority and Maine Department of Environmental Protection. However, the project must also meet the minimum standards set forth by the City of Portland, which includes conformance with the MaineDEP Chapter 500 standards without exception. Therefore, the Applicant is required to provide stormwater quality treatment for linear portions of the project to "no less than 75% of the volume from the impervious area" (Technical Standards Section 5, III., Chapter 500, Section 4, B, (3), c.). The Applicant should provide treatment for this area in accordance with the General Standard as written in the City's Technical Manual.

The Applicant has considered the Commercial Street shoulder widening as "linear" and has stated that they are not required to provide treatment to meet the General Standards for the same reason as noted above; however, they have proposed porous concrete in this shoulder area, which will provide treatment for this new impervious area. As explained above, the Applicant would be



required to provide treatment for this linear portion of the project, and the use of porous concrete is an acceptable measure for treating this area. Therefore, the Applicant has demonstrated compliance with the General Standard for the widened shoulder area of Commercial Street.

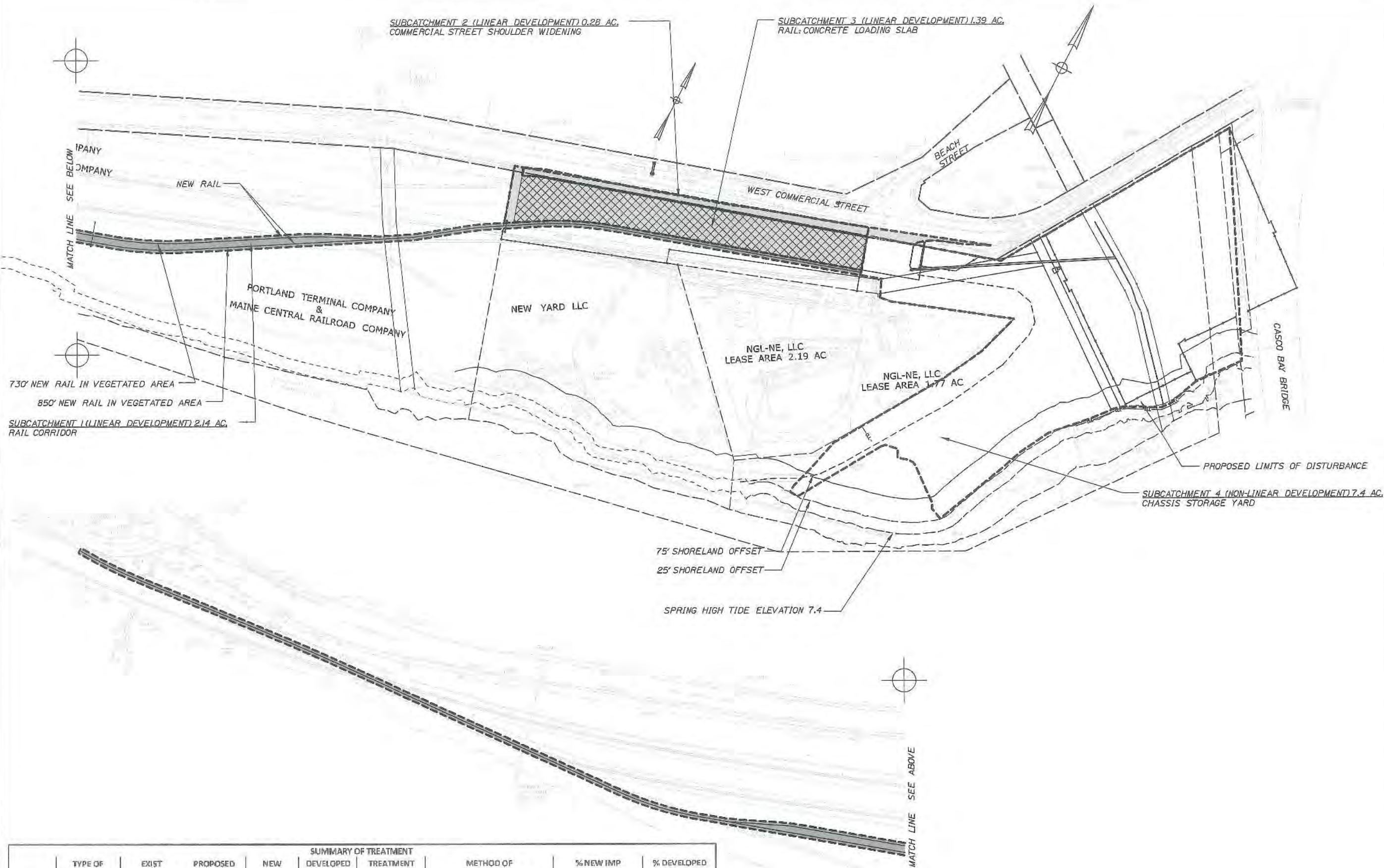
- c) **Flooding Standard:** The project will result in an increase in impervious area of approximately eight acres. As such, the project is required to include stormwater management features to control the rate of stormwater runoff from the site; however, much of the runoff from the Site is proposed to discharge to City-owned pipes that convey combined sewer overflows (CSO's) to the Fore River from CSO control structures in Commercial Street. This area of the Fore River is a tidal waterbody. As such, the Applicant has requested a waiver from the Flooding Standard. The Applicant should obtain approval from the City Department of Public Services for the proposed connections to City-owned overflow or drainage pipes. If these connections are acceptable to the City, we would support the requested waiver from the flooding standard.
- 2) The Stormwater Management Plan will need to include a stormwater inspection and maintenance plan for the proposed stormwater measures, such as the porous crushed stone yard surface and the porous concrete, developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.
- 3) Final plans must be stamped by a professional engineer (Section 14-527, sub-section (e) of the City of Portland Land Use Ordinance). At this time, the plans have not been stamped.
- 4) The Applicant has noted that approvals will be obtained from the MaineDEP for compliance with the Site Location of Development Act and Natural Resources Protection Act, and will be provided to the City upon receipt.
- 5) The Applicant has requested a waiver from the soil infiltration testing requirements of Technical Standard Section 5. Appendix D.4(a), which states that permeability must be shown to be reasonably consistent across the proposed infiltration area and may be determined by in-place well or permeameter testing, by analyses of soil gradation, or other means acceptable to the department. The Applicant anticipates that, based on known Site conditions derived from soil borings, a consistent permeability can be assumed across the Site. We support this waiver request so long as it is also supported by the MaineDEP during their review.
- 6) The Applicant has provided emails from the *Maine Historic Preservation Commission (MHPC)*, who noted that they would like to dig a series of hand-dug test units along the proposed rail relocation line to help determine the status of the Glass Works Site underneath the proposed rail line. MHPC also concluded that an archaeologist should work with the excavation crew to monitor the work and record features of the canal if/as they are exposed. The Applicant should clarify the status of these items and whether an agreement between the MaineDOT and MHPC has been reached.
- 7) The MaineDEP expressed concerns regarding potential impacts to the Site's VRAP area; the Applicant should clarify whether these concerns have been resolved.
- 8) As part of the PWD Conditions of Water Service, the existing domestic service to the Unifil site must be brought up to current standards, and the new services installed to serve the New Yard, LLC's boat yard must be terminated. It does not appear that the Site Utility Plan currently reflects these conditions. The Applicant should clarify.
- 9) As part of the PWD Conditions of Sewer Service, the District noted that details for the preferred alternative to constructing a reinforced concrete slab over the sewer interceptor must be reviewed and approved by the District and that an easement modification will need to be approved by the PWD Board of Trustees. The Applicant should clarify the status of these approvals.
- 10) The proposed grading shown on Sheet SW2 and SW6 in Appendix D of the Stormwater Report and Sheet C8 - Site Grading and Drainage Plan do not appear to match. The Applicant should clarify.

Date: 5/5/2014

Username:

Division:

Filename: 002_developPost.dgn



SUMMARY OF TREATMENT									
	TYPE OF IMPROVEMENT	EXIST IMPERVIOUS	PROPOSED IMPERVIOUS	NEW IMPERVIOUS	DEVELOPED AREA	TREATMENT PROVIDED	METHOD OF TREATMENT	% NEW IMP TREATED	% DEVELOPED TREATED
RAIL: COMM ST: SLAB:	LINEAR	1.40 AC	2.14 AC	0.74 AC	2.14 AC	2.14 AC	INFILTRATION TO UNDERDRAIN	2.14/2.14=100%	2.14/2.14=100%
	LINEAR	0.15 AC	0.28 AC	0.12 AC	0.28 AC	0.28 AC	INFILTRATION TO UNDERDRAIN	.28/.28=100%	.28/.28=100%
	LINEAR	0.11 AC	1.33 AC	1.21 AC	1.33 AC	0 AC	NO TREATMENT PROVIDED	0%	0%
	SUMMARY	1.67 AC	3.74 AC	2.07 AC	3.81 AC	2.42 AC		2.42/3.81=64%	2.42/3.81=64%
YARD:	NON-LINEAR	1.38 AC	7.38 AC	6.00 AC	7.40 AC	6.90 AC	INFILTRATION TO EXIST MEDIA	6.9/7.4=93.2%	6.9/7.4=93.2%



ATTACHMENT B

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER 022809.20
WIN 022809.20

DATE	BY	DATE	SIGNATURE
04/14	RWH	04/14	
03/14	TRENT	03/14	
4/9/14	TRENT	4/9/14	
	REVISIONS 1		
	REVISIONS 2		
	REVISIONS 3		
	REVISIONS 4		
	FIELD CHANGES		

PORTLAND INTERNATIONAL MARINE TERMINAL
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION
CUMBERLAND COUNTY
PORTLAND
POST-DEVELOPMENT
CONDITIONS

SHEET NUMBER
SW2
2 OF 9



PAUL R. LEPAGE
GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

ATTACHMENT C

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

May 1, 2014

Ms. Megan Hopkin
MDOT/Environmental

Re: Portland IMT project

Hello Megan:

This correspondence confirms our agreement of last month concerning the potential for encountering a portion of a significant archaeological site in the IMT project, and a mitigation plan for same.

We agree that there will be no adverse effect to the C & O Canal site, if it is still preserved, by minimal re-grading and placing porous, granular material in preparation of the area labeled "yard 8" and the area adjacent to Casco Bay Bridge.

We agree that there will be minimal or no adverse effect to the Glass Works from construction of the rail line on fill. However, we do not know whether the Glass Works remains are buried under 6" of fill or much greater depth of fill. To help determine the status of the Glass Works site underneath the proposed rail line, we would like to dig a series of hand-dug, 1 m square test units (up to a half dozen in number) along the proposed rail relocation line. These testpits could be adjacent to the line or within the proposed rail line footprint, depending on timing. They would provide information necessary for future assessment of impact to the Glass Works if there were to be future development along the rail line.

We conclude that the excavation for the proposed 730'-long concrete slab loading area has the potential to encounter and destroy a section of the C&O Canal. We agree with your email of earlier this week that the appropriate mitigation would be for an archaeologist or small team of archaeologists to work with the excavation crew, monitor the excavation, and record features of the canal if/as they are exposed. This mitigation approach would be analogous to Section 106 data recovery.

In order to address the concerns that MHPC has regarding the C& O Canal and the glassworks, MHPC proposes the following:

MaineDOT agrees to allow MHPC to use a 4 man day of fieldwork to complete 1m hand dug test pits (half dozen in number) in the area of the former Glassworks where the rail line is proposed to go. Test pit work would have to be completed by the end of June 2014 in this area.

MaineDOT agrees to allow MHPC archaeologists to be on site during excavation of the proposed 730' concrete slab loading area.. Archaeologists are permitted to be on site during the length of excavation; however, delays caused by archaeological study can be no more than 2 days. This information will be included in a Special Provision 105.9 included with the contract.

Sincerely,

Dr. Arthur Spiess
Senior Archaeologist

ATTACHMENT D

Nick_Hodgkins_sign-off_IMT.txt
From: Doughty, Dwight
Sent: Tuesday, April 15, 2014 10:48 AM
To: Chamberlain, Kristen; Kittredge, Joel
Subject: FW: IMT

FYI....

Dwight Doughty, Jr.
Director
MaineDOT Office of Safety and Compliance
(207) 592-6646

From: Hodgkins, Nick
Sent: Tuesday, April 15, 2014 10:47 AM
To: Doughty, Dwight
Subject: RE: IMT

Looks like this portion of the work won't really cause a lot of concern on my part, as it includes areas that have been addressed and stays away from some of the areas we know still have issues. That said, the contractor that gets the job will need to be aware of how to proceed if they should encounter obviously contaminated materials.

Nick

From: Doughty, Dwight
Sent: Tuesday, April 15, 2014 9:27 AM
To: Hodgkins, Nick
Subject: FW: IMT

Dwight Doughty, Jr.
Director
MaineDOT Office of Safety and Compliance
(207) 592-6646

From: Chamberlain, Kristen
Sent: Friday, April 11, 2014 3:02 PM
To: Doughty, Dwight
Subject: RE: IMT

Hi Dwight and Nick-
Please see attached. If you need additional info, just let me know.
Have a good weekend,
Kristen

Kristen Chamberlain
Bridge, Multi Modal and Traffic Team Leader
Environmental Office
Maine Department of Transportation

Nick_Hodgkins_sign-off_IMT.txt

(207) 557-5089

(207) 624-3101 Fax

From: Doughty, Dwight

Sent: Friday, April 11, 2014 8:44 AM

To: Chamberlain, Kristen

Cc: Kittredge, Joel

Subject: IMT

Hi Kristin -

Would it be possible to send Nick Hodgkins a print of the proposed laydown area for the IMT?

Dwight Doughty, Jr.

Director

MaineDOT Office of Safety and Compliance

(207) 592-6646



ATTACHMENT E

Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

April 28, 2014

HNTB Corporation
340 County Road, Suite 6C
Westbrook, ME 04092

Attn: Mitch Elliott, P.E.
Re: Portland International Marine Terminal; 460 Commercial Street, Portland
Ability to Serve with PWD Water

Dear Mr. Elliott:

The Portland Water District has received your request for an Ability to Serve determination for the noted site submitted on March 27, 2014. 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 currently have existing water service. An 8-inch diameter ductile iron fire service line with a domestic service line tapped on private, located as shown on the attached water service card, provides water service to 2 West Commercial Street. A second domestic service was tapped on private off the fire service line to serve the New Yard, LLC's boat yard; this service is not currently metered or recognized as a District customer. A 1-inch diameter HDPE domestic water service, located as shown on the attached water service card, provides water service to the Maine DOT maintenance and generator building for Casco Bay Bridge (528 Commercial Street). Please refer to the "Conditions of Service" section of this letter for requirements related to the use of these services.

Water System Characteristics

According to District records, there is a 12-inch diameter cast iron water main on the north side of Commercial Street and multiple public fire hydrants located across the street from the site.

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

Hydrant Location: Commercial Street 400' east of Beach Street
Hydrant Number: POD-HYD00069
Last Tested: 9/13/2011
Static Pressure: 106 psi
Residual Pressure: 100 psi
Flow: 1,209 GPM



Existing Sewer Service

Wastewater from the existing Unitil building discharges through a private sewer service into the Portland Water District's existing 48-inch interceptor sewer. We have previously sent the relevant sewer record drawing of this sewer main to your attention.

Proposed 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 Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

Proposed Domestic Water Needs

The ability to serve request dated March 26, 2014 does not mention the need for new domestic water supply to the IMT. The District understands that the domestic water needs of the leased Unitil site will not change as a result of the development.

Private Fire Protection Water Needs

You have indicated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact the MEANS Division to request a hydrant flow test and we will work with you to get more complete data.

Conditions of Water Service

Note that all water infrastructure on the property will be classified as private service lines to be owned and maintained by the property owner; PWD will not own any public mains within the site. The existing 8-inch fire service may be used by the proposed development as long as the project team determines that it will provide adequate flow and pressure for the proposed use. As shown on the Site Utility Plan, this 8-inch service will provide fire protection to both the leased Unitil site and the IMT site. The account for the fire service line will need to be assumed by one of these entities, as PWD will recognize only a single account holder and customer for this private fire protection service.

The existing domestic service to the Unitil site is a non-conforming configuration. The District recognizes that the future domestic needs of the site are currently unknown, therefore at this time the non-conforming domestic service may remain. When future domestic needs are determined, this service must be brought into conformance with then District standards.

Permanent services for the New Yard property must be installed from the water main in Commercial Street, however the District agrees to allow temporary service to the New Yard, LLC's boat yard from the Unitil site's service line as outlined below. Assuming that the development team successfully acquires the Unitil parcel, the following items must be completed by the development team for our review prior to final acceptance of the temporary service.

- 1) The design plan should be modified to note the following:

- a. Limits of pipe ownership. Please make the water piping on the New Yard property a different color to clearly denote the piping ownership limits.
 - b. The location of the domestic water service line and service valve for the building on the New Yard parcel.
 - c. A callout on New Yard's fire and domestic service valves and Unitol's domestic service valve noting PWD's right to operate the private valves.
- 2) A "three party agreement" will be needed between PWD and the two property owners (MDOT and New Yard, LLC). This should be drafted by the development team and outline the following:
- a. It should designate that all parties agree that domestic water and private fire protection service for the New Yard property is "temporary". This agreement should specify that the District will provide temporary service in the proposed configuration until a point when MDOT finishes construction activities associated with Project Number 022809.00 or for a maximum of five years, whichever is shorter, and that the other two parties are agreeable to that.
 - b. The agreement should note that the ownership and maintenance responsibility of the water infrastructure is the responsibility of the property owner over which the infrastructure is located.
 - c. The agreement should specify that the District has the "right to operate all private service valves necessary to control flow to all valid utility accounts".
 - d. The agreement should acknowledge that the District has the right to operate any service valve that controls flow to these properties in the event of non-payment from any account holder or due to leaking infrastructure. This agreement should note that both property owners acknowledge that the shutting of service valves for one property may also shut service to the adjacent property and will hold the District harmless in the event that this occurs.

Conditions of Sewer Service

The District's 48" interceptor sewer, located partially within the site, conveys a significant portion of the City's wastewater flow towards the East End Treatment Facility. As part of preliminary discussions with MDOT/HNTB, the District noted that the proposed construction of a reinforced concrete slab over the interceptor is not compatible with the existing utility easement. The District worked with MDOT to look at alternatives which included a cured-in-place structural lining of the interceptor. If the structural lining is the preferred alternative, construction details must be reviewed and approved by the District. An easement modification will also need to be approved by the Board of Trustees of the District.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District



Rico Spugnardi, P.E.
Senior Project Engineer

Mitch Elliott

ATTACHMENT F

From: Patrick Carroll <pcarroll@carroll-assoc.com>
Sent: Wednesday, April 23, 2014 11:48 AM
To: Craig Morin
Cc: Joel.C.Kittredge@maine.gov; Mitch Elliott; Matthew Phillips
Subject: FW: IMT

Hi Craig,

Here are additional comments from the City below. Let's discuss when you have a chance to understand what they are looking for.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

 Please consider the environment before printing this email.

From: Rick Knowland [<mailto:RWK@portlandmaine.gov>]
Sent: Wednesday, April 23, 2014 11:43 AM
To: pcarroll@carroll-assoc.com
Cc: Alex Jaegerman; Barbara Barhydt
Subject: IMT

Hi Pat, Below are a few IMT site plan comments. I have not conducted a complete review but I thought I'd get you these comments now. As other comments become available I will forward them to you as they become available. You should have received David Senus review comments earlier today.

1. Please give us an update on the condemnation process for the parcels not owned by MDOT. Provide documentation of your ownership of the existing IMT facility east of the Fore River Bridge.
2. The submitted site plan materials I find confusing and suspect the Planning Board will as well. Most of the submitted sheets are technical in nature or cover specific topics such as lighting, erosion and sedimentation control, etc. This is ok but we need to have a clear and understandable general site plan (at a reasonable a scale) that provides an overview of the project. Plan sheets C-5 to C-7 have a title of "Site Plan" so I would recommend that site plan elements be clearly labeled and with appropriate dimensions which may require the plan be reformatted. The "General Description of the Project" plans in the "Description of Project" section of the note book would be a good model for a site plan assuming there is sufficient detail and dimensions. With a Planning Board meeting coming up this needs to be addressed asap.

When I write my review memo, I can only comment on the material in hand so a clear and understandable site plan would be most helpful.

3. Submit a plan that shows the entire IMT site (east and west of the bridge) so that we understand the relationship between the two sites particularly in relation to circulation.

4. If your submission package does not include a waiver request it should since the Board will need to process this request.

These are a few preliminary comments. More will follow. We are looking forward to meeting with the IMT team on Wednesday, April 30th at 11:00 in Room 209. In the mean time should you have any questions please feel free to contact me.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

NOTICE OF CONDEMNATION

The **STATE OF MAINE**, acting by and through its Department of Transportation, (the "Department") does hereby give notice to all whom it may concern:

That the Department, in accordance with the authority of Title 23 M.R.S.A. Sections 151-159, has determined that public exigency requires the acquisition in fee simple of certain land in the City of Portland, County of Cumberland, Maine for the purpose of expanding existing marine terminal facilities serving the State of Maine and locating and constructing rail and vehicular access thereto (the "Project"). The rights in land hereby acquired are specified herein and are further shown on a Right of Way Map prepared in connection with WIN 22809.00, Part II entitled "Land Acquisition Plan, Part II, West Commercial Street, Portland, Cumberland County, Maine" dated April, 2014 and on file in the Office of the Department of Transportation, D.O.T. File No. 3-596, to be recorded in the Registry of Deeds of Cumberland County.

DESCRIPTION OF FEE TAKING

All land, and rights in land, including any tracks, rails, ties, signals, switches, grade crossing materials, warning devices, ballast, subgrade, railroad communication and signal systems, wires, pipes, poles and all other trackage appurtenances (collectively herein referred to as "Trackage") and other improvements or property not otherwise excepted or excluded herein, located within the following described boundaries are taken in fee simple (the "Acquired Property"):

A CERTAIN PARCEL OF LAND situated on the southerly side of West Commercial Street in the City of Portland, County of Cumberland and State of Maine as shown on said Right of Way Map, bounded and described as follows:

COMMENCING at a granite monument found in a manhole located in the southerly sideline of West Commercial Street, said monument being N 39°49'27" E 393 feet from the intersection of said West Commercial Street and Clark Street, as shown on said Right of Way Map, to be recorded in said Registry of Deeds;

THENCE S 32°36'10" W along the southerly sideline of West Commercial Street 86.09 feet to the **point of beginning**, said point being the northeasterly corner of property conveyed by Portland Terminal Company to New Yard, LLC by deed dated July 31, 2013 and recorded in Book 30887, Page 247 of said Registry of Deeds;

THENCE from said point of beginning S 32°31'38" E along the westerly line of land now or formerly of the City of Portland 580 feet, more or less to mean low water;

THENCE westerly and southwesterly along mean low water 64 feet, more or less, to a point on the easterly line of land now or formerly of Casco Wharf & Storage as described in Book 1507, Page 126 of said Registry of Deeds (which is a part of the parcel herein described);

THENCE S 32°31'38" E along said easterly line of said Casco Wharf & Storage 50 feet more or less to the Harbor Commissioner's Line of 1929;

THENCE S 37°45'10"W along said Harbor Commissioner's Line 600 feet, more or less to a point;

THENCE S 62°18'00" W along said Harbor Commissioner's Line 400 feet, more or less, to a point;

THENCE S 78°39'00" W along said Harbor Commissioner's Line 117 feet, more or less, to the southerly corner of a parcel shown on said Right of Way Map as "Parcel 5";

THENCE N 21°46'06" W 60 feet, more or less, to the mean low water line as shown on said Right of Way Map;

THENCE continuing N 21°46'06" W 105 feet, more or less, through land now or formerly of New Yard, LLC to the southerly corner of a parcel of land now or formerly owned by Northern Utilities, Inc., d/b/a Until;

THENCE N 43°25'17" W along the westerly boundary of land now or formerly of said Northern Utilities (which is a part of the parcel herein described) and the easterly boundary of land now or formerly of said New Yard, LLC 435.50 feet to the northwest corner of said Northern Utilities parcel and a point that represents the northeast corner of land to be retained by said New Yard, LLC;

THENCE S 70°47'58" W through land now or formerly of said New Yard, LLC and along the northerly boundary of the land to be retained by said New Yard, LLC 381.52 feet to land formerly of Portland Terminal Company and Maine Central Railroad Company and now of the State of Maine as described in a Notice of Condemnation recorded in Book 31408, Page 301 of said Registry of Deeds;

THENCE N 16°58'37" W along land of the State of Maine and land now or formerly of Portland Terminal Company and Maine Central Railroad Company 149.35 feet to the southerly side of West Commercial Street;

THENCE N 73°01'23" E along the southerly sideline of said West Commercial Street 1053.20 feet to a point;

THENCE N 32°36'10"E along the southerly sideline of said West Commercial Street 551.51 feet to the point of beginning.

The above described parcel contains 18 acres, more or less.

Also including all right, title and interest in and to the intertidal and submerged lands adjoining the parcel described above located between the spring high tide line and the Former Harbor Commissioner's Line of 1929 as shown on said Right of Way Map.

Also taking hereby any leasehold interests affecting any portion of the above described parcel and being further described in the following documents:

1. Lease agreement, as amended, made by and between Northern Utilities, Inc. and EnergyUSA Propane Inc. (subsequently NGL-NE, LLC now known as Osterman Propane, LLC) dated March 15, 2003, a memorandum of which is recorded in said Registry of Deeds in Book 19264, Page 119.
2. Lease agreement made by and between Northern Utilities, Inc., d/b/a Unitil and New Yard, LLC dated August 2, 2013, a memorandum of which is recorded in said Registry of Deeds in Book 30895, Page 309.

EXCEPTIONS

1. Expressly excluding from the Acquired Property the following items that are owned by or are in the custody and control of New Yard, LLC that, on the date upon which this Notice of Condemnation is filed, are located on the Acquired Property: a) piles of earth, gravel, fill and borrow; b) construction-related materials; and c) construction-related personal property;
2. Expressly excluding from the Acquired Property any existing natural gas and propane facilities, including without limitation, natural gas and propane pipelines, buildings, associated fixtures and related appurtenances, improvements and other personal property that are owned by or are in the custody and control of Osterman Propane, Inc. or Northern Utilities, Inc., d/b/a Unitil, except that all Trackage located on the Acquired Property is hereby acquired;
3. Reserving to Northern Utilities, Inc., d/b/a Unitil ("Unitil"), the right to enter upon the Acquired Property within the areas depicted on the before mentioned Right of Way Map as Parcel 2 and Parcel 3 (the "Former Unitil Property") for the following purposes:
 - a. To repair, replace, maintain, operate, inspect, patrol, protect and remove on, in, over, across and under the Former Unitil Property all existing gas mains, laterals, services, equipment, fixtures, containment and other appurtenances thereto currently owned by Unitil ("Gas Facilities");
 - b. To survey, trim or remove within the Former Unitil Property, existing or future occurring vegetation that interferes with the Gas Facilities;
 - c. To take such other action as is incident or accessory to the foregoing actions;

- d. To cross the Former Unitil Property to access the Gas Facilities, including by vehicle and machinery in a manner that does not interfere with the ongoing activities of the Department;
- e. To conduct such environmental remediation and protection, including investigation, implementation, and monitoring, as well as installation of utilities for such investigation, implementation and monitoring, as described in Unitil's Voluntary Response Action Program ("the VRAP") Remediation Plan as approved by the Maine Department of Environmental Protection (the "DEP") by letter dated June 1, 2012, a copy of which is on file with the DEP (the "Plan") incorporated herein by reference and as the DEP may hereafter amend it, and further as the DEP may hereafter certify it as being complete, inclusive of and extending to the terms in the DEP's certification of the Plan's completion and its regulatory requirements. Unitil may not unreasonably interfere with the operations of the Department in exercising these rights;
- f. To access the Former Unitil Property via the right of way running from West Commercial Street to said Parcel 2 and the right of way connecting Parcel 2 and Parcel 3, both as depicted on the Right of Way Map, or at such other reasonable location as may be directed by the Department; and
- g. To use the Former Unitil Property as necessary to fulfill the purposes described in subsections 3.a-3.e above.

The Department shall not construct or permit to be constructed any building, house, structure, obstruction or improvement of any kind on or over the existing Gas Facilities without Unitil's prior written consent. The Department further agrees that it will not cause to be carried out any excavation, change of grade, or water impoundment affecting the Gas Facilities without Unitil's prior written consent.

The Gas Facilities, whether fixed to the realty or not, shall be and remain the property of Unitil, its successors and assigns.

Unitil shall replace and restore the areas on the Former Unitil Property disturbed by activities exercised in association with the rights reserved to Unitil herein to conditions existing immediately prior to such activities.

The following additional rights are also excepted from the above described fee taking:

- 4. Terms and conditions of an easement and right of way for the purpose of maintaining through, under and across the property an access way for installing and maintaining conduits or pipelines for conveying storm water and sewer water as more fully set forth in the instrument from Northern Utilities, Inc., d/b/a Unitil to the City of Portland, dated February 20, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31378, Page 333.

5. Terms and conditions of an easement and right of way for the purpose of maintaining through, under and across the property an access way for installing and maintaining conduits or pipelines for conveying storm water and sewer water as more fully set forth in the instrument from New Yard, LLC to the City of Portland, dated September 9, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31021, Page 187.
6. Terms and conditions of an easement to enter upon the property for the purpose of environmental remediation and protection, including investigation, implementation, and monitoring, and installation of utilities for such investigation, implementation and monitoring, as described in the Voluntary Response Action Program Remediation Plan as approved by Maine Department of Environmental Protection, and to manage existing gas facilities as more fully set forth in the instrument from New Yard, LLC to Northern Utilities, Inc., d/b/a Unitil, dated August 2, 2013 and recorded in the Cumberland County Registry of Deeds in Book 30895, Page 321.
7. Terms and conditions of an easement to enter upon the property for the installation, repair, replacement, and maintenance of gas mains, etc. in the operation of a Gas Regulator Station as set forth in the instrument from New Yard, LLC to Northern Utilities, Inc., d/b/a Unitil, dated August 2, 2013 and recorded in the Cumberland County Registry of Deeds in Book 30895, Page 317.
8. Terms and conditions of rights and easements to install, maintain, repair, operate, replace and/or remove sewer pipes as further described in the instrument from Portland Terminal Company to Portland Water District dated February 11, 1977 and recorded in the Cumberland County Registry of deeds in Book 3975, Page 262 as affected by the Release and Amendment of Deed of Easement dated July 27, 1994 and recorded in the said Registry of Deeds in Book 11571, Page 154.
9. Terms and conditions or rights and easements for the construction of underground electric transmission distribution and communication lines under the premises as further described in the indenture between Northern Utilities, Inc. and Central Maine Power Company, dated July 23, 1993 and recorded in said Registry of Deeds in Book 10892, Page 32.
10. Terms and conditions of rights and easements for the purpose of erecting, constructing, maintaining, repairing, rebuilding, replacing, operating, patrolling and removing electric transmission, distribution and communication lines as further described in the instrument from Portland Terminal Company and Maine Central Railroad Company to Central Maine Power Company dated February 9, 1993 and recorded in the Cumberland County Registry of Deeds in Book 10600, Page 111.
11. Terms and conditions of rights and easements to install an underground transmission line as further described in the instrument from Portland Terminal Company to Central Maine Power Company dated April 15, 1975 and recorded in the Cumberland County Registry of Deeds in Book 3669, Page 135.

12. Terms and conditions of rights and easements including the right to lay, construct, reconstruct, operate, maintain, replace and remove lines for the transmission of intelligence, including underground cables, pipes, conduits, manholes and appurtenances over and under the premises as set forth in the instrument from Casco Wharf and Storage Company to New England Telephone and Telegraph Company, dated June 25, 1957 and recorded in said Registry of Deeds in Book 2361, Page 361.
13. Terms and conditions of rights and easements including the right to construct, erect, rebuild, operate, maintain, and remove electric distribution and communication lines for the transmission of electricity as set forth in the instrument from Portland Gas Light Company to Central Maine Power Company, dated January 6, 1956 and recorded in said Registry of Deeds in Book 2276, Page 265.
14. Terms and conditions of rights and easements including the right to construct, erect, rebuild, operate, maintain, and remove electric distribution lines for the transmission of electricity and intelligence as set forth in the instrument from Portland Gas Light Company to Central Maine Power Company and New England Telephone and Telegraph Company, dated November 1, 1951 and recorded in said Registry of Deeds in Book 2070, Page 128.
15. A twenty foot right of way and the right to lay and maintain gas and water pipes within said right of way as described in the Warranty/Release Deed from the Portland Gas Light Company to Maine Central Railroad Company dated May 5, 1897 and recorded in the Cumberland County Registry of Deeds in Book 648, Page 488.
16. A twenty foot wide right of way and the right to lay, maintain and repair gas and water pipes and maintain and repair a well and as further described in the Release Deed from the Portland Gas Light Company to the Portland & Kennebec Railroad Company dated October 6, 1866 and recorded in the Cumberland County Registry of Deeds in Book 346, Page 376.
17. All existing utility company rights of way and/or easements to the City of Portland, Central Maine Power Company, New England Telephone and Telegraph, and Portland Water District, their respective successors and assigns, however acquired, and located within the above described boundaries.

INFORMATIVE SUMMARY

The following is a list summarizing the names of apparent owners of record of land and rights involved, and rights affected by the taking, including any leasehold interests, within the hereinbefore described boundaries. Parcel references reflect those depicted on the before mentioned Right of Way Map:

- Parcel 1: New Yard, LLC (fee interest) 9.82± acres
- Parcel 2: Northern Utilities, Inc. d/b/a Unitil (fee interest) 3.96± acres
New Yard, LLC (leasehold interest)
- Parcel 3: Northern Utilities, Inc. d/b/a Unitil and Casco Wharf and Storage
Company (fee interest) 4.17± acres
New Yard, LLC (leasehold interest)
- Parcel 4: Osterman Propane, LLC f/k/a NGL-NE, LLC (leasehold interest
within a portion of Parcel 2) 2.19± acres
- Parcel 5: Owner Unknown (fee interest) 0.05± acre

Any unknown owner or owners or other persons, if any, who may have or claim an interest in any of the above described property.

This condemnation acquires from the parties named above all right, title and interest in and to the Acquired Property, and all appurtenant rights thereto, subject to any exclusions, exceptions and reservations as heretofore described.

Portland
West Commercial Street
WIN: 22809.00, Part II

The Department of Transportation directs that this Notice of Condemnation be recorded in the Registry of Deeds of Cumberland County and filed with the City Clerk of the City of Portland and with the County Commissioners of Cumberland County and published in the Portland Press Herald, a newspaper of general circulation in the County where said property is located; and also directs that a copy of the Right of Way Map be filed with the County Commissioners of said Cumberland County and also that notice be sent, by certified mail, to any persons noted herein as apparent owners of record or parties in interest, as well as mortgagees of record, in all cases in which addresses for such persons are reasonably ascertainable.

Dated at Augusta, Maine

4/28/14
Date

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

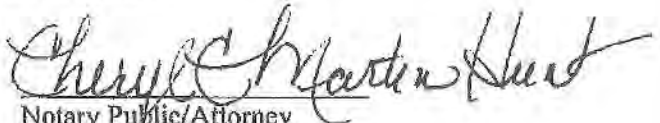

David Bernhardt, Commissioner

STATE OF MAINE
COUNTY OF KENNEBEC

Date: 4/28/14

Personally appeared the above named David Bernhardt, Commissioner, Department of Transportation, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the State of Maine.

Before me,

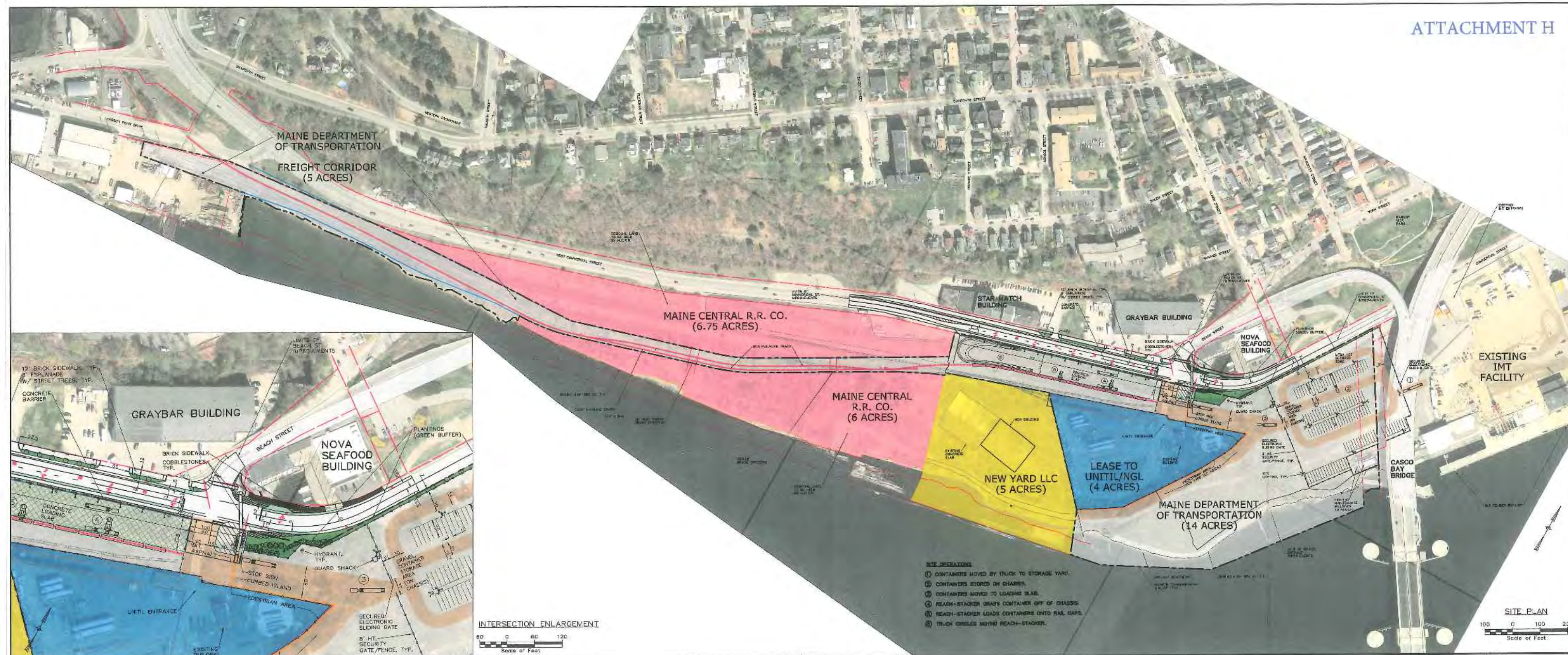

Notary Public/Attorney
Print:
My commission expires:

Received
Recorded Register of Deeds
Apr 30, 2014 08:28:25A
Cumberland County
Pamela E. Lavley

CHERYL C. MARTIN-HUNT
Notary Public State of Maine
My commission expires December 5, 2017

SEAL

ATTACHMENT H



- SITE OPERATIONS**
- ① CONTAINERS MOVED BY TRUCK TO STORAGE YARD
 - ② CONTAINERS STORED ON CHASSIS
 - ③ CONTAINERS MOVED TO LOADING SLAB
 - ④ REACH-STACKER GRABS CONTAINER OFF OF CHASSIS
 - ⑤ REACH-STACKER LOADS CONTAINERS ONTO RAIL CARS
 - ⑥ TRUCK CIRCLES BEYOND REACH-STACKER

STATE OF MAINE		PROJECT NUMBER 022809.00		DATE: 5.5.2014	
DEPARTMENT OF TRANSPORTATION		P.E. NUMBER		WIN 022809.00	
PORTLAND INTERNATIONAL MARINE TERMINAL		CUMBERLAND COUNTY		ILLUSTRATIVE SITE PLAN	
EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION		PORTLAND		SHEET NUMBER 1	
PORTLAND		1 OF 1			

ATTACHMENT I

Written Requests for Waivers

(revised May 6, 2014)

Waiver Request 1: Sidewalks (along project frontage, on the south side of Commercial Street).

Article V, Section 14-526 - Site Plan Standards requires that:

"All proposed developments shall provide sidewalks along all frontages in accordance with sections 14-498 and 14-499 of the City Code. An applicant may request a waiver from curb and sidewalk installation requirements if they meet applicable waiver criteria listed in Section 14-506 (b) of the City Code."

Section 14-506 - Modifications provides a list of 6 conditions relating to sidewalks. Applicants are required to meet at least 2 of these requirements in order for a waiver request to be considered by the planning authority. The applicant asserts that two of the conditions are met as follows:

1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site. Most of the land located to the west of the site, on the south side of Commercial Street, is undeveloped or occupied by industrial type uses. There are no sidewalks present on the south side of the road in this area from the project site to the end of Commercial Street over a mile away at the Veteran's Memorial Bridge intersection. The parcels abutting the project site to the east along the south side of Commercial Street are characterized by having areas of parking perpendicular to Commercial Street that abut the building faces. Between buildings are wide, ill-defined driveways. None of these parcels have sidewalks or clear crosswalks in place. The closest sidewalk is at Becky's Dinner and even this section of sidewalk is isolated in the midst of driveways without designated crosswalks. The start of legitimate sidewalk leading toward the central waterfront is at the Gulf of Maine Research Institute. There are no businesses or amenities to attract pedestrian usage in the area of the project site extending from Becky's Dinner on the east side of the site to the Veteran's Memorial Bridge west of the site. The area is essentially industrial in character and there is no reasonable expectation for pedestrian usage.

2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.

The closest sidewalk, on the south side of Commercial Street, is at Becky's Dinner (over 1000' from the project) and even this section of sidewalk is isolated in the midst of driveways without designated crosswalks; therefore strict adherence to this site plan standard would result in a sidewalk to nowhere.

3. A safe, alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly travelled.

Starting at the Casco Bay Bridge to South Portland and heading east along the north side of Commercial Street, there is a continuous network of sidewalks and crosswalks leading into the central waterfront area. The sidewalks located directly across Commercial Street from the project site are relatively new and include a link to a pedestrian walkway system that traverses a hill side park area along the base of the bridge leading to York Street and residential areas beyond. The project will reinforce these sidewalk connections on the north side by proposing significant improvements to West Commercial Street and at the intersection of Beach Street. Proposed improvements include widening of the street to provide turn lanes and truck staging areas, signalization of the intersection,

and improving the pedestrian corridor on the north side of West Commercial Street with new sidewalks and landings on both sides of Beach Street. Crosswalks will be installed to safely maintain pedestrians on the north side of Commercial Street and connect to the main vehicular entrance into the IMT parcel. Dedicated bicycle lanes are proposed in both directions along West Commercial Street. Paint striping and signage will also be used to clearly demark travel lanes including bike lanes on both sides of Commercial Street. Finally, landscaping will be added on both sides of West Commercial Street, enhancing the pedestrian and vehicular experience along Commercial Street at this important gateway into the City.

The applicant is significantly contributing to the City's vision of a multi-use corridor by providing a 12-ft wide sidewalk with an 8-ft wide esplanade on the north side of the street with trees, grass, benches, and interpretive signage to enhance the bike/pedestrian infrastructure along this overlooked stretch of Commercial Street.

6. Strict adherence to the sidewalk requirements would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

If a sidewalk was required along the eastern half of the project frontage, it would result in a significant loss of landscape screening/buffering and street trees that the Staff had requested for this area.

Waiver Request 2: Granite Curbing (along project frontage, on the south side of Commercial Street).

Article V, Section 14-526 - Site Plan Standards requires that:

Section 14-506 - Modifications provides a list of 5 conditions relating to curbs. Applicants are required to meet at least 2 of these requirements in order for a waiver request to be considered by the planning authority. The applicant asserts that two of the conditions are met as follows:

1. Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

From the project entrance west, the intermodal ramp will essentially serve as a curb / barrier. It will be raised above the adjacent truck storage lane and through lanes of Commercial Street. From the project entrance east the area is intended to remain in its current state of gravel. We do not intend to change the grading of this area if it is not necessary. When curb is added to an area that is currently not curbed, there is a need for additional stormwater drainage structures and piping. As currently designed, the City benefits by the sheet flow action which naturally runs into the project site and will be accommodated by the proposed porous gravels. If a curb line is added, it will add more water to the City's existing infrastructure and could result in flooding if the City does not add more catch basins.

Curbing is proposed at the pedestrian refuge island located on the north side of project entrance. This island will provide a safe area for pedestrians to rest while waiting to cross Commercial Street.

Additional curbing along the project front age would limit and inhibit the ability for vehicle circulation in and out of the project.

2. Runoff from the development site or within the street does not require curbing for stormwater management.

There should be little to no stormwater runoff from the bulk of the site as the surface will mainly consist of porous gravels. Curbing will not be necessary to complete the Stormwater Management Plan. See Stormwater Management Plan for specifics.

Waiver Request 3: Driveway Width (Proposed IMT project, Nova Seafood, and Graybar)

Technical Standards, Section 1.7.2.4. *Maximum driveway width (two-way): The maximum width of a driveway will be based upon site conditions or vehicle characteristics that warrant a wider access (e.g., dedicated turn lanes at exits) and will require approval of the reviewing authority. Maximum widths shall not exceed the following, although confirmation of exact capacity requirements will be necessary:*

- Commercial -24 feet
- Industrial – 30 feet

Proposed IMT Project

The proposed driveway width is 100 feet. This width is necessary to accommodate large trucks (WB-67) and trailer turning movements. The above standards would not allow trucks to access the site without crossing opposing lanes of traffic. See enclosed truck turning movement exhibit previously submitted).

Proposed Nova Seafood

The existing driveway width is +/-120 feet. This width is necessary to accommodate large trucks (WB-67) and trailer turning movements due to the unusual orientation of the loading docks to the street and adjacency to the intersection. With the proposed intersection improvements the driveway will essentially remain the same width but made safer to both traffic and pedestrians. A delineated pedestrian corridor will span the driveway identifying a safe route for people and indicating to trucks that pedestrians may be crossing. Areas of cobblestones on Commercial Street will help to establish a defined entrance / exit while allowing for truck movements to continue. New accessible sidewalks, intersection ramps, crosswalks, and signalized intersection with dedicated Nova Seafood camera will provide for a safe situation.

Proposed Graybar

In the proposed condition there are two driveway openings at Graybar. The proposed widths are 50 & 65 feet. These widths are essentially the same as what currently exists today. Maintaining these widths is necessary to accommodate large trucks (WB-67) and trailer turning movements into the property and accessing the loading docks on the front and side of the building. The proposed improvements to the north side of Commercial Street, 12' sidewalk & 8' esplanade, dedicated bike lanes with buffer, new lane striping, intersection signalization, and crosswalks will provide for a safe situation.

Waiver Request 4: Flooding Standard

Technical Standard, Section 5.III.4.E (2) for flooding. Waiver of the flooding standard due to direct discharge into the ocean, a great pond, or major river segment.

Due to the capacity of the receiving body (Fore River), the use of porous gravels (minor runoff), and proposed method of conveying the runoff to the river (sheet flow and combined sewer overflow) it is requested that the requirement of the Flooding Standard be waived for this project.

Waiver Request 5: Soil Infiltration Testing

Technical Standard, Section 5. Appendix D.4 (a) Soil Permeability. Permeability must be shown to be reasonably consistent across the proposed infiltration area and may be determined by in-place well or permeameter testing, by analyses of soil gradation, or other means acceptable to the department. Based on known conditions (see Soil Boring Plans) of the site soils and controlled materials to be installed with the new construction, it is anticipated that permeability can be achieved across the site. Due to this fact it is requested that a waiver be granted for the requirement of soil infiltration testing.

Waiver Request 6: Landscape and Landscape Preservation

Tech Standard, Section 4.2 & 4.3 - Preservation of Significant Site Features and Existing Vegetation. Due to the lack of significant site features and lack of significant existing site vegetation (both due to significant previous site development) as well as the expansive nature of the proposed use, it is being requested that the preservation program and preservation measures be waived for the project.

Tech Standard, Section 4.5 - Site Landscaping: Screening and Buffers, Industrial & Commercial Developments.

General project frontage: Most of the project frontage is extremely encumbered by many various overhead and underground utilities. Due to these obstacles as well as the ones mentioned below we are requesting that the screening and buffering requirement be waived.

West of the project entrance: Due to the fact that the intermodal ramp will be directly adjacent to the truck storage lane and east bound through lanes, the project frontage (along West Commercial Street) will have no area to provide for evergreen screening / buffering. Due to the ramp width (for maneuverability of trucks and stacker cranes) and the location of the rail line there is no room to provide an area for screening/buffering within the IMT property. A fence will be installed on top of a 4' tall concrete barrier between the intermodal ramp and the truck storage lane adjacent to West Commercial Street.

East of the project entrance: Commercial Street is not centered within the right-of-way; instead it is shifted towards the south and the subject property. This area is where the chassis & container storage yard is to be located along with associated access isles and haul type roads. The storage yard and security fence are located only a few feet from the proposed / existing edge of Commercial Street pavement thus not allowing much room for screening/buffering. Limited tree plantings are proposed in this area (see Landscape Plan). There is an area approximately 200' in length directly east of the project entrance, along Commercial Street, where there is some available land for some planting. Limited tree and shrub plantings are proposed in this area (see Landscape Plan).

Tech Standard, Section 4.6 - Street Trees. Commercial, industrial and institutional developments shall provide street trees thirty (30) to forty-five (45) feet apart on center in the City right-of-way along all street frontages unless otherwise approved.

General project frontage: Most of the project frontage is encumbered by many various overhead and underground utilities. Due to these facts it is being requested that a partial waiver of installation of street trees be granted.

West of the project entrance: Due to the fact that the intermodal ramp will be directly adjacent to the truck storage lane and east-bound through lanes, this frontage (along West Commercial Street) will have no land available for street trees.

East of the project entrance: Commercial Street is not centered within the right-of-way; instead it is shifted towards the south and the subject property. There is an area approximately 200' in length directly east of the project entrance, along Commercial Street, where landscaping including street trees will occur. Further down Commercial Street adjacent to the chassis & container storage yard is a strip of land where limited street tree plantings are proposed (see Landscape Plan).

Waiver Request 7: Boundary Survey

Technical Standard, Section 13.2. LEVEL I SITE ALTERATION, II AND III GENERAL STANDARDS:

The following items shall be shown on boundary surveys for Level I (site alteration), Level II and Level III site plans to ensure compliance with City of Portland Planning Requirements, Engineering Technical and Design Standards, and accurate documents are on record for future planning, GIS mapping, and engineering needs.

The enclosed, "Boundary Survey on West Commercial Street, ME, made for HNTB Corporation" by Owen Haskell, Inc., dated October 10, 2012 and revised through 2/25/14 does not meet the standards outlined in Section 13 of the technical Manual for the following reasons:

1. **Incomplete utility information.** The survey does not include all rims/inverts nor all underground utilities. The applicant (MDOT) is currently working with the applicable utility companies to locate these underground utilities.
2. **Incomplete topographic information.** The survey does not include all topographic data of the entire property. A portion of the subject property on the southern side of the site and a portion within the West Commercial Street right-of-way are missing.
3. **Drawn to a scale of not less than one (1) inch to fifty (50) feet.** The survey plans are drawn to a scale less than 1 inch to 50 feet due to the size and linear shape of the subject parcels.

It is requested that the above three requirements of the Boundary Survey be partially waived for this project as the applicant is currently working on obtaining the remaining underground utility information, the two sections of missing topography are inconsequential to the overall project design, and the scale the surveys are drawn at are legible without breaking the plans into two separate sheets with a match line.

Subject:

FW: IMT Comments

ATTACHMENT J

-----Original Message-----

From: Chris Pirone [<mailto:cpp@portlandmaine.gov>]

Sent: Wednesday, April 30, 2014 12:02 PM

To: Rick Knowland

Subject: IMT Comments

Initial Fire Comments:

1. The proposed expansion must meet the requirements of NFPA 1 and NFPA 307.
2. There are two existing reports for the IMT performed by Fire Risk Management which one report assessed code compliance and the other was a Fire Safety Plan for operations.
These reports must be updated to include this expansion of this Marine Terminal to confirm all applicable codes and ordinances are being met.
3. At quick glance, it appears hydrants will need to be installed and fire alarm pull boxes which would need to be connected with the master fire alarm system for the IMT.
4. Aisle widths and fire department access must be maintained throughout the IMT which is generally 20' aisle widths.
5. Area of concern, is the operations that are taking place under and around the Casco Bay Bridge. The Fire Risk Management Reports should focus on this area to address safety concerns and NFPA code as well as other codes and ordinances. Does DOT have restrictions for operations around a bridge?
6. If there are any gates installed Fire Department access must be maintained using the Knox Key system.
7. The IMT site must have entrances/ gates identified in master plan and visible signage on site.

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

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



FIRE RISK MANAGEMENT, INC

1 Front St., Bath, ME 04530
207/442-7200 [221-1295 (fax)]
www.fireriskmgt.com

ATTACHMENT K

Date: 10 March, 2014

Memo Report

From: W. Mark Cummings, P.E.
To: Mr. Craig Morin; HNTB
Subject: Fire Safety Assessment of the International Marine Terminal, Portland, ME.

As requested, Fire Risk Management, Inc. (FRM) has performed a review of the proposed site layout for the planned expansion of the International Marine Terminal (IMT) in Portland, ME. The purpose of this review is to evaluate the proposed layout for and operations within, the newly expanded areas of the IMT and to assess the requirements for providing adequate fire and life safety protection throughout this new area.

Background

The Portland IMT site is continuing to be upgraded and expanded to further increase the capabilities and flexibility of this facility to better serve its clients. The site is now being expanded to primarily support the receipt, temporary storage, and shipment of bulk containers of a variety of cargo/materials. The site improvements are being designed by HNTB Corporation of Westbrook, ME. This fire safety assessment is based on the site plan documents provided by HNTB that depict the proposed expansion of the IMT to the west of the Casco Bay Bridge, including the proposed fire protection features as outlined on the Fire Protection Plan; drawing C17 (see Attached). This new area is to be used for the temporary storage of bulk containers and for the loading of these containers on to rail cars.

The operations being performed at the Portland IMT are generally of an industrial nature, with only a limited number and type of potential fire hazards. This is primarily due to the fact that the port's primary operations consist of the loading and offloading of bulk storage containers; both for dry goods and liquids. Under normal operations, none of the contents of these containers are directly exposed to these operations or the ambient environment. As such, unless the containers themselves become damaged, the fire risk associated with any container is relatively low, regardless of the combustibility/flammability of the specific contents, since the contents are isolated from any potential, external ignition source. However, it is this potential for the containers to be damaged that results in the need to continue to consider and implement measures to mitigate any fire risks that may be associated with the materials being transported within the various containers, along with ensuring adequate access is provided to all containers by emergency response personnel (firefighters) and equipment.

The general fire protection requirements outlined by the National Fire Protection Association (NFPA) for facilities such as the Portland IMT are based on both the specific operations being conducted at the facility and the expected types of materials that are being handled. Based on the information provided for the new area, it is understood that no materials that would meet the NFPA's (or Department of Transportation's) definition of "hazardous materials" will be handled or stored within the new area of the Portland IMT; at least at this point in time.

A prior fire safety assessment of the IMT was performed in October 2011 that included an evaluation of the handling and storage of bulk containers of ethanol; a flammable liquid. This current assessment is based on the premise that those containers will continue to be handled and stored only within the previously

designated areas (eastern portion) of the IMT. Should this change and/or other hazardous or flammable materials are to be handled within this new area of the IMT, it is possible that additional fire and life safety protection measures would need to be implemented.

Fire Hazards

In general, it is understood that the majority of shipping containers that are to be handled by the Portland IMT are of the "standard" bulk intermodal container type; the majority of which contain dry goods/materials or smaller pre-packaged containers of liquids. The fire risk associated with these containers is typically considered to be low, due to the fact that even if the container itself is damaged and it does contain some combustible or flammable contents, these would not necessarily pose a significant fire threat due to the individual packaging of the contents; thereby minimizing the potential for (initial) involvement of the material(s) being transported, even if a fire is initiated. Should a fire somehow occur, such as one involving the handling equipment, whereby adjacent bulk containers that have quantities of flammable or combustible materials inside may be exposed, there is the potential that these contents could become involved if they are not sufficiently remote from the fire source or cooled to prevent failure of the container's shell; thereby preventing sufficient transmission of heat through the container's shell that could result in the ignition of the materials within. Otherwise, there are no other known activities or materials that are associated with the port's operations within this new area that are considered to pose a notable fire risk. Although a portion of the new site will be adjacent to an existing DOT Bridge Maintenance Building, any potential fire hazards associated with this facility can be precluded by maintaining proper separation.

Review and Assessment of Code & Standards Requirements

Although a number of sources have been used in support of the overall fire hazard assessment associated with the expanded IMT operations, the primary fire protection requirements that are discussed below are those outlined by the applicable code requirements; including those contained in:

- The City of Portland Code of Ordinances, Chapter 10, *Fire Prevention and Protection*
- NFPA 1, *Fire Code*
- NFPA 307, *Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves*
- City of Portland Fire Department Rules and Regulations
- The City of Portland Technical Manual, Section 3 – *Public Safety*

The applicable chapters of NFPA 307 represent the primary source of most of the fire protection requirements for the Portland IMT site. NFPA 1 was reviewed, but in general, the requirements within this code, applicable to the IMT, simply mirror those of NFPA 307. The Fire Prevention and Protection chapter of the City of Portland's ordinances was also reviewed, but again, did not impose any additional requirements beyond those of NFPA 307; albeit the sections of the City's Ordinances, Technical Manual, and Fire Department Rules and Regulations that outline requirements for fire hydrants and access by fire department equipment will need to be adhered to.

A significant aspect of the fire protective measures for a marine terminal is having access to adequate firefighting water. This fact is exhibited in the requirement that fire hydrants connected to an adequate water supply be installed throughout the marine terminal yard. Currently, the proposed IMT expansion is to include six (6) additional hydrant and/or standpipe locations, located within the new container storage area and along the access route that will be used to transport the containers from the secured storage area to the railway loading area. These sources for firefighting water are located specifically to meet the NFPA requirements indicate the spacing between hydrants cannot exceed 300 ft, nor that any "dead end" area be more than 150 ft from the nearest hydrant. Due to the specific design of the container loading area and the lack of available space to accommodate the installation of fire hydrants, it is being recommended that a series of standpipes be installed along the concrete barrier that will be separating the railway loading area

from Commercial Street. The proposed hydrant and standpipe locations throughout the expanded IMT site are depicted on the proposed site Fire Protection Plan; drawing C17. Due to the fact that the standpipes will be exposed to freezing temperatures, it is recommended that the standpipe section of the fire water supply system be supplied from a single post indicator valve (PIV), located adjacent to the access point to the loading area. To allow the fire department flexibility in connecting to the individual standpipes after the this portion of the system has been pressurized, it is recommended that each standpipe riser be provided with an isolation valve that will facilitate connection to the individual fire department connections after the PIV has been opened.

Associated with the hydrant (and standpipe) spacing requirements is the need to ensure adequate access is available to the entire yard area by firefighting equipment (trucks). The standards require fire lanes of at least 20 ft in width that will provide access to all areas of the site. The planned design/layout of the new storage yard at the IMT includes truck lanes (spacing between storage "groups") that far exceed this requirement. The new storage area is a secure area that is completely enclosed by fencing. Access gates are provided on the east and west sides of this area (refer to Dwg C17). Similar to the other access gates for the IMT, Knox boxes will need to be provided at both gates; each containing the necessary key (card) to facilitate the opening of the security gates.

Both NFPA 1 and the City's ordinances include a requirement to provide a "turn-around" area at the end of any "dead-end" fire access lane that is 150 ft or greater. The railway loading area will be considered a dead-end. However, based on the City's requirements outlined in their Technical Manual, sufficient area is available at the end of the loading area to accommodate a turn-around; per Figure I-5 of the Technical Manual. Equally, the NFPA also requires that a fire hydrant be located no more than 150 ft. from the end of any dead-end access road. The spacing of the standpipe locations has been designed to accommodate this requirement as well.

NFPA 307 also has a requirement for ensuring fire department "notification" of an emergency. The method(s) used throughout the existing portion of the IMT will need to be extended to include the expanded areas as well. Associated with the notification requirement, the Fire Protection Program that governs the operations at the existing terminal will need to be modified to include this new area; especially as it pertains to restrictions on potential fire ignition sources. This includes restrictions on smoking and/or open flames within 50 ft of any areas that involve the handling and storage of any flammable or combustible materials. Equally, if the potential exists for hot work to be performed within the DOT's Bridge Maintenance Building, or any other area within the IMT site, this too must be no closer than 100 feet of any operations (including storage) involving flammable or combustible materials. Currently, the planned design/layout for the new storage area is such that the closest point of storage is approximately 30 feet from the DOT's Bridge Maintenance Building. Any such storage areas that are within 100 ft of the Maintenance Building should be specifically designated to ensure that only containers that are known to contain no flammable or combustible materials are stored at those locations.

Summary and Recommendations:

In general, the overall plan for the expansion to the Portland IMT site appears to address the required physical attributes needed to support adequate fire protection; assuming that all modifications depicted on the Fire Protection Plan for the expansion are implemented, including:

1. Install sufficient numbers of fire hydrants and standpipe connections throughout the expanded IMT site to provide adequate access to firefighting water for the Fire Department. The Fire Protection Plan (Dwg C17) should be updated to include the location for a PIV to isolate the standpipe section of the water supply piping. It is understood that the codes do not specifically discuss the use of standpipes in lieu of fire hydrants. However, due to the area restrictions within the railway loading area, coupled with a desire to ensure that no damage occurs to the fire water supply access points (hydrants), this design represents the likely best option to facilitate that goal. However, it will be necessary to obtain input from the fire department to ascertain the

specific type of fire department connections they would prefer be installed on the standpipe risers. It will also be necessary to develop administrative procedures that will ensure that the standpipe system is drained (suctioned) after any time where water has been introduced to this piping during periods when freezing temperatures are anticipated.

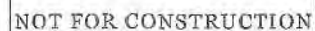
2. It will be necessary to ensure that the turn-around area at the end of the railway loading area remains clear of any obstructions that could limit fire department use of this area. Similarly, it may be necessary to provide a means to mark the fire department access lanes outside of the secured storage area to ensure that these lanes remain clear at all times.

Should there be any questions regarding this assessment and the recommendations contained herein, please do not hesitate to contact me.



W. Mark Cummings, P.E.
Principal Fire Protection Engineer

Filename: 020_FireProtection.dgn



A. IF THE SITE IS TO BE "GATED", A KNOX BOX (OR EQUIVALENT) WILL BE REQUIRED TO SUPPORT FD ACCESS.

B. ALL ACCESS ROADS WILL BE COMPLIANT WITH NFPA (NATIONAL FIRE CODE) AND MUNICIPAL ORDINANCES.

20 OF -

**Maine Port Authority
International Marine Terminal**

**FIRE SAFETY PLAN
(Rev. 01, 24 March, 2014)**

ATTACHMENT L

Fire Safety Program

As part of the overall objective to ensure that adequate fire and life safety protection are provided at the Portland International Marine Terminal (IMT), a Fire Safety Program has been implemented. This Fire Safety Plan outlines not only the fire protection and life safety systems that are installed throughout the IMT, but also provides specific operational requirements that are designed to minimize any potential fire risks to personnel or property, resulting from flammable or combustible materials that are being used, handled, and/or stored at the IMT site. In general, the IMT Fire Safety Program consists of:

- Installed fire protection and life safety systems that are distributed throughout the IMT site to support both early notification of a fire emergency and provide ready access to firefighting water,
- Operational and administrative procedures that provide guidance for ensuring that day-to-day operations at the IMT are conducted in a fire-safe manner, and
- The assignment of personnel responsible for the oversight of the fire safety measures implemented at the IMT.

All three facets of the program must be maintained and administered on a day-to-day basis to ensure that operations within the IMT are conducted in the most fire safe manner possible and that if a fire emergency does occur, that emergency responders have ready access to all portions of the site, including the installed fire protection systems.

Fire Protection Systems

The fire protection systems installed at the Portland IMT consist of both a fire alarm/notification system and a fire water supply system to support manual firefighting operations. The fire alarm/notification system consists of six (6) manual fire alarm pull stations that are installed at locations throughout the IMT site. These pull stations provide a means for rapid notification of emergency responders to a fire or other emergency at the site. The general locations of these pull stations are included on Attachment 1; the site's Fire Safety Plan (Dwg. C17). These pull stations are to be connected to the main fire alarm control panel (FACP) for the main Terminal Building. Upon activation, these will alert the Fire Department via the wireless Master Box system that is connected to the FACP.

In addition to the five (5) Municipal fire hydrants installed along the north side of Commercial Street, adjacent to the IMT site, the private fire water supply system on the IMT site has been updated such that nine (9) fire hydrants and three (3) standpipe connections, which are supplied from the Municipal system, are dispersed throughout the IMT. The three standpipe connections are located along the length of the railroad loading area. Due to space constraints associated with large equipment used to load containers on the rail cars, along with ensuring adequate protection from damage, it was not possible to site hydrants within this area. The standpipes are connected to the remainder of the fire water supply system via a post indicator valve (PIV) that is located adjacent to the west access road from Commercial St. The location of the hydrants and standpipes is intended to maximize the ease of access to firefighting water from all points within the IMT site. Equally, the specified clear space that is to be maintained between all container storage areas has been designed to facilitate the ease of movement and operation of firefighting vehicles within the IMT. The locations for all fire hydrants and standpipes, including the standpipe's PIV, throughout the IMT are indicated on Attachment 1. Although Attachment 1

Maine Port Authority
International Marine Terminal

FIRE SAFETY PLAN
(Rev. 01, 24 March, 2014)

also shows the locations of several existing hydrants that are located on adjacent properties, these are not IMT control and were not considered when evaluating the fire water supply requirements for IMT.

An associated aspect of providing adequate site fire protection capabilities is the need to ensure that the responding Fire Department will have ready access to the site itself. The IMT is a "secure" site, with access from Commercial St. provided by two automatic-opening gates at the eastern end of the IMT, along with the access road at the western end of the site. Additionally, the IMT site includes a secure storage area for the wheeled containers that are awaiting loading on rail cars. This secure storage area is accessed from the eastern end by an automatic-opening gate from within the IMT site, along with another automatic-opening gate on the western side; which is accessed by the (unsecured) roadway on the western end of the site. Each gate is operated by use of a key card. To ensure that the Fire Department will have ready access to all areas of the site, including during non-working hours when the site is unmanned, a "knock" box will be located adjacent to each gate; with each containing the necessary key card that will open the respective gate.

Control of Flammable/Combustible Materials

Inherent in the site Fire Protection Plan is a requirement to control the locations of both potential ignition sources and all flammable and combustible materials; with the emphasis being to maintain separation between the two.

Areas within the IMT site where the potential exists for open flame or other ignition sources to be present are specifically designated. These areas include the IMT Maintenance Shop, the DoIT Bridge Maintenance Building, and any designated smoking areas. No flammable or combustible materials are to be stored within 100 feet of the "shop" areas associated with the Maintenance Buildings. Any storage areas within this distance must be designated for non-flammable/combustible materials only, including any bulk containers that may contain flammable or combustible materials. Smoking areas may be designated at locations throughout the IMT site, but these may be no closer than 50 feet from any areas where flammable/combustible materials are used, handled, or stored. All areas designated as either flammable/combustible storage "exclusion" areas or smoking areas must be clearly marked.

The IMT is certified for the handling of bulk containers of ethanol; a flammable liquid. Due to the specific hazards associated with the (temporary) storage of large quantities of flammable liquids, a specific area of the IMT storage yard has been designated for the storage of the bulk ethanol containers. To alleviate the potential for errors, the size of the designated flammable liquid storage area is sufficient to accommodate both the incoming "full" containers and those that are empty and awaiting return shipping. The location for the storage of the bulk flammable liquids containers is highlighted on Attachment 1. Should the site be recertified to handle other types of flammable liquids, the proposed specific location to be designated for storing these additional containers will be reviewed and approved by the Authority(ies) Having Jurisdiction.

Site Fire Safety Coordinator

Although all IMT site personnel will receive basic instruction regarding the fire safety requirements at the IMT, a full-time employee of the Maine Port Authority will be assigned as the site's Fire Safety Coordinator. This individual will receive specific orientation training that

**Maine Port Authority
International Marine Terminal**

FIRE SAFETY PLAN

(Rev. 01, 24 March, 2014)

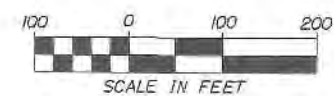
will provide a more in-depth understanding of all facets of the site's Fire Safety Plan. He/She will be responsible for ensuring the day-to-day implementation of, and adherence to, the Fire Safety Plan by all site personnel. Equally, this individual will be responsible for coordinating the IMT fire safety requirements with the site's two adjacent tenants whose personnel must transit portions of the IMT site to reach their respective facilities; the DoT Bridge Maintenance Building and the Canal Landing Boatyard. Each will be instructed as to the specific fire safety requirements to which they must adhere to ensure the safety of all personnel operating at, or immediately adjacent to, the IMT site. At a minimum, this individual's responsibilities will include;

- Ensuring all IMT personnel receive an initial briefing regarding all facets of the site's Fire Safety Program, including the location and use of all fire protection and life safety equipment,
- Acting as the site's primary liaison with the local Fire Department; both for coordinating any maintenance and testing of the fire water supply system and scheduling routine familiarization and training exercises at the IMT,
- Acting as the site's primary liaison with representatives of the DoT Bridge Maintenance facility and Canal Landing Boatyard to ensure they are fully knowledgeable of the fire safety requirements associated with the IMT's operation and their responsibilities when operating within the IMT site.
- Conducting routine site inspections to verify that all fire protection systems remain undamaged and in good working condition and that access to all fire hydrants, standpipes (and controlling PIV), and manual pull stations remains unobstructed, and
- Verifying that all hot work activities are performed only in designated areas, including smoking, and that all flammable and combustible materials are stored within their proper areas.

The Maine Port Authority management will ensure that this individual has the necessary authority to carry out and enforce the assigned responsibilities. Equally, an alternate Fire Safety Coordinator will be designated as/if needed to support periods when the primary designee is unavailable to perform these functions.

Fire Protection and Life Safety Systems Inspection, Testing, and Maintenance

To ensure that all fire protection and life safety systems are operational and ready for use when/if needed, the site's Fire Safety Coordinator will maintain records that demonstrate all installed systems are being properly maintained and tested in accordance with applicable industry codes and standards. The Maine Port Authority will ensure that the site's fire alarm/notification system is being properly inspected, tested, and maintained by an authorized fire alarm contractor. Equally, the Fire Safety Coordinator will work with the Municipal Authorities to ensure that authorized personnel have the necessary access to the site to properly inspect, test, and maintain all components associated with the fire water supply system, including performing the routine hydrant flow tests, along with performing the necessary inspections and testing of the standpipe system, including its controlling PIV.



LEGEND:

-  MANUAL PULL STATION
-  FIRE HYDRANT
-  STAND PIPE CONNECTION

- OF -



May 6, 2014

Mr. Rick Knowland, Senior Planner
City of Portland Planning Authority
4th Floor, City Hall
389 Congress Street
Portland, ME 04101

RECEIVED
MAY 06 2014
Dept. of Building Inspections
City of Portland Maine

**RE: Portland International Marine Terminal
Existing Laydown and Connecting Corridor Connection Project
Site Plan Addendum #2**

Dear Rick,

On behalf of the Maine State Department of Transportation (MaineDOT) and the Portland International Marine Terminal (IMT), we are pleased to submit these responses to Staff Review Comments and other supporting materials for your review and consideration.

This response consists of the following items for review:

1. Neighborhood Meeting Certification Form and transcript of meeting minutes.
2. Response Letter to Staff Review Comments and supporting materials (under separate cover).

Enclosed you will find one copy of the written documents, one full size (24"x60") copy of the Illustrative Site Plan, one reduced size (11"x17") copy of the Illustrative Site Plan, and a CD with the entire application (written documents and plan).

We look forward to working with you, Planning Department staff, and the Planning Board in the review of this project. Please feel free to contact me to discuss any questions or concerns you may have regarding the attached application materials.

Sincerely,
CARROLL ASSOCIATES

Patrick J. Carroll
Principal

Enc.

Cc: Joel Kittredge, MaineDOT
Craig Morin, HNTB
William Needleman, City Waterfront Director

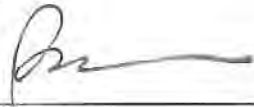
Neighborhood Meeting Certification

I, Patrick J. Carroll, hereby certify that a neighborhood meeting was held on April 28, 2014 at the Gulf of Maine Research Institute at 6:30 pm

I also certify that on April 16, 2014 invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Office (jmy@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive email notices.

Signed,



05/06/2014 (date)

Attached to this certification are:

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



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

Neighborhood Meeting Invitation

April 15, 2014

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a **proposed westward expansion of the International Marine Terminal located at 460 Commercial Street.**

**Meeting Location: 3rd Floor Conference Room, Gulf of Maine Research Institute,
350 Commercial Street, Portland, ME 04101**

Meeting Date: April 28, 2014

Meeting Time: 6:30 pm

(The City code requires that property owners within 500 feet (1000 feet for proposed industrial subdivisions and industrial zone changes) of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.)

If you have any questions, please call **Joel Kittredge, MaineDOT at 207-624-3550.**

Sincerely,

Joel Kittredge

Note:

Under Section 14-32(C) and 14-524c of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within 30 days of submitting a preliminary application or 21 days of submitting a final site plan application, if a preliminary plans was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874- 8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to bab@portlandmaine.gov

IMT Expansion Project

Neighborhood Meeting List of Attendees

[illegible]

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

IN RE THE RAIL CORRIDOR AND
EXISTING LAYDOWN YARD EXPANSION
AT THE PORTLAND INTERNATIONAL MARINE TERMINAL

WIN 022809.00

Public Meeting At The Gulf of Maine Research Institute

Reported by Robin J. Dostie, a Notary Public and court
reporter in and for the State of Maine, on April 28,
2014, at the Gulf of Maine Research Institute,
Portland, Maine, commencing at 6:30 p.m.

REPRESENTING THE STATE:	JOEL KITTREDGE
FROM HNTB:	CRAIG MORIN
PORT AUTHORITY:	JOHN HENSHAW
CITY OF PORTLAND:	BILL NEEDLEMAN

1 TRANSCRIPT OF PROCEEDINGS

2 MR. KITTREDGE: Well, good evening all. My
3 name is Joel Kittredge. I'm with the Maine Department
4 of Transportation. I'm the project manager out of the
5 Bridge Program managing the existing laydown
6 connecting corridor project, which is the project that
7 we're all here to hear about this evening and discuss.
8 On behalf of the Department of Transportation, I'd
9 like to welcome you and thank you all for coming. I
10 look forward to being able to present a really great
11 project. I hope you're as excited about it as we are.

12 I'd like to do some intros before we go too
13 much further. Presenting tonight will be Craig Morin.
14 Craig is the project manager from HNTB. They are the
15 firm that the Department of Transportation has
16 contracted with to do the preliminary and final design
17 for this project. I'd also like to introduce John
18 Henshaw. John is the director of the Maine Port
19 Authority. And I'd also like to introduce Bill
20 Needleman from Portland Planning Waterfront
21 Development, director. Waterfront director?

22 MR. NEEDLEMAN: Coordinator.

23 MR. KITTREDGE: Oh, okay, coordinator. So
24 with those three people, again, I'd like to say thank
25 you for coming and I'm sure it will be a good thing to

1 hear their perspectives. When we get to it, we'll go
2 through, Bill is going to have a few words and be
3 telling us about the planning process and how the
4 stakeholders have been putting themselves together in
5 a really collaborative effort to work through the
6 Portland permitting process. And John Henshaw, of
7 course, will talk about, you know, why are we really
8 here, what does this project -- the Eimskip project
9 mean for the IMT, you know, the people of Portland,
10 the people of Maine and beyond. Craig will drill
11 down. He's going to show you the overview and then
12 he'll be able to drill down certain sections of the
13 project and talk to you about the technical
14 characteristics of the project and then we will open
15 up to Q and A. I would ask that we hold the questions
16 until the end when we have the ebb and flow, we can
17 capture that. Robin Dostie I forgot to introduce.
18 She's our court reporter. This is a matter of public
19 record and a requirement by the Portland Planning
20 Board.

21 So with that, I think I will turn it over to
22 Bill. Oh, I'm sorry, yes, did everybody see the
23 sign-in sheet? Everybody did. Great. Bill.

24 MR. NEEDLEMAN: Thank you, Joel. Again, I'm
25 Bill Needleman. I'm the waterfront coordinator for

1 the City of Portland and I'm acting as the city
2 liaison to the state project. And the project sits
3 within the context of a broader evaluation of the West
4 Commercial Street area and we've received some monies
5 from our regional planning authority, PACTS, to
6 conduct a broad study from High Street over to the
7 Veteran's Bridge and the subject site sits right in
8 the middle of that, but the subject project is moving
9 at a faster pace than we had anticipated when we first
10 applied for planning funds and the project team has
11 worked very closely with city staff and the
12 neighboring property owners to design an interface
13 with West Commercial Street that is meeting as many
14 expectations as possible in terms of bicycle and
15 pedestrian integration as well as integration with the
16 business community.

17 Some folks from the business community that
18 are directly adjacent to and impacted by this project
19 here are tonight. I'm sure we're going to hear from
20 them. We want to hear from them. But the project
21 team has worked very hard to keep city staff,
22 neighborhood organizations and the neighboring
23 businesses, you know, up to speed and integrated in
24 with their design process. The project itself is
25 being reviewed by the City Planning Department for

1 its -- for a site plan. It's not asking for any
2 zoning changes. And, in fact, it is implementing
3 long-standing policies of the city for the retention
4 of the western waterfront as a deep water marine
5 district. It's in the port development zone, which is
6 a zone created just for this type of use in the mode
7 of commerce. So the expansion of the IMT is an
8 expansion of existing use and an implementation of
9 existing policies. And with that, I would leave it to
10 the project team to further describe what they're
11 looking to do and also their schedule with the
12 Planning Board.

13 MR. HENSHAW: All right. Thank you, Bill.
14 I'll go next. John Henshaw from the Maine Port
15 Authority. And thank you, Craig. Thank you all for
16 coming. I think that your participation will
17 ultimately make this a better project and we certainly
18 appreciate you taking the time this evening to come in
19 and be with us and learn about the project and
20 hopefully provide some good input for us.

21 Just by way of a little bit of history, back
22 in 2008 then city manager, Joe Gray, assembled a group
23 to consider the long-term prospects and interest in
24 the International Marine Terminal. At that time, the
25 CAT was running and it was running out of Ocean

1 Gateway, so there was no ferry service there, so we
2 had to -- it was largely a large empty ferry terminal
3 in pretty decrepit condition and then a small -- very
4 small footprint container terminal that over the years
5 have been used for various feeder services and what a
6 feeder service is it's a service where you use a
7 vessel to get to a larger port where you get another
8 vessel to get to your ultimate destination. And
9 feeder services are good and important services for
10 moving -- for the movement of goods, but they do add
11 some costs insofar as you have to handle the cargo
12 both in the originating port and then the
13 transshipment port before it ultimately gets to its
14 ultimate destination.

15 So over 30 years or so there were several
16 services that operated with varying degrees of
17 success, but back -- so the outcome of that process
18 that Joe Gray initiated back in 2008 was that it was
19 determined that the Maine Port Authority was in the
20 best position to operate the International Marine
21 Terminal and that was for a couple of reasons, one,
22 probably the easiest to recognize was our resources.
23 The city didn't feel like it had the resources
24 available to make the kind of investments that were
25 required in the terminal to realize its full

1 potential. And so -- and then the Port Authority also
2 had some operational experience in terms of developing
3 services and handling freight. So it looked like --
4 it looked like a good fit and actually over the next
5 several years we were actually able to invest
6 somewhere in the neighborhood of about \$8-and-a-half
7 million or more into the terminal to turn it from a
8 sort of mixed use facility into a dedicated freight
9 facility and that was, again, realizing that vision
10 that the city had to have its passenger operations on
11 the eastern end of the waterfront and its freight
12 operations on the western end of the waterfront.

13 And so over that time you've seen, like I
14 said, you've been down here, you've seen the terminal
15 really transformed. When we took it over it was a
16 place where cars were towed in the winter and snow was
17 stored when there was excess snow in the streets. It
18 was really in pretty tough condition. And so we
19 initially undertook a project to upgrade the entire
20 facility to make it appropriate for use as a freight
21 terminal and we were able through that process to
22 attract Eimskip, which is the Icelandic Steamship
23 Company to move their North American operations to the
24 Port of Portland. And they were -- they had been
25 located in Norfolk for about 26-27 years. They also

1 called in Boston and Everett for probably another 50
2 years and those were their sort of U.S. operations.
3 They were in Norfolk primarily because they supplied a
4 NATO base that was in Keflavik, Iceland from Norfolk
5 and so they were carrying supplies for that base from
6 Norfolk.

7 In 2006, that base closed and so Eimskip began
8 a process of trying to find a new home in the U.S. and
9 there were two things that they were looking for.
10 They were looking for a place that had access to their
11 important markets but also might give them a little
12 closer proximity to Iceland in terms of sailing time.
13 And through a long process they ultimately identified
14 Portland as that port of call and they are over time
15 moving all of their operations up here. Portland is
16 the single port of call for Eimskip in the United
17 States and this is important for a couple of reasons.
18 Eimskip is the premier carrier of refrigerated cargo
19 in the Atlantic. Much of the fish that comes out of
20 the North Atlantic into the United States comes on
21 Eimskip's vessels. We have a number of fish
22 processors here in Portland, which were previously
23 using Eimskip to bring fish in from the North Atlantic
24 and it was going into Boston and they were trucking it
25 to various freezers and ultimately into their

1 processing facilities here. Now that product can come
2 directly into Portland. So that's an opportunity.

3 Another opportunity is the access that Eimskip
4 provides to Eastern Canada, to Scandinavia and to
5 Northern Europe and that's direct access from the Port
6 of Portland into those markets. And that's an
7 opportunity that hasn't been seen in Portland since
8 the beginning of early 1980s I think was the last
9 service that was a Norwegian service that operated out
10 of here. And so that provides good access to markets.
11 Eimskip also though sees Portland not as a market in
12 itself, obviously we're not a huge market even in the
13 Northern New England or even New England markets are
14 large, but not huge. But what they see is they see
15 Portland as a gateway into the U.S. market. And it's
16 a gateway into the U.S. market not just for Iceland
17 obviously but for Scandinavian countries and for
18 Northern European countries that are looking to access
19 this market.

20 And so in order for us to accommodate their
21 needs and to develop our business to the maximum
22 extent possible we needed to expand the terminal. And
23 so we looked westward and through the good offices of
24 Mr. Sprague here and the railroad and the gas company
25 we are going to realize that expansion potential for

1 the terminal. The other piece of this, of course, is
2 access to rail directly in the terminal. And the
3 important aspect there is currently what we're doing
4 with respect to the cargo that comes in by ship and
5 needs to go out by rail is we have to unload it off
6 the ship, put it onto a chassis and then dray it down
7 to Merrill's Marine terminal at Cassidy Point and put
8 it on rail there and that adds significant cost of
9 handling for that because you have to handle it once
10 in the terminal to drive it down to Merrill's Marine
11 Terminal and handle it again, load it onto rail cars
12 and out it goes. The opportunity that we have with
13 bringing the rail directly into the terminal is to
14 take cargos directly off vessels and to specialized
15 carts that are used to move containers within a
16 terminal and directly to a rail siding and get loaded
17 directly onto rail cars and ultimately made up into a
18 train and sent out across the United States.

19 Eimskip moves a wide variety of different
20 cargos throughout the United States, but they're also
21 moving cargos from Maine back over into those European
22 markets, Scandinavian and European markets, so
23 everything from processed lobsters to blueberries to
24 potatoes are all moving through the terminal into
25 those markets and those are opportunities for growth

1 for companies in Maine. And so ultimately the
2 beneficiary of this in our eyes is to businesses in
3 Maine that need to move freight into those markets or
4 import freight from those markets into Maine and so
5 that's really what we're trying to -- the potential
6 we're trying to realize through this project. Craig.

7 MR. MORIN: Very good. Thank you, John. So I
8 think John has covered these points here. We talk
9 about the purpose of the project and providing
10 intermodal infrastructure and then, of course, the
11 benefits of expanding the terminal as well. John has
12 touched upon all of these and what we'd like to do now
13 is really dig into the heart of the project and how we
14 are going to bring rail to the terminal. As John
15 eluded to there was a westward movement here and so
16 you can see the area in green is the portion that the
17 MaineDOT has acquired through this process as well as
18 a green railroad corridor that leads right through
19 here over to Cassidy Point. You know, in total the
20 original IMT is 14 acres you can see in the aerial
21 view. The proposed IMT area is 18 acres and that's
22 shown in green. The freight corridor being another 5
23 and therefore the total of the project is about 23.
24 So you can see there is also another 13 that's going
25 to remain railroad at this time and the New Yard LLC,

1 Mr. Sprague's property right here is approximately 5
2 acres. So this is the region we're talking about when
3 we talk about bringing rail into the terminal, we're
4 essentially bringing this red line is the new rail.
5 There is a double line here, which is going to be a
6 run-around track. And then the rail is going to stop
7 right around the base of Beach Street. And then the
8 containment storage is going to be in this general
9 area here right west of the bridge.

10 Let's dig into a little bit more detail now.
11 So when we start isolating the different components of
12 the project it's not just about rail, it's about new
13 other miscellaneous items as well that goes along with
14 it and we want to highlight some of those items here.
15 Certainly you can see the red line is the rail and you
16 can see the run-around track. So we have a mainline
17 track of about 2600 feet. We have a run-around track
18 here, we call it a siding, 750 feet. And then right
19 here along where the rail cars will be loaded are two
20 tracks adjacent to one another also 750 feet. The
21 concrete slab is a slab here where the cars will be
22 loaded through the Mi-Jack device, which is a reach
23 stacker. You've seen it working out there. It's that
24 orange device. It looks like a large fork-lift that
25 picks up the containers. And those containers are

1 going to be coming from this area right here which is
2 going to be the staging grounds. This is where the
3 containers, as John mentioned, are going to be placed
4 on chassis and they're going to be stored here. Along
5 here is also a set of fence. There is going to be
6 some fence lines. There is going to be some site
7 lighting in order to light this area. And what you
8 can see is that we're building right around the
9 existing Unitil parcel right here in the middle where
10 NGL and Unitil share and that's going to be leased
11 back to them by the DOT.

12 A couple other points here to mention is we
13 have a signalized intersection here at Beach Street
14 and we've been working very closely with city staff
15 members to do so. This right here is going to entail
16 a light for each of the directions. So coming down
17 Beach Street there will be a light. There will be
18 eastbound moderated traffic movements as well as a
19 light for traffic coming in and out of the new
20 International Marine Terminal's entrance here. We've
21 worked very closely with the city staff members to
22 also develop bike and ped friendly utilities along
23 this area, which we'll dig into a little bit more in
24 just a second.

25 I want to point out also that along Commercial

1 Street we will be doing some paving as well as some
2 striping to better delineate those bike and ped access
3 routes. And then some other miscellaneous points
4 here, utility sleeves below this railroad line here
5 for any future developments that may occur. We do
6 point out a grade crossing. There, in fact, will be
7 two grade crossings. They're meant to be very simple
8 in nature in order to provide access across this
9 railroad track. This is the first one that's a known
10 location. Another one may be over here where the
11 track narrows back down to a single track for
12 simplicity. And then also on this project we have
13 here fender repairs. There are 16 fender elements out
14 there and they're in pretty bad shape and we're going
15 to do as many repairs on those as economically
16 feasible as part of this project.

17 So zooming in here a little closer now on to
18 the actual site. You can see up here with all of the
19 bulletpoints the items that we've listed signalized
20 intersection, designated turning lanes, roadway
21 realignment. We're actually going to be improving the
22 sight distance around this corner here around the Nova
23 Seafood building so that will be safer. We're
24 providing wider shoulders on Commercial Street. We're
25 essentially utilizing the entire 80 foot right of way.

1 There will be striping. There will be bike lanes.
2 There will be improved pedestrian crosswalks and
3 pedestrian landings on the corner of Beach Street and
4 we'll have other graphics that we'll dig into there in
5 just a moment. And advanced warning signals
6 indicating when this light here at the intersection is
7 red and motorists need to slow down and stop. You can
8 see there is -- you can see here some of the security
9 features, the fence line. This will be an MTSA 105
10 site as is the existing original IMT terminal, so
11 there will be security fencing, there will be lighting
12 and there also will be security cameras. The
13 important note about the lighting is that these light
14 poles will only be 35 feet in height and therefore
15 will not require a city waiver. The light poles that
16 are at the IMT today are on the order of 60 feet in
17 height and we needed a waiver last time because of
18 that. With the lights within the terminal as well as
19 the loading slab all of the lights will have shields
20 on their backside, therefore, you won't see the glare
21 up in the neighborhoods. We did the same thing when
22 we did the lighting on the original IMT on the
23 original site, we put shields on the back side to
24 prevent that light from affecting the neighbors.

25 This right here is a graphic that illustrates

1 the operation of the facility, what can you expect to
2 see when the actual chassis, the containers are being
3 moved, the chassis are being stored and the containers
4 are being loaded on rail cars. If I start over here
5 on the eastern end just below the bridge there is an
6 existing fender line along here. You'll see there is
7 a new fence line shown. We're going to realign that
8 fence. There will be a sliding gate. As trucks enter
9 the facility you can see the travel routes here
10 highlighted in gray. Trucks will actually be -- the
11 chassis with the containers will actually be stored.
12 This whole area is going to be a gravel lot, so the
13 chassis are essentially going to be parked on a gravel
14 lot. It will not be paved at this time. You'll see
15 that these chassis then once the container is required
16 to go on the train, a truck will come along, pick up
17 those chassis and will drive them across over to this
18 concrete loading slab. Right here is that Mi-Jack
19 device, that reach stacker. It's going to pick up
20 that container off of the flatbed and it's going to
21 place it right on the rail car right in front of it
22 and then the truck will drive forward, pull around
23 here to pull a u-turn and come back out around and
24 then back into the yard and that's going to be the
25 operation. This concrete loading slab is

1 approximately 700 feet long. It's approximately 16 to
2 18 container cars. And this is going to be the
3 operation. You can see there are some existing rail
4 lines here that serve the NGL leased property and
5 those are going to remain in place at the time. I'll
6 point out one more thing from this intersection is the
7 access way for the New Yard LLC property, which is
8 here on the waterfront. Our entranceway will allow
9 and will accommodate car, motorists, traveling public,
10 folks coming in down here and as well not only
11 motorists but also pedestrian access way as well right
12 along the fence line to get to the New Yard property.

13 Let's start talking about now the Beach Street
14 intersection in a little more detail. And to put it
15 into perspective, this is the area we're speaking of,
16 the JB Brown property with Portland Rubber Company and
17 Gray Bar and then on the other side of Beach Street is
18 the Nova Seafood facility. And you can see that the
19 terminal entrance is planned for right in this dirt
20 driveway where the Unitil and NGL access is. So you
21 can see Commercial Street, how the entire width of
22 Commercial Street is actually not paved. The right of
23 way line is probably further out here in this dirt
24 area. You can see that their paint markings are not
25 very clear and you can also see the sidewalk here in

1 front of the JB Brown property is pretty narrow as
2 well as with a very narrow esplanade as well. We're
3 going to make some improvements to this entire
4 intersection as part of this project and we can show
5 those to you now.

6 This right here is an overview of the
7 intersection. On the next slide I'll dig into it a
8 little deeper. I'll zoom in on this, but let me at
9 least point out the peripheral elements here. As we
10 go around in a clockwise manner, we'll start here at
11 the JB Brown facility we'll have a esplanade and
12 sidewalk. This right here will be a 12 foot wide
13 brick sidewalk with an 8 foot wide grassed and treed
14 esplanade. This is intended to replicate or perhaps
15 satisfy our discussions with the city who was looking
16 for a multi-use trail in this area. So we've worked
17 with them to develop this type of configuration with
18 sidewalks and esplanades. We have the entranceways
19 here for the JB Brown property, which also has large
20 semi-trailer trucks that have to access this site.

21 You'll see along here this shaded region as
22 well as the bike symbols. You'll see the bike symbol
23 here. This is a 5 foot wide bike lane as well as all
24 of the other bike lanes on each corner, those are all
25 5 foot wide, tie into the cities network as we go

1 inland here towards the east, towards downtown. What
2 we have here is a 3 foot wide buffer zone, okay, and
3 the shaded area for the bike lane is actually going to
4 be that green coloring that you'll see oftentimes. It
5 indicates a zone of potential conflict where there may
6 be trucks entering or exiting, so that's the purpose
7 of the shaded area there. You see these large
8 pedestrian landings on each corner here on Beach
9 Street. Those are now defined whereas now they are
10 not currently defined. Mast arms with signal heads
11 will help identify the signal heads for the
12 intersection. You see crosswalks here and crosswalks
13 here.

14 In front of the Nova Seafood building we will
15 be installing an inlaid brick sidewalk across this
16 entire entranceway to provide texture. We will be
17 extending that sidewalk all the way around the parking
18 lot. There is a second parking lot over here as well
19 and will tie into the existing sidewalk configuration.
20 Right here in front of the Nova Seafood building we
21 have a gray shaded area, which will, in fact, be a
22 various color, perhaps a red, let's say, something to
23 designate a separate type of entranceway or a special
24 entranceway. We also have here a 5 foot wide bike
25 lane, designated through-rights as well as

1 left-turning lanes both for onto the bridge as well as
2 into the facility.

3 And then down here at the southeast corner we
4 have a lane here for trucks exiting and we also have
5 paint marks here for those wide trucks to make the
6 turn without encroaching upon other opposing lanes.
7 You'll see a cobblestone region. These hashes here
8 are cobblestones. They're meant to be an aggressive
9 cobblestone so that people will actually utilize the
10 lanes here. And the reason for this aggressive
11 cobblestone is to allow for better truck movements in
12 front of the Nova Seafood building. This intersection
13 in its entirety will also have a special signalized
14 intersection for the truck movements at Nova Seafood.
15 There will be video detection here on this corner and
16 as trucks are exiting or entering the facility this
17 entire intersection is going to be turned red and
18 there will be a 30 to 40 second time frame for trucks
19 to enter the intersection much as they do now, but to
20 do so in a safe manner as all of the vehicles are
21 stopped at the intersection. We have pulled back the
22 stop bars. These stop bars here actually accommodate
23 the trucks coming in and out of this intersection from
24 Nova Seafood as well as pulling u-turns here in order
25 to head eastbound into the downtown area. This

1 cobblestone region you see here on the southeast is to
2 allow for those trucks to make the wide turn here and
3 then make their way eastbound.

4 You'll notice there is a fence line here as
5 I'm trying to highlight it as best I can. That fence
6 line will actually define the perimeter of the
7 property, but within this fence line and just beyond
8 the cobblestones is an opportunity for some
9 landscaping along the side of the street where there
10 will be a grassed area there will also be some trees
11 and some shrubbery. We also have pedestrian crossing
12 zone here for this pedestrian landing for employees or
13 for patrons from New Yard LLC or even from within the
14 terminal itself to make the cross -- the safe crossing
15 onto the other side of Commercial Street where the
16 existing and New Yard building and modified sidewalk
17 configuration exists.

18 The next slide is going to be a zoomed in
19 version of this, so you can see it a little better. I
20 won't reiterate everything, but I think your handouts
21 also show this zoomed in version and you can exact --
22 you can see the sidewalks here, crosswalks, sidewalk,
23 you can see the striping, you can see the
24 configuration of the dimensions. Travel lanes are
25 typically 12 feet. In a turning scenario we can go as

1 low as 11 feet in width and still provide safe
2 movements. All bike lanes are 5 feet in width. And
3 what we have here now that we're zoomed in I can show
4 here on this southwest corner is a wide shoulder and
5 the purpose for this wide shoulder right along here is
6 for truck storage. Truck queuing. A lot of times
7 you'll see trucks that need to get into the downtown
8 area much like along here on Commercial Street and
9 rather than have random trucks just parking along
10 Commercial Street we're actually providing a 700 foot
11 long storage area for those trucks. And this is going
12 to allow them to have a safe place to -- whether it's
13 to rest or to wait for their call into their facility
14 later on, this shoulder is going to be on the order of
15 11 foot wide so that will be safe for not only them
16 but also for the bikers to pass as well as the
17 through-right and the left-turn lanes.

18 These right here are a few graphics that kind
19 of give you a little bit of a perspective on account
20 of a before and a proposed. You can see what it looks
21 like today, you know, obviously this is the Nova
22 Seafood corner here looking west and you can see, you
23 know, what we have here in terms of the roadway and
24 the pavement markings. This right here is what we're
25 proposing where you can see clearly delineated the

1 bike lanes. What you can't quite see from the graphic
2 but I think it's well shown in this proposed view is
3 how it delineated -- how well delineated the lane
4 markings are, but what you can't quite see is this
5 yellow line, this center line is actually moved over
6 to the south by 8 feet. It's going to provide greater
7 sight distance for people heading westbound to see the
8 cars that are here in queue heading west as well as
9 when they're at the stop light. What you'll also
10 notice here is there will be a light pole here with a
11 signal head with an actual signal head on this arm so
12 that people as you head westbound you'll actually see
13 that signal head immediately. You'll see it from down
14 here by the Irving station. You can see that far
15 ahead. This way here you don't have to round the
16 corner in order to see whether or not it's a red light
17 or not.

18 This right here is a view looking east now.
19 And, again, you can see the limited paint markings
20 here that are faded. This is in front of the Star
21 Match building, but you can see the clear delineation
22 of the lanes. You see a truck queuing, the truck
23 storage lane here. You see our solid barrier. This
24 solid barrier and you can see the Mi-Jack in the
25 background, that reach stacker device placing the

1 container on the train, this barrier is going to be
2 about 4 feet in height. It's going to be a 4 foot
3 high security fence on top of it. Again, that's all
4 part of the MTSA regulations for Homeland Security.
5 You'll see the truck queuing lane here. You'll see
6 the lights. These will have the shields on the back
7 side. And you'll see the green markings for the bike
8 lanes and again then the through-right and the
9 left-turning lane as well. And we're also
10 environmental, we're bringing in more birds, too.

11 So here is a plan view of that of a similar
12 graphic. This one here is just a little outdated and
13 I'll just mention why is because of the stop bars
14 being pulled back. The bike lane stop bar and the
15 travel lane stop bars are now further back here and
16 back here as well. As you can see, they're just
17 pulled back. They're even with one another, but other
18 than that this is pretty much the graphic that we've
19 been sharing with the city and others. And let me see
20 if there is anything else here. Here is one more now
21 looking just a little further to the east with the
22 gravel lot. Because there is going to be a gravel lot
23 there won't be stalls perfectly marked out there.
24 There is not going to be any paint lines, if you will.
25 It's meant to really, you know, expand on the storage

1 facility. You can see over here how the containers
2 are stored and, you know, this is a bit of an older
3 graphic, but if you take a look down the street you'll
4 see that there are a lot of chassis already out there
5 and what we're doing is we're separating the chassis
6 from here from this region onto the other side of the
7 bridge, which is another designation of security and
8 then these special chassis with those containers will
9 be prepared and ready to go on the train cars as
10 needed and called upon. There is a slight area here
11 of about 7 or 8 feet in width for greenery, you know,
12 some trees and some bushes that we're going to take
13 advantage of and we're going to try to do some
14 plantings along here. And you can see the light
15 components as well, these are, again, the 35 foot high
16 lights which are within the city standards. They're
17 shorter than the ones that are out there on the
18 existing site, so picture those about half in size.
19 And it looks like we're on the order of about 3 per
20 road of these lights, so as the lights are shorter you
21 can imagine we need a few more of them, but the
22 reality is we didn't have that many more and so it
23 seemed to be a win/win situation for us.

24 And that pretty much wraps up the
25 presentation. So we've had some -- we've had the

1 history of the site and how it's become developed, the
2 reasons we're developing it and we've shared with you
3 the technical side of the project as well and what we
4 like to do now is open the floor to any questions or
5 comments that you may have. If you have any questions
6 or comments please just if you want to stand or if
7 you're not comfortable with that just speak loudly for
8 us and if you could just state your name and where you
9 live as well and we'll have it on record. Does
10 anybody have any questions? Yes, in the back.

11 AUDIENCE MEMBER: Yeah, hi. My name is Sara
12 Miller, I live on 96 Salem perched up above the Star
13 Match factory.

14 MR. MORIN: Okay.

15 AUDIENCE MEMBER: (Sara Miller.) My yard
16 abuts the yellow part of the building, so when I look
17 down I see Mr. Sprague's building and the water and to
18 my left is the bridge. My question is on the loading
19 ramp, what is the height going to be of the
20 containers? Is this an operation that's going to take
21 place during the daylight hours? So my concerns are
22 noise, safety, height, that type of thing.

23 MR. HENSHAW: Well, I mean, I can certainly
24 speak to the operations. Our intent is to have
25 operations as much as possible in the daylight hours

1 because it's actually cheaper to operate in the
2 daylight than it is at night, but, again, that's going
3 to depend on rail operations as well and so some of
4 that is going to be dictated by the railroad, but it
5 is our intent to as much as possible operate during
6 daylight hours. And I don't know if you want to talk
7 about the height of the ramp.

8 MR. MORIN: Yeah, I certainly can. So this is
9 a chassis storage lot, so all of the containers that
10 are being moved as part of this operation are on the
11 flatbed trucks. There will not be any container
12 stacking on this side of the bridge, okay. Not like
13 you see on the east side of the bridge --

14 AUDIENCE MEMBER: (Sara Miller.) Right.

15 MR. MORIN: -- which is meant for stacking, an
16 efficient use of the site. Over here we're looking to
17 have the containers on chassis and there will not be
18 any stacking. So in terms of height, the highest
19 you'll see a container is when it's placed on a rail
20 car, which may be just slightly higher than when it's
21 on a flatbed truck, okay.

22 AUDIENCE MEMBER: (Sara Miller.) Okay.

23 MR. MORIN: The barrier that you saw in one of
24 these graphics here, this barrier here I mentioned is
25 a -- it's a solid barrier. It will be a concrete

1 barrier. We're giving it an esthetic facade, if you
2 will, to the best that we can with concrete to soften
3 its appearance. It will be about 4 feet in height and
4 the purpose for that is obviously with this truck
5 storage area and the operation of the Mi-Jack we want
6 to give the sense of a safe operation and so that's
7 the purpose of it. We also have a 4 foot high
8 security fence on top of that. So in total you'll see
9 about an 8 foot tall structure. It's only 4 feet plus
10 a 4 foot fence --

11 AUDIENCE MEMBER: (Sara Miller.) Right.

12 MR. MORIN: -- and that's what you'll see. So
13 you won't see the containers stacking. I think the
14 other question you had was about noise.

15 AUDIENCE MEMBER: (Sara Miller.) Right.

16 MR. MORIN: The noise, you know, this right
17 here is a train operation, of course, so you have
18 trains that operate down there now.

19 AUDIENCE MEMBER: (Sara Miller.) Yes.

20 MR. MORIN: And what we understand is that
21 there are some movements at night that do occur and
22 we've heard that from other neighborhood meetings that
23 we've had. My understanding is that Pan Am does a lot
24 of those movements and sometimes their preference may
25 be at night, while I think the Port Authorities and

1 Eimskip's preference would be to do those during the
2 day to try to maximize those movements. We can't lose
3 sight of the fact that there may still be some
4 movements at night. So as John indicated it's safer
5 to do it during the day and that's their preference,
6 but Pan Am being the operating switcher there may be
7 some times when it is performed at night, so we're
8 hoping to see improvements if that's a way to say
9 that. And that would be from the train operation
10 side. You also are aware that we have the
11 refrigerator units, which have motors that run as
12 well. We -- actually, the Port Authority ran a study
13 internally with its subconsultant and they did some
14 decibel readings standing right next to the actual
15 device when it was running and it was on the order of
16 85 to 90 decibels. Just to put that in perspective,
17 what I'm saying right now speaking with you is
18 probably on the order of 50 to 60 decibels and a
19 television set is on the order of let's say 70
20 decibels, so when somebody was standing right next to
21 it it was certainly a little more louder, but as they
22 moved away up to 120 feet away you could barely notice
23 sound. And, in fact, the sound that was overwhelming
24 was more the traffic on Commercial Street. So to put
25 it all in perspective the refrigerator units as

1 they're stored on our site are going to be actually
2 furthest away from Commercial Street as best we can
3 and let me show you where that is. Let me show you.
4 The refrigerator units are going to be right down
5 along here and so this right here is the bridge, you
6 can see the bridge here in gray. And this right here
7 is the maintenance building, it's a small blue
8 building that's right just to the west of the bridge.
9 And this right here, this row of 16 stalls is where
10 the refrigerator units will be. And so this distance
11 is on the order of about 350 feet, 400 feet or so.
12 And so it's actually going to be further away from
13 some of the refrigerator units that are over here
14 already. And we've actually had people from previous
15 neighborhood meetings that lived up on York Street
16 that have indicated they can't hear these
17 refrigerating units, so I hope that provides some
18 input on the noise level that you can expect. Yes.

19 AUDIENCE MEMBER: Yeah, my name is Lani Graham
20 and my house is on the corner of Summer and Clark
21 Street, so it's more or less right in back of this
22 plan and like the other speaker I had some concerns
23 about noise and not just in connection with this
24 operation once it gets going, but as you're developing
25 it. And just by way of experience I was there when

1 the Casco Bay Bridge was built and they were merciless
2 in terms of the noise. Absolutely merciless and it
3 was months of very difficult sleeping. So I'm kind of
4 wondering what the plans are in terms of the actual
5 building of it.

6 MR. MORIN: Sure. So you're talking more
7 about the construction sequence perhaps.

8 AUDIENCE MEMBER: (Lani Graham.) Yes, the
9 start of the work schedule and how that's going to go
10 and will some of that be at night and so forth.

11 MR. MORIN: Yup. Yup. The plan is the
12 project will advertise in June by the MaineDOT. We
13 expect construction to start towards the end of July,
14 sometime in August perhaps at the latest, and it will
15 go for about a year is the overall construction
16 schedule. Time frame for construction during the day
17 when the working operating hours will probably be 7
18 a.m. to 7 p.m. I know the Casco Bay Bridge had a lot
19 of heavy construction. There is not a whole lot of
20 heavy construction here. We're talking about a gravel
21 lot. We're talking about a concrete slab and we're
22 talking about railroad track, so we're not going to
23 have the steel beams being raised, we're not going to
24 have pile driving that probably kept you up or those
25 types of activities. I'm sure there was a lot and I

1 know the Casco Bay Bridge project was a lengthy
2 project as well, but we have materials and
3 installations here and construction activities that
4 don't tend to cause a whole lot of noise during
5 construction. Certainly placing gravels and
6 excavators and things of that nature are done during
7 the day. Concrete placements would also be done
8 during the day. So that will be a typical type of
9 construction sequence, let's say, 7 to 7 I think would
10 not be anything unreasonable. Yes.

11 AUDIENCE MEMBER: Carol McCracken from North
12 Street up on Munjoy Hill. I'm just curious, it sounds
13 like this will be going to the planning board then
14 pretty soon.

15 MR. MORIN: Yes. A site plan application has
16 been submitted.

17 AUDIENCE MEMBER: (Carol McCracken.) Do you
18 have a date yet?

19 MR. MORIN: The submission occurred back on
20 April 7 and we are anticipating public hearings in
21 June.

22 AUDIENCE MEMBER: (Carol McCracken.) June,
23 okay.

24 MR. MORIN: Yup. We're working through staff
25 meetings and workshops at this time.

1 AUDIENCE MEMBER: (Carol McCracken.) Yeah.

2 MR. MORIN: Yes, sir.

3 AUDIENCE MEMBER: Hi. Brian Harris. Two
4 things. One, we use Eimskip to import deck cargo from
5 Europe, so I'm thrilled they're here. It makes things
6 very handy for us. And two, I live up on Summer
7 Street, so I look down on this whole thing here and
8 it's changing now with Finn's place. My view is now
9 his, what he's doing down there. Are there any plans
10 in the future for construction of a building on this
11 piece of property?

12 MR. MORIN: On this property here?

13 AUDIENCE MEMBER: (Brian Harris.) No, on your
14 14 acres right there.

15 MR. MORIN: Over here.

16 AUDIENCE MEMBER: (Brian Harris.) Yeah

17 MR. MORIN: Not at this time.

18 AUDIENCE MEMBER: (Brian Harris.) What about
19 in the future?

20 MR. MORIN: The future, I'm not sure what's
21 going to happen in the future to be honest with you.
22 There has been obviously a lot of chatter perhaps out
23 there, but at this time I can tell you that we do not
24 have plans, the design team or the DOT has plans to
25 implement any type of building on this property.

1 AUDIENCE MEMBER: (Brian Harris.) Okay.

2 MR. MORIN: Yes. Go ahead.

3 AUDIENCE MEMBER: Going over to the Veteran's
4 Bridge intersection --

5 MR. MORIN: Yup.

6 AUDIENCE MEMBER: -- do you expect a large
7 increase in truck traffic particularly in that area?

8 MR. MORIN: Over in the Veteran's Bridge area
9 you said?

10 AUDIENCE MEMBER: Further away.

11 MR. MORIN: Further west here?

12 AUDIENCE MEMBER: To the west.

13 MR. MORIN: You know, that's a possibility. I
14 mean, just with this site being what it is, but the
15 reality is a lot of trucks already come from the west
16 as they actually -- as they are accessing the IMT
17 facility. Right now they're utilizing one of the
18 other access gates, as you see, the closest one here
19 on the western side, for example, okay. They're going
20 to now be utilizing this access way here, right, the
21 one that's proposed right by Beach Street.

22 AUDIENCE MEMBER: Yup. Yup.

23 MR. MORIN: And having spoken with the Port
24 Authority over the last week and gathering some of the
25 traffic data, it sounds like most of their trucks

1 actually come from the west. So as the trucks come
2 from the west their route is also to go back to the
3 west and utilize that same route, so I don't think
4 you're going to see a large influx or change in the
5 truck numbers that utilize Veteran's Bridge or that
6 end of the corridor.

7 AUDIENCE MEMBER: Okay.

8 MR. MORIN: Yes.

9 AUDIENCE MEMBER: (Lani Graham.) Is there
10 going to be a website where people could go and get
11 additional information? And sort of related to that,
12 I think it's a good idea the shaded lights, you know,
13 with the back shield and so on, but it's hard to
14 picture that without having sort of a simulation of it
15 and I don't know if that's a feasible thing that you
16 might undertake on a website, for example.

17 MR. MORIN: I'd have to -- that's something
18 that we hadn't really planned for. We hadn't -- and I
19 don't believe we had done that the first time a few
20 years ago when we did the original IMT design. One of
21 the things we look at as designers is what we call a
22 photometrics plan and so our electrical designer or
23 electrical engineer, Larry Bartlett, who has also
24 participated in writing the standards for the City of
25 Portland will actually look at the foot candles, which

1 is the measurement of light on the ground as a
2 relationship to the lights themselves. And that
3 photometrics is actually part of our design plan set
4 and if I understand correctly, Joel, when the DOT
5 advertises a project is that on a public website where
6 the contractors can download that?

7 MR. KITTREDGE: It is.

8 MR. MORIN: Okay. So that can become public
9 information, if you will, and that photometrics plan
10 is very similar to what I think you're requesting or
11 suggesting. It's a technical side of it. It simply
12 shows the values and foot candles and what you can see
13 from that is where the foot candles become zero. They
14 zero out and that tells you that light is not being
15 shed -- it shows you that the shield is working, that
16 the light is in the front and not in the back. And by
17 seeing the progression and then the value becomes zero
18 it tells you where the light stops. And the light
19 actually stops, because I saw the plans just the other
20 day I was reviewing it, it stops right along here,
21 right along the truck queuing lane, so it gives me a
22 sense that those shields are pretty effective. Okay.

23 MR. NEEDLEMAN: Greg, and the photometric plan
24 will be part of the Planning Board's package as well.

25 MR. MORIN: Oh, thank you. Yup. That's

1 correct. And, in fact, it has been submitted as part
2 of the site plan application. And is that site plan
3 application on a city website at this time, Bill?

4 MR. NEEDLEMAN: No, but if you contact the
5 Planning Office, which is on the fourth floor in City
6 Hall, the telephone number is 874-8719 and the -- you
7 could talk to the secretary who would be able to give
8 you that information or the planner who is working on
9 that who is Rick Noland and he can give that you
10 information.

11 AUDIENCE MEMBER: (Lani Graham.) Yeah, I
12 actually went up there and that plan is like three
13 encyclopedias and so it's kind of a challenge to find,
14 you know, what you need there and there weren't a lot
15 of people available to help out.

16 MR. NEEDLEMAN: I would recommend calling
17 ahead of time and setting up an appointment if you
18 want somebody to walk you through the plan and they
19 will do that and if they won't, I will.

20 AUDIENCE MEMBER: (Lani Graham.) All right.
21 I have one other question, if I can still ask. So you
22 mentioned, and I think it sounds exciting, the
23 agricultural products, the forest products and so
24 forth, what other things might be moved through there
25 by train or by ship? I mean, is there a list

1 somewhere where we would know exactly what's going to
2 go through there?

3 MR. HENSHAW: I would say there are two
4 answers to that question is, one, you don't know; but
5 two, you know, what we move primarily as a state are
6 those three things, fisheries, forest products and
7 agriculture. Those are our principle industries in
8 the state and so those are likely to be our principle
9 cargos. Interestingly, Iceland like any other island
10 has to import virtually everything they consume, so
11 they import tires, they import paint, they import
12 ketchup, French fries, everything you can possibly
13 imagine that they would need to consume. Now, it
14 either comes from Europe or comes from the U.S. and it
15 comes through the port from the U.S. And
16 interestingly, one of the things that -- one of the
17 major exports that we see coming through the terminal
18 is electric cars because electric power in Iceland is
19 virtually free and so they're encouraged to buy and
20 own electric cars there. So we see a lot of those
21 moving through the terminal, but also things like RVs
22 and even hearses, all kinds of different types of
23 household goods and those kind of things are all
24 moving through the terminal on a pretty regular basis.

25 AUDIENCE MEMBER: (Lani Graham.) Well, I

1 mean, chemicals, fertilizer, gas, oil, those kinds of
2 things, what about them?

3 MR. HENSHAW: I don't anticipate -- I mean,
4 you wouldn't move gas and oil via container generally
5 speaking, so I wouldn't envision anything like that.
6 We move currently some flammable materials through the
7 material but no hazardous materials. And so, for
8 instance, we're moving French grain alcohol that's
9 used in making vodka here in Maine through the
10 terminal, that's an example of flammable material, but
11 I can't imagine there would be any -- that it would
12 make sense to move oil and gas. I mean, primarily
13 they move in tankers, they don't move in containers.

14 AUDIENCE MEMBER: (Lani Graham.) Yeah, I
15 understand, but trains and tankers get together
16 sometimes.

17 MR. MORIN: Yes, in the back.

18 AUDIENCE MEMBER: My name is Karen Sarfaty and
19 I live on Salem Street. Do you have any way of
20 knowing how much back and forth and back and forth
21 with the trucks going to containers and bringing them
22 to the train? I mean, is that just constant every day
23 back and forth?

24 MR. MORIN: We're not envisioning that being
25 constant or every day. The train -- I mentioned this

1 right here is about 750 feet long and I mentioned that
2 there is probably about 16 containers that could go on
3 that one train, okay, and we're envisioning right now
4 I think it's right now one train per week, John, is
5 what we've talked about as a start, so if you can
6 imagine just 16 containers there. There may be some,
7 you know, there may be a little back and forth just in
8 the staging of getting the containers ready with the
9 chassis and the drop-off there, so you may see the
10 trucks going back and forth getting that staging area
11 ready, but the reality is the trucks when they finally
12 come over here and the Mi-Jack is operating it's got
13 maybe 16 or 18 containers it's loading for that one
14 train and that may be on a weekly basis, again, to
15 start. It kind of puts it in perspective what they're
16 anticipating.

17 AUDIENCE MEMBER: (Karen Sarfaty.) Okay.

18 MR. MORIN: Yes.

19 AUDIENCE MEMBER: (Lani Graham.) I seem to be
20 the troublemaker here.

21 MR. MORIN: Not at all.

22 AUDIENCE MEMBER: (Lani Graham.) I like to go
23 back to the refrigeration idea and at one point a
24 refrigerated truck was parked down in that sort of
25 gravelly area and it made a lot of noise. Now,

1 fortunately it moved after a day, but you were talking
2 that it probably wasn't going to be as loud the
3 refrigerating containers that you have. Is there
4 going to be -- you said there was some plan for
5 figuring out the decibels or something that would
6 be --

7 MR. MORIN: No, what I said was that there had
8 been a study that was conducted by the Port Authority
9 internally on the existing units that are out there on
10 the site now to get a sense for the decibel levels and
11 what they found was that the highest that you would
12 have for decibels was on the order of let's say 90
13 decibels. That's very relative. As you got further
14 away from that same unit after you were about 120 feet
15 the decibel level dropped to about 60 and that's
16 similar to a conversation like we're having in this
17 room here. As I mentioned like a television would be
18 on the order of maybe 65 to 70 and so at some point
19 you're actually -- you don't recognize the
20 refrigerator unit over the traffic that's already on
21 Commercial Street.

22 AUDIENCE MEMBER: (Lani Graham.) And they
23 don't add together?

24 MR. MORIN: Not that I'm aware of. Now, you
25 probably really were tuned in because that truck was

1 parked right on Commercial Street and I can certainly
2 understand whether there was the acoustics of that
3 area. Perhaps it was under the bridge and there may
4 have been some amplification, if you will.

5 AUDIENCE MEMBER: (Lani Graham.) It wasn't
6 under the bridge, but it was certainly very loud.

7 MR. MORIN: Yeah, and I'm not sure how the
8 trucks handled the refrigeration unit, whether it runs
9 it harder or any differently. I can only tell you
10 what was studied in the yard and our plan as part of
11 the project has been to place the refrigerator units
12 as far away from Commercial Street as possible to
13 negate their effect.

14 AUDIENCE MEMBER: (Lani Graham.) And it won't
15 start to spread out?

16 MR. MORIN: That's not my understanding
17 because we have -- we have the same case in the
18 existing yard now and, I mean, I think we've done
19 this -- I know the Port Authority worked that study
20 and felt comfortable with their findings.

21 MR. HENSHAW: And the majority of our
22 refrigerated containers are actually going to remain
23 in the existing IMT yard so, in fact, where our
24 permanent reefer plugs are are actually on the eastern
25 side of the terminal. We do stage some reefers on

1 chassis in what we call the west lot, but that's still
2 on this side of the bridge.

3 MR. MORIN: Any other questions? Yup.

4 AUDIENCE MEMBER: Nathan McDuffy, Scarborough,
5 Maine. I had a question about the cumulative, you
6 know, on the noise comment sort of it and you've got
7 the shipping lane, the New Yard, you've got aviation,
8 you've got the bridge, you've got the new IMT, the old
9 IMT, whatever, fish, you know, it's a hot spot kind of
10 a thing, I mean, just not to mention that the gas
11 company is there. It's kind of a, you know, does it
12 all mix in the sense that when it's all going full
13 speed or, you know, I know that -- or maybe you can
14 add, I mean, the terminal now goes busy and then it
15 drops out quite a bit.

16 MR. MORIN: Mmm Hmm. Yup.

17 AUDIENCE MEMBER: (Nathan McDuffy.) Is that
18 going to pick up its pace in your --

19 MR. HENSHAW: I'd say generally speaking, and
20 I can speak just to the terminal, you know, we're
21 busiest just before a ship and just after a ship and
22 that's when the most activity you're going to see
23 happens. We're currently having a ship every other
24 week. We'd like to increase that to every 10 days or
25 even every week, but, again, most of the activity in

1 the terminal itself happens just in say the two days
2 before or two days after a ship is in because people
3 want to get their cargo as quickly as possible and
4 what we found also is people want to send their cargo
5 in as late as possible, but anyway, so that's where
6 the principle activity is from the terminal's
7 perspective.

8 MR. MORIN: And as far as the cohesiveness of
9 the site we've been meeting very closely with the City
10 of Portland, Mr. Sprague with New Yard LLC and to, you
11 know, develop a plan that we feel works for everybody
12 and, you know, while we may not make everybody
13 absolutely happy, we're making a lot of people very,
14 you know, pretty happy. I would say we're trying to
15 really meet their needs the best that we can. It's
16 been quite the process over the last three or four
17 months. We started this back in -- actually back
18 in -- I think it was back almost last year, you know,
19 in terms of the track, what did that look like, what
20 would this potential site look like and we've been
21 working at it pretty diligently since January, so it
22 shows that we've come quite a ways. The shaded areas
23 that you see in the truck routes, you know, and then
24 incorporating the access way to New Yard, it's been a
25 really collaborative effort, you know, working with

1 Mr. Sprague and his engineer, working with the city,
2 the fire department and all of those players there's
3 been a lot of collaboration. We feel we have a
4 solution here for everyone. Yes, in the back.

5 AUDIENCE MEMBER: (Sara Miller.) How is this
6 being paid for and as a Portland tax payer how will I
7 be affected?

8 MR. MORIN: It's being paid for through the
9 state's transportation bond. As a Portland tax payer
10 there is no city taxes being put towards this project
11 otherwise. Bill, correct me if I'm wrong on that.

12 MR. NEEDLEMAN: No, there is no city monies
13 being put in and there will be a question whether
14 there will be a taxable value impact overall and we
15 don't have a calculation on that yet.

16 AUDIENCE MEMBER: (Lani Graham.) How many --
17 I think one of the positive things is there is going
18 to be employees, more employees, is that right, you're
19 going to be hiring people there will be more people
20 down there?

21 MR. MORIN: Certainly.

22 MR. HENSHAW: Yeah, I would say there are a
23 couple things there, one is that Eimskip still
24 operates out of Virginia Beach in Virginia and so they
25 have actually a majority of their U.S. employees

1 there. They're going to move them up here over time.
2 They're now leasing three offices from us in the
3 terminal operations building now. They're going to --
4 there is one other available, so we'll have four
5 offices there. They have a couple of warehouse
6 personnel. They are hiring sort of slowly but
7 steadily and they will be moving people up from
8 their Virginia Beach offices over time, so we'll see
9 that kind of increased employment with Eimskip
10 directly. And then there will be, we hope, additional
11 work for our long shoremen because right now they're
12 essentially a part-time labor force, you know, they
13 come in when the ship is in. There are a few
14 full-time people, but obviously we would need more
15 full-time people over time and we would need more
16 labor over time to operate the facility.

17 MR. MORIN: Yes, sir.

18 AUDIENCE MEMBER: Yeah, hi. My name is Bill
19 Bray. I'm here this evening representing Nova
20 Seafood. Mr. Ciocca is actually in Iceland as I'm
21 speaking right now and asked me to attend this evening
22 and just kind of give at least an overview of what
23 we've done as it relates to the latest plan for the
24 improvements the intersection, specifically the
25 signalization and access into the loading docks at

1 Nova Seafood. I sent an email to Joel and Steve
2 Landry. I believe I did it yesterday. I sent it
3 yesterday morning that kind of summarizes what I'm
4 going to speak about this evening, but I just wanted
5 to make sure they get on the record on behalf of Nova
6 Seafood. I don't know if it would help to go back to
7 the enlarged plan of the intersection, but it might
8 make more sense at least from the specifics of what
9 I'm going to talk about.

10 MR. MORIN: Perhaps this one here?

11 AUDIENCE MEMBER: (Bill Bray.) Yes, please,
12 that would work good. First of all, you know, we're
13 very appreciative at the adjustments that have been
14 made to the intersection from when we first saw it. I
15 mean, there has been clearly a huge effort to try to
16 accommodate access in and out of Nova Seafood, which
17 is certainly even under the best of circumstances is
18 difficult. So I don't, you know, I don't want to
19 portray that Nova Seafood is unhappy. There are just
20 some design features that we still need to account for
21 if it's going to work.

22 The first one, and probably most importantly,
23 we had prepared a plan and presented it to DOT, God,
24 it must be close to a month ago now that called for a
25 small traffic island right adjacent to the stop bar

1 for the westbound traffic on Commercial Street and the
2 intent of that was to provide the highest level of
3 design for that approach so that we can come as close
4 as guaranteeing that people will stop at that stop
5 bar. I have been a practicing traffic engineer for
6 almost 40 years now and actually worked in the City of
7 Portland for 15 as a traffic engineer and if you don't
8 provide definition for people to stop at a stop bar,
9 the stop just doesn't cut it. If you don't provide
10 some added definition people just will not stop and
11 what happens is they'll creep up to where the
12 crosswalk is that you've got crossing Commercial
13 Street and if they do that then they've obviously
14 blocked the access out of Nova Seafood. So, again,
15 that is certainly the most important thing. We had
16 proposed a small island with a traffic signal on it.
17 It would be a stop sign traffic signal post mounted
18 and on that it would also have a sign that would say
19 stop here on red. Again, providing additional
20 definition to the motorist that they need to stop at
21 that point. Steve Landry in an email that he had sent
22 to myself and Nova Seafood had indicated that there
23 would be a blank out, no turn on right -- no turn on
24 red sign for people heading west on Commercial Street.
25 Again, it's an absolute must that that happens because

1 if not people making a right turn would actually cut
2 across a truck coming out of the Nova Seafood driveway
3 when they had the red indication, so I would hope that
4 that would be something that certainly can be easily
5 accommodated.

6 Again, in a series of emails that I was copied
7 on I reviewed that it appears that the design for
8 access in and out of Nova Seafood's loading docks was
9 for a truck design of WB62. He frequently has WB67s
10 that come in and out of that facility, so I would
11 again urge the design to take that into consideration
12 and account for the added length of the 67 truck
13 vehicle.

14 The last feature is, and it's a little
15 difficult to totally describe, but if you take the
16 connection point of the two crosswalks on the Nova
17 side, the northern corner of the driveway, that corner
18 you have -- you're going to make it very difficult to
19 make a backing movement back into that driveway to
20 reach the loading dock. And what happens and what
21 will happen is that the truck driver is going to have
22 to come out into the center of the intersection even
23 further to get in at the right angle to get onto that
24 loading dock. Again, the original plan that we had
25 come up with was to push that back further so that in

1 fact the driver when he swings in would have the
2 ability to just back in versus making that turning
3 adjustment as is required now with that design.

4 So those are four design features that, yes, I
5 realize that they may sound small, but they're huge in
6 ensuring that the operation of that loading facility
7 is still viable. And I guess the only thing that we
8 would asked is that the plan needs to account for
9 these and we would request in a meeting or whatever is
10 necessary to sit down and go over these design
11 features so that when we build this that everybody
12 that's going to be impacted by it whether it's
13 adjacent properties or the motoring public are
14 accommodated with the safest of designs, so and I
15 guess we would urge you to do that like really soon
16 seeing you're going to be going for approval here
17 really soon, so. I guess that's -- I think that's
18 all. Hopefully you understand what I was trying to
19 describe, Craig.

20 MR. MORIN: Okay. Thank you for your
21 comments, Bill. We have reviewed that email. I know
22 it just came in the other day. I've seen it myself
23 and I know that the DOT, Steve Landry, is planning on
24 taking a closer look at those and we look forward to
25 working with you to find solutions.

1 AUDIENCE MEMBER: (Bill Bray.) Okay. Later
2 this week would be really good to meet if you can.

3 MR. MORIN: Yup. Joel, if you could pass that
4 on to Steve.

5 MR. KITTREDGE: We've talked.

6 MR. MORIN: Okay. Yup. Very good. Thank
7 you, Bill.

8 AUDIENCE MEMBER: (Bill Bray.) Thank you.

9 MR. MORIN: Does anybody have any other
10 comments or questions?

11 AUDIENCE MEMBER: (Nathan McDuffy.) I was
12 thinking of something -- Nathan again. If they came
13 down with a little bit of an S turn before that then
14 it would be much straighter coming in front of the
15 proposal, I mean, and then do it whether or not the
16 terminal expands or not and fix --

17 MR. MORIN: I'm sorry, what --

18 AUDIENCE MEMBER: (Nathan McDuffy.) The idea
19 is to come over this way before they turn and make the
20 turn.

21 MR. MORIN: The right of way is very tough in
22 that corner. We've already pushed the intersection.
23 We've already pushed the center line to the south by 8
24 feet. We've already widened the roadway as best we
25 can.

1 AUDIENCE MEMBER: (Nathan McDuffy.) So are
2 the train tracks going to continue up Commercial
3 Street?

4 MR. MORIN: No.

5 AUDIENCE MEMBER: (Nathan McDuffy.) So you've
6 got all that area beside the --

7 MR. MORIN: The trains stop right here, but we
8 need this space inside the fence line for the interior
9 movements of the trucks and the storage of that yard.

10 AUDIENCE MEMBER: (Nathan McDuffy.) Yup.
11 Yup.

12 MR. MORIN: So we've really taken a hard look
13 at this. As I mentioned, we're working with all of
14 the parties, the city, including Mr. Bray and Angelo
15 and Nova Seafood equally with Gray Bar and JB Brown on
16 the other side, too, we've had some meetings with
17 them, so, like I said, we're trying to find solutions
18 for everybody. It's all part of a collaborative
19 process.

20 Does anybody have any other questions or
21 comments?

22 MR. HENSHAW: I was just going to say thank
23 you all for coming.

24 MR. MORIN: Yeah, thank you all for coming.
25 We really appreciate it. Meeting adjourned.

(Meeting concluded at 7:34 p.m.)

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C E R T I F I C A T E

I, Robin J. Dostie, a Court Reporter and
Notary Public within and for the State of Maine, do
hereby certify that the foregoing is a true and
accurate transcript of the proceedings as taken by me
by means of stenograph,

and I have signed:

Court Reporter/Notary Public

My Commission Expires: February 6, 2019.

DATED: May 5, 2014

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



To: Stuart O'Brien, Chair and Members of the Portland Planning Board

From: Richard Knowland, Senior Planner

Date: May 9, 2014

Re: Portland International Marine Terminal, 460 Commercial Street, Maine
Department of Transportation Plan

Project #: 2014-038 **CBL:** 59-A-1-3-4-7-8-11; 59-A-2-5-6-9-10

Meeting Date: May 13, 2014

I. INTRODUCTION

A workshop has been scheduled to consider a proposal by the Maine Department of Transportation (MDOT) to expand the International Maritime Terminal (IMT) facility in the vicinity of 460 Commercial Street. The proposal expands the existing IMT west of the Casco Bay Bridge by providing improvements to accommodate intermodal rail freight service and related truck chassis storage. The facility integrates sea, truck and rail freight services in one facility. The application describes this as an "existing laydown and connecting corridor connection project".

Attachment 1 includes the initial comprehensive IMT submitted on April 4, 2014. Attachments 2 and 3 include updated supplemental material submitted on April 24, 2014 and May 6, 2014. The initial site plan sheets are shown as Attachment P.

Notice of the workshop consisted of 144 notices being mailed to neighbors as well as the Legal Ad which ran in the May 5th and May 6th editions of the Portland Press Herald.

II. FINDINGS

Zoning:	Waterfront Port Development Zone and Shoreland Overlay Zone
Land Area (existing):	14 acres (existing facility)
Land Area (proposed):	14 acres
	New Yard, LLC – 9.82 acres
	Unitil (New Yard leasehold interest) – 3.96 acres
	Unitil (New Yard leasehold interest) - 4.17 acres
	Pan Am parcel – 5.0 acres

Proposed Use:	Marine container. Chassis storage yard and marine/freight transportation operation facility
New Building Footprint:	None
Total Disturbed Site Area:	11.2 acres
Impervious Area (existing):	3.05 acres
Impervious Area (proposed):	11.12 acres
Street Frontage:	1,600 feet
Parking:	None except for 144 truck chassis spaces. Parking on existing IMT site
Bicycle Spaces:	4 on two racks
Estimated Project Cost:	\$12.2 million

III. Background

Back in December 2012 the Planning Board approved the site plan for the “New Yard at Canal Landing” for a boat and ship repair and maintenance facility. Later in August 2013 the Board approved an amendment to that plan which provided for a phasing of site improvements. In the August 27, 2013 Planning Staff Report the rationale for the phasing plan was explained.

“The applicant makes this phasing plan to allow time for continuing negotiations with the MDOT and the tenants of the adjacent IMT. As has been reported in local news media, the operators and tenants of the IMT are contemplating a westerly expansion of freight operations onto New Yard property. Mr. Phineas Sprague, Principal of New Yard, LLC, would like to move forward with the boatyard project, while not making higher value improvements that may need to change to accommodate expansion of the IMT operations.”

The IMT project is moving forward and MDOT has acquired a portion of the New Yard landholdings as well as several other properties by eminent domain. According to the submission New Yard will be left with a 5 acre parcel which contains New Yard’s newly constructed warehouse building. Access to this parcel will be from the existing New Yard driveway which is connected into the new IMT entrance on Commercial Street.

A copy of the Planning Board approval letter and Staff Report for the New Yard development review is shown on Attachment A.

IV. Project Description

The proposed project expands the size and scope of the existing IMT facility on Commercial Street. MDOT will be acquiring 19 additional acres west of the Casco Bay Bridge with 14 of those acres contiguous and integrated with the existing facility. The additional 5 acres is just east of Cassidy Point Drive. The new improvements will complement the existing facility by providing rail service, an elevated concrete loading ramp to process rail shipments and a large staging area for truck chassis.

Key improvements include the following:

- A gravel storage lot for 144 truck chassis spaces.
- Extending a new 2,600 foot long mainline railroad track from Cassidy Point into the site. A 750 foot long siding track and a 750 loading track (adjacent to a concrete loading ramp) will be provided.
- An elevated concrete loading ramp that facilitates the loading and unloading of railroad cars. The ramp is 752 feet long and 74 feet wide or about 55,000 sf in size. The ramp extends to the edge of Commercial Street so as viewed from Commercial Street the ramp concrete wall is 4 feet high with a 4 foot high chain link fence on top of it. Thirty foot high light poles will be placed on the ramp along the edge of Commercial Street.
- Access to the facility will be from a new entrance on Commercial Street across from the Beach Street on-ramp at the present location of the Unitil driveway.
- A traffic light and intersection improvements are proposed at the project entrance/ Commercial Street intersection. Roadway realignment improvements along Commercial Street are proposed in the vicinity of the site.

While the core of the site improvements including the truck chassis parking area, concrete loading ramp, entrance and intersection improvements are near the Casco Bay Bridge, the project area extends to Cassidy Point with the track improvements .

The surface treatment of the facility will be gravel although the train loading ramp will be concrete.

Property Acquisition

The IMT expansion is made possible by MDOT acquiring a number of privately owned properties. These include the following parcels.

New Yard, LLC: This 9.9 parcel (a portion of New Yard's landholdings) was the subject of a 2012 Planning Board site plan approval for a ship repair facility. New Yard will be retaining a 5 yard parcel that contains the newly constructed warehouse type building.

Unitil: Waterfront parcel containing 4.17 acres

Unitil: Inland parcel containing 3.96 acres (2.19 acres which is encumbered by a lease to Osterman Propane, LLC which will be extinguished upon condemnation).

Pan Am : 5 .0 parcel

When MDOT filed the initial site plan application they indicated the properties would be acquired through an eminent domain process. In a letter dated 3-24-2014 from MDOT attorney Toni Kemmerle to Marge Schmuckal (Zoning Administrator) states:

We have also been asked to provide evidence that MaineDOT will have the right, title and interest in and to the property that is the subject of its site development permit application. Maine DOT will be filing its condemnation notice against the railroad property by the end of March. While Maine DOT cannot predict the exact date upon which the other condemnation notices will be filed, MaineDOT is proceeding with the full intention of filing these notices in the immediate future, contingent on the continued appropriation of the necessary funding. As soon as these notices are filed, MaineDOT will possess.

MDOT formally filed the condemnation notice on April 28, 2014 and therefore has established right, title and interest to the properties. See Attachment 3. Jennifer Thompson, Associate Corporation Counsel, has confirmed MDOT has established right, title and interest in the property. See Attachment B.

Development Reviews

The project is subject to City of Portland site plan and shoreland review.

State of Maine permits include Site Location of Development and Natural Resources Protection Act.

The Site Location permit will be reviewed by the Maine DEP under a streamlined review process pursuant to 38 M.R.S.A. sec.486-B for MDOT projects

MDOT indicates a Natural Resources Protection Act Permit-by-Rule, Section 11 Notification form will be filed on or about April 8, 2014. A copy will be provided.

V. STAFF SITE REVIEW DESCRIPTION

Circulation

Vehicle, pedestrian and bicycle circulation have been important elements in the planning process of this project. Preliminary comments from Tom Errico, Traffic Review Consultant, are shown on Attachment C.

Vehicle Circulation

Internal - Access between the existing IMT and the proposed facility occurs through the new chassis storage lot. There are 24 foot long gates at both ends of the storage yard which allow east to west circulation between both ends of the facility.

The previously approved New Yard site plan featured two driveways along Commercial Street. The primary street access for New Yard was an existing driveway adjacent to the Casco Bay Bridge. A second driveway provided across from Beach Street to serve the Unitil property. Under the new plan, the New Yard driveway by the bridge will be eliminated and all site access will take place at a newly configured driveway across from Beach Street. Note that the main entrance for the IMT east of the bridge remains unchanged.

Trucks entering from Commercial Street will enter the site and presumably circulate between the chassis storage lot or the rail concrete loading ramp.

The driveway entrance is wide reflecting the large size trucks that will be using the facility. The plan indicates the driveway entrance has a total width of 100 feet. The plan indicates that an incoming truck will have a 45 foot wide lane within the driveway to swing into the site. An exiting truck has a 15 foot lane with a 40 foot swing zone designated as a striped zone.

External - The existing site conditions in this vicinity of Commercial Street are a challenge for vehicles, bicycles and pedestrians especially the tight curve between the bridge and the Beach Street on-ramp. The development proposes significant improvements to help improve this situation.

Perhaps the most important improvement is the addition of a traffic light at the project entrance/Beach Street/Commercial Street intersection. This will control all traffic movements in this intersection. Advanced warning signals will also be provided.

Compounding the complexity of circulation issues are the existing truck turning movements across the street at Nova Seafood. Nova has a limited area for internal truck maneuvering on its site and therefore is reliant on such turning movements taking place within the street. Turning movement diagrams are shown on Attachment 1-28. The diagram shows a truck entering the site as well as exiting the site. Currently these movements take place with the assistance of a flagger in the middle of Commercial Street. With a traffic light in place, the intersection will be frozen when a Nova truck needs to maneuver in and out of the site. Sensors will detect the presence of a truck and activate the traffic light.

Given the logistics of truck maneuvering, the Nova site retains a wide driveway opening. Along the Nova Commercial Street frontage a brick sidewalk has been provided for pedestrian circulation. A cobblestone strip will also be provided as a signal to bicyclists and vehicles to stay in their lane and not take a short-cut to the Beach Street ramp. This design helps mitigate the oversized driveway width while accommodating Nova truck movements and providing defined zones for pedestrians, bicycles and vehicles. On the opposite side of the street (just east of the IMT driveway) a cobblestone inlay strip has been provided for trucks exiting the Nova site so trucks can swing around and complete their maneuver and head east on Commercial Street.

The traffic signal and related improvements results in a reorganization of the Commercial Street intersection in the vicinity of the site. At the intersection heading east bound, there will be a left hand turn lane to the Beach Street on-ramp and a combined straight/ turn lane to the IMT entrance. (This double lane starts about 750 feet from the IMT entrance). Heading westbound, a left turn lane into IMT is provided while a combined straight/right turn lane (for the Beach Street ramp) is provided.

Along Commercial Street an on-street parking area is being provided between the concrete wall and the bike lane (see below). This area has traditionally been a short term parking area for tractor trailers.

The Commercial Street intersection improvements require modifications along the frontage of the Graybar building. This will result in oversized driveway widths but it reflects the reality of truck maneuvering involving a constrained site. The two driveways serving this property will be 50 and 65 feet wide.

Bicycle Circulation

A 5 foot wide bike lane is provided on both sides of Commercial Street. The bike lane on the IMT side (southerly) starts initially 400 feet west of the IMT frontage and then extends a distance of about 1,300 feet where it is highlighted in a green asphalt material. This treatment is carried along most of the IMT expansion street frontage except for the frontage by the truck chassis storage area.

On the northerly side, the bike lane starts along a portion of the Nova Seafood street frontage and continues west to a point just beyond the Star Match building. Except areas within the vicinity of Beach Street, the bike lane will be striped but not have a green surface.

A photo simulation of the roadway and bikeway improvements is shown on Attachment 2.

Two bike stands with a capacity of 4 bicycles is provided near the project entrance.

Pedestrian Circulation

Internal-Pedestrian circulation includes people walking between New Yard and Commercial Street. The original site plan anticipated this by designating a “pedestrian area” along the edge of the internal roadway. However with the introduction of the IMT facility near the Commercial Street entrance and an increase in truck traffic, an improved pedestrian circulation plan is in order.

The submitted plan indicates a walkway has been provided along the front driveway to Commercial Street. This pedestrian zone is defined by a landscaped strip on both sides of the sidewalk. A curb will be placed on the driveway side of the landscaping strip. The sidewalk is about 60 feet long but the width of the sidewalk is not labeled.

The plan shows a stop sign for trucks coming from the chassis storage lot or from New Yard but how is the pedestrian crossing designated? Also how is the “pedestrian area” connected to this crossing?

External-Sidewalks are not proposed along the southerly side of the facility since there are already sidewalks on the northerly side of the street that lead to the Old Port and Harbor View Park. The proposed West Commercial Street Trail is also on that side of the street. A sidewalk waiver was previously granted for the New Yard development given the above circumstances and the highly industrial character of this section of Commercial Street.

In terms of pedestrians leaving or entering the site, the new traffic light will provide a designated crosswalk from the IMT driveway to the sidewalk on the northerly side of Commercial Street. A crosswalk is also provided across the Beach Street ramp. The traffic signals will be pedestrian activated for both crosswalks.

Twelve foot wide brick sidewalks will be installed along the Graybar frontage. A new sidewalk will be provided along the Nova Seafood property as previously discussed.

Stormwater Management

Applicant has submitted a stormwater management plan with related stormwater calculations. The IMT yard will have a mostly gravel surface which results in an impervious surface increase of approximately 8 acres. Non-gravel impervious surfaces include a concrete loading ramp (55,000 sf) and the paved area of the project entrance (7,000 sf). A commentary on site stormwater management is shown on Attachment 1-17.

Typically parking lots and circulation areas for site plan review have a bituminous surface. In the case of the New Yard development, a gravel surface was proposed and approved which MDOT would like to do as well.

Soils

The soils on the site are described as cut and fill lands with moderately drainage class. Presently the existing site consists of well drained silty sand which allows stormwater runoff to enter into the Commercial Street closed drainage system or to infiltrate into granular soils. The applicant is attempting to take advantage of these infiltration qualities by having a gravel surface for most of the site.

There are no wetlands on the site.

Stormwater Quantity

The report states the drainage patterns for the Post-Development condition remain essentially unchanged from Pre-Development conditions although technically the amount of impervious surface is increasing. The report indicates that due to the nature of existing subgrade soils and the ability to infiltrate into the granular soils, the majority of surface runoff from the proposed development will infiltrate into the underlying soil. Presumably in areas subject to “hard packing” from heavy vehicles, there will be an appropriate base and surface treatment of gravel and crushed stone for infiltration.

The plan should clarify where new gravel will be installed on the site including a cross section of the depth and type of material.

Stormwater Related Improvements

The basic premise of the site plan is due to the nature of existing subgrade soils and the ability of runoff to infiltrate into the granular soils, the majority of surface runoff from the proposed development will be allowed to infiltrate. Aside from regrading there are a number of stormwater related improvements associated with this project.

Along Commercial Street the proposed widened shoulder along the eastbound travel lane will be graded such that surface water runoff sheds to the edge of pavement and is channelized along the concrete barrier (there is no curb along this section of Commercial Street presently). The gutter lane includes a porous concrete section along the entire barrier face. Runoff is collected in a

proposed underdrain system located in the widened eastbound travel lanes of Commercial Street. The underdrain acts to collect and convey runoff to the catch basin located at the intersection of Beach Street. As this system ultimately discharges into the Fore River via an existing 24 inch CSO, a waiver from the flooding standard is being requested.

A review of the site plan indicates there are four proposed catch basins proposed for the site.

CB one is located near the paved driveway entrance. It runs into a 15 inch storm drain in the chasse storage yard.

CB two is connected into the 15 inch line and a 24 inch CSO within the chassis storage yard.

CB three is also within the chassis storage yard and connected into the 24 inch CSO which empties into the Fore River. Submission seems to emphasize soil infiltration but the storage chassis area appears to have catch basins. Applicant should clarify design intent.

CB four is located on the far westerly end of the concrete ramp. Stormwater from the concrete ramp is channeled into drainage scuppers which are connected into a pipe that runs into the catchbasin. Stormwater from the catch basin then finds its way to a nearby 30 inch CSO to the west.

The new rail line will have an underdrain system connecting into an existing CSO's. Field inlets have been provided at low points along the north side underdrain so that ponding does not occur along the track during larger storm events.

Review comments have been provided by David Senus, Consulting Review Engineer. His comments are dated May 8, 2014 and April 21, 2014 and shown as Attachment D. A partial list of his comments are shown below.

- Stormwater treatment area plan that identifies linear vs. non-linear areas of the site, treated vs. untreated areas of the site, and a tabulated list of treated vs. untreated impervious and developed areas (for both linear and non-linear areas.)
- Updated Stormwater Management Plan and Calculations.
- Updated Stormwater Inspection and Maintenance Plan (or Stormwater Pollution Prevention Plan) that addresses previous review comments.
- Updated grading plans per previous review comment.
- Final plans must be stamped by a professional engineer.

Applicant has provided responses to the April 21, 2014 review memo which was received on May 6, 2014. See Attachment 3.

Lighting

A site lighting and photometric plan has been submitted. See Attachment P-24 to 29.

Fifteen light poles are proposed at 50 foot intervals along the edge of the concrete ramp adjacent to Commercial Street. The mounting height of the light fixtures is 34 feet.

Eight light poles are proposed for the chassis yard. The mounting height is 35 feet.

Three light poles are shown near the water edge which will be 35 feet high.

The luminaire wattage for these fixtures is 284 watts. All light fixtures will have a cut-off feature.

It appears all the lighting poles will be served by underground power. There are however indications that some lines will be overhead. There is an overhead line on the southerly side of the concrete ramp shown on the plan. This should be clarified whether it will be overhead or underground in the future.

A summary of lighting use is shown below:

The proposed luminaires in the container area will operate at 50% light output until the yard is actively used, whereupon the light level will be increase to 100% output. The proposed luminaires at the concrete ramp will be divided into two groups for operational control. Type S1A light poles will only be turned on when the ramp is in use and will operate at 100% light output. Type S1A and Type S1B light poles will serve as security lights. They will operate each night at 50% light output unless the ramp is actively used, whereupon the light level will be increased to 100% output.

A narrative of the lighting plan has been provided including specifications and responses to City standards is shown on Attachment 1-25. The photometric and layout plan are shown on Attachment P-E.

Waivers

Applicant is requesting a number of waivers for the project. The waiver request and a response supporting the waiver request are shown on Attachment 3 (revised).

1. Sidewalks (along entire project frontage, on south side of Commercial Street)...Sec. 14-526(a)(2)(c)
2. Granite Curbing (along entire project frontage, on the south side of Commercial Street)...Sec 14-526(a)(2)(c)
3. Driveway Width (proposed IMT project, Nova Seafood, and Graybar)...Technical Standards, Sec. 1.7.2.4...Driveway widths exceed commercial (24 feet) and industrial (30 feet) standards. Applicant
4. Flooding Standard....Technical Standard, Sec. 5.iii.4.E(2)

5. Soil Infiltration...Technical Standard, Sec. 5. Appendix D.4(a)...Known soil conditions from soil borings and gravel materials installed with new construction should achieve soil permeability.
6. Landscape and Landscape Preservation...
Technical Standard, Section 4.2 and 4.3...Applicant cites lack of significant vegetation and expansive nature of proposed use, to waive preservation measures.

Technical Standard, Section 4.5 - *Site Landscaping: Screening and Buffers, Industrial and Commercial Developments*. Applicant is proposing a limited landscaping for a variety of reasons.

Technical Standard, Section 4.6 – *Street Trees*...Street trees are limited for a variety of reasons along the 1,600 feet project street frontage by applicant.
7. Boundary Survey...Technical Standard, Sec. 13.2 – *Boundary Survey (items shown on survey)*...Survey does not include topographic information for the entire property, plans are drawn to less than required scale, and not all underground utilities are shown.

Landscaping

As discussed above the applicant is requesting certain landscaping waivers from the Technical Standards involving preservation of existing vegetation, screening buffers and street trees. The landscaping plan is shown as Attachment P, C-18 to 20.

Perhaps the most significant design challenge is the presence of the 752 feet concrete wall (for the concrete ramp) along Commercial Street. The wall is 4 feet high and has a textured finish. See Attachment 1-31. The wall/ramp has been sited directly abutting Commercial Street. Short of shifting the wall to the south there is no apparent room for landscaping between the wall and the street. The plan indicates a 4 foot high fence will be placed on top of the wall with barbed wire. The fence should be black vinyl.

Along the Graybar building frontage (across the street from the concrete wall) 11 red maple street trees (3 inch cal.) will be planted. These trees are shown at approximate 35 foot intervals spread along 375 feet of street frontage.

On-site landscaping efforts are focused near the driveway entrance and an approximate 200 foot long planting area west of the entrance. See Attachment P sheet C-18 and C-19.

Landscaping near the entrance is primarily understory while the landscape strip includes 3 river birches (12 to 14 feet high), 4 white spruce (8 to 10 feet high) and 9 eastern red cedar (6 to 7 feet high) as well as a variety of understory material. Further to the west along Commercial Street, 9 swamp white oak (3 inch cal.) are proposed with spacing at a 35 foot interval.

The landscaping plan is shown on Attachment P, C18 to 21.

Zoning Administrator Comments

Comments from Marge Schmuckal, Zoning Administrator are shown on Attachment E.

Fire Department Comments

Comments from Capt. Chris Pirone of the Fire Department are shown as Attachment F. Applicant has provided fire related information shown on Attachment 1-21, Attachment 3 and P, C-17.

Site Plan Details

The submitted site plan drawings and related sheets are largely technical in nature and at times difficult to read. While it is understandable certain topics such as lighting, erosion and sedimentation control, profiles and cross sections may contain technical and engineering data, the site plans should be sufficiently detailed with dimensions such that the plan is clear and coherent. We have forwarded this concern to the applicant and they have submitted what is described as an illustrative plan that shows the entire site as well as the surrounding context (Attachment 3-H). While this is helpful, the site plan sheets should be fully dimensioned (along with a scale) and sufficiently clear so that there is a common understanding of what is being proposed as well as what is being approved.

Neighborhood Meeting

The applicant held a neighborhood meeting on April 28, 2014. A meeting notice, minutes of the meeting and the sign-in sheet are provided on Attachment 3.

Attachment List

- A. New Yard Approval and Planning Board Report (excerpt)
- B. Jennifer Thompson, Associate Corporation Counsel
- C. Tom Errico, Traffic Engineer Consultant
- D. David Senus, Development Review Consultant
- E. Marge Schmuckal, Zoning Administrator
- F. Chris Pirone, Fire Department

Applicant Submissions

- 1 – Applicant's Submission dated 4-4-14
- 2 – Applicant's Submission dated 4-25-14
- 3 – Applicant's Submission dated 5-6-14

P – Site Plans and Other Drawings

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrisette, Chair
Stuart O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

August 28, 2013

Applicant:
Mr. Phineas Sprague, Jr.
New Yard, LLC
58 Fore Street
Portland, Maine 04101

Agent:
Steve Bushey, PE
Deluca Hoffman Associates
778 Maine Street
South Portland, Maine 04106

Project Name: New Yard at Canal Landing, Phasing Amendment
Project ID: #2013-201
Address: 40 West Commercial Street
CBL: 59-A-1,2,3,4,5,6,7,8,9,10,11,12
Applicant: New yard, LLC
Planner: Bill Needelman, Senior Planner

Dear Mr. Sprague:

On August 27, 2013, the Planning Board considered an amendment to the previously approved New Yard at Canal Landing for a 22 acre boat repair and service yard located at 40 West Commercial Street and the Fore River. The amendment proposes phasing the development with an initial phase to include a boat ramp, associated floating docks, site grading, and fencing. The Planning Board reviewed the amendments for conformance with the standards of the Conditional Use in the Waterfront Port Development Zone (Boat Storage,) Shoreland Zoning Regulations, Flood Plain Management, and the Site Plan Ordinance. The Planning Board voted 6-0 (Dundon absent) to approve the application with the following conditions as presented below.

Conditions of Approval

- i. MDOT Shared Entrance: *Regarding the proposal for use of the existing easterly entrance adjacent to the IMT, the City will monitor the entrance for safety and may require modifications to the gate and entrance design if safety issues become evident.*

- ii. Fire Safety and Emergency Access: Prior to occupancy and or use of the site, the applicant shall submit a revised fire safety plan for review and approval identifying additional hydrant locations, emergency access routes and their adequacy for supporting fire suppression equipment.
- iii. Previous Conditions of Approval: For development approved on December 18, 2012, all conditions of approval remain in effect as described in Attachment 1 of Planning Board Report #40-13 (Planning Board Approval Letter dated January 25, 2013.)

The original December 18, 2012 approvals remain in effect until one year after the date of approval and may be extended for up to two additional years at the request of the applicant and approval by the Planning Authority.

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. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements, 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 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. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or 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. (If applicable)
7. **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.)
8. **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.
9. **Storm Water Management:** That the developer /contractor /subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines; that the owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements; and that a maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services.

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 Bill Needelman, Senior Planner at (207) 874-8722 or email at wbn@portlandmaine.gov

Sincerely,



Carol Morrisette, Chair
Portland Planning Board

Attachments:

1. Planning Board Report #40-13
2. City Code: Chapter 32
3. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Bill Needelman, Senior Planner
Philip DiPiero, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Farley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

PLANNING BOARD REPORT PORTLAND, MAINE



New Yard at Canal Landing
Boatyard and Boat Repair Facility
40 West Commercial Street

Amendment to
Level III Site Plan, Conditional Use, Shoreland Zone, Flood Plain,
New Yard, LLC, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: August 27, 2013 Project # 2013-201, amending #2012-575 CBL: 59-A-1,2,3,4,5,6,7,8,9,10,11,12	Prepared by: Bill Needelman, Senior Planner Date: August 21, 2013 Planning Board Report Number: #40-13
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I. Introduction

At the request of New Yard, LLC, represented by Steve Bushey, FST Engineers, the Planning Board is requested to hold a Public Hearing to review amendments to an approved site plan for a boat and ship repair and maintenance facility in the vicinity of 40 West Commercial Street.

In December 2012, the "New Yard at Canal Landing" was approved by the Planning Board for approximately 42,000 square feet of building space for a boat repair and storage facility with re-grading of up to 7 acres of the site. This approval is currently valid, but improvements on the site to date have been limited to brush clearing, concrete crushing, removal of derelict pilings and wharf structure, and general housekeeping. Erosion and sedimentation control measures have been put in place in conjunction with this work. The approval included permits for Level III Site Plan, Site Location of Development, Conditional Use in the WPDZ, Shoreland Zoning, and Flood Plain Management.

The applicant is requesting an amendment to the approved plan to allow phasing the development. Originally, the applicant was approved for a "Phase 1" including two boat ramps, a travel lift basin, floating docks, buildings totaling over 42,000 square feet of industrial space, significant fill and grading, stormwater improvements, utility work, lighting, and landscaping. For the Board's information, the applicant also showed a "Phase 2" full build out scenario for the site for future review.

With this application, the first intended "Phase 1a" of development would allow the applicant to provide only minimal improvements to support the launching, hauling and storage of vessels along with conducting limited associated repairs. No permanent buildings are proposed in "Phase 1a." The previous approvals would remain in effect for "Phase 1b" for up to three years

from the original date of approval. A condition of approval is suggested confirming that all previous conditions of approval remain in effect for the full Phase 1 build out.

Phasing Rationale: The applicant makes this phasing request to allow time for continuing negotiations with the Maine Department of Transportation (MDOT) and the tenants of the adjacent International Marine Terminal (IMT). As has been reported in local news media, the operators and tenants of the IMT are contemplating a westerly expansion of freight operations onto the New Yard property. Mr. Phin Sprague, Principal of New Yard, LLC, would like to move forward with the boatyard project, while not making higher value improvements that may need to change to accommodate expansion of the IMT operations.

If the applicant's and MDOT's negotiations are successful, both the IMT and the New Yard project will present significant amendment proposals to the Planning Board showing an expansion of the IMT and/or associated activities, and a westerly relocation of all or a portion of the New Yard activities. Such amendments may or may not include acquisition of additional rail land.

If the negotiations do not move forward, Mr. Sprague will have the option of completing the New Yard project on the basis of the existing plans and approvals.

The Planning Board is asked to review this material without a workshop due to the recent review and approval of the full project late in 2012, and the limited nature of the improvements proposed.

This hearing was advertised in the August 19 and 20, 2013 editions of the Portland Press Herald and was noticed by mail to 152 neighboring property owners and interested parties.

City staff has reviewed the application and written materials and the staff's analysis is provided below.

Applicable Reviews

The original project was considered a Level III Site Plan subject to review under the Waterfront Port Development Zone, Shoreland, Flood Plain, and Conditional Use (marine retail and boat storage in the WPDZ) standards of the land use code. The project was also reviewed under delegated local authority for a Site Location of Development permit. The previous approval also included various waivers and conditions of approval, all of which remain in effect. Staff has provided a copy of the previous approval letter and Planning Board report (attachments omitted) for the Board's reference. This report will concentrate on standards review and analysis applied only to the proposed "Phase 1a."

II. Project Data**Phase 1A Only**

Total Site Acreage: 22.5 acres
 Total Proposed Disturbed area: 3.8 acres+/-
 Zone: Waterfront Port Development Zone
 Existing Uses: Mostly Vacant. Propane distribution and rail sidings
 Proposed Use: Boat repair, storage,
 Continued propane distribution

Predevelopment Impervious Area: 287,704 sq ft
 Post-development Impervious Area: 255,598 sq ft
 Percentage Impervious Area, total: 26%

Proposed Building Footprint: 0 sq ft
 Existing Total Building Floor Area: 0 sq ft
 Proposed Total Building Floor Area: 0 sq ft

Required Vehicle Parking: 0
 Proposed Vehicle Parking: As needed in yard area
 Required Bicycle Parking: 0
 Proposed Bicycle Parking: 0

III. Right, Title and Interest

The applicant has included a new deed for land formally owned by the Portland Terminal Company (Pan Am) in Attachment D. The former gas plant parcels are subject to an option agreement for a 50 year lease to the applicant as was provided with the original application packet.

IV. Site Description

The subject site is an aggregate of waterfront parcels located adjacent to the Casco Bay Bridge along the dredged channel of the Fore River. Totalling over 22 acres, the site contains active rail lines and has a long history of industrial, marine, and rail development. Along with the lone remaining rail siding, the only remaining active use of the site is a propane distribution facility located on 3.96 acres in the interior of the site. The propane facility is proposed to remain in its existing condition for Phase 1a.

The subject site is the combination of a former coal gasification plant site with portions of an historic rail yard. With the exception of the propane facility, the land is vacant and the rail yard portions of the site have recently re-vegetated with volunteer birch, poplar, oak and pine.

The gas plant use has left portions of the site contaminated with coal tars and the site is partially subject to a Maine DEP "VRAP" remediation agreement

The Fore River shoreline is characterized by derelict piers and stone bulkheads. To the east, the former gas plant site has been stabilized by recent riprap installed as part of the VRAP. There are some areas of erosion located between the former gas and rail properties. This erosion is assumed to be problematic with potential coal tar contaminants entering the river. Redevelopment of the site provides an opportunity to stabilize this area of concern.

The site has +/-1500 feet of frontage along West Commercial Street. While the northerly side of West Commercial Street, along Nova Seafood, the Graybar building and the "Star Match" complex, have curb and sidewalk, none exist along the subject parcel. The applicants were approved for a waiver of curb and sidewalk with the previous review.

The Beach Street entrance/exit from the Casco Bay Bridge intersects West Commercial Street across from the center of the site at the location an existing driveway for the propane facility. The Beach Street ramp intersection is currently being evaluated for a traffic signal and the City is seeking funds for such a project.

An additional vehicle entrance existed to the site adjacent to the IMT. This entrance is a shared access roadway serving the subject parcel and a MDOT maintenance building for the Casco Bay Bridge

V. Proposed Development

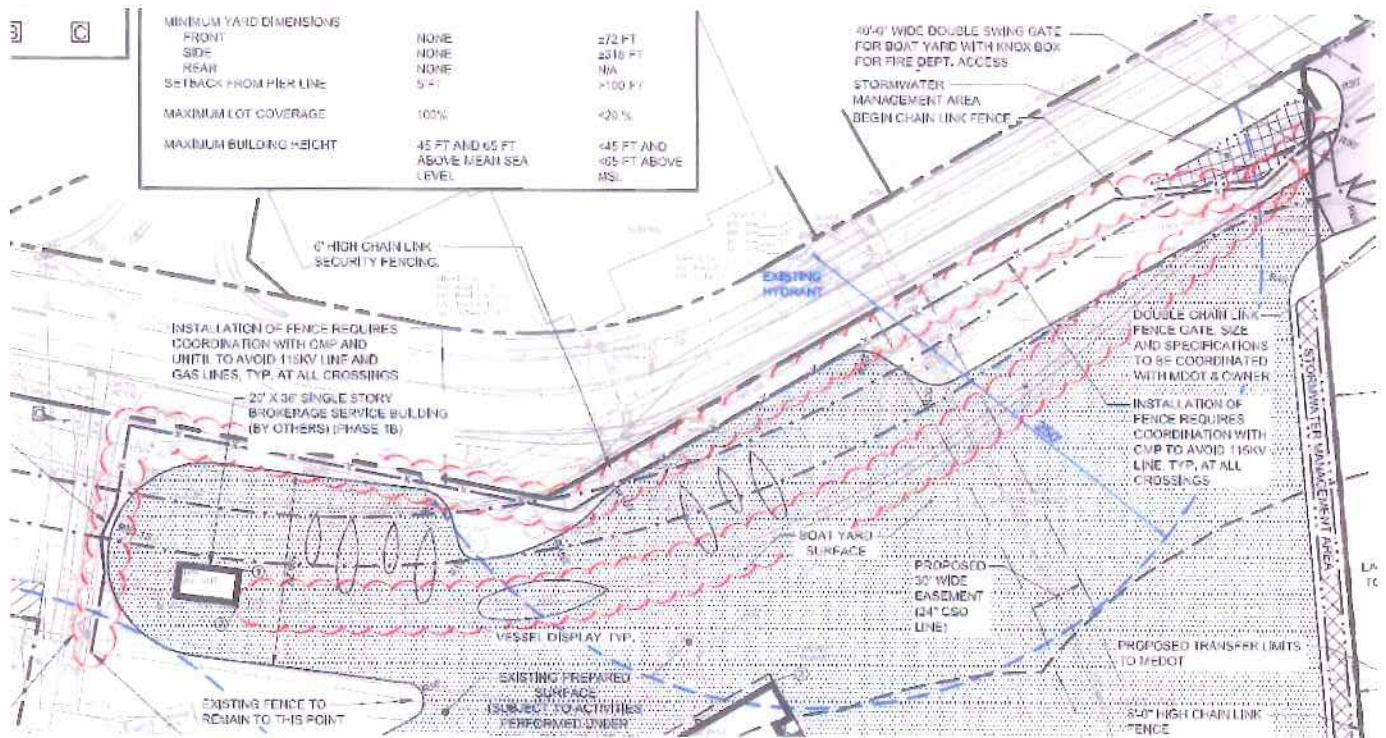
The applicant's submission includes a detailed description of Phase 1a in Attachment B of this report.

The proposed improvements included with the requested amendment are shown on Attachment P1 (Sheet C-2.1) Sheet C-2.1 shows the entirety of the previously approved improvements with the Phase 1a proposal marked with red balloons and cross hatching

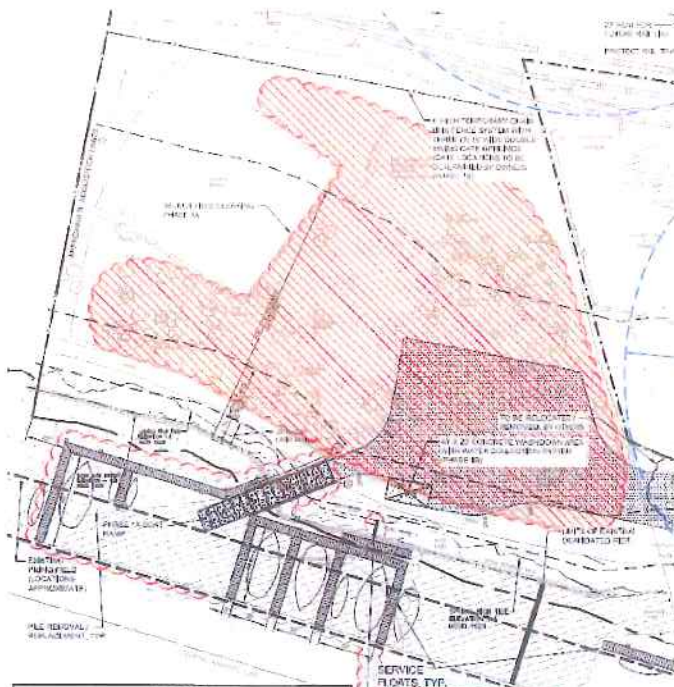
Landside improvements in Phase 1a are largely limited to grading portions of the site for use. Fire Safety is requiring additional fire hydrants located to the south west of the site to serve the marine improvements and the focus of the boat storage activities. Marine improvements are reduced to a single boat ramp and supporting floating docks. The marine improvements are consistent with approvals issued by the Portland Harbor Commission.

Shared Access with MDOT:

The proposed development includes use of the access drive located at the far easterly boundary of the site. This drive currently serves a MDOT bridge building located near to the water. The subject parcel retains access rights to this drive as noted in the applicant's submittal in Attachment C.1.



The above figure is an excerpt of the proposed site plan showing the West Commercial Street frontage located toward the northeast corner of the site with the IMT. The existing site driveway is located at the upper right and the gas works drive is located at the far left. Phase 1a improvements here are shown with the red balloon and are limited to clearing the site of brush and existing rail tracks. Negotiations are on-going for reestablishing tracks in a new right of way as shown with a ____ . ____ . ____ symbol.



The plan excerpt to the left shows the south west corner of the site, which is proposed for Phase 1a improvements including the boat ramp, floats, and grading the yard for boat storage.

Additional Phase 1a improvements will include repair to the historic granite seawall bulkhead and environmental remediation (to be conducted by the gas company.)

The only utility work proposed will be overhead electric service to a temporary construction trailer and water lines for an expanded fire hydrant network.

The applicant is not proposing to install any new landscaping with Phase 1a, but will adhere to the previously approved tree preservation plan.

The approved landscaping plan with tree preservation is provided in Attachment 3.1 and the previously approved site plan is Attachment 3.2.

VI. Conditions of Approval

At the time of the December 2012 approval, the Board imposed a number of conditions of approval. The Board's approval letter describing the conditions as passed is provided as Attachment 1.

In February 2013, the applicant provided an update letter describing adherence to three of the conditions (Attachment E.) Additionally, included in a response to staff review comments on the current application (Attachment C) the applicant has updated the status of each condition and described the timing of their compliance. Any additional conditions of approval suggested for this phasing amendment are intended to apply to Phase 1a, specifically, with the December 2012 conditions still in effect for development of the full Phase 1 plan.

VII. Staff Review:

The application and supporting documents have been reviewed by City staff from the Departments of Planning and Urban Development, Fire Safety, and Public Services. The plans have also been reviewed by consulting engineers for civil engineering and traffic. The December 2012 approval letter with conditions of approval and the original Planning Board Report (attachments omitted) are provided in Attachments 1 and 2 respectively.

On August 16, Planning staff provided a list of review comments to the applicant, and engineer, Steve Bushey, provided responses by letter dated August 21 as provided in Attachment C.

a. Zoning Review: WPDZ, Shoreland, Flood Plain

i. Waterfront Port Development Zone

Use: The project is located in a WPD Zone. The proposed boat repair yard uses are permitted uses in this zone. In the December 2012 approval boat storage and sales (yacht brokerage) were both approved as conditional uses in the WPDZ. For Phase 1a, the yacht brokerage is not proposed.

No Adverse Impact on Marine Use: The WPDZ includes a provision for protecting access function of water dependent uses in the form of "Sec. 14-318.5. No adverse impact on marine uses." The No Adverse impact provision could be construed to apply to the boat storage use as this use does not necessarily require direct water access (though water access may be a component through launching and hauling.) While applicability of the provision could be argued, no portion of the proposed development appears to create an adverse impact as described in the Sec. 14-318.5 and quoted below:

Sec. 14-318.5

- (a) The proposed nonwater-dependent use will displace an existing water-dependent use;
- (b) The proposed use will reduce existing commercial vessel berthing space;
- (b) The proposed nonwater-dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or
- (d) The siting of a proposed nonwater-dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.

Dimensional Requirements:

The proposed development meets all provisions of the WPDZ dimensional requirements.

Parking:

With no building proposed, no parking spaces are technically required for Phase 1a. For the limited parking demand that will be generated by the development, a formalized parking area is not identified with the expectation that employees and clients using the site will find more than adequate parking to fill both the zoning requirements and functional needs of the use.

ii. Shoreland Zone:

At the time of the previous approval on this project, the project met with all Tree Clearance restrictions that apply to development in the shoreland portions of the site. Subsequent to the December 2012 approval, new legislation passed that allows a greater degree of tree clearance on working waterfront property. While future phases of development may seek to take advantage of this new flexibility, the current proposal adheres to the previously approved tree preservation plan.

In addition to the tree clearance standards, the Planning Board found that the plan met the applicable shoreland zone standards and the proposed phasing plan is anticipated to have fewer impacts than the previously approved plan.

iii. Flood Plain Management:

The subject parcel is partially located in a regulated Flood Plain. The FEMA, Flood Insurance Rate Maps show portions of the property within the flood zone A2 with a base flood elevation of 10'.



With no buildings proposed in Phase 1a, Flood Plain management standards, as previously addressed, will not be impacted by the phasing proposed.

iv. Vehicle Loading, Division 21: NA

v. Signage:

Separate permits are required for any new signage prior to installation.

b. Conditional Use Review for Boat Storage in the WPDZ

As noted above, the proposal is subject to a conditional use review for boat storage in the WPDZ. Conditional Uses in the WPDZ are subject to the following provisions:

Sec. 14-320. Conditional uses.

...such uses will not impede or preclude existing or potential water-dependent development on other lots, will allow for adequate right-of-way access to the

water, are compatible with marine uses, and are physically adaptable or relocatable to make way for future development for water-dependent uses, and meet any additional standards set forth below:

With no permanent buildings proposed with Phase 1a, the above standard appears to be met.

All conditional uses are subject to the provisions of Section 14-474, Conditional Use:

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;*
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

Staff recommends that the proposal is in conformance with the above standards.

c. Site Plan Review.

Attachment 2 of this report includes the full text of the December 2012 Planning Board Report, which provides a description and analysis of all applicable review standards. This report will concentrate on standards impacted by the proposed phasing request.

Site Plan Standards Review, Sec. 14-526

The site plan standards language is summarized below in *italics*, with planning staff comment and analysis in regular font.

(a) Transportation Standards

Primary access to the site is provided through the existing easterly entrance drive located adjacent to the IMT.

Consulting Traffic Engineer, Tom Errico, and the City Transportation Systems Engineer, Jeremiah Bartlett, have reviewed the existing condition and anticipate that Phase 1a should function adequately and safely. There are some concerns that the existing 16 foot wide gate could create a queuing issue if large truck traffic is larger than anticipated and

recommend a monitoring condition as follows:

Regarding the Phase 1A proposal for use of the existing easterly entrance adjacent to the IMT, the City will monitor the entrance for safety and may require modifications to the gate and entrance design if safety issues become evident.

(b) *Environmental Quality Standards*

1. and 2. *Preservation of Significant Natural Features:*

Phase 1a proposes to adhere to the December 2012 tree preservation plan and will have fewer impacts than the previously approved plans. The approved landscape plan is provided as Attachment 3.1.

3. *Water Quality, Stormwater Management and Erosion Control:*

With Phase 1a, stormwater is intended to continue to behave as in the "pre-developed" condition and the applicant is not proposing to install additional stormwater management at this time. Given the industrial history of the site, its flat grades, and well-drained soils, the limited construction activity proposed is not anticipated to cause stormwater quality issues in the Fore River. Stormwater volumes should in fact be reduced with the Phase 1a activity as the applicant proposes to reduce the existing impervious surface by +/-32,000 sq ft.

The erosion and sedimentation controls approved in December 2012 are still in effect and will need to be adhered to through construction of all phases of development.

(c) *Public Infrastructure and Community Safety Standards.*

1. *Consistency with City Master Plans:*

The proposal appears consistent with applicable approved master plans. Note: The City is applying for funds to engage in a West Commercial Street planning process to determine the appropriate design to accommodate multiple modes of transport consistent with both landside mixed use and water-side marine development along the corridor.

2. *Public Safety and Fire Prevention:*

- (a) *Natural surveillance that promotes visibility of public spaces and areas.*

All of the principle open spaces on the development are visible with clear lines of site from multiple vantage points and/or buildings with windows.

- (b) *Access control that promotes authorized and/or appropriate access to the site.*

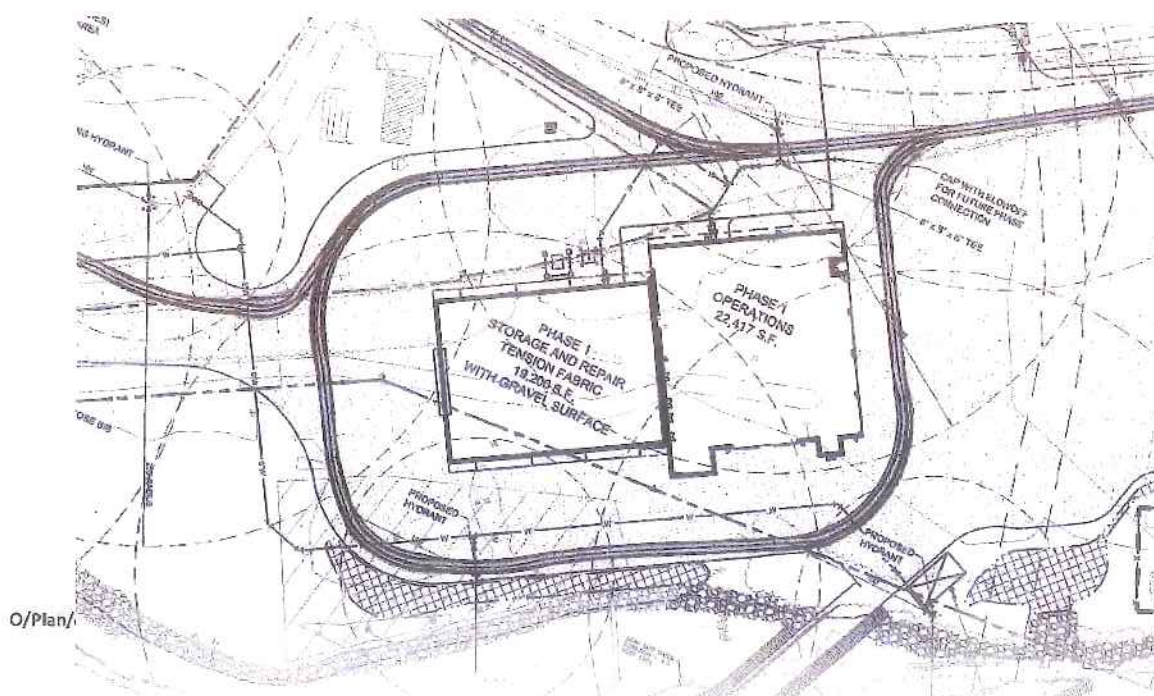
The site appears to sufficient access control through fencing, entry gates, and its location on the water.

- (c) *Territorial reinforcement that promotes a sense of ownership and responsibility through environmental design.*

The use and maintenance of the facility as designed should sufficiently reinforce the site's identity as an active boat yard.

- (d) *Provide adequate emergency vehicle access to the site in accordance with City standards for street widths and turning radii, as described in Section 1 of the Technical Manual.*

In compliance with a previous condition of approval, the applicant provided a fire access and circulation plan, which was approved by Fire Safety reviewer, Captain Chris Pirone. An excerpt from this plan is provided below.



With the proposed amendments, this plan will need to be updated and a condition of approval is suggested. The intent of the fire safety plan is to identify emergency access routes and their adequacy for supporting fire suppression equipment.

(e) Be consistent with City public safety standards, Section 3 of the City of Portland Technical Manual, including but not limited to availability and adequacy of water supply and proximity of fire hydrants to structures.

The site is currently served by two fire hydrants on West Commercial Street and an additional hydrant in the interior of the site. The proposed phasing plan, Attachment 3.2, shows hydrant locations within blue buffer circles.

Portland Water District has provided a letter indicating adequate capacity to serve the fire suppression needs of the proposal.

Captain Pirone has indicated that one or more additional hydrants will be needed to serve the boat ramp and storage area(s) and he suggests that the design of and placement of additional hydrants can be a condition of approval as an amendment to the fire safety plan.

3. *Availability and Adequate Capacity of Public Utilities:*

The site is served by all public utilities and a letter of water capacity was previously provided.

(d) Site Design Standards

1. *Massing, Ventilation and Wind Impact:* NA
2. *Shadows:* NA
3. *Snow and Ice Loading:* NA
4. *View corridors:* NA
5. *Historic Resources:*

With the limited amount of construction proposed, potential on-site historic and archeological resources will not be negatively impacted by proposed phasing amendment. The 19th century seawall is currently being restored in conjunction with the proposed marine improvements.

ATT B

Rick Knowland - IMT

From: Jennifer Thompson
To: Rick Knowland
Date: 5/7/2014 12:05 PM
Subject: IMT

Hi Rick- regarding whether the applicant has demonstrated sufficient right, title and interest:

23 M.R.S. Section 154, which deals with the State's condemnation authority:

The recording of the notice of condemnation is the date of taking and vests title to the property therein described in the State in fee simple or such lesser state as is specified in the notice of condemnation.

Here, the State has provided us with a Notice of Condemnation recorded in the Cumberland County Registry of Deeds at Book 31470 Page 191 on April 31, 2014. The description of the parcels acquired is summarized at page 7. I do note that the description contains a number of exceptions -pursuant to which various access rights, utility easements and the like are excepted from the condemnation. these relate primarily, though not exclusively, to Unitil's ongoing operations. However, as far as general right, title, and interest to the land area included in this project, the recording of the Notice of Condemnation appears to me to be sufficient.

Please let me know if you have any further questions or concerns.

ATT C

Rick Knowland - IMT Expansion -- Preliminary Traffic Comments

From: Tom Errico <thomas.errico@tylin.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 5/9/2014 10:18 AM
Subject: IMT Expansion -- Preliminary Traffic Comments
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...

Rick – The following represents my preliminary comments. It should be noted these do not represent all my comments and additional comments should be expected in the future as revised information is submitted to the City.

- The applicant is requesting several waivers from the City's technical standards as it relates to driveway width, corner clearance, and driveway spacing (others may be identified as I continue my review). The applicant has provided vehicles turning templates that I will review and provide feedback in the future. I will identify other supporting technical information needs as the review continues.
- A traffic impact study was prepared for the project and I find the methods used in developing the study to be acceptable. Based upon the trip generation estimate, the project does not require a Traffic Movement Permit.
- The applicant has requested a sidewalk and granite curbing waiver and I will review the waiver requests with DPS and provide feedback in the future.
- A construction management plan has been prepared. Additional information will be required as it relates to specific traffic, pedestrian, and bicycle impacts during construction.
- The applicant should provide information as it relates to use of the proposed traffic signal by existing IMT traffic. I believe there will be overall site traffic and safety benefits if all IMT traffic has the ability to use the traffic signal.
- The applicant has provided a detailed preliminary design plan for improvements at the Commercial Street/Beach Street/Site Drive intersection. In general I find the plan to be acceptable but specific comments will be provided in the future as revised plans are submitted by the applicant (as you know the design is evolving based upon access needs for other businesses and facilities for pedestrian and bicycle provisions).

If you have any questions, please contact me. As I noted to you yesterday, I will be attending the Planning Board workshop next week.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
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207.400.0719 (mobile)
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thomas.errico@tylin.com

ATT D

Rick Knowland - IMT Comments, Review of May 6, 2014 Response to Comments Letter from HNTB

From: David Senus <dsenus@woodardcurran.com>
To: "Rick Knowland (Portland)" <rwk@portlandmaine.gov>
Date: 5/8/2014 3:53 PM
Subject: IMT Comments, Review of May 6, 2014 Response to Comments Letter from HNTB
CC: "Barbara Barhydt (bab@portlandmaine.gov)" <bab@portlandmaine.gov>

Hi Rick:

We request the following additional information to complete our review of stormwater for the IMT site:

- >Stormwater treatment area plan that identifies linear vs. non-linear areas of the site, treated vs. untreated areas of the site, and a tabulated list of treated vs. untreated impervious and developed areas (for both linear and non-linear areas)
- >Updated Stormwater Management Plan and Calculations
- >Updated Stormwater Inspection & Maintenance Plan (or Stormwater Pollution Prevention Plan) that addresses previous review comments
- >Updated grading plans per previous review comment

The response to comments letter suggests that some of these items may be appended to the letter; however, these attachments have not been received by Woodard & Curran at this time.

Thanks,
Dave

David Senus, PE (Maine), Project Manager
Woodard & Curran, Inc.
41 Hutchins Drive
Portland, ME 04102
Phone: (800) 426-4262 x3241
Cell: (207) 210-7035
Fax: (207) 774-6635

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MEMORANDUM

TO: Rick Knowland, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: April 21, 2014
RE: IMT Expansion, Level III Site Plan Application

Woodard & Curran has reviewed the Level III Site Plan Application for the proposed International Marine Terminal (IMT) expansion at 460 Commercial Street in Portland, Maine. The project consists of expanding the existing IMT facility and will result in approximately eight acres of new impervious area.

Documents Reviewed by W&C

- Level III Site Plan Application and attachments dated April 4, 2014, prepared by Carroll Associates and HNTB Corporation on behalf of MaineDOT.
- Engineering Plans, Sheets C1-C20, dated March 14, 2014, prepared by the MaineDOT.

Comments

- 1) In accordance with Section 5 of the City of Portland Technical Manual, a Level III Site Plan project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards as written in Section 5 of the City of Portland Technical Manual. We offer the following comments:
 - a) Basic Standard: The Applicant has provided a plan, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500; refer to sheets SW 7, SW 8 & SW 9. These plans should be made available to the contractor as part of the construction documents. The erosion and sediment control detail sheet (C11) should include details for stone check dams and a sediment barrier.
 - b) General Standard: The project will result in an increase in impervious area of approximately eight acres. As such, the project is required to include stormwater management features for stormwater quality control. The Applicant has proposed a porous crushed stone yard surface to infiltrate stormwater to meet the quality requirements associated with the General Standards; this approach is acceptable as presented.

The Applicant has considered the development of the rail corridor and concrete loading slab as a "linear" portion of the project and has noted that these features are part of an existing travel corridor in existence prior to July 19, 2007. The Applicant notes that the project is not required to meet the General Standards for linear areas, with reference to Section 3(B)(2) of the Memorandum of Agreement (MOA) for Stormwater Management that exists between the Maine DOT, Maine Turnpike Authority and Maine Department of Environmental Protection. However, the project must also meet the minimum standards set forth by the City of Portland, which includes conformance with the MaineDEP Chapter 500 standards without exception. Therefore, the Applicant is required to provide stormwater quality treatment for linear portions of the project to "no less than 75% of the volume from the impervious area" (Technical Standards Section 5, III., Chapter 500, Section 4, B, (3), c.). The Applicant should provide treatment for this area in accordance with the General Standard as written in the City's Technical Manual.

The Applicant has considered the Commercial Street shoulder widening as "linear" and has stated that they are not required to provide treatment to meet the General Standards for the same reason as noted above; however, they have proposed porous concrete in this shoulder area, which will provide treatment for this new impervious area. As explained above, the Applicant would be



required to provide treatment for this linear portion of the project, and the use of porous concrete is an acceptable measure for treating this area. Therefore, the Applicant has demonstrated compliance with the General Standard for the widened shoulder area of Commercial Street.

- c) **Flooding Standard:** The project will result in an increase in impervious area of approximately eight acres. As such, the project is required to include stormwater management features to control the rate of stormwater runoff from the site; however, much of the runoff from the Site is proposed to discharge to City-owned pipes that convey combined sewer overflows (CSO's) to the Fore River from CSO control structures in Commercial Street. This area of the Fore River is a tidal waterbody. As such, the Applicant has requested a waiver from the Flooding Standard. The Applicant should obtain approval from the City Department of Public Services for the proposed connections to City-owned overflow or drainage pipes. If these connections are acceptable to the City, we would support the requested waiver from the flooding standard.
- 2) The Stormwater Management Plan will need to include a stormwater inspection and maintenance plan for the proposed stormwater measures, such as the porous crushed stone yard surface and the porous concrete, developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.
- 3) Final plans must be stamped by a professional engineer (Section 14-527, sub-section (e) of the City of Portland Land Use Ordinance). At this time, the plans have not been stamped.
- 4) The Applicant has noted that approvals will be obtained from the MaineDEP for compliance with the Site Location of Development Act and Natural Resources Protection Act, and will be provided to the City upon receipt.
- 5) The Applicant has requested a waiver from the soil infiltration testing requirements of Technical Standard Section 5. Appendix D.4(a), which states that permeability must be shown to be reasonably consistent across the proposed infiltration area and may be determined by in-place well or permeameter testing, by analyses of soil gradation, or other means acceptable to the department. The Applicant anticipates that, based on known Site conditions derived from soil borings, a consistent permeability can be assumed across the Site. We support this waiver request so long as it is also supported by the MaineDEP during their review.
- 6) The Applicant has provided emails from the Maine Historic Preservation Commission (MHPC), who noted that they would like to dig a series of hand-dug test units along the proposed rail relocation line to help determine the status of the Glass Works Site underneath the proposed rail line. MHPC also concluded that an archaeologist should work with the excavation crew to monitor the work and record features of the canal if/as they are exposed. The Applicant should clarify the status of these items and whether an agreement between the MaineDOT and MHPC has been reached.
- 7) The MaineDEP expressed concerns regarding potential impacts to the Site's VRAP area; the Applicant should clarify whether these concerns have been resolved.
- 8) As part of the PWD Conditions of Water Service, the existing domestic service to the Unitil site must be brought up to current standards, and the new services installed to serve the New Yard, LLC's boat yard must be terminated. It does not appear that the Site Utility Plan currently reflects these conditions. The Applicant should clarify.
- 9) As part of the PWD Conditions of Sewer Service, the District noted that details for the preferred alternative to constructing a reinforced concrete slab over the sewer interceptor must be reviewed and approved by the District and that an easement modification will need to be approved by the PWD Board of Trustees. The Applicant should clarify the status of these approvals.
- 10) The proposed grading shown on Sheet SW2 and SW6 in Appendix D of the Stormwater Report and Sheet C8 - Site Grading and Drainage Plan do not appear to match. The Applicant should clarify.

MEMORANDUM

To: FILE
From: Richard Knowland
Subject: Application ID: 2014-038
Date: 5/6/2014

Comments Submitted by: Marge Schmuckal/Zoning on 5/6/2014

I have briefly looked at this submission. The project is located in the WPDZ zone with a Shoreland overlay. The proposed use for intermodal transportation facilities is a listed, permitted use under section 14-319(b)1. However the applicant explains that "there may be times where there will be truck to truck .." exchanges, I would want the applicant to explain that in more detail outlining how this is an accessory use and not a principal use. The zone does not permit trucking terminals per se. I want to be sure that the truck to truck component is not more than the other proposed intermodal uses. I note that that same section of permitted uses does allow intermodal transportation for railroad transportation services.

I also reviewed the submission concerning shoreland regulations. There is information concerning the clearing of vegetation. The verbage goes on to say "see enclosed plans for specifics." I did not find an enclosed plan that related to what was written. Please provide such plans or indicate which plan it is within the submission, so I can review compliance with our Ordinance.

Marge Schmuckal
Zoning Administrator

ATT F

From: Chris Pirone
To: RWK@portlandmaine.gov
Date: Wednesday, April 30, 2014
Subject: IMT Comments

Initial Fire Comments:

1. The proposed expansion must meet the requirements of NFPA 1 and NFPA 307.
2. There are two existing reports for the IMT performed by Fire Risk Management which one report assessed code compliance and the other was a Fire Safety Plan for operations. These reports must be updated to include this expansion of this Marine Terminal to confirm all applicable codes and ordinances are being met.
3. At quick glance, it appears hydrants will need to be installed and fire alarm pull boxes which would need to be connected with the master fire alarm system for the IMT.
4. Aisle widths and fire department access must be maintained throughout the IMT which is generally 20' aisle widths.
5. Area of concern, is the operations that are taking place under and around the Casco Bay Bridge. The Fire Risk Management Reports should focus on this area to address safety concerns and NFPA code as well as other codes and ordinances. Does DOT have restrictions for operations around a bridge?
6. If there are any gates installed Fire Department access must be maintained using the Knox Key system.
7. The IMT site must have entrances/ gates identified in master plan and visible signage on site.

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

ATT. 13

Rick Knowland - IMT Expansion -- Traffic Comments

From: Tom Errico <thomas.errico@tylin.com>
To: RWK@portlandmaine.gov
Date: 5/19/2014 4:04 PM
Subject: IMT Expansion -- Traffic Comments
CC: JST@portlandmaine.gov; JBartlett@portlandmaine.gov; KAS@portlandmaine.go...

Rick – The following presents a brief summary of traffic issues that need resolution and can serve as discussion items for Wednesday's meeting. My review continues and therefore additional comments should be expected.

1. The traffic signal plan includes special signal phasing for Nova Seafood. I would suggest that a City agreement with Nova Seafood be crafted related to traffic operations and a memorandum of understanding and for traffic control.
2. The driveway apron material at Nova Seafood does not meet City standards and a waiver will be required.
3. Several of the driveways on Commercial Street (IMT, Nova Seafood, and Gray Bar) do not meet City width standards and thus waivers will be required.
4. Several of the driveways on Commercial Street do not meet City corner clearance and separation standards.
5. The City is requesting that truck parking on in-bound Commercial Street be prohibited for to be specified distance in advance of the Beach Street intersection. The City will provide this restriction length.
6. The applicant should investigate the provision of a bicycle lane on Beach Street departing the intersection.
7. I am concerned about traffic operations and congestion during peak time periods, particularly when the special Nova Seafood traffic signal phase is actuated. The applicant should investigate the ability to limit the traffic signal phase during peak time periods.
8. A sidewalk waiver has been requested and a review of the supporting information will be performed.
9. A granite curbing waiver has been requested and a review of the supporting information will be performed.
10. The applicant should provide information as it relates to use of the proposed traffic signal by existing IMT traffic. I believe there will be overall site traffic and safety benefits if all IMT traffic has the ability to use the traffic signal.
11. A construction management plan has been prepared. Additional information will be required as it relates to specific traffic, pedestrian, and bicycle impacts during construction.
12. At the planning board workshop, there was discussion about the provision of a driveway entrance west of the project site for future development access and egress. The applicant should provide information in support of that driveway if that is to be included in the project approval.
13. The City does not support the use of pavement markings to delineated pavements areas for use by large trucks.
14. The phasing for the intersection does not appear to be NEMA compliant. Please revise with Commercial Street as the main street, assuming an east-west phasing structure.
15. The phasing sequence should begin with Commercial Street and end with Nova Seafood (currently designated as Phase 9).
16. The peak hour cycle length seems unusually long for an intersection with this type of geometry, going as long as 150 seconds during the PM peak hour. Discussion should be provided as to why shorter cycle lengths cannot be achieved.
17. The pedestrian timing does not appear to provide sufficient crossing time, particularly for Commercial

- Street. Please confirm use of a standard 3.5 feet per second pedestrian crossing time from curb to curb.
18. Given the sight distance issues for this intersection, the all-red clearance times should likely be extended.
 19. The City's technical standards are in the process to migrating to infra-red video detection as a requirement. The City now requires that either the cameras used with the VIP processors be the FLIR FC series or that the solution be based on the FLIR TrafiSense cameras.
 20. Please specify four-inch conduit to provide additional future wiring capabilities.
 21. Please provide one-piece pedestrian poles.
 22. All pole bases, pull boxes and controller conduits should be sealed to prevent access by rodents and other small animals.
 23. Please confirm the method of advance notification when the Commercial Street westbound approach is red to account for minimal sight distances passing by Nova Seafood.
 24. It is my understanding that the Nova Seafood driveways will be restricted such that the easterly driveway will be an entrance only and the westerly driveway a exit only driveway. The plans do not reflect this.
 25. There are areas of roadway pavement that appear to be located outside the public right-of-way. An agreement on maintenance may be required.
 26. The applicant should note the material for the Nova Seafood island.
 27. The applicant should provide details for the area between the sidewalk and the Nova Seafood island.
 28. The left-turn bay shadowed island is depicted as paint. The applicant should investigate other material treatment for longevity purposes.
 29. During Casco Bay Bridge openings, traffic may be backed up into the new traffic signalized intersection. The applicant should note whether there are any provisions for this scenario from a traffic signal perspective.
 30. The bicycle lane on the outbound side of Commercial Street continues to the limit of work, while the in-bound bicycle lane begins at the point where the left-turn lane is starting. The applicant should note why the in-bound bicycle lane can't start at the project limits.
 31. The direction sign that note Casco Bay Bridge 500 Feet is being removed. This removal should be confirmed by City staff.
 32. The plans illustrate that the sidewalk at the corner of the Nova Seafood building will not need to be reconstructed. Given that the curb is being relocated, the sidewalk will need to be upgraded.
 33. The length of curbing at the Nova Seafood driveway is being eliminated. Justification on this change shall be provided
 34. A fire hydrant is located in the middle of the sidewalk east of the easternmost Nova Seafood driveway. It would be beneficial if this hydrant could be relocated.
 35. The plan replaces an existing Casco Bay Bridge 500 Feet sign with a sign that notes Casco Bay Bridge (right) and Fore River Parkway (through). City staff should determine if this replacement is acceptable.
 36. It was my understanding that the bicycle lanes were going to have dashed line treatment through the intersection. The plans do not depict this.
 37. The applicant should confirm that adequate illumination will be provided at the two crosswalk locations.

If you have any questions, please contact me.

Best regards,

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 Traffic Engineering Director
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May 20, 2014

Mr. Rick Knowland, Planner
City of Portland Planning Authority
4th Floor City Hall
389 Congress Street
Portland, Maine 04101

RE: IMT expansion and Canal Landing Boat Yard coordination

Dear Rick;

On behalf of New Yard, LLC Fay, Spofford & Thorndike (FST) is submitting this letter to outline various issues and comments related to the proposed International Marine Terminal (IMT) expansion now under consideration by City staff. We have reviewed various plans associated with the proposed IMT expansion, prepared by HNTB. These include the following:

- Plans R1 & R6-R8, related to the proposed rail track from Cassidy Point to the proposed loading slab (dated April 4, 2014)
- Sheets E01 & E02 - Electrical Plan Parts 1 & 2 (dated 2/26/14)
- Sheet H4 - Commercial Street Plan (dated 03/14)
- Sheet C9 - Site utility plan (dated 03/27/2014)
- Sheet C17 - Site Operations (dated 01/2014)
- Sheet C17 Fire Protection Plan (dated 01/2014)
- Site Survey plans by Owen Haskell, Inc. (dated March 2014)

We offer the following comments related to the operations and logistics between the existing New Yard site that will remain and the proposed IMT expansion activities. We emphasize that it is important that the land to remain for New Yard LLC be able to stand alone in function and infrastructure capacity in our opinion, given the uncertainty as to future New Yard development to the west. Prior to the completion of Final Approvals we believe that the State of Maine should ensure that the IMT expansion plans adequately address all current and future utility needs and costs for the remaining New Yard Site area as well as similar provisions for the land area that may be acquired by Canal Landing LLC in the future, further to the west. We understand that DOT representatives have indicated their willingness to assist New Yard in this regard, however many of the items currently remain unresolved.



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Water

1. We understand the State of Maine has acquired approximately 18 acres of the existing 23 acre area that New Yard previously controlled. This leaves New Yard with a stand alone site area of approximately 5.03 acres. This area is landlocked and will not benefit from frontage on Commercial Street.
2. The existing New Yard site includes a recently completed tension fabric structure that contains a fire suppression system. The system is connected to an existing 6" fire service line that extends from the existing NGL Energy yard area, along the waterfront to the SW corner of the structure. This existing water main is the only water service main serving the New Yard area. We understand that the Portland Water District (PWD) has proposed an agreement that would allow New Yard to install a TEMPORARY domestic (potable) water service tap off the existing 6" line just outside of the tension fabric structure. (This is not standard PWD practice). Ideally, the PWD will be seeking entirely separate water services to feed the New Yard site, as we understand the IMT plans include reuse of the existing main entering into the site to benefit the IMT expansion. The City should verify how permanent fire and domestic water services for New Yard can be provided. We have discussed this matter with PWD representatives and they have indicated their desire to have the New Yard site be served by new domestic and fire services directly from Commercial Street.
3. To satisfy these needs, we recommend that the IMT plans include provisions for the installation of new fire and domestic water supply services into the New Yard Site. As the remaining New Yard area will NOT have frontage on Commercial Street, it will be necessary that these services cross over land to be taken for the IMT expansion (hence an easement is required). We note that the uncertainty of any future New Yard expansion to the west really requires the current plans contemplate new water services to serve New Yard's stand alone site area as is. We believe these services will likely extend from the 12" water main in Commercial Street, under the proposed loading slab and into New Yard's 5 acre site. These provisions should include measures to reconnect the existing fire service for the tension fabric structure, as that existing fire service enters into the south side of the building and the new services would extend to the north side of the building.

Sewer

1. The existing New Yard site is not currently served by sanitary sewer, although we understand that New Yard will be seeking sanitary service for the proposed second building to be installed adjacent the existing Tension Fabric Structure. The PWD



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currently maintains the 48" RCP sewer interceptor along Commercial Street. New Yard's original plans contemplated a gravity sewer connection to the interceptor.

2. Based on our understanding of the existing 48" interceptor sewer depth and condition we believe that at least a 6" sanitary sewer connection should be extended beneath the proposed IMT Loading Slab to serve the New Yard site. The location of this service might be in the vicinity of Station 83+00 along the proposed IMT loading track, as depicted on Sheet R8 of the IMT drawings. The service should be laid at minimal slope from the interceptor to the New Yard Site. Assuming these conditions, it appears that New Yard's structures could be served by gravity to the mainline interceptor. These plans need to be coordinated with the plan to slip line a portion of the existing sewer interceptor. During preliminary discussions with PWD and City officials they have suggested their acceptance of this approach, pending final design. New Yard is seeking this work be performed during the IMT Loading slab construction.

Power/Communications/Cable

1. The existing New Yard building is served by a 3-Phase overhead wire extension from a Pole on the north side of Commercial Street. A new Pole was installed on the south side of Commercial Street and overhead wires have been run over the existing tracks to a new pole on the New Yard Site, near the building. An underground primary service runs into an existing transformer and into the building.
2. According to Sheets E01 and 02, the IMT expansion work includes the installation of underground conduits beneath the Loading slab area. This will allow the overhead lines to be removed and new underground systems installed. We have not seen any details about conduit/duct bank sizing and capacity.
3. We recommend that the IMT activities include adequate conduits for not only power, but communications and cable facilities into the New Yard Site. At this time, the plans we have reviewed are unclear as to the full extent of underground power/comm/cable being provided. The installation work should also include any underground vaults (including standard 38Y structures) that may be required by CMP and/or Fairpoint Communications. The typical underground facilities for each of the providers could include; Two (2) 5" dia conduits for Power (CMP); Two (2) 4" dia. Conduits for Communications (Fairpoint); and Two (2) 4" conduits for cable (Time Warner).
4. We suggest that additional coordination with CMP/Fairpoint/TWC take place to assure that the proposed UGE may also have capacity to serve possible future New Yard activity to the west. This is also true for communications and cable.



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1. There currently is no natural gas service to the New Yard Tension Fabric Building. We understand that New Yard desires natural gas service to their buildings; therefore provisions should be made by the IMT expansion designers to accommodate this.
2. We understand there are natural gas supply lines within the nearby vicinity; therefore we trust that a line can be extended to New Yard's site. We have recommended that the New Yard mechanical designer provide load information for heating loads to the Department.

West Site Expansion (Pan Am land)

FST has reviewed the proposed IMT expansion plans and track plans and we have come up with the following comments and questions related to New Yard site access and future provisions for possible New Yard development activity west of the existing site. This land is currently owned by Pan Am Railways.

1. The proposed taking plans prepared by Owen Haskell Inc ('Land Acquisitions' Plan, March 2014) indicates that the State of Maine intends to acquire approximately 5 acres from Pan Am Railways for development of the tracks and a heavy haul road. This will leave approximately 6 acres on the shorefront side and approximately 6.75 acres on the Commercial Street side of the tracks. Presumably these two remaining parcels comprise the site area to be acquired by Canal Landing LLC, pending successful negotiations with Pan Am and the State of Maine.
2. A primary concern for future development within the remaining Pan AM lands is for the location of the driveways. New Yard is interested in at least two driveways into the site area. They are seeking assurance from the Department and the City that two driveways can be provided in the future and that any Commercial Street improvements associated with the IMT expansion will not preclude future driveway placement. Ideally, these driveways would be constructed as part of the IMT work.
3. The proposed track plans indicate a 30 ft. wide timber grade crossing at approximately Station 58+85. At this location the rail grade is proposed to be approximately 13.5', which represents nearly a 3 ft. raise in grade above existing. The raise in grade for the track appears reasonable and should not preclude future development opportunity; however, we would like to better understand the ability to provide the driveway approaches on each side. We are primarily concerned with the drive grades transitioning to the grade crossing. These approach grades should not exceed 3% if possible.
4. We recommend that the grade crossing at Station 58+85 be wide enough to allow passage of a marine travel lift. We understand that this width should be at least 50' to



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- accommodate the travel lift equipment that New Yard may ultimately acquire for operations at this location.
5. The proposed grade crossing also includes a single 24" dia. class IV RCP utility sleeve. We suggest that at least two 24" sleeves be installed to allow for future passage of various utilities including water, sewer, power and communications. The ability to install these utilities should not be precluded, once the tracks are installed.
 6. A secondary grade crossing of 24' width is proposed at Station 64+00. This track also includes the crossing of the running track and the runaround track. We suggest that the location of this secondary grade crossing be revised to a different location. It appears that Station 65+60 may be a more suitable location as it involves only a single track. This location may also fit more harmoniously with New Yard's future shorefront development plans, however largely conceptual currently they may be.
 7. We recommend that the second grade crossing also contain at least two 24" RCP sleeves to allow for future utilities beneath the tracks.
 8. The Track plans currently depict the layout of an underdrain system running parallel to the tracks on each side. These systems include multiple catch basin structures on each side, presumably for the collection of surface runoff. These systems are designed to tie into the existing Combined Sewer Overflow (CSO) lines that bisect the site from Commercial Street to their outfalls along the waterfront. We assume the City will need to sign off on the use of the CSO's for drainage purposes, specifically for future development activities that may occur.
 9. We recommend that the proposed drainage structures include 15" lateral knockouts to allow for future connection of ancillary drainage pipe from the yard areas. This will avoid the need for core drilling these structures in the future.
 10. Regarding the access from the Beach Street intersection into the New Yard site, we understand that the IMT expansion will include a route, generally around the existing NGL fence line, for access to New Yard. The IMT designers should provide information related to signage provisions etc. that will direct New Yard customers/visitors to the site. Will a New Yard project sign be allowed at Commercial Street? Signage to adequately direct New Yard traffic to/from the site will be very important, given the landlocked nature of the remaining 5 acres that New Yard will be left with. This is also true for pedestrian access conditions to/from New Yard to Commercial Street.
 11. We recommend that the alignment of the access route from Commercial Street to the New Yard be provided to accommodate larger vehicle movements, including those by the Brownell Systems, Inc. trailers as well as standard WB-67 trailers. Currently it appears the New Yard access would be shifted to run along the southerly NGL fence line. There



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is no existing road base in this area, so we recommend the IMT designers consider realigning New Yard's access to align with the existing drive, at least for the portion on the south side of the NGL yard area. Otherwise the new access route will involve box cut construction to place appropriate gravels within the proposed New Yard access drive.

We appreciate the opportunity to submit these comments to the Planning Authority and look forward to continued dialogue regarding these development coordination issues. If you have any questions or desire a meeting to review these comments, please call this office for arrangements.

Sincerely,

Fay, Spofford & Thorndike

Stephen R. Bushey, PE
Senior Principal Engineer

C: Phin Sprague, New Yard LLC
Bob Flight, New Yard LLC
Peter Plumb, Murray, Plumb and Murray
Joel Kitteridge, MDOT
Craig Morin, HNTB

Jobs/3091.03/admin/correspondence out/2014.05.20 Knowland



June 3, 2014

Mr. Rick Knowland, Planner
City of Portland Planning Authority
4th Floor City Hall
389 Congress Street
Portland, Maine 04101

Subject: IMT Expansion and Canal Landing Boat Yard Coordination

Dear Rick:

As a follow-up to our telephone discussion on Friday, May 30th, I am taking this opportunity to reply to your request for the *Property Acquisition and Settlement Agreement* between the Maine Department of Transportation and New Yard, LLC. Unfortunately, we are not authorized to release this document at this time. However, I want to reiterate a few of the points set forth in our May 20, 2014 letter to you related to the utility and access needs of New Yard's retained land and to inform you that the New Yard Team is cooperating with the IMT team regarding provisions for utilities and access to the remaining land of New Yard, LLC.

From a practical standpoint, unless the retained parcel is afforded utility and vehicular easements a land locked parcel will have been created by the taking. We anticipate that as a matter of law, utility and vehicular access suitable for our immediate needs will be identified in the course of the IMT design process and we are working towards these solutions in advance of the upcoming Planning Board workshop meeting.

To this end, New Yard's specific needs include the following:

- A 4" domestic water supply line from Commercial Street to the NW corner of the existing tension fabric building.
- An 8" fire supply line from Commercial Street to the NW corner of the existing Tension fabric building.
- A 6" sanitary sewer service to connect to the 48" sewer interceptor, located on the south side of Commercial Street.
- Power, communications and cable services to remain currently serving the site or as may be relocated in coordination with the IMT Expansion activities.
- Vehicular access that supports routine large trailer and vessel movements from Gowen Marine and by New Yard Patrons.

We note that the current IMT plans do afford a vehicular and pedestrian access easement from Commercial Street, however, this routing is circuitous and problematic for its intended use, including the passage of the Brownell trailers that may be carrying large vessels (>90 ft length) from Gowen Marine to the site.

FAY, SPOFFORD & THORNDIKE

Mr. Rick Knowland

June 3, 2014

Page 2

Ideally, the vehicular easement would proceed directly from the Beach Street intersection through the Unifit parcel towards the waterfront, prior to turning towards New Yard's retained parcel.

It has been our experience with many other projects in the City, that the Site Plan approval process nearly always requires that adequate consideration be given to adjacent and nearby properties as they may be impacted by any new development proposal. In this case, we believe that it is a matter of legal right that adequate vehicular and utility access is provided to New Yard's retained land. Because of the circumstances of the taking, this will require at a minimum, utility and access easement(s), and coordinated design effort for stand-alone services to the New Yard property, crossing the land acquired by the Department. At this time, this coordination and a firm indication from the Department to allow these utility crossings are underway and we hope to inform you of successful discussions in the immediate future.

We welcome the City's ability to assist in this planning process and we believe that each of the technical items outlined in the May 20th letter can adequately be addressed. In the meantime, we understand that the IMT expansion application will be considered again by the Planning Board at the June 10 2014 workshop. We also understand that the project is tentatively scheduled for a Public Hearing and PB action at the June 24, 2014 meeting. Absent final resolutions to these issues in advance of the Public Hearing we request that a condition of approval be considered by the Planning Board that includes a requirement to provide these easements in advance of construction commencement.

We remain committed to assisting the process and arrival at a successful resolution to these outstanding issues in a timely manner.

Sincerely,

FAY, SPOFFORD & THORNDIKE

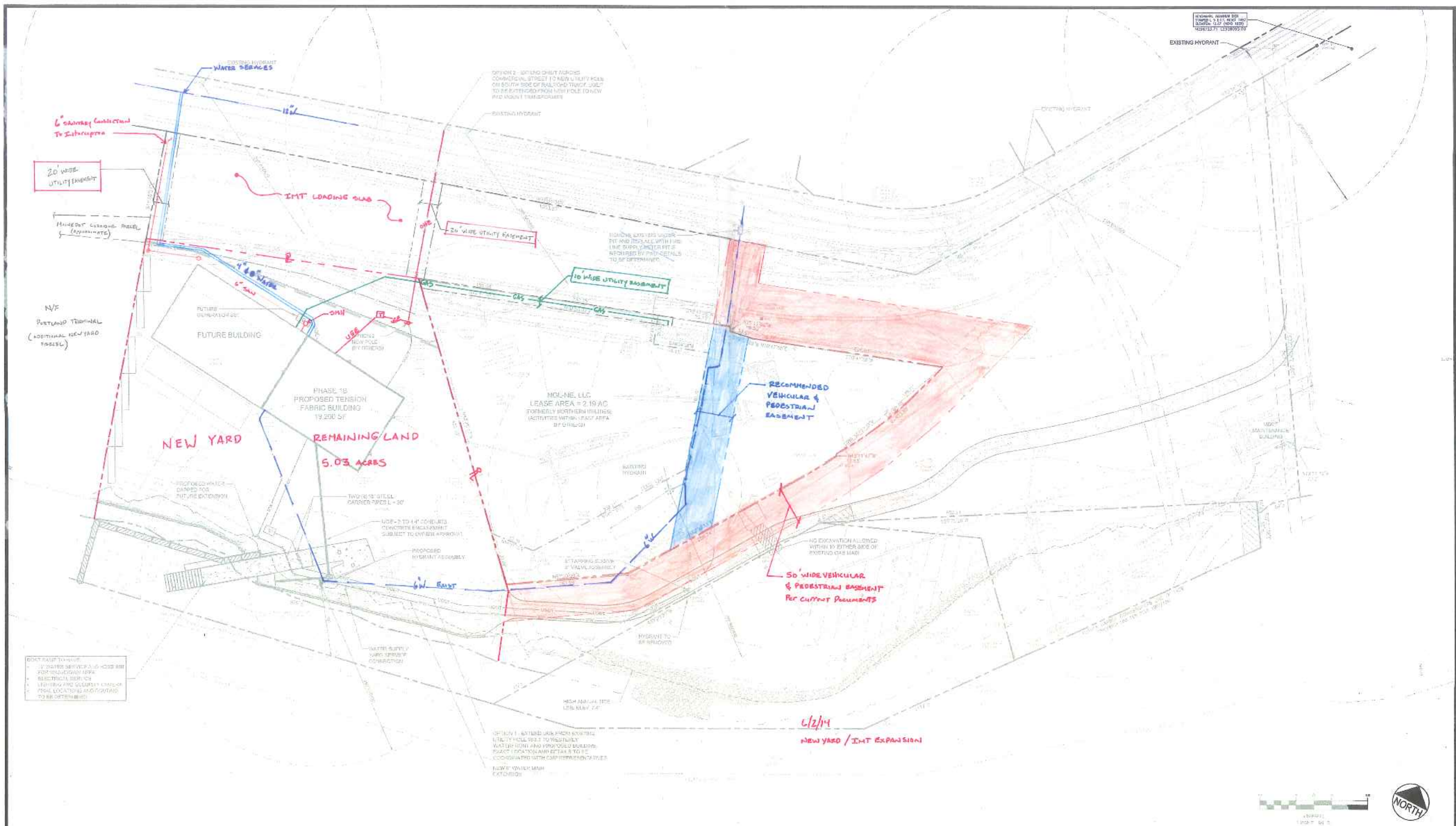


Stephen R. Bushey, P.E.
Senior Principal Engineer

SRB/cmd

Attachment-Schematic plan

c: Phin Sprague, New Yard LLC
Bob Flight, New Yard LLC
Peter Plumb, Murray, Plumb and Murray
Joel Kittredge, MDOT
Toni Kemmerle, MDOT
Craig Morin, HNTB



NOTES:
1. WATER SERVICE L-1000 800
FOR VEHICULAR AREA
ELECTRICAL SERVICE
LIGHTING AND SECURITY CAMERAS
FINAL LOCATIONS AND COORDINATES
TO BE DETERMINED

ROUTING OF ON-SITE WATER AND PRIMARY AND
SECONDARY ELECTRICAL SYSTEMS TO BE
DETERMINED

FLOATING DOCK SYSTEM TO HAVE THREE PHASE
POWER, FINAL LOCATION TO BE DETERMINED

PRELIMINARY - NOT FOR CONSTRUCTION

PROJECT			CANAL LANDING AMENDED SITE PLAN		FAY, SPOFFORD & THORNDIKE, INC. ENGINEERS - PLANNERS - SCIENTISTS	
SHEET TITLE			AMENDED UTILITY PLAN		DRAWN: CMW DESIGNED: SHB CHECKED: SHB FILE NAME: 300102-UTILITY SHEET: C-4.1	
CLIENT			NEW YARD LLC 58 FORE STREET PORTLAND, ME 04101		DATE: AUGUST 2013 SCALE: 1" = 50' JOB NO.: 300102 / SP-40400	
REVISIONS			P.E. STEPHEN BUSHEY LIC. # 7429			
3	09.20.13	REVISED PHASE 1B BUILDING ALIGNMENT & RESUBMITTED TO CITY				
2	10.31.12	FINAL SITE PLAN APPLICATION SUBMISSION				
1	08.21.12	PRELIMINARY APPLICATION TO CITY OF PORTLAND				
REV	DATE	DESCRIPTION				

Memorandum
Planning and Urban Development Department
Planning Division



To: Stuart O'Brien, Chair and Members of the Portland Planning Board
From: Alex Jaegerman, Planning Division Director
Date: June 3, 2014
Re: 14-47 Test Amendment re: Lot Merger, Lots of Record; 100 Sheridan Street, Sheridan CER, LLC

Project #: 2014-073 CBL: 013 J016001

Meeting Date: June 10, 2014

Ron Gan, represented by Attorney Barbara Vestal is before the Planning Board seeking a zoning text amendment to Section 14-47, Definitions, amending the definition of *Lot*, and proposing a new definition for *Lot of Record*.

Lot Merger: The impetus for this amendment stems primarily from the concept that under the present definition of *lot*, lots held under common ownership were deemed to merge into a single lot if the separate lots do not individually meet all zoning dimensional requirements.

Hence, in the instant case at 100 Sheridan Street, two lots with one structure are deemed to have merged because the lot containing the existing structure would not meet all zoning requirements without the adjoining vacant lot. It is approximately 60' x 32', or 2,015 sf, according to the assessor's chart, which does not meet minimum lot size or width, and might not meet side yard setback, without the adjoining lot of 3,585 sf.

We are in the process of revamping many of our residential zoning regulations in response to the housing policies of the comprehensive plan and the City Council's goals and objectives for 2014. As part of this effort, the R-6 zone will be amended to put all the dimensional requirements in tabular form, as we did recently for the B-2 zone, and we will be proposing revisions to many of the dimensional requirements that inhibit infill development fitting the historical/traditional patterns of development. This will entail consideration of smaller minimum lot sizes and side yard setbacks. So these amendments might eventually result in Mr. Gan having two buildable lots, depending on the final dimensional solutions. We have also identified the lot merger provision as an item to consider amending to allow the development of contiguous lots of record despite zoning nonconformities on existing developed lots.

The lot merger provision has existed for many years, and some landowners and developers have learned to title their adjacent properties in distinct and separate corporate names, thus potentially evading the merger requirement. On consideration, this change could be supportable as a step in the direction of encouraging infill development and

eliminating zoning barriers, at least s we have considered it on the peninsula in the R-6 neighborhoods. A review of R-6 neighborhoods, in particular, as we did recently in East Bayside, reveals a historic development pattern on very small lots in many cases. While there are some practical dimensional needs, such as sufficient side yard to maintain a building, and various fire code requirements, we are scrutinizing the requirements to see that they are not more restrictive than necessary. The lot merger requirement falls into this category.

Marge Schmuckal, Zoning Administrator, has given this proposal a preliminary review, but has not yet submitted a written comment. In discussing this with her, she is concerned that the proposed amendment will apply city wide to all zones, and that in the off-peninsula neighborhoods in R-3 and R-5 zones, this provision would similarly allow development adjacent to nonconforming lots that are now joined through the lot merger provision. Her suggestion is to limit the change to the R-6 zone, by crafting a more narrow amendment. We will have further internal discussions about the department's position on the broader application of this change.

Jennifer Thompson, Associate Corporation Counsel has also provided preliminary comments indicating a number of concerns. She concurs with Marge that the amendment will have broad application, well beyond the case in point at 100 Sheridan Street. She is also concerned that the lot merger is a method to eliminate or reduce nonconformities, which as a general principle is a good outcome. If the nonconformities are a result of overly burdensome lot requirements, then the better course of action is to revise those requirements as we intend to do.

In summary, we are receptive to consideration of changes to the lot merger policy. We would prefer to address this in the upcoming revisions to the R-6 zones, however the applicant has chosen to pursue this amendment independently of that effort.

Lot of Record:

There is currently no 14-47 definition of the term *lot of record*. We have always understood this to mean a duly recorded lot in the registry of deeds. The proposal codifies this definition.

One issue related to the proposed definition of lots of record is the amount of reconfiguration allowed while still maintaining the status of a lot of record. Conveyances to and from adjoining lots are deemed to be OK under the proposed definition. Some time ago we had what we called "serial conveyances" to convert a series of nonconforming lots to conforming (minimum lot size) lots by re-drawing the lines for each lot in a block, a series of conveyances to abutters. We took the position that while a single conveyance to abutter was exempt, the wholesale re-platting accomplished by multiple conveyances to abutters was essentially a re-subdivision of the tract, and requires subdivision review. The proposed definition indicates that one or two lots can adjust boundaries, but we might want to be clear that such conveyances involving more than two contiguous lots would or could trigger subdivision review.

Proposed Amendments to City of Portland, Code of Ordinances, Chapter 14,
LAND USE, Article III, Zoning, Section 14-47. Definitions.

Submitted by Sheridan CER, LLC, 5/7/2014

PROPOSED TEXT AMENDMENT

Sec. 14-47. Definitions.

The following words shall be defined as set forth below for use in this article.
Definitions set forth in the building code of the city shall apply to words not herein defined:
[this is unchanged from current text]

Proposal to amend the definition of Lot as follows:

Lot: For purposes of this Article III (Zoning), Except when reference is made herein to a lot of record, a lot is a single tract unit of land located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by its owner or developer as a unit tract to be used, developed, or built upon as a unit under single ownership or control. For purposes of this Article III, and notwithstanding Section 14-433, lots that are contiguous and in common ownership shall not merge and shall be considered as individual lots for purposes of this Article III, unless otherwise designated by their owner or developer. If the designation or creation of the lot will constitute a subdivision as defined in 14-493, then the requirements of Article IV (Subdivision) shall apply.

Proposal to insert a new definition of Lot of record as follows:

Lot of record: A unit of land separately described as having unique boundaries, whether (1) defined by reference to abutters, metes and bounds, a tax map, or otherwise in a recorded deed of conveyance, or (2) designated as a numbered lot on a recorded land plan which received such municipal approval, if any, as was required at the time of recording, and, in either case, recorded in the Cumberland County Registry of Deeds by June 5, 1957, or by such later date as may be required for a lot of record or as may be specified as a required date of existence in an applicable ordinance in this Article III-. A lot of record shall retain that status even if (1) the owner proposes to combine adjacent land with the lot of record or (2) an owner of two contiguous lots of record opts to adjust the shared property line in designating the boundaries of each unit to be used, developed, or built upon under single ownership or control so long as, in either case, none of the lots involved become less conforming with respect to the minimum lot size or other applicable dimensional requirements of this Article III.

Original text shown in black, not underlined.

Deletions from original text shown as ~~strikeouts~~.

New text shown in red and underlined.

EXPLANATION OF PROPOSED AMENDMENT

These proposed amendments do not address or change the minimum requirements (e.g. lot size, setbacks, etc.) for a lot to be buildable. They merely clarify the definition of what constitutes a lot for purposes of the zoning ordinance. And they add a new definition of a “lot of record”, a term that is used throughout the zoning ordinance but not defined in that ordinance. Using these clarifications of lot and lot of record, the City and applicants will then look to the rest of the zoning ordinance (existing or as it may be amended in the future) to determine whether the lot can be developed.

Statement of the Problem:

There is a need for this amendment for three reasons: (1) the existing language fosters a certain amount of confusion between the zoning ordinance and the subdivision ordinance; (2) the City’s current interpretation that certain lots under common ownership merge into one lot treats similarly situated property very differently depending merely upon the identity of the owner of adjacent land; and (3) the current merger interpretation is contrary to the City’s housing policy and sustainability goals.

The Zoning Ordinance is currently being interpreted by at least some City employees to require the “merger” of two adjacent lots owned by the same person or entity unless the developed lot is a legally conforming lot under the current zoning ordinance. A majority of the lots in the City, particularly those in the earlier-developed R-5 and R-6 zones, fail to conform to the existing minimum lot size because current minimum lot sizes are typically larger than the historic pattern of development.

Under current interpretation, if one individual owns two adjacent lots, one developed and one vacant, it is probably going to be impermissible to develop the vacant lot as a separate lot because it is highly likely that the developed lot fails to meet the current minimum lot size. However, if that vacant lot were owned by any other individual, it might be eligible for development under other zoning provisions.

For example, under Section 14-433, even though the R-6 minimum lot size is 4,500 square feet, a lot of 3,000 square feet, *if not owned by someone who also owns an adjacent parcel*, may be developed if it can meet applicable yard dimensions.

Similarly, due to the existence of the word “lot” in the R-6 small residential lot development provisions of Section 14-139(b), the City’s current interpretation is that vacant lots which could otherwise be developed under the small lot provisions may not be developed *if the vacant lot is adjacent to a nonconforming developed lot owned by the same person*.

Eliminate Confusion Between Zoning and Subdivision:

It is difficult to determine precisely how the merger provision got read into the zoning ordinance definition of a lot. However, it is not necessary to fully determine its genesis in order to fix it.

Zoning Ordinance Section 14-47 states that its definitions apply only to the zoning ordinance (Article III). It appears that confusion is being created by the use of the word “tract” within the definition of lot. “Tract” is not defined anywhere in the zoning ordinance. However, “tract” is defined in Article IV, Subdivisions, to mean “all contiguous land in the same ownership” (Article IV. Subdivisions, Sec. 14-493. Definitions.).

But the Land Use Code states that Article IV, and by extension the definitions contained within it, are only intended to govern subdivision of land (Sec. 14-492). Subdivision is a term of art derived from state statute, meaning the division of a lot, tract or parcel of land into three (3) or more lots . . . within any five-year period.” (Sec. 14-493) There are a complex series of inclusions and exceptions to apply in calculating whether a proposed division of land or structure constitutes a subdivision. Considering all land in the same ownership to be one tract for purposes of determining whether it has been divided into 3 or more lots makes sense in the context of subdivision law. However, there is no justification for reading the subdivision concept of merger into the zoning ordinance, which regulates what development can occur on non-subdivisions of one or two lots. It is clear that definitions contained in Article IV, Subdivisions, should not somehow be read into the division of a piece of land into at most two lots.

The proposed amendment removes the word “tract” from the zoning ordinance definition of “lot.” It clarifies that this definition is for Article III, Zoning only. It further states that no lots in common ownership shall automatically be considered to have merged; the owner may request that two lots be considered to have merged into one lot that will be developed under single control, but merger will not be imposed by the City. Finally, it clarifies that if any designation or creation of a lot does meet the definition of a subdivision (3 or more lots within any 5 year period), it will be subject to the additional requirements of Article IV, Subdivision.

Treat Similarly Situated Lots Equally:

The current interpretation of the zoning ordinance distinguishes between two identical parcels of land based upon whether the owner of any adjacent land is the same individual or entity. It puts a premium upon owners being savvy enough to acquire adjacent parcels under different names, such as acquiring one developed parcel in the name of one spouse, and acquiring the second vacant parcel in the name of the other spouse. In that case, the vacant parcel may be developable. But if the spouses bought both parcels in both names, if the developed parcel is nonconforming as to lot size, then they suddenly, and probably without warning, have acquired a side yard rather than a developable parcel.

There is no provision in the Zoning Ordinance which clearly puts City landowners on notice of the very significant consequences that may accrue depending upon how they take title to adjacent parcels of land. There is no merger provision, *per se*. Section 14-433 comes at it in backwards fashion by excluding from its relief provisions lots which are “held in separate and distinct ownership from adjacent lots.” And to the extent that the word “tract” in the definition of “lot” is applied to impose merger, that is even more obscure.

The April 4, 2014 memorandum from Planning Staff to the Housing & Community Development Committee on the work in progress on proposed R-6/R-7 dimensional requirements and related amendments states one of the goals is to reduce certain dimensional requirements to make it possible to replicate the historic pattern of development. It also says it proposes “to eliminate the so-called ‘lot merger rule’ which requires contiguous lots of record under common ownership to be treated as a single lot.”

The proposed amendment is entirely consistent and compatible with developing R-6/R-7 package of amendments. However, it is different because it gets at the definitional heart of the problem by separating the Article III Zoning provisions from the Article IV Subdivision provisions. The “so-called lot merger rule” lives in the definition of lot, not merely in 14-433.

The proposed amendment would get rid of any distinction based upon the ownership of adjacent land by eliminating the Section 14-433 exclusion and by amending the definition of “lot.” This is a simple change which can easily be made now, without requiring owners to wait for the entire R-6/R-7 amendment process of developing the final recommendation, getting neighborhood feedback, and going through the Planning Board and City Council workshop and public hearing process. Owners will have the option of going forward with a development applications now, under existing lot size and dimensional requirements, or waiting until the possibly more favorable package of R-6/R-7 amendments are finalized.

The effect of the amendment would merely be to treat identical lots the same, regardless of the adjacent ownership pattern. This amendment would make no substantive change in dimensional requirements. It would merely mean that if a lot could be developed under existing zoning by an owner who held no contiguous or adjacent land, it could now also be developed in the same way by an owner who happened to own contiguous or adjacent land.

Make the Zoning Ordinance Consistent with the City’s Housing Policy and Sustainability Goals:

In the early years of zoning, there was typically a goal of phasing out non-conforming uses and lots that had developed prior to adoption of any zoning ordinance. Frequently cities administered the zoning so as to get rid of undesirable uses and undersized lots which had been established prior to the adoption of larger minimum lot sizes. Unlike some other zoning ordinances, Portland’s zoning ordinance does not have a specific merger provision. While the overlay of merger concepts into the zoning ordinance is not unusual, Portland’s ordinance is notable for lack of clarity on the matter.

But even if an effort to phase out non-conforming lots was a goal after adoption of zoning in Portland in the mid-20th century, the City has gradually reversed itself on that position with regard to residential lot size. Over the last 15 years, Portland’s Planning Department has explored various ways to amend the zoning to make it possible for developers to erect in-fill housing on a scale which is compatible with the historic, pre-zoning pattern of small lot, high density development. The R-6 and R-5 small lot development amendments and the development

of the R-7 zone are examples of this trend. Similarly, in 2002, the housing component of the comprehensive plan embraced as a goal accommodation of more housing in the City to achieve and maintain a 25% share of Cumberland County's population. Among the strategies adopted to achieve this goal were to increase the amount of higher density housing in strategic locations and to "encourage development on vacant lots along accepted city streets." (Housing: Sustaining Portland's Future, Policy #5, Infill Development, p. 20, 2002) The goal of increasing housing density in the urban core, particularly as a way to provide viable transit alternatives to single occupancy vehicles, was again endorsed as a goal in 2009. (Sustainable Portland, p. 25, September 24, 2009).

The proposed amendments, by eliminating any distinction between vacant lots based solely upon the identity of owners of contiguous land, makes the City's zoning policy consistent with its comprehensive plan by encouraging more housing. It would not disqualify an owner of a vacant lot who also own a contiguous, developed non-conforming lot from trying to meet the standards of either 14-433 or applicable small lot provisions. Similarly, it would encourage a scale of construction compatible with the historic pattern of platted lots. This is a much better alternative for our urban fabric than forcing a merger of lots, which may have unintended consequences. It might encourage demolition of existing structures to clear the lot for construction of a large monolithic building, or result in the awkward connection of major new construction with an existing building to create one joined structure, as would be allowed by current zoning.

Lots of Record Amendment

The proposed lot of record amendment merely provides a definition because there is currently no definition in the zoning ordinance. It allows lots to qualify as lots of record either by virtue of being uniquely described in a recorded deed of conveyance, or being platted on a subdivision plan which had the necessary municipal approvals, if any, which would have been required as of the date of recording. The proposed amendment refers both to a lot of record as of a specified date or a lot which was in existence as of a specific date because both forms of reference are used in the current zoning ordinance. The last part of the definition clarifies that there is some flexibility in designating the boundaries of the lot which is to be developed under single ownership or control while still retaining the lot of record classification. It allows the lot which qualifies as a lot of record to be expanded by the owner to include with that lot adjacent land in designating the unit to be used, developed, or built upon under single ownership or control. Similarly it allows the owner of two contiguous lots of record to adjust the shared boundary line between the two and then develop them as separate lots so long as neither lot becomes less conforming with respect to minimum lot size or other applicable dimensional requirements. This allows for reasonable adjustment of boundaries within adjacent parcels under the same ownership rather than requiring the more complicated and convoluted use of easements and/or licenses to reach essentially the same result.





PLANNING BOARD REPORT PORTLAND, MAINE

Washington Avenue Efficiencies
134 Washington Ave.
Level III Site Plan and Subdivision Review
2014-053
Avesta Housing

Submitted to: Portland Planning Board Date: June 5, 2014 Public Hearing Date: June 10, 2014	Prepared by: Christine Grimando, Senior Planner CBL: 012 E014, 012 E006 Project ID: PEZ 2014-053
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I. INTRODUCTION

Avesta Housing has applied for a Level III Site Plan/Subdivision review for property located at 134 Washington Avenue. The applicant proposes to develop 18 units of affordable rental apartments. The proposed building will consist of 4 stories and a partial basement comprising 13,630 gross square feet and a 3,003 square foot building footprint.

The application was previously before the Board for a Workshop on May 13th. The June 10th Public Hearing incorporates input from staff and peer review comments, as well as responds to comments received at the workshop from the Planning Board and during the extensive public comment period.

As an affordable housing project, it is eligible for various incentives, including priority review (Sec. 14-487), which grants such projects expedited review whenever possible, without jeopardizing the thoroughness or quality of the review.

178 notices were sent to area residents. A notice also appeared in the June 2, 2014 and June 3, 2014 editions of the *Portland Press Herald*.

A neighborhood meeting was held on May 7th with 18 attendees. Comments focused on building design, traffic and parking implications, tenancy of the building, among other topics.

Applicant: Avesta Washington Avenue, LP

Consultants: Landscape Architect: Mitchell & Associates; Engineer: BH2M, Lester Berry; Surveyor: Owen Haskell Surveyors; Architect: Archetype, David Lloyd; Attorney(s): Curtis Thaxter/Melinda Eldridge; Bennett Engineering; Albert Frick Associates.

II. REQUIRED REVIEWS

Subdivision (Article IV)	The term subdivision shall also include the division of a new structure into three (3) or more dwelling units within a five-year period, this application is subject to Subdivision Review under Article IV of the Land Use Code, § 14-491—14-520.
Site Plan (Article V)	This application qualifies as a Level III Site Plan (both due to the size of the building, and the multi-family use of the building) which requires the approval of the Planning Board.
Fee-in-Lieu Parking (Division 20,	Any major or minor development subject to site plan review

Sec. 14-345)	located in a non-residential zone on the Portland Peninsula shall either provide the required parking or pay a fee according to the provisions outlined in Sec. 14-345.
Waiver Requests	Three are requested, each from the Technical Manual. Street Tree Requirements: (4.6); Flooding Standards: (Section 5.II.C(b)); Corner Clearance: (1.7.2.7).

III. PROJECT DATA

Existing Zoning:	B-2b Community Business Zone/ R-6 Residential Zone
Existing Use:	Single-family residential
Proposed Use:	Multi-family residential (18 efficiency rental units)
Existing number of lots:	1
Proposed number of lots:	1
Lot Area:	0.23 acres (10,096 SF)
Impervious Surface Area:	Existing: 2,884 sf Proposed: 5,113 sf Net Change: 2,229 sf
Total Disturbed Area:	10,096 sf
Existing Building Area:	1,700 sf (single family home to be demolished)
Proposed Building Area:	13,630 sf
Proposed Building Net Change:	11,930 sf
Existing Building Footprint:	1,700 sf
Proposed Building Footprint:	3,003 sf
Existing Residential Units:	1
Proposed Residential Units:	18
# of Units to be Demolished:	1
Number of Affordable Units:	18
Building Height:	44 feet
Existing Parking Spaces:	4-6 (unstriped, estimate)
Proposed Parking Spaces:	2 spaces onsite, with in-lieu contribution for 16 additional spaces
Proposed Handicapped Spaces:	1 of 2 total
Existing Bicycle Parking Spaces:	0
Proposed Parking Spaces:	13
Estimated Cost of Project:	\$1,683,069
Uses in Vicinity:	Commercial office space, multi-family residential, single-family homes, restaurants, studios for artists and craftspeople, retail establishments, personal services, low impact industrial uses.

IV. EXISTING CONDITIONS

134 Washington Avenue consists of two adjacent lots (the application lists this as one lot, city data lists it as two) comprising 10,096 sf. and currently contains a single family residence. The property also contains a one-car garage and paved driveway on the southerly portion, and a gravel parking area on the level, northerly portion. The existing structures will be demolished to accommodate the new building.



The property is in the B-2b and R-6 zone, and abuts a residential neighborhood in the R-6 zone to the rear. The immediately adjacent properties on Washington Avenue are a two family residential building to the north, and a mixed use building occupied by an art gallery on the ground floor. Washington Avenue contains single family and multi-family residential uses and a wide mix of commercial uses, though the block this project resides on is more heavily tilted towards residential than the more intensively commercial mixture of uses on the blocks between Congress Ave. and Fox St. Nearby businesses on Washington include Portland Pottery, Maine Meade Works, Restaurant, and a variety of office space, restaurants, and food markets, as well as two gas stations at the Cumberland and Washington Ave. intersection.

Figure 1, 134 Washington Ave., Existing Conditions



Figure 2, Zoning Boundaries

Ave. include
Silly's

V. PROPOSED DEVELOPMENT

The proposal is to develop the property into a four-story building with 18 affordable rental units. All eighteen units are proposed as efficiency units of approximately 338 square feet of living space, in a cost range of \$525-\$675/month. No residency preferences are proposed as a formal part of this application, but Avesta has indicated their intention to make particular outreach to low-income veterans.

Two entries are proposed for the apartments – a first floor main entry on Washington Ave., and a side entrance on the southerly side of the building. Included in the building design is first floor community meeting space, offices for building management and resident services, utility rooms, a trash room, and a bike room with storage. A basement is accessed from the rear (west) of the building, and will house utilities, a janitor room, and an elevator machine room. The site is level along Washington Ave, where the principal entrance of the proposed new building will face. The rear of the property is undeveloped, and has significant downward slopes in the direction of Hammond St.



Figure 3, Aerial view of surrounding

The lot coverage will go from a 29% impervious surface ratio to approximately 50%. The B-2b zone allows for 90% maximum impervious surface ratio. Stormwater runoff from the building roof and paved driveway will be directed towards an infiltration area to the rear of the property.

The project includes plans for two off-street vehicular parking spaces (one a handicapped parking space), and a fee-in-lieu contribution for the remaining required spaces.

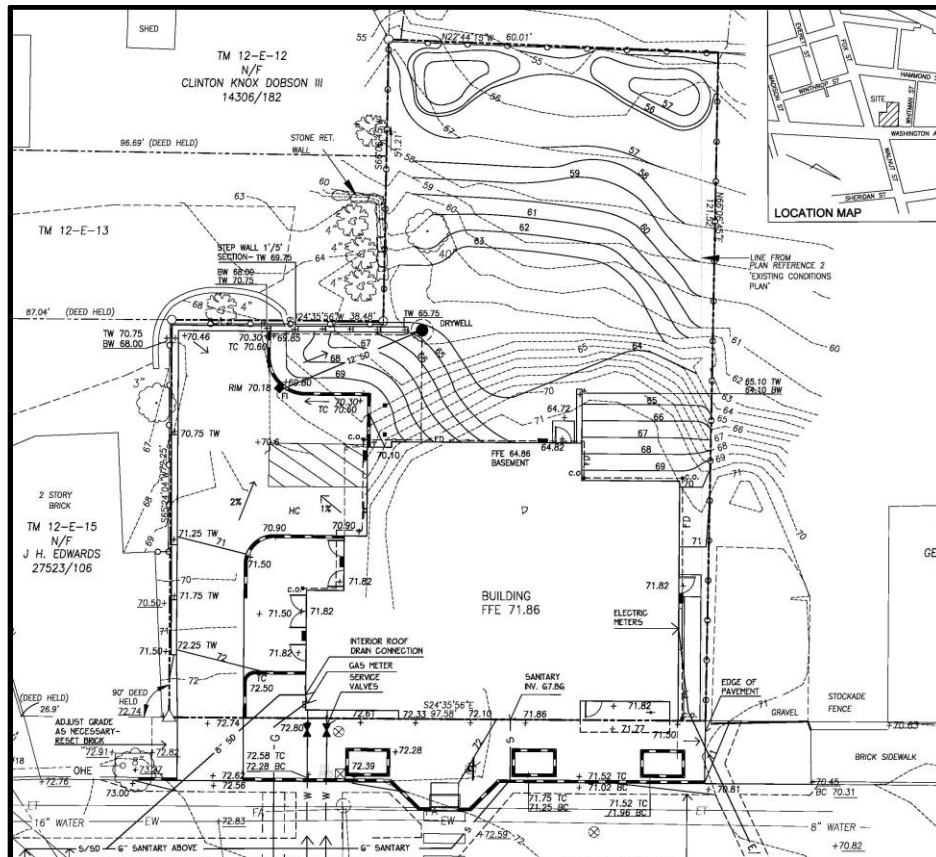


Figure 4, Grading Plan Detail

VI. PUBLIC COMMENT

The Planning Division received one written comment from a neighbor on the preliminary plans for the project (PC-1). These comments raised concerns regarding parking. A neighborhood meeting was held on May 7th, and those comments were distributed for the workshop. There have been no formal written public comments on the final plan submittal. There was extensive public comment heard at the May workshop which included concerns regarding traffic safety, impact on on-street parking, residential density, and building scale and design. There was also support voiced for the project. There have been subsequent changes to the building design, site access, and additional information submitted on parking use and traffic safety.

VII. RIGHT, TITLE, & INTEREST

The applicant has attached a Warranty Deed, recorded in the Cumberland County Registry of Deeds, Book 30618, Page 111, for the sale of this property from the prior owner to Avesta Housing Development Corporation in May 2013.

VIII. FINANCIAL & TECHNICAL CAPACITY

In regard to financial capacity, the estimated cost of the project is \$1,683,069 and the application includes a letter of support from Bangor Savings Bank testifying to Avesta's ability to fund the project and their willingness to partner with them in financing the project in the future.

The application addresses Technical Capacity with a statement addressing Avesta's organizational structure and record of success in completing affordable housing projects in Maine, as well as list of the professionals that are consultants to the project.

IX. ZONING ANALYSIS

Prior to the workshop items several zoning issues were flagged by Marge Schmuckal, Zoning Administrator, each of which have been addressed in the subsequent submission.

It was noted that the parcel is split between B-2b and the R-6 zoning districts, but that the plans didn't depict this. The applicant rightly points out that under the land use code (Section 14-496) B-2b standards prevail over R-6. For the purposes of calculating dimensional standards the whole lot falls under the B-2b zone requirements, but this does not mean that Zoning map boundaries change, and so this boundary should indeed be depicted on the plan set, as it now is.

The Zoning Administrator had asked for confirmation that the side setbacks were indeed being met – the applicant has confirmed the 5 foot side setbacks are being met and are properly delineated on the plan set.

Further information was requested regarding calculation of building height. Details on building height methodology and measurements are included on page 3 of the May 27 responses to comments from Mitchell & Associates.

Clarification was requested on calculation of the fee-in-lieu parking numbers, as there was some discrepancy in how these were reported in the preliminary submission – the total fee in lieu spaces proposed are 16, two spaces are proposed on-site, and the fee-in-lieu payment follows the formula required under 14-345. More discussion of parking is below.

Lastly, the Zoning Administrator had asked if the footings were on City property, and the applicant has confirmed that an easement will be required from the City for the footings, and has noted this on the plan set.

It was also noted that there were some other errors and discrepancies in the initial submission materials, all of which have since been corrected.

X. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

XI. SUBDIVISION REVIEW (14-497(a). Review Criteria; 14-198.

The subdivision has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below.

- 1. Will not result in undue water or air pollution;** The multi-family use proposed does not have the potential for increasing air pollution as a result of the project. The anticipated number of vehicular trips is very low.
- 2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;** The Portland Water District has indicated its capacity to serve this project.
- 3. Will not cause unreasonable burden on an existing water supply;** The Portland Water District has indicated its capacity to serve this project in terms of both volume and water pressure. A letter dated March 11, 2014 to the applicant indicated capacity to serve, as well as outlining what changes will be needed to upgrade the existing, undersized domestic service line.

4. **Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;** The applicant has included an erosion and sedimentation control plan for the project that is peer reviewed along with other stormwater management elements. As noted above, the site is characterized by a steep slope. A retaining wall is proposed, and the area of steepest slopes, to the rear of the lot, will remain largely unbuilt. A geotechnical investigation was requested and has been submitted (Attachment F), as well, with soil data, and structural recommendations for the combination of soils and slopes on sight.
5. **Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;** Very little new vehicular traffic is proposed. There was extensive discussion regarding the traffic safety of the Fox/Walnut/Washington intersection, though both the applicant's traffic engineer, and the City's peer review traffic engineer agree that this project will not add a significant, cumulative increment to these existing conditions.
6. **Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;** The Stormwater Management Report final peer review letter is attached (Attachment 3). The stormwater design has changed significantly since the plan distributed for the May workshop. The original design had the bulk of the stormwater flow diverted to a retention area in the rear of the lot, raising some concerns about the steepness of the slopes and proximity of that flow to the residential abutters on Hammond Street. Though the applicant was confident this stormwater management strategy was well designed and sound, after both feedback at the workshop and subsequent meetings with DPS and the peer review engineer, they have agreed to route the building roof leaders into the city's existing stormdrain system under Washington Ave. This roof area is the largest contributor to stormwater runoff from the site. On-site infiltration is proposed to account for driveway pavement and lawn adjacent to the building. The total runoff leaving the site after construction will be less than under existing conditions.
7. **Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;** A Wastewater Capacity Application has been filed, but no response is in hand as of this writing. Sanitary sewer is proposed to be supplied from an existing 15 inch public sewer main located in Washington Ave.
8. **Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;** The project is proposed for a currently developed, on-peninsula site. Discussion of building design is included below. The property is not in an historic district or adjacent to any historic sites, and has not been identified as an area of sensitive habitat.
9. **Is in conformance with the land development plan or its successor;** The project is consistent with the City's Comprehensive Plan, especially the housing component "Housing: Sustaining Portland's Future." The project provides 18 new affordable rental units near downtown amenities, employment, and public transit. As a dense urban infill development, the project reduces environmental impacts associated with new development. The project especially meets the following policies:
 - Policy #1: Ensure an Adequate and Diverse Supply of Housing for All
 - Policy #3: Neighborhood Stability and Integrity
 - Policy #5: Sustainable Development
 - Policy #6: Freedom of Choice
10. **The subdivider has adequate financial and technical capacity to meet the standards of this section;** In regard to financial capacity, the estimated cost of the project is \$1,683,069 and the application includes a letter of support from Bangor Savings Bank testifying to Avesta's ability to fund the project and their willingness to partner with them in financing the project in the future.
11. **Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred**

fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water; There are no wetland or waterbody impacts associated with this project.

- 12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.** There are no anticipated impacts to groundwater supplies. The initial peer review of the stormwater management report addressed the need for additional information regarding groundwater, and requested that a professional soil scientist or geotechnical engineer evaluate and comment on the design relative to impacts on groundwater at adjacent, downhill properties – the submission of this information (Attachment F), in conjunction with revised stormwater management design (See plan set and BH2M narrative, dated May 28, 2014 (Attachment H), have addressed any groundwater concerns.
- 13. Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant;** The project is not located in a flood-prone area.
- 14. All potential wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands;** There are no wetlands on the property.
- 15. Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application.** Not applicable.

XII. SITE PLAN REVIEW

The final plans for the Washington Avenue Efficiencies have been reviewed by staff for conformance with the relevant review standards of the City of Portland's site plan ordinance. Staff comments are below.

1. Transportation Standards

- a. **Impact on Surrounding Street Systems.** Traffic review comments are attached (Attachment 1). Additional crash data has been submitted, as well (Attachment E). There was extensive discussion at the May workshop regarding the traffic safety of the Fox/Walnut/Washington intersection, though both the applicant's traffic engineer, and the City's peer review traffic engineer agree that this low volume project will not add a significant, cumulative increment to these existing conditions. Tom Errico's comments on this subject emphasize the importance of ensuring and enhancing pedestrian safety in this area, especially considering its proximity to a school, and that the future residents of 134 Washington Ave. are anticipated to be on foot, bicycle, or public transit. The applicant has proposed a redesigned sidewalk with bumpout and a realigned crosswalk towards these ends.
- b. **Access and Circulation.** Traffic review comments are attached (Attachment 1). Two significant changes have been made to the proposal that impacts access to the site, and circulation within it – the driveway width has been reduced to 12 feet, pulling the drive several feet farther from the Fox Street corner, and the two parking spaces will be designated, reducing the potential for conflicts in the small parking area.
- c. **Public Transit Access.** This standard applies to projects of 20 or more units or 20,000+ sf of gross floor area. Not applicable.
- d. **Parking.** The application is proposing 2 on-site and a fee-in-lieu payment for the remaining 16 spaces, according to the fee requirements of sec. 14-345c. Discussions between staff and the applicant since the workshop has led to these spaces being dedicated spaces, one for a disabled tenant, and one for the facilities manager. There was concern that these being open spaces would lead to cars pulling in to search for a space, and then having to maneuver their way back out of the site. Dedicating the spaces greatly reduces the anticipated frequency at which this will occur.

The applicant also included a supplemental assessment of on-street parking space use in the neighborhood at different times of day (4PM/6:30PM/11PM), never finding all on-street parking utilized during each of the three days/times observed.

- e. **Transportation Demand Management (TDM).** This project is not required to design and implement a TDM.

2. Environmental Quality Standards

- a. **Preservation of Significant Natural Features.** There are no known significant natural features on the site.
- b. **Landscaping and Landscape Preservation.** There is one existing tree on the lot being protected, and some additional plantings proposed along the rear property line. Previous review comments from City Arborist Jeff Tarling regarding the required size of the on-site plantings have been responded to. It was also previously noted that the project does not meet the street tree standards of the Technical Manual (sec. 4.6) for the number of dwelling units proposed – one street tree per unit. There is a fee-in-lieu provision for street trees in the City's Technical Manual. The most recent submission proposes to meet the street tree requirement by planting three street trees in raised planter beds on Washington Ave. along the length of the property frontage. There is one tree there currently, which will be removed for sidewalk improvements, resulting in a net gain of two along this frontage. The applicant is requesting a waiver for the number of fee-in-lieu trees they are being held accountable for considering the costs of the raised planter beds and the associated public improvements to the sidewalk that they are making at the request of City staff. The applicant is asking to make a fee-in-lieu payment for 8 trees instead of the remaining 15. The City Arborist has indicated he thinks this is a reasonable waiver request (Attachment 4).
- c. **Water Quality, Storm Water Management and Erosion Control.** There are four remaining items to be addressed for stormwater management that are addressed in David Senus' peer review letter dated May 30, 2014 (Attachment 3):
 - 1) *The stormwater inspection and maintenance plan for the proposed stormwater management system should be updated to address maintenance and inspection of the roof downspout filter system and the infiltration drywall. In addition and as previously noted, the plan should reference the annual inspection and reporting requirements contained in Chapter 32 of the City of Portland Code of Ordinances.*
 - 2) *The Applicant should submit a letter confirming capacity to serve the sanitary sewer needs for the proposed development upon receipt from the City.*
 - 3) *The Grading, Drainage and Utilities Plan should include a note related to the location and type of roof drain filter proposed by the Applicant, even if the filter will be located within the building. This note should be clearly called out on the plan for future reference.*
 - 4) *The Plans should indicate the minimum allowable slope for all gravity sewer and drain pipes.*

These are mostly details that I trust can be easily responded to and will be added as conditions of approval – substantive comments regarding stormwater design have been satisfactorily addressed at this stage. It is worth noting, that though some on-site stormwater is being treated onsite, since the roof area will be channeled offsite into the City's storm drain, that the total water leaving the site will be less than what currently leaves the property. The peer review engineer has indicated support for the waiver request from the Technical Manual's Flooding Standards, stating: *the project qualifies for a waiver from the flooding standard because (in excess of) the equivalent of the new impervious area will be directed to the city storm drain system in Washington Ave. A small portion of impervious area, less than the current site, will be infiltrated in a drywell in the backyard. The result of the project will be less flow to the back of the property (relative to the existing condition).*

3. Public Infrastructure and Community Safety Standards

- a. **Public Safety and Fire Prevention.** Written feedback on public safety is pending, though Fire Captain Chris Pirone has verbally communicated that he has no issues with the project.
- b. **Availability and Adequate Capacity of Public Utilities.** The Portland Water District has indicated their capacity to serve the project. As of this writing a Wastewater Capacity Application has been filed, but the response has not yet been received.

4. Site Design Standards

- a. **Massing, Ventilation and Wind Impact.** There is nothing to suggest the proposed building will present any health or safety problems through reduction in ventilation to abutting structures, or from similar factors (changes to existing wind climate, reduction in neighboring property values, HVAC exhaust directed at public spaces or residential neighbors) listed in this section.
- b. **Shadows.** There is a shadow standard included in this section, cross referenced to the Technical Manual, that applies to shadows from new construction adversely impacting vegetation in publicly accessible open space. This project does not adversely impact public open spaces, and so does not trigger a shadow analysis.
- c. **Snow and Ice Loading.** The applicant has indicated they will contract with a snow plow company to maintain driveway and sidewalk access after snow storms, and will have snow hauled off-site in extreme situations.
- d. **View Corridors.** Not applicable.
- e. **Historic Resources.** Not applicable.
- f. **Exterior Lighting.** Some details on lighting fixtures were included in the initial submission, all of which are building mounted and indicated on the plan sheets. Since the initial submission, there has been a statement regarding exterior lighting from the project architect, David Lloyd (Attachment D) stating that exterior lighting will consist of cutoff fixtures at every exit door and recessed cans at main entry canopy. Light fixture locations are also shown on the building elevations (Plan 6). This is helpful and necessary information, and the anticipated lighting impacts are low, but the application should still directly address the lighting standards of the Technical Manual, section 12, Site Lighting Standards. Noting conformance with these standards on the Final, signed plan set would satisfy this requirement, as well.
- g. **Noise and Vibration.** HVAC and mechanicals are to be located inside the building.
- h. **Signage and Wayfinding.** No signage is shown on the plan.
- i. **Zoning Related Design Standards.** This project is reviewed under Appendix 2 of the City of Portland Design Manual. The nine sections of these guidelines are addressed below:
 - 1. **Building Location and Form.** The front of the building abuts the sidewalk, meeting the intention of this guideline that buildings be located near the street so as to contribute to the creation of an urban street wall. It exceeds the 1:2 building height to street width recommended ratio, and meets the desired condition of having the building frame and enclose the street.
 - 2. **Building Function.** This section is broadly encouraging of mixed-use buildings, with commercial first floor uses and residential above. It is also encouraging of a variety of uses on an urban street and/or business district. Washington Avenue itself currently includes a wide variety of residential, non-residential and mixed use buildings. Though an exclusively residential building, the proposal is for the non-residential accessory needs of the building to fill the ground floor – office space and meeting space are part of the ground floor area closest to the street and primary entrance, meeting the intent of this guideline.
 - 3. **Orientation of Buildings and their Entrances to the Street.** This standard states that major building entries shall be designed and located to provide the primary building

access oriented to the public street and sidewalk. It also contains standards for front doorways to be visually prominent, and be highlighted by details including but not limited to signage, lighting, vestibules, as appropriate. The proposed building design includes a front entrance on Washington Ave. adjacent to the sidewalk, with recessed lighting, a canopy, and a shallow vestibule. This standard is broadly met, though a double entry front door is recommended that would increase the front entrance prominence, and also serve a practical purpose for the movement of furniture, etc. into the building.

4. **Windows.** The design meets the standards that windows be located in all building facades visible from a public way, especially on building facades along the major public street.

There is a transparency standard of a VT (minimum visible transmittance) of .7 or greater – the letter from the project architect (Attachment D) does not state the minimum visible transmittance number, but does indicate the glazing will be clear, which should put the glazing in the range of

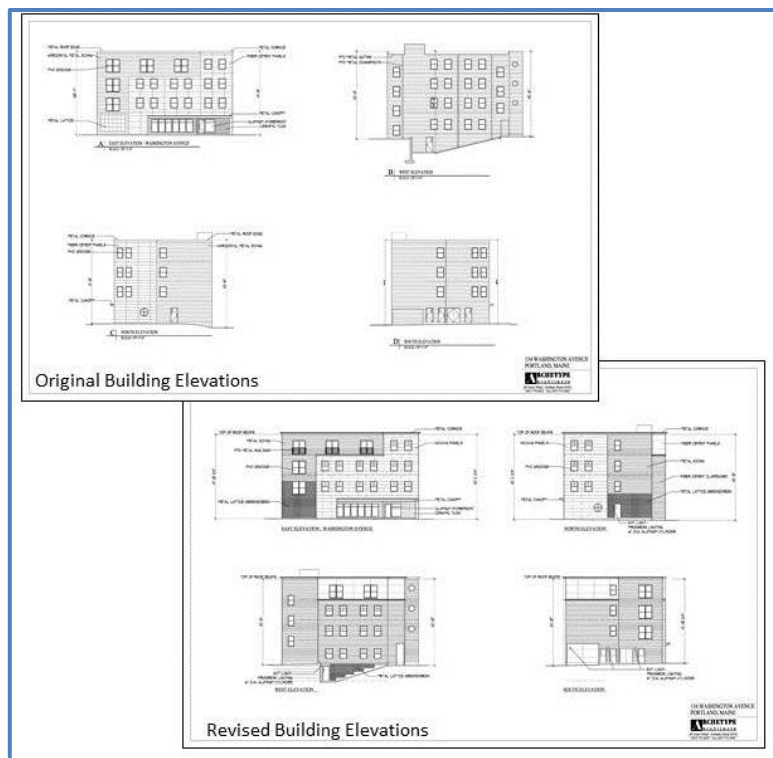


Figure 5, Before and After Building Elevations

.7 – even clear glass has a wide range of VT levels depending on material thickness, number of panes, insulation, and range of treatments. This standard of .7 or greater should be noted on the final plan set for enforceability of this standard.

5. **Building Character, Detail, Scale, and Graphic Qualities.** This standard includes a requirement for building scale, roof pitch, architectural detail, and fenestration to be designed to complement and be compatible with surrounding residential and commercial buildings. The proposed 4-story building is taller than adjacent buildings and the building it will be replacing, but within the allowable height limit of 45 feet for residential uses in the zone. It has a flat roof and a combination of ceramic tiles, aluminum and cement board siding. It has a zero front yard setback and a prominent front façade, with ground floor windows opening on to reception space as well as the office space and accessory functions of the building. Though not similar in style or scale to what immediately surrounds it, the existing building styles on Washington Ave. are varied. There is a range of heights, roof types and eras of building represented there currently, from single story, peaked roof residential buildings to multi-story brick office buildings. It is adjacent to a residential zone on Fox and Hammond streets, as well as residential homes to its north. Varied though Washington Ave. is, the proposed metal siding gives the building industrial connotations not present anywhere in the eclecticism of Washington Ave. or the surrounding neighborhood. Prior to the

workshop it was suggested that with this context in mind a gesture towards the fabric of the surrounding neighborhood, and the surrounding commercial building stock, would be to utilize clapboard instead of the proposed metal siding, and that material samples at that meeting could help inform that discussion. The applicant did bring material samples, and also heard a great deal of feedback about the building from the community and the Planning Board which resulted in multiple building design modifications.

Many of those who gave public comment, though not all, expressed concerns about massing, relationship of the building design to the neighborhoods around it, and material finishes. There was not consensus on materials at the workshop, but there was consensus that the building's massing was in contrast to the immediately surrounding neighborhood, and that there were design alternatives that could help mitigate this effect. The site is in the position of meeting the dimensional requirements of the zone, and the intent of the B-2b zone, but also subject to a design guideline that directs new buildings to have a scale, roof pitch, and other architectural details that complement and are compatible with surrounding residential and commercial buildings. To get substantially closer to the goal of being compatible with this eclectic street, the project architect made several significant modifications to the building design. To summarize, the offsets between the red Nichiha panels and the metal siding have been increased, at the Board's request; additional green wall area has been added to the front and side rear facades, softening the ground level appearance; additional color variation has been added to the Nichiha panels; several changes have been made to the windows – the color on some of the frames have been made darker, with the addition of mullions, and some of the upper floor windows now utilizing sliding doors with very shallow balconies added. The rear of the building, which faces the residential neighborhood below, and due to the slope of the property will be highly visible even with the proposed property line screening, has been much improved. There is now non-metallic fiber cement siding at the top floor and cement clapboard on the lower, with some additional green wall elements at the base, breaking up the rear wall massing considerably, and presenting a much more compatible finish to the surrounding residential abutters.



Figure 6, Revised Building Renderings

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed subdivision and site plan for the Washington Avenue Efficiencies.

XIV. PROPOSED MOTIONS

A. 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 for the public hearing on June 10, 2014 for application 2014-053 relevant to Portland's Site Plan and Subdivision standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board **waives/does not waive** the Technical Manual requirement (*Section 5.II.C(b)*) relating to Flooding Standards, in consideration that the majority of the site runoff is associated with roof area and that the roof drain will connect to the public storm drain.
2. The Planning Board **waives/does not waive** the Technical Manual standard (*Section 1.7.2.7*) relating to Corner Clearance, which requires a minimum of 150 feet of corner clearance for driveways entering an arterial street (Washington Avenue). The centerline of the driveway accessing this lot is located <40 feet from the R.O.W. intersection of Fox Street and Washington Avenue. The driveway location is in the same location as the existing driveway, and the driveway width had been reduced to maximize the distance from the Fox Street corner.
3. The Planning Board **waives/does not waive** the Technical Manual standard (*Section 4.6*) to reduce the required number of trees being paid for through the fee-in-lieu system. The applicant is proposing to

plant three and make a fee-in-lieu payment for eight trees, for a partial waiver of the remaining required seven.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on June 10, 2014 for application 2014-053 relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code, subject to the following condition of approval, which must be met prior to the signing of the plat:

1. The applicant shall revise the subdivision plat to the satisfaction of the Planning Authority, Department of Public Services, and Corporation Counsel.
2. The applicant shall obtain a license agreement for the front entrance canopy prior to the release of the signed Subdivision Plat.

C. SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on June 10, 2014 for application 2014-053 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, 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 conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide a detailed construction management, to be approved by the Department of Public Services, prior to any building permit being issued.
2. The applicant shall provide an updated stormwater inspection and maintenance plan for the proposed stormwater management system to address maintenance and inspection of the roof downspout filter system and the infiltration drywall.
3. The final plan shall reference the annual inspection and reporting requirements contained in Chapter 32 of the City of Portland Code of Ordinances.
4. The Grading, Drainage and Utilities Plan shall include a note related to the location and type of roof drain filter proposed by the Applicant.
5. The Applicant shall submit a letter confirming capacity to serve the sanitary sewer needs for the proposed development upon receipt from the City.
6. The final plans must indicate the minimum allowable slope for all gravity sewer and drain pipes.
7. The applicant shall provide documentation that the site lighting meets the city's technical standards.
8. The final plans shall indicate that the ground floor window transparency shall be .7 VT or greater.
9. The final design of the proposed curb extension, crosswalk alignment, and location of street trees shall be approved by Metro, DPS and the City Arborist.

10. The applicant shall make a contribution to the City's Street Tree Fund for eight street trees prior to the issuance of a certificate of occupancy.
11. The applicant revise the front entry door to a double door system.
12. The applicant shall obtain easements for all work outside the boundaries of the site, including building footings, to be reviewed by Corporation Council and approved by the City Council. Recorded copies of any easements shall be provided to the Planning Authority prior to the issuance of a building permit.

XIV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Traffic Engineer review (memo from Thomas Errico, 6/5/2014)
2. Department of Public Services review (memo from David Margolis-Pineo, 5/23/2-014)
3. City Engineer review (memo from David Senus, 5/30/2014, and correspondence from 6/6/2014)
4. City Arborist review (memo from Jeff Tarling, 6/4/2014)

PUBLIC COMMENTS

- PC-1. Public comment (letter from Patty Jo Walton, 5/7/2014)

APPLICANT'S SUBMITTALS

- A. Cover Letter/Response to staff comments (from Robert Metcalf, 5/27/2014)
- B. Waiver Requests
- C. Revised Project Data Sheet
- D. Response to Design Comments (David Lloyd, Archetype)
- E. Traffic And Parking Study Update (Gorrill Palmer, 5/27/2014)
- F. Geotechnical Report (Summit Geoengineering Services, 2/24/2014)
- G. Report regarding test pits and soils (James Logan, 3/7/2014)
- H. Stormwater Management Report Revisions (BH2M, 5/28/2014)
- I. Building Rendering View 1
- J. Building Rendering View 2
- K. Building Rendering View 3

PLANS

- Plan 1 Boundary & Topographic Survey
Plan 2 Existing Conditions Plan
Plan 3 Layout and Planting Plan
Plan 4 Grading, Drainage & Utilities Plan
Plan 5 Site Details
Plan 6 Building Elevations
Plan 7 Floor Plans

From: Tom Errico <thomas.errico@tylin.com>
To: Christine Grimando <CDG@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, "Jeff Tarling (JST@portlandmaine.gov)" <JST@portlandmaine.gov>
Date: 6/5/2014 5:53 PM
Subject: 134 Washington Avenue

Christine - The following represents my final traffic comments for the project and includes a status update of my preliminary comments dated May 8, 2014.

- The applicant is proposing a driveway on Washington Avenue in close proximity to Fox Street. The applicant will need to request a waiver from the City's technical standards as it relates to Corner Clearance. Supporting documentation should be provided by the applicant.

Status: I support a waiver from the City's Technical standards given that the driveway will serve only two low turnover parking spaces, an existing driveway is being closed, and the proposed driveway width has been reduced to 12 feet. I would also note that the applicant has agreed to restricting usage of the two site parking spaces to a handicapped space and a space for the facility manager. This restriction is important as it will ensure low traffic volumes entering and exiting the site.

- The proposed parking aisle width is 16 feet and does not meet City technical standards. The applicant should provide supporting technical information as part of a formal waiver request.

Status: I support a waiver from the City's Technical standards given that the parking lot will serve only two low turnover parking spaces and a turnaround area is provided on-site.

- DPS will be providing specific comments as it relates to pedestrian/sidewalk facilities along the project frontage.

Status: The applicant has revised the site plan to include a curb extension at the existing crosswalk on the outbound side of the Walnut Street/Fox Street intersection. I support the provision of the curb extension with the following specific comments:

§ The curb extension design is currently being reviewed by Metro to ensure the configuration is satisfactory from a bus stop perspective. Accordingly, the design is subject to change and may need to reflect Metro's review comments.

§ The location of the street trees may need to change such that sight lines are not impacted. Coordination with Jeff Tarling will be required before final tree locations are identified.

§ DPS is reviewing the design of the curb-extension and their comments will need to be incorporated.

§ In my professional opinion the curb-extension will provide multiple pedestrian and traffic calming benefits. To ensure that the benefits are maximized, increasing the length of the curb extension towards Fox Street should be explored.

- A construction management plan should be provided.

Status: The applicant will be required to submit a detailed construction management plan prior to the issuance of any City permits (e.g. Street Opening, Building, Foundation, etc.).

- I have reviewed the traffic and parking assessment and I generally find it to be acceptable.

Status: The applicant has provided additional information as it relates to traffic safety and parking. The Walnut Street/Fox Street intersection is not a High Crash Location, but the applicant has reviewed detailed safety data. According to their analysis three crashes involved vehicles turning from Fox Street over a three-year period. I concur with the applicants conclusion that the project will not impact safety conditions given the very low traffic volumes generated by the project. I would note that pedestrian safety is a high priority at this location and the applicant is incorporating improved pedestrian facilities. The applicant also provided additional information on area on-street parking supply availability and I concur with the methods used and data provided. I find the project to meet City standards for parking.

- The traffic assessment identified sight distance non-compliance issues when looking to the north. I will continue to review this issue and will provide direction in the future.

Status: At this time I do not recommend any changes to on-street parking. It is suggested that following completion of the project, the City shall review conditions and make a determination regarding on-street parking adjustments.

- It is my understanding from reviewing the application materials, the applicant will be paying a parking in-lieu fee for 16 parking spaces. The applicant should calculate the fee amount based upon criteria noted in the ordinance.

Status: No further comment.

If you have any questions or comments, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)

207.400.0719 (mobile)

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Please consider the environment before printing.

May 23, 2014

Memo To: Barbara Barhydt
Christine Grimando
From: David Margolis-Pineo
Re: Review comments for 134 Washington Ave – AVESTA Housing

The Department of Public Services have the following comments on the proposed above mentioned project.

1. The proposed canopy and vertical planter extends over and onto the City sidewalk, therefore a City license is required. This Department is not in favor of allowing the planter within the sidewalk area. Also a minimum clearance of eight feet will be required on the canopy. Also note that a license will be required if the building's footing extends into the road right of way.
2. The proposed drainage needs to be reviewed in greater detail. Please provide pipe sizes on Sheet three. The applicant should consider directing roof drains to the stormwater drainage system in Washington Ave. or obtaining an easement to direct drainage to Fox Street after treatment. The City is uncomfortable permitting drainage towards the down gradient property owner.
3. All plans are required to be stamped by a registered professional and sheet one by a registered land surveyor seal and survey certification.
4. I the legend on Sheet 1, Iron Pipe Set should be 5/8" rebar set with survey cap. Also should Mag Nail Set shall be Survey Disc.
5. Survey plan need to state which Dept. of Public Services control points were used and coordinates.
6. General Note 3 – Should state Bearing are based on Grid North
7. General Note 4 – Provide more detail on what City Datum was used.
8. General Note 7 – The recommended agreement must be made with George M. York with all property corners set prior to plan acceptance.
9. Show State Plane Coordinates on the front two property corners.
10. The applicant is proposing to replace the brick sidewalk within the street right of way. The City is investigating the opportunity to modifying the sidewalk design in this area to facilitate a safer pedestrian crossing of Washington Ave. There will need to additional discussions with the applicant prior to project approval.
11. Please add a note to the plans stating that, "All work within the street right of way shall met City of Portland Technical Manual standards."

This Department has no further comments at this time.

David Margolis-Pineo
Deputy City Engineer
Department of Public Services
55 Portland St.
Portland, ME 04101

Office 207-874-8850
Fax 207-874-8852
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dmp@portlandmaine.gov

MEMORANDUM



TO: Christine Grimando, Planner
FROM: David Senus, P.E.
DATE: May 30, 2014
RE: Washington Avenue Efficiencies, Level III Site Plan Application

Woodard & Curran has reviewed the response to comments letter and attachments for the Level III Site Plan Application for the proposed Washington Avenue Efficiencies located at 134 Washington Avenue in Portland, Maine. The project consists of creating 18 units of affordable rental apartments in a 3,003 square-foot 4-story building.

Documents Reviewed by W&C

- Response to comments letter and attachments dated May 27, 2014, prepared by Mitchell & Associates on behalf of Avesta Washington Avenue, LP.
- Stormwater Management Report Revisions dated May 28, 2014, prepared by BH2M on behalf of Avesta Washington Avenue, LP.
- Engineering Plans, Sheets 1, 2, 3 & 6, rev. dated May 27, 2014, prepared by Mitchell & Associates on behalf of Avesta Washington Avenue, LP.

Comments

- 1) The stormwater inspection and maintenance plan for the proposed stormwater management system should be updated to address maintenance and inspection of the roof downspout filter system and the infiltration drywall. In addition, and as previously noted, the plan should reference the annual inspection and reporting requirements contained in Chapter 32 of the City of Portland Code of Ordinances.
- 2) The Applicant should submit a letter confirming capacity to serve the sanitary sewer needs for the proposed development upon receipt from the City.
- 3) The Grading, Drainage and Utilities Plan should include a note related to the location and type of roof drain filter proposed by the Applicant, even if the filter will be located within the building. This note should be clearly called out on the plan for future reference.
- 4) The Plans should indicate the minimum allowable slope for all gravity sewer and drain pipes.
- 5) All other previous review comments have been adequately addressed.

Hi Christine.

I'm out of the office at the moment but in-short, the project qualifies for a waiver from the flooding standard because (in excess of) the equivalent of the new impervious area will be directed to the city storm drain system in Washington Ave. A small portion of impervious area, less than the current site, will be infiltrated in a drywell in the backyard. The result of the project will be less flow to the back of the property (relative to the existing condition).

Thanks
Dave

Sent from my iPhone

On Jun 6, 2014, at 2:17 PM, "Christine Grimando" <CDG@portlandmaine.gov> wrote:

David,

Could you send me, in writing, your opinion on the waiver request for the Technical Manual 5.II.C.b. for Washington Ave. Efficiencies re: Flooding Standards?

Thank you.

Christine

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

From: Jeff Tarling
To: Christine Grimando
CC: Barbara Barhydt
Date: 6/4/2014 3:56 PM
Subject: Fwd: RE: 134 comments

Hi Christine -

After reviewing this and knowing the cost of raised granite tree wells, I feel the waiver is fair.

It would be good in the future to have a better internal policy on tree waivers, for the most part they have been beneficial to both the project and the city.

Thanks

Jeff



The Staples School
70 Center Street
Portland, Maine 04101
P: 207.774.4427
F: 207.874.2460
www.mitchellassociates.biz

May 27, 2014

Ms. Christine Grimando; Senior Planner
and Planning Board Members
City of Portland
389 Congress Street, 4th Floor
Portland, Maine 04101

**Re: 134 Washington Avenue Efficiencies
Responses to Staff Review**

Dear Christine and Board Members:

On behalf of AVESTA Washington Avenue, L.P., we are pleased to submit additional documentation and the attached revised plans for Subdivision Plan and Site Plan Review applications for 134 Washington Avenue Efficiencies.

This submission is intended address staff review comments concerning the proposed subdivision plan and site plan applications, as well as address comments received from Planning Board members and public. Numerous comments referred to typographical errors within the Project Data sheet in the application. The project data sheet has been revised.

A. The following are responses to comments by the city's engineering consultants, David Sinus. P.E. and Ashley Auger, E.I.T., Woodard & Curran dated May 1, 2014:

BH2M Engineers has prepared response to comments 4, 5 and 7 in the attached letter. We have prepared the following response in regards to comments 1-2 and 6, 8-9.

1. Stamped plans

All plans have been stamped by a professional engineer.

2. Boundary survey

A boundary survey has been included in this submission.

3. Section 5 of the City of Portland Technical Design Manual: Maine Chapter 500 Stormwater Management Rules.

Based on discussions with city staff on May 21, 2014, we are proposing to install the 8 inch roof drain over the new 6 inch sanitary sewer service to tie into the existing 15 in storm drain and sewer main that cross Washington Avenue. We are requesting a waiver of the Flooding Standards, see attached waiver request.

6. Geotechnical Report

A geotechnical report and additional soil test pit data is included in this submission.

8. Connecting to the city stormdrain system

See response to 3 above.

9. Wastewater capacity letter

A wastewater capacity application was filed with the site plan application on April 14, 2014 and additional requested documents were provided to Frank Brancely on May 13. We are awaiting a determination from the City of Portland Public Services.

B. The following are responses to comments from Marge Schmuckal:

Zoning Assessment:

1. R-6 Zone (Section 14-496-16)

The R-6 / B-2-B zoning designation has been added to sheet 2, layout plan. According to section 14-51 Extension of zone lines; a less restrictive zone may be extended no more than 30 feet into a more restrictive zone. The maximum depth of the lot is 123.50 feet, therefore the entire parcel may be considered in the B2b zone.

2. Side setbacks

The setbacks conform to the required zoning and are labeled on sheet 2, layout plan. The setbacks are delineated as an offset from the property line, the line weight of the property line reflect the location and not a dimensional measure. The setback is dimensioned from the property line.

3. Building Height

The building height was determined based on the calculation of average grade plane as follows:

The slopes between the four corners are consistent with no irregular drops or rises except on the West (rear) side of the building where there is one sudden drop that needs to be included into the heights to establish the average grade.

The grades at the corners and the one low area are (see attached Site Plan Detail): $72.8 + 71.5 + 70.0 + 67.0 + 64.82 + 70.1 + 70.9 + 71.82 = 558.94 / 8 =$ Average grade plane el.69.86

The proposed roof deck is 44'-0" above Average Grade Plane (see attached Building Section)

4. Building Footings

The building footings have been labeled on sheet 2 and a requirement for an easement has been noted on the plan.

Development Review:

1. R-6 zone line (Section 14-496-16)

The R-6 zone line has been added to the plan. The zone line is located 100' offset from the Washington Avenue property line. Section 14-51 of the Land Use Ordinance, Extension of Zone Lines, allows for less restrictive zones to be extended no greater than 30 feet into a more restrictive zone. The maximum lot depth is 123.50 feet therefore the entire site is considered under the B-2b zoning.

2. Traffic and Parking Assessment (Section 14-496-24g)

The typographical error has been revised. The updated Traffic and Parking Report is included in this submission. Additional parking assessments were conducted, documentation included in the response letter from Gorrill – Palmer Consulting Engineers. As requested by staff, a collision diagram for the Fox Street intersection has been provided.

3. Construction Management Plan (Section 14-496-24k)

A construction management plan was included with the submission outlining proposed sidewalk impacts (application section 16). We realize this is an area with heavy pedestrian traffic including school children. Maintaining access to the signalized crosswalk will be a

priority. Once a construction schedule is developed, a more detailed plan including timing of sidewalk closures will be provided to the city for review.

4. Parking Spaces (Sec. 14-332-4.)

The existing property has one paved 13.5 foot wide, 49 foot long driveway with a one car garage located on the south side of the residence. The driveway is served by a 17 foot wide curb cut. Parking within the driveway & garage could accommodate two vehicles. In addition to the paved driveway, the property has an additional curb cut located on the north side of the building that provides access to a compact gravel parking area approximately 20' depth by 28' wide. This area was used as parking and could easily accommodate 3-4 vehicles. The existing curb cut is 60 +/- feet wide spanning 40 +/- feet on the north side of the Avesta property and extending an additional 20 +/- feet to include the driveway of the adjacent property owned by George York. (Refer to layout plan)

The project is proposing to remove the curb cut on the north side of the building as it pertains to this site. The new curb would end at the northerly property line and maintain a 19.5 foot curb cut to serve the York property. The project is proposing to provide two parking spaces where the existing driveway is located. One parking space will be a dedicated handicap parking space for a tenant and the second space will also be a dedicated space for facility manager. The driveway will be 16 feet wide and a 16 foot curb cut will provide access.

5. Bicycle Parking (Sec. 14-526 4.b.i.a.)

The project data sheet within the application has been revised. Section 14-526 requires two bicycle spaces per five housing units. This project requires 8 bicycle parking spaces (18 housing units). Thirteen bike parking spaces will be provided. Twelve spaces within the bike room and one bike parking space near the main entrance.

6 & 7. On-site parking/ fee-in-lieu (Section 14-345)

Section 14-345 Peninsula Fee in Lieu states 'Any major or minor development subject to site plan review located in a non-residential zone on the Portland Peninsula shall either provide the required parking or pay a fee according to the provisions of Section 14-345

Peninsula Fee-in-lieu of parking, b. and c. Fee-in-lieu of parking for not less than \$5,000.00 as adjusted annually; c. According to the “Engineer’s News Record” construction index, as published on January 1st.

The traffic letter prepared by Gorrill-Palmer Consulting Engineers referenced similar projects where the average number of spaces could be less than .50, we will be ready to discuss this with the board in response to comments and questions raised during the workshop meeting. Avesta is proposing to pay the fee-in-lieu based on the 1 space/unit deficiency for 16 spaces.

8. Project data sheet/ impervious calculations

The project data sheet within the application has been revised. The impervious calculations (note 13) on sheet 2, layout plan are correct.

Existing impervious:		Proposed impervious	
Building and driveway	2,247 sf	Building, walls and driveway	5,027 sf
	walls 37 sf	<u>bituminous walk</u>	<u>86 sf</u>
<u>gravel parking area</u>	<u>600 sf</u>	Proposed impervious	5,113 sf
Existing impervious	2,884 sf		

9. Chain link fence

The demolition and layout plans call for removing the portion of fencing that was located within the property lines. The section of fencing that crosses onto the York property was not removed until the abutter was consulted. Avesta has since discussed the fencing with the abutter and it was agreed to remove the fencing.

All chain link fencing surrounding the Avesta property will be removed and replaced with a 6’ height solid cedar board fence, as discussed with the abutter, with the *good neighbor* side facing abutting properties.

Subdivision Review:

6. Project will provide adequate storm water disposal.

A response letter has been provided by Les Berry, PE, BH2M to address stormwater disposal.

12. Project will not adversely affect the quality or quantity of groundwater.

The project will be served by public water. In regards to impact to the groundwater, the subsurface infiltration system is being eliminated by providing roof drain connection to the public storm drain. The surface area runoff for the driveway and parking area will be collected by the field inlet as originally proposed and directed to a dry well located at the rear of the building. The foundation drains will also be tied to the dry well. Based on the geotechnical report, it is not expected that underdrains will have any significant contribution if any discharge at all.

Site Plan Standards:

2. Environmental Quality Standards

b. Landscaping and Landscape Preservation (Sec. 14-526 2.b. iii. a & Technical Design Manual 4.6)

The Celtis occidentalis has been changed to a 2" caliper. Due to a request by city staff to provide a curb extension/bump-out to realign the crosswalk on Washington Ave, an existing tree will be removed and now three trees are proposed. These trees will be provided with the raised granite curb typically requested by Jeff Tarling

In consideration of the proposed changes, including the raised planter bed, we are requesting a partial waiver of the number of street trees from 17 trees to 8 trees based on the fee-in-lieu option. A request for a waiver to meet the street tree requirement is included in this submission.

4. Site Design Standards

f. Exterior Lighting

Additional lighting documentation regarding photometrics will be provided under separate cover.

f. i. 4. Windows

Response will be provided under separate cover.

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

Response will be provided under separate cover.

Note: updated renderings of the building elevations have been included in this submission.

C. The following are responses to comments by the city's traffic engineer, Tom Errico, PE, TY Lin:

1. Corner Clearance (1.7.2.7)

A minimum of 150 feet of corner clearance is required for driveways entering an arterial street (Washington Avenue). The centerline of the driveway accessing this lot is located <40 feet from the R.O.W. intersection of Fox Street and Washington Avenue. The driveway location is in the same location as the existing driveway. Based on discussions with city staff on May 21, 2014, the driveway width from the street up to the first parking space has been reduced from 16 FT to 12 FT. The 16 FT has been maintained for turning requirements for the parking spaces. The applicant is requesting a waiver to meet the driveway corner clearance.

2. Parking aisle width

The proposed parking spaces are 20 feet by 9 feet. The driveway width is 16 feet. 1.7.1. Residential developments with nine (9) parking spaces or less are allowed driveway widths of minimum 10 feet and maximum 20 feet. The proposed driveway width has been reduced to 12 FT, see response above.

3. Construction Management Plan

A construction management plan was provided in section 16 of the application. Additional information regarding timing of sidewalk closures will be provided to the city when a construction schedule has been developed. We are requesting this be a condition of approval.

4. Parking fee-in-lieu (Section 14-345)

Section 14-345 Peninsula Fee in Lieu states 'Any major or minor development subject to site plan review located in a non-residential zone on the Portland Peninsula shall either provide the required parking or pay a fee according to the provisions below...'

The applicant will provide the fee-in-lieu (\$5,000 + annual adjustment index as determined) for the 16 spaces they will not be providing on site. Refer to Design Development responses 6&7 above.

C. The following are responses to comments by David Margolis Pineo, Department of Public Services:

1. Canopy License & Planter

A note has been added to sheet 2, layout plan to provide license agreement with the city for the canopy. The planter has been relocated within the project site and a license is no longer required.

2. Connecting to the city stormdrain system

The storm drain/roof drain has been revised to tie to the city infrastructure based on discussions with city staff. Pipe sizes are shown on sheet 3, grading plan.

3. Stamped plans

All plans have been stamped by a professional engineer.

Comments 4-7 and 9. Survey Plan notes

The survey plan notes have been revised.

8. George M. York property lines

Avesta Housing has met with Mr. York and an agreement will be drawn up resolving the property line discrepancy as noted on the survey plan.

D. Additional Comments:

1. Waiver Requests

Street Tree Requirement (Sec. 14-526 2.b. iii. a & Technical Design Manual 4.6)

Refer to comments; Site Plan Standards 2.b. above

Technical Design Manual, 1.7.1 Driveway Design, Corner Clearance (1.7.2.7)

Refer to response to Tom Errico's above concerning corner clearance.

2. Curb Extension/bump-out request.

The plans have been revised to realign the location of the pedestrian crosswalk and curb extension as requested. The location is subject to further review and discussion with city staff.

Submission:

This submission includes the following information:

1. Cover letter, dated May 16, 2014.
2. Submission Booklet Exhibits:
 - Revised Project Data Sheet
 - Exhibit 12: Traffic and Parking Study-revised, prepared by Gorrill-Palmer Consulting Engineers.
 - Exhibit 13: Stormwater Management Plan-revised to be provided under separate cover.
 - Waiver Request to be provided under separate cover.
 - Geotechnical Report prepared by Summit Engineering
 - Soil Test Pit data prepared by Albert Frick Associates
3. One set of revised site plan sheets
 - Boundary & Topographic Survey (Stamped)
 - Sheet 1 Existing Conditions Plan
 - Sheet 2 Layout and Lighting Plan
 - Sheet 3 Grading, Drainage & Utilities Plan
 - Sheet 6 Site Details
4. Updated rendered building elevations
5. Electronic copy of Exhibits and Plans.

We trust that these responses and plan revisions address the staff comments. Should you have any questions or comments please do not hesitate to contact me.

Sincerely,
Mitchell & Associates

A handwritten signature in black ink, appearing to read "R. B. Metcalf", is written over a light gray rectangular background.

Robert B. Metcalf, Principal
Maine Licensed Landscape Architect

Enclosure

Cc: Greg Payne
David Lloyd

**134 Washington Avenue Efficiencies
Waiver Request**

The following waiver requests are being sought:

- 1. Waiver request of Technical Design Standards (TDS) Section 5 Portland Stormwater Management and MDEP Chapter 500 Stormwater Management .3) c) Flooding Standards. In consideration that the majority of the site runoff is associated with roof area and that the roof drain will connect to the public storm drain, the applicant is requesting a waiver of the flooding standards in the city TDS. The limited area associated with the driveway will be collected and directed to a drywell installed at the rear of the building.**
- 2. Waiver request of Technical Design Standards (TDS) Section 1.7.2.7 Corner Clearance. A minimum of 150 feet of corner clearance is required for driveways entering an arterial street (Washington Avenue). The centerline of the driveway accessing this lot is located <40 feet from the R.O.W. intersection of Fox Street and Washington Avenue. The driveway location is in the same location as the existing driveway. Based on discussions with city staff on May 21, 2014, the driveway width from the street up to the first parking space has been reduced from 16 FT to 12 FT. The 16 FT has been maintained for turning requirements for the parking spaces. The applicant is requesting a waiver to meet the driveway corner clearance.**
- 3. Street Tree Requirement (Sec. 14-526 2.b. iii. a & Technical Design Manual 4.6) In consideration of the proposed changes, including loss of an existing tree, to accommodate the sidewalk extension/bump-out, three trees, including raised granite planter bed, are being proposed. In consideration of the three trees and raised planters. We are requesting a partial waiver of the number of street trees from 18 trees to 8 trees. The fee-in-lieu for the 8 trees will be paid according to the city requirements.**

PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	10,096 sq. ft.
Proposed Total Disturbed Area of the Site	10,096 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	
Impervious Area (Total Existing)	2,884 sq. ft.
Impervious Area (Total Proposed)	5,113 sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	1,700+/- sq. ft.
Building Footprint (Total Proposed)	3,070 sq. ft.
Building Floor Area (Total Existing)	sq. ft.
Building Floor Area (Total Proposed)	13,286 sq. ft.
Zoning	
Existing	B-2b & R-6
Proposed, if applicable	
Land Use	
Existing	Single Family Residence
Proposed	Affordable Apartment Rentals
Residential, If applicable	
# of Residential Units (Total Existing)	1
# of Residential Units (Total Proposed)	18
# of Lots (Total Proposed)	1
# of Affordable Housing Units (Total Proposed)	18
Proposed Bedroom Mix	
# of Efficiency Units (Total Proposed)	18
# of One-Bedroom Units (Total Proposed)	
# of Two-Bedroom Units (Total Proposed)	
# of Three-Bedroom Units (Total Proposed)	
Parking Spaces	
# of Parking Spaces (Total Existing)	4-6 (unclear)
# of Parking Spaces (Total Proposed)	2 total
# of Handicapped Spaces (Total Proposed)	1
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	13
Estimated Cost of Project	\$1,683,069.00

A R C H I T E C T Y P E

Please see below in response to the City's Site Plan Standards comments for 134 Washington Avenue.

Exterior Lighting

Full cutoff fixtures at every exit door and recessed cans at main entry canopy will be provided.

Orientation of Buildings & Entrances

Building is sited on property line of Washington Ave. in context with its urban neighbors. The building has been placed on the site to allow a balance of space between its two neighboring buildings, thus allowing more natural light for both neighboring properties and our own project. The siting also allows the construction of the handicap parking space with the least amount of grading and retaining walls working more naturally with the site. The main entry door exits directly on to the street maintaining its urban context.

Windows

The windows will be a vinyl window system on the upper levels. The use in change of colors and mullions adds to the diversity of the facade. Also the upper level along Washington Ave. will have a sliding door with French balconies added. The first floor entry will have an aluminum storefront system with clear glazing to allow maximum views into the community area.

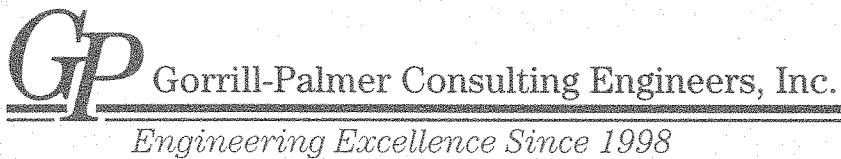
Building Character, Detail, Scale and Graphic Qualities

The building is designed all within the zoning dimensional requirements. The use of different siding materials breaks up the mass of the building into smaller architectural elements. The Washington street façade is comprised of a high end cement product called Nichiha and complemented with a crisp silver colored horizontal metal siding which has 2 inch and 4 inch horizontal elements. On the rear elevations we have changed to fiber cement siding at the top floor and cement clapboard on the lower levels, this is in relationship to its residential neighbors to the rear of the site. This also helps to break up the mass of the building. We have also incorporated green walls of lattice which adds interest and a friendly inviting gesture to the building.

Sincerely,



David Lloyd
Maine Licensed Architect #936



PO Box 1237
 15 Shaker Rd.
 Gray, ME 04039

207-657-6910
 FAX: 207-657-6912
 E-Mail: mailbox@gorrillpalmer.com

May 27, 2014

Mr. Robert Metcalf
 Mitchell & Associates Inc.
 70 Center Street
 Portland, ME 04101

Re: Response to Traffic and Parking Assessment Comments
 Washington Avenue Efficiencies
 134 Washington Ave, Portland, Maine

Dear Bob:

Our office has reviewed the comments received from City staff on our parking and traffic assessment and offers the following responses. For your convenience, each comment is repeated followed by our response.

Memo to the Portland Planning Board from Christine Grimando dated May 9th, 2014

Comment #2 under VIII A states "*Section 14-496, item 24.g. There is a minor error in the Traffic and Parking Assessment: confusing of the left and right sight lines on page 2. The table does not match the explanatory paragraph below it. The sight lines are shown as below the recommended distance exiting left onto Washington Ave. in the table, and the following paragraph describes the sight lines looking to the left as exceeding Maine DOT requirements.*"

Response: The table shown in the report and repeated below is correct. The paragraph following the table in the report should have been consistent with the table and has been corrected below:

The posted speed on Washington Avenue in the vicinity of the site driveway is 25 mph. The results of this sight line analysis exiting the site drive is summarized in the following tables:

134 Washington Avenue Efficiencies Driveway Sight Line Evaluation

Direction	Posted Speed (mph)	Recommended Sight Line (ft)	Actual Sight Line (ft)
Exiting onto Washington Ave Looking			
Left	25	200	165
Right	25	200	310

As shown, the sight lines exiting the driveway looking to the right exceed Maine DOT requirements. The sightlines to the left are obstructed by a parking space approximately 100 feet to the north of the driveway, which is not uncommon in an urban area. Gorrill-Palmer Consulting Engineers, Inc. recommends that all plantings, which will be located within the right of way, not exceed 3 feet in height and be maintained at or below that height. Signage should not interfere with sight lines. In addition, we recommend that during construction, when heavy equipment is entering and exiting

Mr. Robert Metcalf
May 27, 2014
Page 2 of 3

into the site, that appropriate measures, such as signage and flag persons, be utilized in accordance with the Manual on Uniform Traffic Control Devices.

Comment from Tom Errico during a City staff meeting on the project on May 21st

Comment: Tom Errico requested a collision diagram be prepared for the Walnut-Fox Street intersection

Response: 2884A collision diagram has been prepared and is attached to this letter and discussed below. For convenience, the collision information from the report has been repeated below as well.

Collision History

In order to evaluate whether a location has a crash problem, Maine DOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

- A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) and:
- A minimum of 8 crashes over a three-year period.

Our office reviewed the 2010-2012 crash data in this area and found that the intersection of Fox Street/ Walnut Street and Washington Ave has had 7 collisions over this three year period with a CRF of 1.52, just shy of meeting the definition of an HCL. The proposed project should not have a significant impact on the safety of this intersection due to its low trip generation and the majority of the traffic will park off site.

Review of the diagram shows that 3 of the 7 collisions occurred when vehicles were turning left from Fox onto Washington. One of the three collisions was identified as occurring when a vehicle intending to turn left into the Sahara club changed their mind after noticing it was full and proceeded south on Washington colliding with a vehicle which had begun to turn left out of Fox Street. No explanation was provided for the other two. It is possible that their sight lines were restricted by parked vehicles. Consideration should be given to restricting parking to provide adequate sight lines.

Parking Assessment

Current on street supply

Our office completed an on street parking assessment within a 360 foot radius of the project on Monday March 24, 2014 at 11:30 PM. This radius is within a 2 minute walk to the site. This information showed there are 73 spaces available of which 24 were occupied at that time, presumably by residents.

Mr. Robert Metcalf
May 27, 2014
Page 3 of 3

It is our understanding that there was considerable discussion at the planning board workshop concerning the available parking with questions being raised as to the availability of parking during the day and when the Sahara Club is having events.

Our office has reviewed the weekly schedule for the Sahara Club (attached) and completed parking surveys within a 360 foot radius at the following additional times:

- Wednesday May 14th 2014 at 4:00 PM. No event was being held at the Sahara Club at this time. The survey showed 20 parked cars in the 67 available spaces
- Thursday May 15th at 6:30 PM. Events were scheduled at the Sahara Club at 5:30 and 6:00 PM. The survey showed 52 parked cars in the 67 available spaces.
- Friday May 16th 2014 at 11:00 PM. Events were scheduled at the Sahara Club at 7:30 and 11:00 PM. The survey showed 20 parked cars in the 67 available spaces.

A summary of each of these parking surveys is attached to this letter. The surveys confirm that more vehicles are parked during an event at the Sahara Club, however, spaces are still available.

We also understand that there was discussion at the planning board workshop as to whether the parking demand will be as high as 0.7 spaces per unit which is the ratio used in our report to estimate the projected demand for the project of 13 spaces. The data included in our report showed several existing projects where the current demand is well less than that, at 0.4 to 0.5 spaces per unit, so the rate of 0.7 may well be conservative (high). It is our understanding that the developer is planning to pay the fee in lieu of parking based on 1 space per unit.

Please contact this office with any questions.

Sincerely,

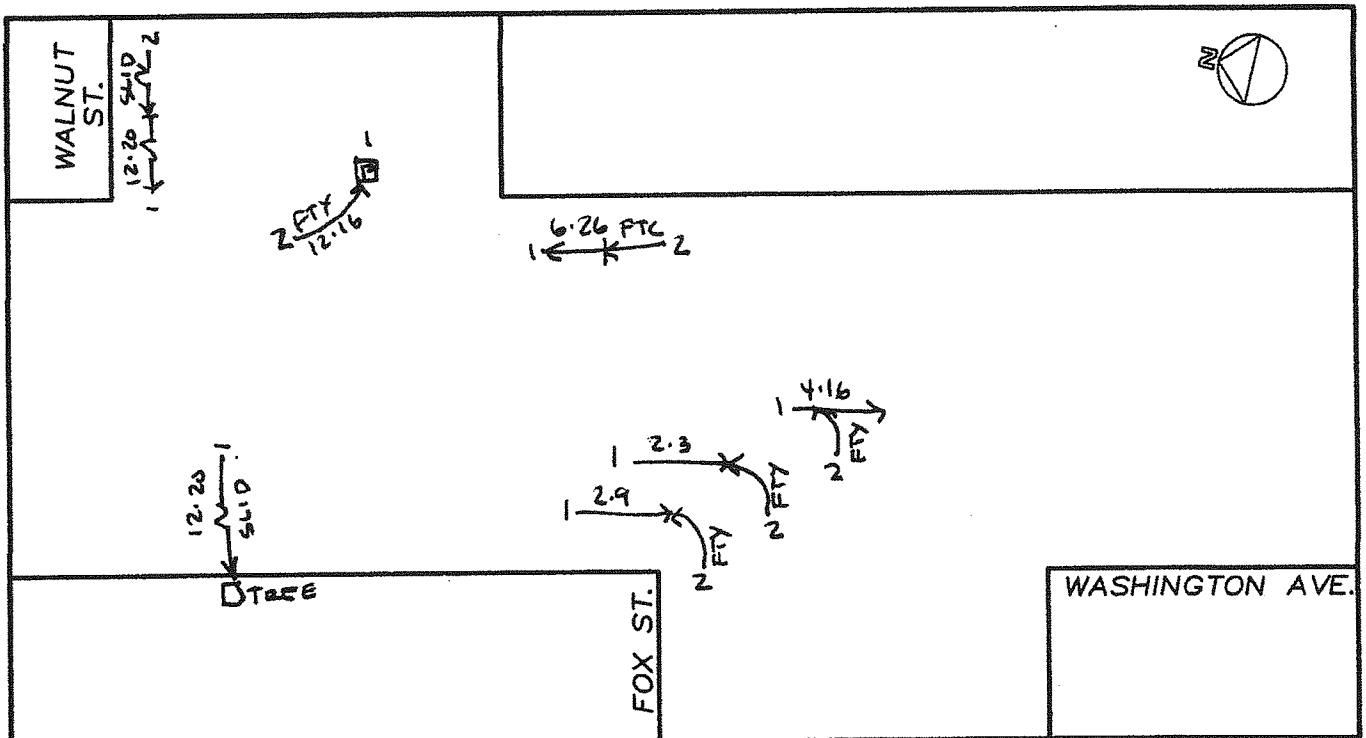
Gorrill-Palmer Consulting Engineers, Inc.



Thomas L Gorrill, PE, PTOE
Principal

COLLISION DIAGRAM

LOCATION WASHINGTON AVE, FOX ST. AND WALNUT ST. SHEET 1 OF 2
 TOWN PORTLAND NODE NO(S) 18879
 YEARS REVIEWED 2010-2012 DATE PREPARED 5/27/2014



CRITICAL RATE FACTOR _____ EQUIV. PROP. DAMAGE ACC/YEAR _____ ACC/MEV _____

LIGHT

- | | | |
|-------------------|-----------------------|----------------------------|
| 1. DAYLIGHT | 2. DAWN | 3. DUSK |
| 4. DARK (LIGHTED) | 5. DARK (NOT LIGHTED) | 6. DARK (UNKNOWN LIGHTING) |
| 7. UNKNOWN | | |

ROAD SURFACE

- | | | |
|-----------|--------------------|----------------------------|
| 1. DRY | 2. WET | 3. SNOW |
| 4. SLUSH | 5. ICE/FROST | 6. WATER (STANDING/MOVING) |
| 7. SAND | 8. MUD/DIRT/GRAVEL | 9. OIL |
| 10. OTHER | 11. UNKNOWN | |

DRIVER ACTIONS AT TIME OF CRASH

- | | | |
|-----------------------------------|---------------------------------|-----------------------------------|
| 1. APPARENTLY NORMAL | 2. RAN OFF ROADWAY | 3. FAILED TO YIELD |
| 4. RAN RED LIGHT | 5. RAN STOP SIGN | 6. DISREGARD OTHER TRAF SIGN |
| 7. DISREGARD OTHER ROAD MRKGS | 8. EXCEEDING POSTED SPEED LIMIT | 9. IMPROPER TURN |
| 10. DROVE TOO FAST FOR CONDITIONS | 11. IMPROPER PASSING | 12. FAILED TO KEEP IN PROPER LANE |
| 13. FOLLOWED TOO CLOSELY | 14. SWERVED TO AVOID | 15. OVER CORRECTING |
| 16. ERRATIC, RECKLESS | 17. UNKNOWN | |
| 18. OTHER CONTRIBUTING FACTOR | | |
| 19. DRIVER INATTENTION | | |

VEHICULAR

- | | | |
|------------------------------------|----------------------------|--------------------------|
| 41. DEFECTIVE BRAKES | 42. DEFECTIVE TIRE/FAILURE | 43. DEFECTIVE LIGHTS |
| 44. DEFECTIVE SUSPENSION OR FACTOR | 45. DEFECTIVE STEERING | 50. OTHER VEHICLE DEFECT |
| | 51. UNKNOWN | |

SYMBOLS

- | | | |
|----------------|----------------|------------------|
| ANGLE | PEDESTRIAN | FATAL ACCIDENT |
| BACKING | REAR END | |
| FIXED OBJECT | SIDE SWIPE | VEHICLE (MOVING) |
| HEAD ON | TURNING MOVE | BICYCLE |
| OVERTURN | CHANGE LANE | ANIMAL |
| PARKED VEHICLE | OUT OF CONTROL | SLED |

WEATHER

- | | | |
|------------|----------|------------------|
| C = CLEAR | F = FOG | R = RAIN |
| SL = SLEET | S = SNOW | CL = CLOUDY |
| | | XW = CROSS WINDS |

INJURIES

- | | |
|--------------------|------------------------|
| K = FATAL | B = NON-INCAPACITATING |
| A = INCAPACITATING | C = POSSIBLE INJURY |

REPORT NO.	DATE	TIME	INJURIES				LIGHT	ROAD SURFACE	ACF	OTHER
			K	A	B	C				
10-3417	2.9.10	12:20					1	1	3	
10-30532	12.20.10	17:45					4	2	1	BOTH VEH SLIDING
10-30534	12.20.10	18:45			1		4	2	1	SLID DOWN WALNUT
12-2747	2.3.12	6:06					2	1	3	
12-26377	4.16.12	11:11					1	1	3	
12-31252	6.26.12	13:38				1	1	1	14	
12-47416	12.16.12	20:04				1	4	1	3	



Sahara Club
135 Washington Avenue
Portland
(207) 772-9215

MON	12:15 P	O/D/A	<u>BROWN BAG GROUP</u>
TUE	12:15 P	O/D/A	<u>BROWN BAG GROUP</u>
TUE	6:00 P	O/SP/A	
WED	12:15 P	O/D/A	<u>BROWN BAG GROUP</u>
THU	12:15 P	O/SP/A	<u>BROWN BAG GROUP</u>
THU	5:30 P	C/W/ST/A	MUNJOY HILL WOMEN'S STEP
THU	6:30 P	B/D/A	THERE IS A SOLUTION
FRI	12:15 P	O/D/A	<u>BROWN BAG GROUP</u>
FRI	7:30 P	O/D/A	<u>EAST END FRIDAY NIGHT GROUP</u>
FRI	11:00 P	O/SP/D/A	EAST END LATE NIGHT GROUP
SAT	9:00 A	O/T/A	<u>SATURDAY MORNING TAG MEETING</u>
SAT	10:30 A	O/B/SP/D/A	<u>SATURDAY MORNING LIVE GROUP</u>
SAT	7:00 P	O/SP/A	<u>ALANO GROUP</u>
SUN	6:00 P	O/BB	DON'T DRINK GROUP

The Club holds a dance on the 3rd Saturday of the month following the 7:00PM meeting.
 DJ James spins the tunes. Cost is \$3 for members and \$5 for non-members. Scholarships for
 Serenity House/Salvation Army & Rehabs folks normally apply.
 Please inquire at the door.

Job Name: AVESTA
JN: 2884

On Street Parking

Date: 5/14/2014

Day: Wednesday

Time: 4:00 PM

No Event

Street Name	Segment	On-Street Parked Cars	Total Parking Spaces	Available Spaces
Washington Ave	E Cove St to Fox St	1	12	11
Washington Ave	Fox St to #107 Washington Ave	7	24	17
E Cove St	Washington Ave to dead end	2	5	3
Walnut St	Washington Ave to Sheridan St	6	11	5
Fox St	Hammond St to Washington Ave	4	15	11
Total:		20	67	47

Date:

5/15/2014

Day:

Thursday

Time:

6:30 PM

5:30 & 6:30 PM Events

Street Name	Segment	On-Street Parked Cars	Total Parking Spaces	Available Spaces
Washington Ave	E Cove St to Fox St	14	12	-2
Washington Ave	Fox St to #107 Washington Ave	21	24	3
E Cove St	Washington Ave to dead end	2	5	3
Walnut St	Washington Ave to Sheridan St	6	11	5
Fox St	Hammond St to Washington Ave	9	15	6
Total:		52	67	15

Date:5/16/2014

Day:Friday

Time:11:00 PM

7:30 & 11:00 PM Events

Street Name	Segment	On-Street Parked Cars	Total Parking Spaces	Available Spaces
Washington Ave	E Cove St to Fox St	11	12	1
Washington Ave	Fox St to #107 Washington Ave	2	24	22
E Cove St	Washington Ave to dead end	2	5	3
Walnut St	Washington Ave to Sheridan St	3	11	8
Fox St	Hammond St to Washington Ave	2	15	13
Total:		20	67	47



Geotechnical Report

**New Residential Building
134 Washington Avenue
Portland, Maine**

Prepared for:

Avesta Housing
307 Cumberland Avenue
Portland, Maine

Prepared by:

Summit Geoengineering Services
P.O. Box 7216
Lewiston, Maine

Project #14008
February 2014



February 24, 2014
SGS #14008

Avesta Housing
307 Cumberland Avenue
Portland, Maine 04101
Attn: Greg Payne

Reference: Geotechnical Engineering Investigation, Proposed Residential Building
134 Washington Avenue, Portland, Maine

Dear Greg:

We have completed the geotechnical investigation for the construction of a new residential building on 134 Washington Avenue in Portland, Maine. Our scope of services included performing three test borings at the site and preparing this report summarizing our findings and geotechnical recommendations.

Our scope of services for this project did not include an environmental site assessment or further investigation for the presence or absence of hazardous or toxic material on, below, or around the site. No hazardous materials were encountered in the test borings completed at the site.

1.0 Project Description

The project consists of the construction of a new 4 story apartment building. The first or ground floor level will consist of a slab-on-grade at the Washington Street or east portion. A full basement for mechanical equipment will be constructed in the west portion. The basement walls will be daylight on the west side. A short driveway and small parking lot will be constructed on the south side of the building.

The site is currently occupied by a 1-1/2 story wood framed house. The grade is level at Washington Avenue for approximately 50 feet then slopes steeply (2H:1V) down to the west. The flat area appears to consist entirely of fill placed over the original, more gently sloping ground surface.

2.0 Explorations and Laboratory Testing

Summit Geoengineering Services (SGS) drilled a total of three borings at the site on February 10, 2014. The explorations were located by Summit by tapping from existing site features. The borings were drilled to a depth of 27 feet using 2¼-inch hollow stem augers. Standard penetration tests (SPT) with split spoon samples were obtained at 5-foot intervals. The location

of the borings is shown on the Test Boring Location Plan in Appendix A. Logs of the explorations are included in Appendix B.

A sample of the native soil from B-3 at a depth of 10 feet was tested for grain size analysis in accordance with ASTM D422. A laboratory test report is included in Appendix C.

3.0 Subsurface Conditions

The soil at the site generally consists of fill over a sandy marine near shore deposit over a glacial marine deposit over glacial till.

The fill soil varied from 9 to 11 feet in thickness. It is composed of sand with varying proportions of gravel and silt. Traces of coal ash were encountered in the fill. Other than this, no organics or other unsuitable materials were observed. The fill was loose to very loose with SPT-N values ranging from 4 to 9 blows per foot (bpf) and averaging about 6 bpf.

The native marine near shore deposit is described as brown sand or brown gravelly sand. The sample tested in B-3 at 10 feet consisted of 4.4% gravel, 89.6% sand, and 6.0% silt. SPT-N values in the marine near shore deposit ranged from 7 to 49 bpf and averaged 26 bpf.

The glacial marine deposit, encountered at a depth of 21 to 24.5 feet at B-1 and a depth of 20 to 27 feet at B-3, varies from brown medium to fine sand with a little silt to brown sandy silt. The SPT-N values in this layer ranged from 5 to 18 bpf and averaged 12 bpf. The glacial marine deposit was wet, indicating that is below the groundwater table.

The glacial till soil, encountered at B-1 and B-2 is described as olive-brown sandy silt with varying quantities of gravel, silt, and clay. SPT-N values in the two samples taken in this layer were 5 and 6 bpf. These low values are attributed to disturbance in the glacial till from the drilling augers and the excess hydrostatic uplift pressures from groundwater.

Groundwater was measured at a depth of 25.5 feet at B-2. The borehole caved at 20 feet at B-1 and was dry to 27 feet at B-3.

Bedrock was not encountered in the borings.

4.0 Foundation Design Recommendations

A. Allowable Bearing Pressure

Based on the proposed building elevations, and assuming conventional frost wall foundations, the first floor footings will be constructed on the existing fill soil and the daylight basement footings will be constructed on marine near shore sand deposit. With proper site preparation, these soils will support the proposed building using spread footings. We recommend that the footings for the proposed building be designed using an allowable bearing pressure of 3,000 psf. Column locations and loads were not available for this report. Assuming typical loading conditions for this type of building, total settlement for this allowable bearing pressure is

estimated to be less than 1 inch. Assuming proper subgrade preparation, differential settlement will be negligible. This bearing pressure and associated settlement are based on the following conditions:

- All foundation elements associated with the existing building are removed in their entirety from beneath the proposed building footprint. Voids left from removal should be backfilled with SF, as described in Section 4.0-E below.
- The exposed soil within the building footprint beneath the first floor slab section and the basement area slab is proofrolled by making a minimum of 6 passes in each of two perpendicular directions using a vibratory roller with a minimum operating weight of 10 tons.
- After excavation, the bottoms of footing trenches are proofrolled by making a minimum of 4 passes using a large walk-behind vibratory compactor.

Preparation of the footing subgrade soil should be relatively straight forward. Groundwater was observed well below the anticipated bottom of footing elevations and the fill and native soils are sufficiently pervious that excavations should remain stable and no subgrade improvements with geotextile and crushed stone are anticipated.

Global stability of the slope was not investigated. Based on the building layout and the soil conditions, it is our opinion that global stability will not be an issue at this site. Since the building will be constructed on a slope, we recommend that the foundations be designed to provide sufficient overall lateral support for the structure.

B. Frost Protection

Based on the required frost protection depth, exterior footings should be constructed at a minimum depth of 4 feet below the exterior finished grade. This frost protection depth is based on a design air-freezing index of 1,250-degree days for the Portland area.

We recommend that the exterior of the foundation walls be backfilled with soil meeting the following gradation specification:

FOUNDATION BACKFILL	
Sieve Size	Percent finer
3 inch	100
¼ inch	0 to 70
No. 200	0 to 10

Reference: MeDOT Specification 703.20

The maximum particle size should be limited to 6 inches. The Foundation Backfill should be compacted to a minimum of 95 percent of its maximum dry density, determined in accordance with ASTM D1557. Based on the grain size analysis, the native marine near shore soil will not meet this gradation specification.

C. Groundwater Control

The highest groundwater level was observed in B-1 at a depth of 20 feet. Based on this groundwater will be well below the proposed basement slab and perimeter underdrains are not strictly necessary at this site.

In order to account for potential changes in local and regional hydrogeology and infiltration of regionally generated surface water runoff it may be desired to install exterior perimeter underdrains, especially behind the basement retaining walls. If used, perimeter underdrains should consist of 4 inch rigid perforated PVC placed adjacent to the exterior footings and surrounded by a minimum of 6 inches of crushed stone wrapped in filter fabric to prevent clogging from the migration of the fine soil particles in the foundation backfill soils. The underdrain pipe should be outlet to a location where it will be free flowing.

D. Seismic Design

The soil profile below the proposed foundations at the site is categorized as Site Class D, “Stiff Soil Profile” in accordance with the 2009 International Building Code (IBC). The following seismic site coefficients should be used:

2009 IBC SEISMIC COEFFICIENTS	
Seismic Coefficient	Site Class C
Short period spectral response (S_S)	0.314
1 second spectral response (S_1)	0.077
Site coefficient (F_a)	1.5
Site Coefficient (F_v)	2.2
Design short period spectral response (S_{DS})	0.324
Design 1 second spectral response (S_{D1})	0.123

E. Slabs on Grade

The first floor and basement area slabs will be constructed on the existing fill and the native sand soil. These soils are similar in composition and slab areas on each can be handled similarly. We recommend that the exposed slab subgrade soil be proofrolled as described in Section 4.0-A above. We further recommend the slabs-on-grade be constructed on a minimum 8-inch thick layer of Structural Fill (SF) or $\frac{3}{4}$ inch crushed stone.

STRUCTURAL FILL (SF)	
Sieve Size	Percent finer
3 inch	100
1/4 inch	25 to 70
No. 40	0 to 30
No. 200	0 to 7

Reference: MDOT 703.06, Type D

The maximum particle size should be limited to 6 inches. The SF can be placed in a single lift and should be compacted to 95 percent of its maximum dry density determined in accordance with ASTM D1557.

The slabs can be designed using a subgrade modulus value of 175 pci for the above subgrade conditions.

F. Cast-in-Place Retaining Walls

We recommend that foundation walls acting as retaining walls be designed for the lateral earth pressures taken from the following table.

CAST-IN-PLACE RETAINING WALL LATERAL LOADS			
Condition	Drained at Base	Equivalent Fluid Pressure	Live Load Surcharge
Free at Top	Yes	41 psf/ft	100
	No	83 psf/ft	
Fixed at Top	Yes	62 psf/ft	150
	No	94 psf/ft	

Passive resisting pressure in front of cast-in-place walls can be taken as 375 psf per foot of embedment depth. A value of 0.45 should be used for the friction coefficient at the base of the wall for walls constructed on the existing proofrolled fill or the marine near shore deposit. If crushed stone or Structural Fill is used at the base of the wall, the friction coefficient for sliding can be increased to 0.6.

Cast in place retaining wall footings should be constructed at a minimum depth of 4 feet below the exterior finished grade for frost protection. The maximum retaining wall footing contact pressure should be limited to 3,000 psf. This assumes the subgrade is prepared in accordance with the recommendations highlighted in Section 4.0-A above.

We recommend that retaining walls be backfilled with Foundation Backfill, described in Section 4.0-B above. Foundation backfill placed behind cast in place retaining walls on the inside of the building should be compacted to 95% of its maximum dry density in accordance with ASTM D1557. The compaction requirement can be reduced to 90% in areas outside the building footprint.

5.0 Construction Considerations

The composition of the existing fill is primarily mineral; no organics or other unsuitable materials were observed. Neither the fill soil nor the native marine near shore soil at this site will meet the requirements for FB or SF. These materials will be suitable to use in not-structural and landscaped areas.

We recommend that all foundation elements associated with the existing building be removed in their entirety from beneath the building footprint. Voids should be backfilled with SF as described above.

Groundwater will not be a construction issue at this site. We recommend that surface water be diverted away from footing and foundation excavations.

The existing fill soil and marine near shore deposits are considered OSHA Type C. Temporary slopes in the existing fill soil should be sloped no steeper than 1.5H:1V.

6.0 Closure

Our recommendations are based on professional judgment and generally accepted principles of geotechnical engineering. Some changes in subsurface conditions from those presented in this report may occur. Should these conditions differ materially from those described in this report, Summit should be notified so that we can re-evaluate our recommendations.

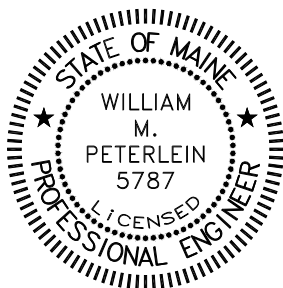
Foundation loads and column locations were not available for this report. We recommend that SGS be given an opportunity to review the final grading and foundation plans to confirm that the assumptions used to generate the recommendations in this report are valid.

We appreciate the opportunity to provide geotechnical engineering services on this phase of the project. If there are any questions please do not hesitate to contact me.

Sincerely,
Summit Geoengineering Services, Inc.



William M. Peterlein, P.E.
Principal Geotechnical Engineer



APPENDIX A

TEST BORING LOCATION PLAN

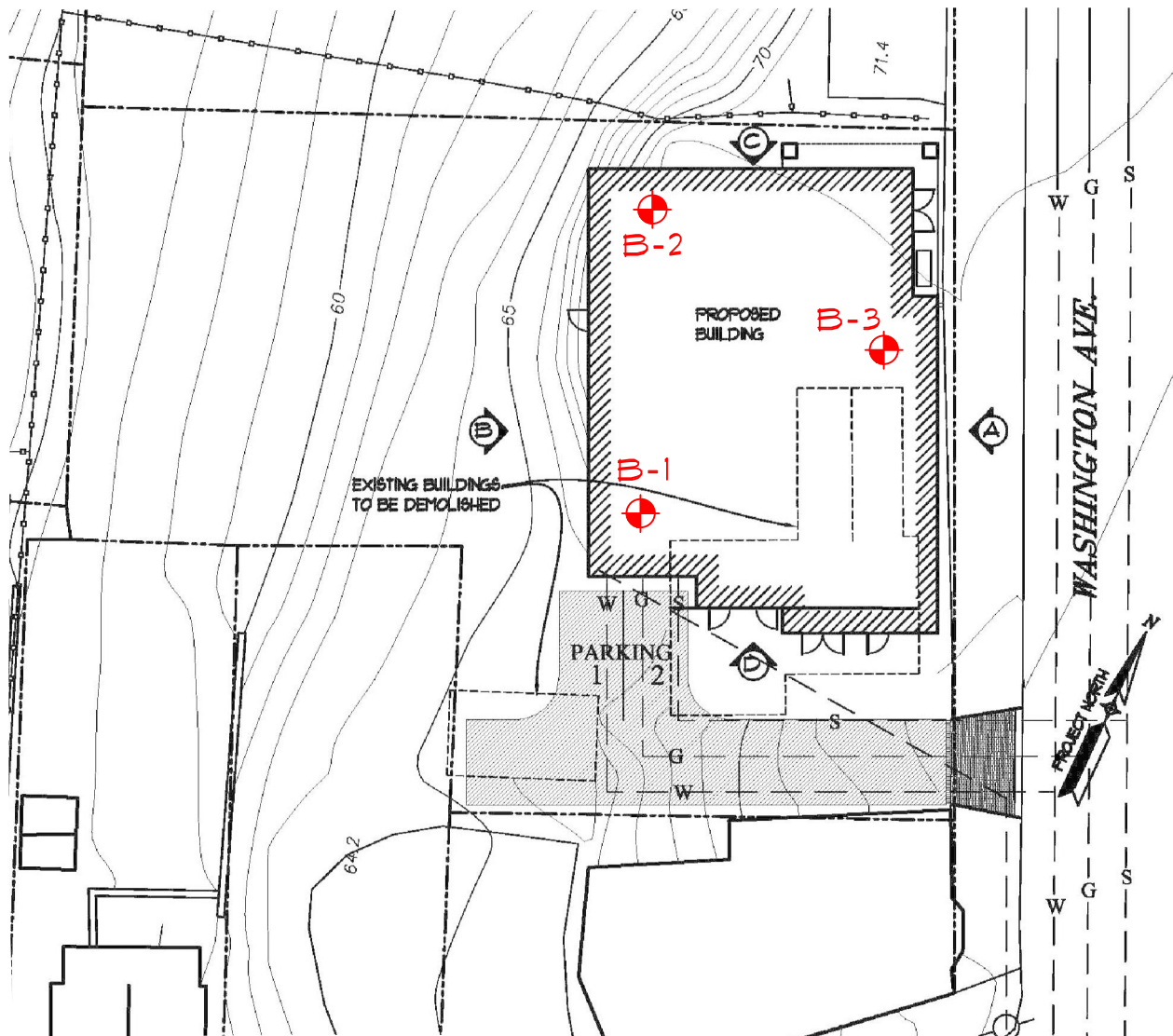
LEGEND



SUMMIT TEST BORING
(FEBRUARY 10, 2014)

PLAN REFERENCE

"134 WASHINGTON AVENUE, PORTLAND,
MAINE", PREPARED BY ARCHETYPE
ARCHITECTS



TEST BORING LOCATION PLAN PROPOSED BUILDING

134 WASHINGTON AVE. - PORTLAND, MAINE
PREPARED FOR
AVESTA HOUSING

145 LISBON ST. - SUITE 601
LEWISTON, ME 04240
Tel.: (207) 576-3313

2002 ATLANTIC HIGHWAY
CAMDEN, ME 04843
Tel.: (207) 706-7999

SUMMIT

GEOENGINEERING SERVICES
www.summitgeoeng.com

DATE: FEB. 14, 2011	DRAWN BY: KRF	CHECKED BY: UMP
JOB: 14008	SCALE: 1" = 30'	FILE: 14008 BOR

APPENDIX B
BORINGS LOGS

EXPLORATION REPORT COVER SHEET

The exploration report has been prepared by the geotechnical engineer from both field and laboratory data. Differences between field logs and exploration reports may exist.

It is common practice in the soil and foundation engineering profession that field logs and laboratory data sheets not be included in engineering reports, because they do not represent the engineer's final opinion as to appropriate descriptions for conditions encountered in the exploration and testing work. The field logs will be retained in our office for review. Results of laboratory tests are generally shown on the borings logs or are described in the text of the report as appropriate.

Drilling and Sampling Symbols:

SS = Split Spoon
ST = Shelby Tube – 2" OD, disturbed
UT = Shelby Tube – 3" OD, undisturbed
HSA = Hollow Stem Auger
CS = Casing – size as noted
Sv = Vane Shear
PP = Pocket Penetrometer
RX = Rock Core – size as noted

Hyd = Hydraulic advance of probes
WOH = Weight of Hammer
WOR = Weight of Rod
GS = Grain Size Data
PI = Plasticity Index
LL = Liquid Limit
w = Natural Water Content
USCS = unified Soil Classification System

Water Level Measurements:

Water levels indicated on the boring logs are the levels measured in the boring at the times indicated. In pervious soils, the indicated elevations are considered reliable groundwater levels. In impervious soils, the accurate determination of groundwater elevations may not be possible, even after several days of observations; additional evidence of groundwater elevations via observation or monitoring wells must be sought.

Gradation Description and Terminology:

Boulders:	Over 8 inches	Trace:	Less than 5%
Cobbles:	8 inches to 3 inches	Little:	5% to 15%
Gravel:	3 inches to No.4 sieve	Some:	15% to 25%
Sand:	No.4 to No. 200 sieve	Silty, Sandy, etc.:	Greater than 25%
Silt:	No. 200 sieve to 0.005 mm		
Clay:	less than 0.005 mm		

Density of Granular Soils and Consistency of Cohesive Soils:

CONSISTENCY OF COHESIVE SOILS		DENSITY OF GRANULAR SOILS	
SPT N-value blows/ft	Consistency	SPT N-value blows/ft	Relative Density
0 to 2	Very Soft	0 to 3	Very Loose
3 to 4	Soft	4 to 9	Loose
5 to 8	Firm	10 to 29	Compact
9 to 16	Stiff	30 to 49	Dense
17 to 32	Very Stiff	50 to 80	Very Dense
>32	Hard		

						SOIL BORING LOG		Boring #: B-1	
Drilling Co: Summit Geoengineering Services						Project:		Project #: 14008	
Driller: C. Coolidge, P.E.						Location: 134 Washington Street		Sheet: 1 of 1	
Summit Staff: B. Peterlein, P.E.						City, State: Portland, Maine		Chkd by:	
Boring Elevation:									
Reference:									
Date started: 2/10/2014						Date Completed: 2/10/2014			
DRILLING METHOD			SAMPLER			ESTIMATED GROUND WATER DEPTH			
Vehicle: Tracked			Length: 24" SS			Date	Depth	Elevation	Reference
Model: AMS Power Probe			Diameter: 2"OD/1.5"ID			2/10/2014			Borrehole caved at 20 ft - dry
Method: 2-1/2" H.S.A.			Hammer: 140 lb						
Hammer Style: Auto			Method: ASTM D1586						
Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	N ₆₀	SAMPLE DESCRIPTION		Geological/ Test Data	Geological Stratum
1	S-1	24/12	0 to 2	13		Brown Gravelly SAND, trace Silt, dry, loose, SP			FILL
				6					
				3					
2				2					
3						Cobble at 4 ft			
4									
5									
6	S-2	24/12	5 to 7	1		Black Silty SAND mixed with coal ash, dry, very loose, SM			
				2					
				2					
7				2					
8						Brown SAND, little Silt, trace Gravel, moist, loose, SM			
9									
10									
11	S-3	24/15	10 to 12	2		Brown Gravelly SAND, dry, very dense, SP			MARINE NEAR SHORE
				11					
12				22					
				32					
13									
14						Brown Gravelly SAND, dry, compact, SP			
15									
16	S-4	24/12	15 to 17	7					
				6					
17				6		Brown SAND, little Gravel, wet, compact, SP			
				9					
18									
19									
20						Brown Silty SAND, moist, wet, SM			GLACIAL MARINE
21	S-5	24/8	20 to 22	10					
				11					
				7					
22				6					
23						Olive-brown Sandy SILT, little Clay, trace Gravel, wet, loose to compact, ML			GLACIAL TILL
24									
25									
26	S-6	24/20	25 to 27	1		End of Boring at 27 ft			
				1					
				4					
27				6					

Granular Soils		Cohesive Soils		% Composition ASTM D2487	NOTES: PP = Pocket Penetrometer, MC = Moisture Content LL = Liquid Limit, PI = Plastic Index	Soil Moisture Condition
Blows/ft.	Density	Blows/ft.	Consistency			
0-4	V. Loose	<2	V. soft	< 5% Trace 5-15% Little 15-30% Some > 30% With	Bedrock Joints Shallow = 0 to 35 degrees Dipping = 35 to 55 degrees Steep = 55 to 90 degrees Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200	Dry: S = 0% Humid: S = 1 to 25% Damp: S = 26 to 50% Moist: S = 51 to 75% Wet: S = 76 to 99% Saturated: S = 100%
5-10	Loose	2-4	Soft			
11-30	Compact	5-8	Firm			
31-50	Dense	9-15	Stiff			
>50	V. Dense	16-30	V. Stiff			
		>30	Hard			

						SOIL BORING LOG				Boring #: B-2			
						Project:				Project #: 14008			
						Location: 134 Washington Street				Sheet: 1 of 1			
						City, State: Portland, Maine				Chkd by:			
Drilling Co: Summit Geoengineering Services						Boring Elevation:							
Driller: C. Coolidge, P.E.						Reference:							
Summit Staff: B. Peterlein, P.E.						Date started: 2/10/2014		Date Completed: 2/10/2014					
DRILLING METHOD			SAMPLER			ESTIMATED GROUND WATER DEPTH							
Vehicle: Tracked			Length: 24" SS			Date		Depth		Elevation		Reference	
Model: AMS Power Probe			Diameter: 2"OD/1.5"ID			2/10/2014						25.5 ft at completion	
Method: 2-1/2" H.S.A.			Hammer: 140 lb										
Hammer Style: Auto			Method: ASTM D1586										
Depth (ft.)						SAMPLE DESCRIPTION				Geological/ Test Data		Geological Stratum	
	No.	Pen/Rec (in)	Depth (ft)	blows/6"	N ₆₀								
1	S-1	24/12	0 to 2	3		Dark brown Silty SAND, trace Gravel, damp, loose, SM						FILL	
				3									
2				3									
3													
4													
5	S-2	24/12	5 to 7	2		Brown to gray fine Sandy SILT, brick pieces, trace coal ash, dry, loose, ML							
6				2									
7				5									
8				3									
9													
10	S-3	24/9	10 to 12	4		Same as above							
11				5									
				4									
12				3									
13													
14						Brown SAND, little Gravel, trace Silt, dry, loose SP						MARINE NEAR SHORE	
15													
16	S-4	24/18	15 to 17	9									
17				26									
18				23									
19				17		Same as above, dry, dense							
20													
21	S-5	24/16	20 to 22	7									
22				11									
23				10									
24				10		Brown SAND, damp, compact, SP							
25													
26	S-6	24/20	25 to 27	WH									
27				2									
				4									
				2		End of Boring at 27 ft							
Granular Soils		Cohesive Soils		% Composition		NOTES: PP = Pocket Penetrometer, MC = Moisture Content LL = Liquid Limit, PI = Plastic Index <u>Bedrock Joints</u> Shallow = 0 to 35 degrees Dipping = 35 to 55 degrees Steep = 55 to 90 degrees Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200						Soil Moisture Condition	
Blows/ft.	Density	Blows/ft.	Consistency	ASTM D2487									
0-4	V. Loose	<2	V. soft	< 5% Trace 5-15% Little 15-30% Some > 30% With								Dry: S = 0% Humid: S = 1 to 25% Damp: S = 26 to 50% Moist: S = 51 to 75% Wet: S = 76 to 99% Saturated: S = 100%	
5-10	Loose	2-4	Soft										
11-30	Compact	5-8	Firm										
31-50	Dense	9-15	Stiff										
>50	V. Dense	16-30	V. Stiff										
		>30	Hard										

						SOIL BORING LOG			Boring #: B-3		
						Project:			Project #: 14008		
						Location: 134 Washington Street			Sheet: 1 of 1		
						City, State: Portland, Maine			Chkd by:		
Drilling Co: Summit Geoengineering Services						Boring Elevation:					
Driller: C. Coolidge, P.E.						Reference:					
Summit Staff: B. Peterlein, P.E.						Date started: 2/10/2014 Date Completed: 2/10/2014					
DRILLING METHOD			SAMPLER			ESTIMATED GROUND WATER DEPTH					
Vehicle: Tracked			Length: 24" SS			Date	Depth	Elevation	Reference		
Model: AMS Power Probe			Diameter: 2"OD/1.5"ID			2/10/2014			Dry at 27 ft		
Method: 2-1/2" H.S.A.			Hammer: 140 lb								
Hammer Style: Auto			Method: ASTM D1586								
Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	N ₆₀	SAMPLE DESCRIPTION			Geological/ Test Data	Geological Stratum	
1	S-1	24/12	0 to 2	28		Dark brown SAND, little Silt, trace Gravel, trace coal ash, dry, SM				FILL	
				41							
				18							
2				9							
3						Brown to dark brown SAND, little Gravel and Silt, dry, loose, SM					
4											
5											
6	S-2	24/8	5 to 7	3							
				3							
7				4		Brown fine to coarse SAND, trace Gravel, clean, compact, SW-SM			4.4% Gravel 89.6% Sand 6.0% Silt	MARINE NEAR SHORE	
8				4							
9											
10											
11	S-3	24/12	10 to 12	7							
12				10		Brown Gravelly SAND, dry, SP					
13				9							
14				10							
15											
16	S-4	24/16	15 to 17	14							
17				24		Olive-brown Sandy SILT, wet, loose, ML				GLACIAL MARINE	
18				19							
19				16							
20											
21	S-5	24/18	20 to 22	5							
22				3		Brown medium to fine SAND, little Silt, moist, compact, SM					
23				2							
24				4							
25											
26	S-6	24/24	25 to 27	6							
27				9		End of Boring at 27 ft					
				9							
				12							
Granular Soils		Cohesive Soils		% Composition		NOTES: PP = Pocket Penetrometer, MC = Moisture Content				Soil Moisture Condition	
Blows/ft. Density		Blows/ft. Consistency		ASTM D2487		LL = Liquid Limit, PI = Plastic Index				Dry: S = 0%	
0-4 V. Loose		<2 V. soft		< 5% Trace		Bedrock Joints				Humid: S = 1 to 25%	
5-10 Loose		2-4 Soft		5-15% Little		Shallow = 0 to 35 degrees				Damp: S = 26 to 50%	
11-30 Compact		5-8 Firm		15-30% Some		Dipping = 35 to 55 degrees				Moist: S = 51 to 75%	
31-50 Dense		9-15 Stiff		> 30% With		Steep = 55 to 90 degrees				Wet: S = 76 to 99%	
>50 V. Dense		16-30 V. Stiff				Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches				Saturated: S = 100%	
		>30 Hard				Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200					

APPENDIX C

LABORATORY TEST RESULTS

SUMMIT GEOENGINEERING SERVICES

P.O. Box 4698 Augusta, Maine 04330-4698
Phone:(207) 621-8334 Fax:(207) 626-9094

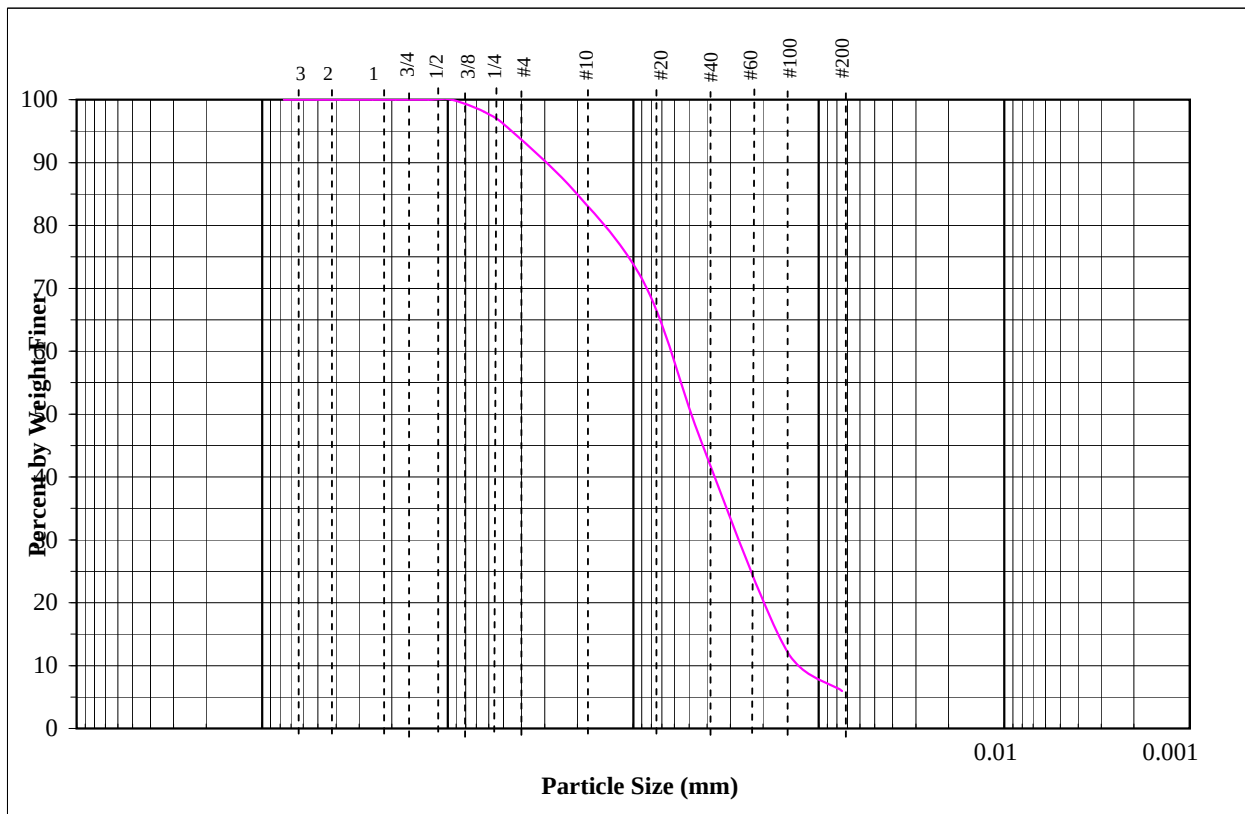
GRAIN SIZE ANALYSIS - ASTM D422

PROJECT NAME: 134 Washington St. Portland
CLIENT: Avesta Housing
SOIL DESCRIP: Sand
INTENDED USE:

PROJ #: 14008
SAMPLE: 14008-1
DATE: 2/22/14
SOURCE: B-3, 10 to 12 ft
TECH: EH

DATA

<u>PARTICLE SIZE mm</u>	<u>% BY WT FINER</u>	<u>SPECIFICATION</u>
76.20 (3 in)	100.0	
50.80 (2 in)	100.0	
38.10 (1-1/2 in)	100.0	
25.40 (1 in)	100.0	
19.05 (3/4 in)	100.0	
12.70 (1/2 in)	100.0	
9.53 (3/8 in)	100.0	
6.35 (1/4 in)	98.1	
4.75 (No. 4)	95.6	
2.00 (No. 10)	84.9	
0.85 (No. 20)	70.2	
0.43 (No. 40)	45.2	
0.15 (No. 100)	12.6	
0.08 (No. 200)	6.0	



REMARKS: USCS Classification: SW-SM



Albert Frick Associates, Inc
Environmental Consultants
95A County Road Gorham, Maine 04038
(207) 839-5563 FAX (207) 839-5564
www.albertfrick.com info@albertfrick.com

Albert Frick, SS, SE
James Logan, SS, SE
Matthew Logan, SE
Brady Frick, SE
Bryan Jordan, SE
William O'Connor, SE
Noel Dunn, Office Manager

March 7, 2014

Ms. Sashie Misner
Mitchell Associates
70 Center Street
Portland, ME 04101

Re: 134 Washington Avenue, Portland

Dear Ms. Misner:

We visited the above-referenced property on March 5, 2014 to excavate and evaluate two test pits, at locations of your choosing. These are provided to assist with stormwater design for the property.

Enclosed for your review and use are soil profile descriptions for each test pit excavated, along with a general description of soil properties for each soil observed.

Soils on-site at TP1 consist of fill over moderately well drained Croghan soils, which are glacial outwash, generally with no hardpan or restrictive layers. Seasonal high groundwater table was observed at 52" in this excavation. Soils at TP2 are fill over well to excessively well drained Adams, which are similar to Croghan but generally have no water table within 6' of the soil surface.

Both soils are similar in textures, with permeabilities of 6"-20"/hour in the upper part (within 24" +/- of soil surface) to 20"/hour below these depths. I trust you will find this and the enclosed information helpful in stormwater design. Feel free to call should you have further questions or matters for discussion regarding the site.

Sincerely,

A handwritten signature in dark ink, appearing to read "James Logan", with a long, sweeping horizontal line extending to the right.

James Logan
Certified Soil Scientist #213
Licensed Site Evaluator #237
Wetland Scientist

Town, City, Plantation
PORTLAND

Street, Road Subdivision
134 WASHINGTON AVENUE

Owner's Name
AVESTA HOUSING

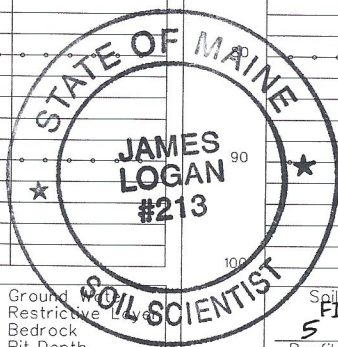
SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 1 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Observation Hole TP 2 ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

0	Texture	Consistency	Color	Mottling
		FROZEN		
	SANDY LOAM		DARK BROWN	
10	AND LOAMY SAND (FILL)	FRIABLE		
20				
30	MEDIUM SAND		YELLOW BROWN	
40				
50				
60	GRAVELLY COARSE SAND	SLIGHTLY CEMENTED	LIGHT YELLOW BROWN	FEW, FAINT
70		FRIABLE		
80				
90				
100				

0	Texture	Consistency	Color	Mottling
	SANDY LOAM AND LOAMY SAND (FILL)	FROZEN	DARK BROWN	
10	WITH BRICKS AND GLASS			
20				
30	MEDIUM SAND W/BRICK DEBRIS (FILL)	FRIABLE	LIGHT YELLOW BROWN	
40				
50	GRAVELLY LOAMY SAND AND SAND (ORIGINAL)		DARK YELLOW BROWN	
60			YELLOW BROWN	
70	FINE MEDIUM SAND		LIGHT YELLOW BROWN	
80				
90				
100				



Soil Classification
FILL OVER
Profile 5 Condition C

Slope _____ %
Limiting Factor 52 "

☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

Soil Series Name:

Drainage Class:

Hydrologic Group:

Soil Classification
FILL OVER
Profile 5 Condition B

Slope _____ %
Limiting Factor _____ "

☐ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

Soil Series Name:

Drainage Class:

Hydrologic Group:

FILL OVER CROGHAN-LIKE SOILS

FILL OVER ADAMS-LIKE SOILS

James Logan (for AFA)
Soil Scientist Signature

237/ 213
CSS #

3/6/14
Date

CROGHAN
(Aquic Haplorthods)

SETTING

Parent Material:	Derived from outwash or deltaic sand.
Landform:	Occupy outwash terraces and sand plains.
Position in Landscape:	Usually are found in intermediate or upper positions in the landscape.
Slope Gradient Ranges:	(B) 3-8% (C) 8-20%

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class:	Moderately well-drained, with an apparent water table 1.5 to 2.0 feet below the soil surface from November through May. The water table fluctuates from approximately 1.5 feet during prolonged wet periods to depths greater than 4 feet in dry seasons.	
Typical Profile Description:	Surface layer:	Dark brown sand, 0-7"
	Subsurface layer:	Strong brown/yellowish brown, brown & pale brown sand with mottles below 13", 7-52"
	Substratum:	Grayish brown loose sand, 52-60"
Hydrologic Group:	Group B	
Surface Run Off:	Slow to medium	
Permeability:	Rapid to very rapid in the lower horizons.	
Depth to Bedrock:	Deep, greater than 40".	
Hazard to Flooding:	None	

INCLUSIONS
(Within Mapping Unit)

Similar:	Adams, Duane
Dissimilar:	Nicholville, Naumburg, Lyman, Kinsman

USE AND MANAGEMENT

Development with subsurface wastewater disposal: The limiting factor for building site development is wetness due to the presence of a groundwater table. Proper foundation drainage or site modification is recommended. Croghan soils are suitable for subsurface wastewater disposal in accordance with State of Maine Rules for Subsurface Wastewater Disposal. This soil requires a 24-inch separation distance from the bottom of the disposal area and the seasonal high groundwater table. This soil requires a minimum hydraulic loading rate of 2.6 and 1.3 sq.ft/gpd for disposal beds and chamber area, respectively.

Development with public sewer and water: The limiting factor for building site development is wetness due to the presence of a groundwater table. Proper foundation drainage or site modification is recommended.

Stormwater Design: The Croghan soil is moderately well drained. The groundwater table is typically greater than 15 inches, but less than 40 inches in the spring and/or periods of heavy precipitation.

The expected soil permeability is 6 to 20 inches/hr in the top 0-12 inches, and 20 inches/hr below 12 inches.

ADAMS (Typic Haplorthods)

SETTING

Parent Material:	Derived from outwash, stratified drift material.
Landform:	Occupy outwash terraces and sand plains, deltas, lake plains, moraines, terraces and eskers.
Position in Landscape:	Usually occupies the upper positions of landform.
Slope Gradient Ranges:	(A) 0-3% (B) 3-8% (C) 8-20% (D) 20%+

COMPOSITION AND SOIL CHARACTERISTICS

Drainage Class:	Somewhat excessively to excessively well drained, with no evidence of high groundwater table within 3.5 feet of the soil surface.		
Typical Profile Description:	Surface layer:	Pinkish gray sand, 0-4"	
	Subsurface layer:	Dark brown loamy sand, 4-10"	
	Subsoil layer:	Brown & yellowish brown sand,10-26"	
	Substratum:	Grayish brown sand, 26-70"	
Hydrologic Group:	Group A		
Surface Run Off:	Very slow to medium		
Permeability:	Rapid or very rapid		
Depth to Bedrock:	Very deep, greater than sixty inches		
Hazard to Flooding:	None		

INCLUSIONS (Within Mapping Unit)

Similar:	Soils that are fine sandy loam to very fine sandy loam to a depth of 20 inches, Colton.
Dissimilar:	Croghan soils that are moderately well drained and occur in shallow depressions.

USE AND MANAGEMENT

Development with subsurface wastewater disposal: Adams soil is suitable for subsurface wastewater disposal in accordance with State of Maine Rules for Subsurface Wastewater Disposal. This soil requires a 24-inch separation distance from the bottom of the disposal area and the seasonal high groundwater table. This soil requires a minimum hydraulic loading rate of 2.6 square feet/gpd for disposal system design. Adams soil is suited for building site development.

Development with public sewer and water: Adams soil is suited for building site development. Proper foundation drainage is recommended.

Stormwater Design: The Adams soil is well drained to excessively well drained. The groundwater table is typically below 4.0'. The groundwater table in this particular setting within the study area is greater than 8.0'. This soil is well suited for subsurface stormwater treatments. The expected soil permeability is 6.0 to 20.0 inches/hour in the upper horizon approximately 0-2', and 20.0 inches/hour in the lower horizons.



Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

LESTER S. BERRY
WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY

May 28, 2014

Bob Metcalf
Mitchell & Associates
70 Center Street
Portland, Me. 04101

Re: Stormwater Management Report Revisions
Avesta Housing
134 Washington Avenue
Portland, Maine

Dear Bob;

Based upon conversations and correspondence you have had with the City, the stormwater management has been modified. The changes include:

1. The roof drainage will be treated with "Downspout Filters" and then discharged to the municipal stormdrain under Washington Avenue.
2. The infiltration system will only be used for the driveway pavement and lawn adjacent to the building.

As a result we have revised the "Post-development" calculations.

Design Items

1. 8" Roof Drain Stormdrain – Pipe needs to be sized for 25 year storm. Attached calculations show sufficient capacity.
2. Drywell Size – For 25 year storm. Attached calculations show an 8 foot diameter structure with 1 foot of stone. (Using the DEP infiltration rate of 2.41 inches per hour is conservative and dictates the larger size).

3. Downspout Treatment – Needs to treat 1” of runoff and pass 25 year storm.

– Treatment – See 1” Rainfall for Reach 2

Rate = $0.06 \text{ cfs} \times 7.48 \text{ gal/cf} \times 60 \text{ sec/min} = 27 \text{ gpm}$

1 – BC – DF4 is good for 249 gpm

– 25 Year Storm

Rate = $0.37 \text{ cfs} \times 7.48 \text{ gal/cf} \times 60 \text{ sec/min} = 166 \text{ gpm}$

1 – BC – DF4 is good to 566 gpm

In summary, the modifications are minor and do not result in any impacts to abutters and/or municipal facilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lester S. Berry', written over the printed name.

Lester S. Berry, P.E.

Downspout Filter

PROVEN STORMWATER TREATMENT TECHNOLOGY



Overview

The Bio Clean Downspout Filter is the industry's leading solution for treatment of roof runoff. This technology is used to treat commercial and industrial roof tops along with highrise buildings, parking structures and residential buildings.

Available in 3 sizes, this filter can easily adapt to downspouts 2" to 12" in diameter. The filter comes standard with rubber boots that allow for easy installation to the downspout.

Proven since 2003, the Bio Clean Downspout Filter has been used on hundreds of installations throughout the United States. All internal components are constructed of stainless steel.

The sleek inline design allows the filter to be used in tight spaces. Approved by the IAPMO, this filter can meet all your needs.



www.BioCleanEnvironmental.com



Advantages

- 10 Year Warranty
- No Nets or Geofabrics
- Sleek Inline Design
- High Treatment Flow Rate
- High Bypass Flow Rate
- Low Cost

Performance

- 93% Removal of TSS
- 87% Removal of Hydrocarbons
- Effective at Removing Metals, Nutrients and Bacteria (Media Type)

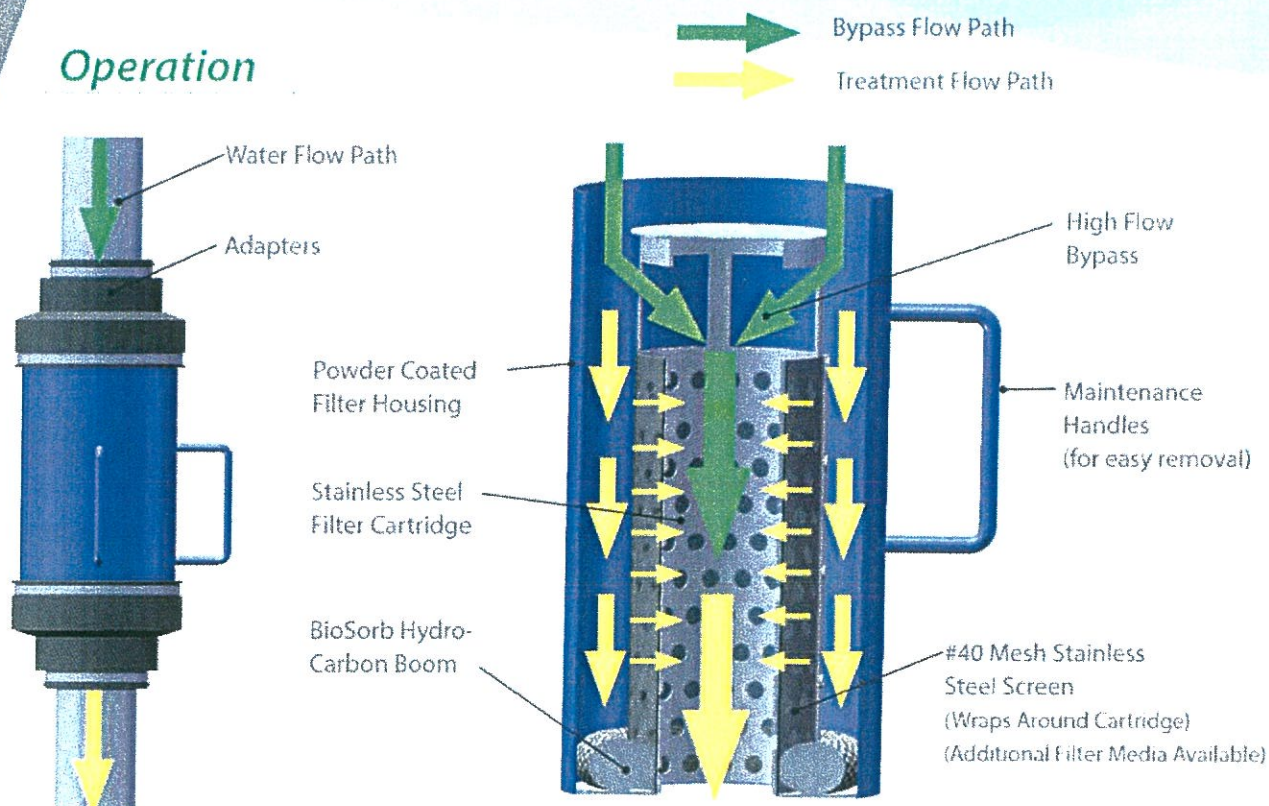
Specifications

Model #	Inlet ID (dia., in.)	Filter OD (dia., in.)	Storage Cap. (cu. ft.)	Filtered Flow (gpm)	Bypass Flow (gpm)
BC-DF4	4	6.625	0.9	249	566
BC-DF6	6	8.625	0.21	509	1006
BC-DF8	8	8.625	0.21	509	1006
BC-DF10	10	12.75	0.77	1145	2264
BC-DF12	12	12.75	0.77	1145	2264

Downspout Filter

PROVEN STORMWATER TREATMENT TECHNOLOGY

Operation



Application



Easily Adapts to Square or Rectangle Downspouts

- Commercial
- Residential
- Parking Structures
- Mixed Use



Fits Inline with Iron, Steel or Plastic Pipe

Approvals

IAPMO Testing & Approval Listing



Installation & Maintenance

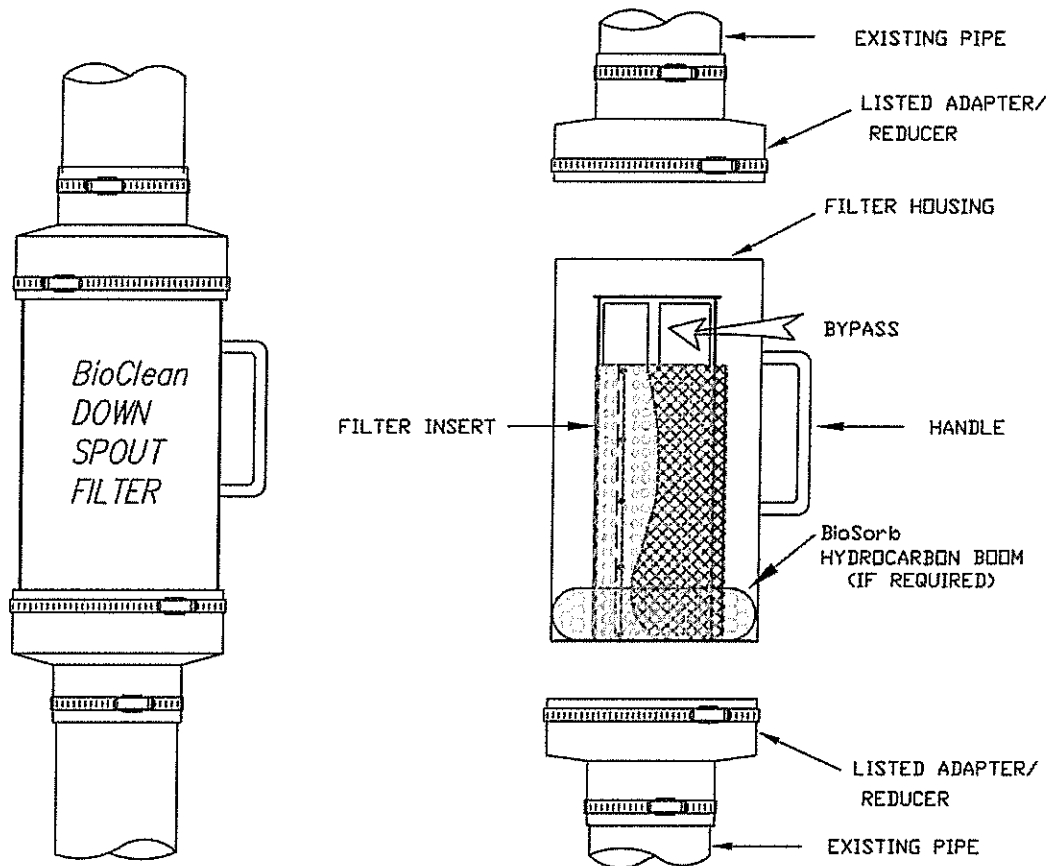
See our Website for Installation & Maintenance Manuals at www.BioCleanEnvironmental.com

2972 San Luis Rey Rd
Oceanside, CA 92058
p 760.433.7640 f 760.433.3176
www.BioCleanEnvironmental.com

BIO CLEAN

INSTALLATION MANUAL

Bio Clean DOWNSPOUT FILTER



DETAIL OF PARTS

TOOLS AND EQUIPMENT NEEDED:

1. Medium size flat screw driver
2. Gas powered demo or cut-off saw with abrasive blade and pipe wrap
3. Permanent marker
4. Anchor strap by others

Downspout filter comes pre-assembled.

Adapts to 4", 6", or 8" downspouts.

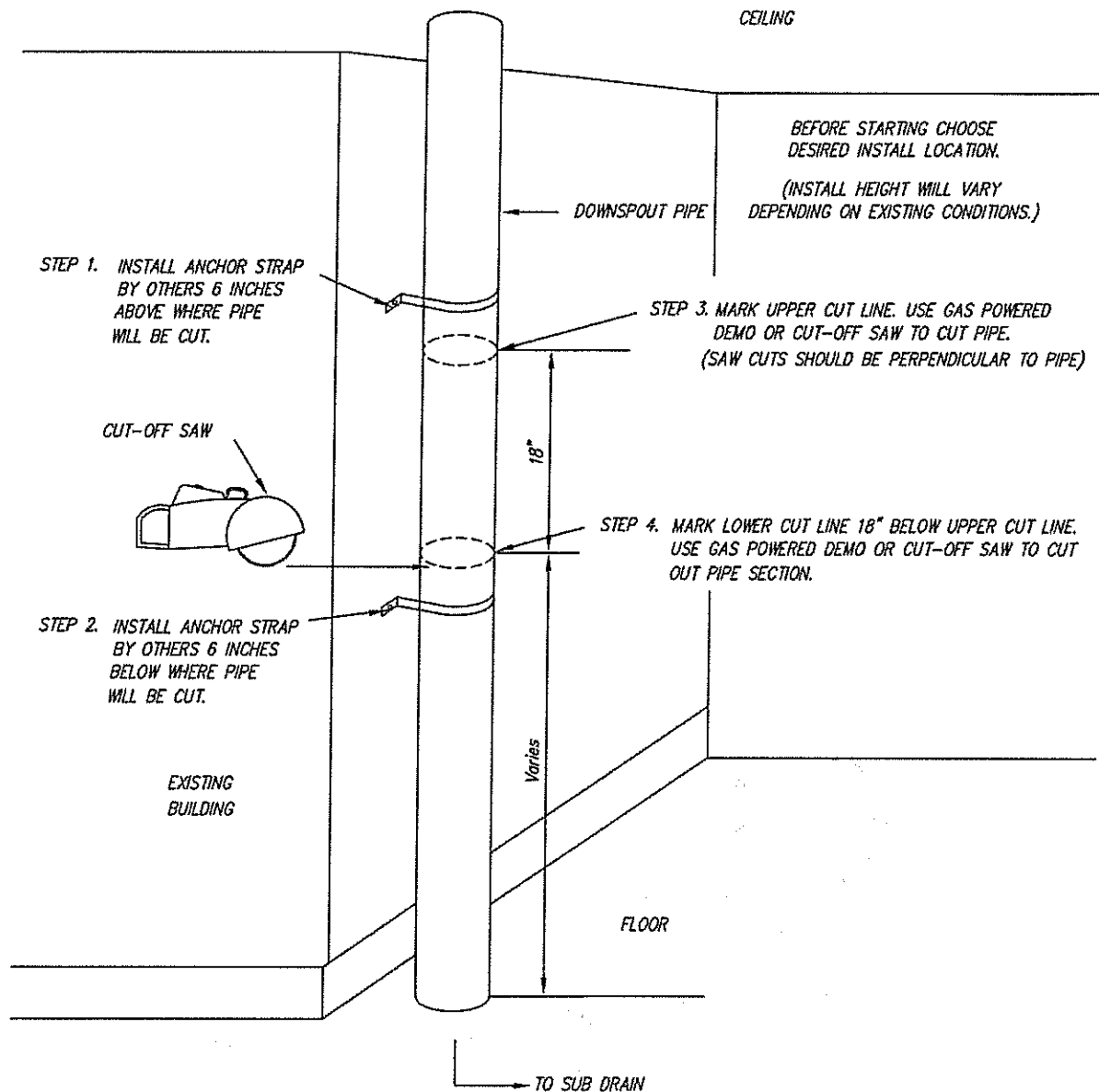
NOTES

1. The device shall be sized according to the nominal size of the interconnecting drainage system. At no time shall the entrance size be larger than the exit size.
2. The device shall be installed in an accessible location to provide for means of repair and maintenance
3. The device shall be installed using approved adapters or couplings to attach the device to the downspout or drainage pipe.



P.O. BOX 869, Oceanside, Ca. 92049
(760) 433-7640 Fax (760) 433-3176
www.biocleanenvironmental.net

STARTING INSTALLATION - CUTTING OUT PIPE SECTION

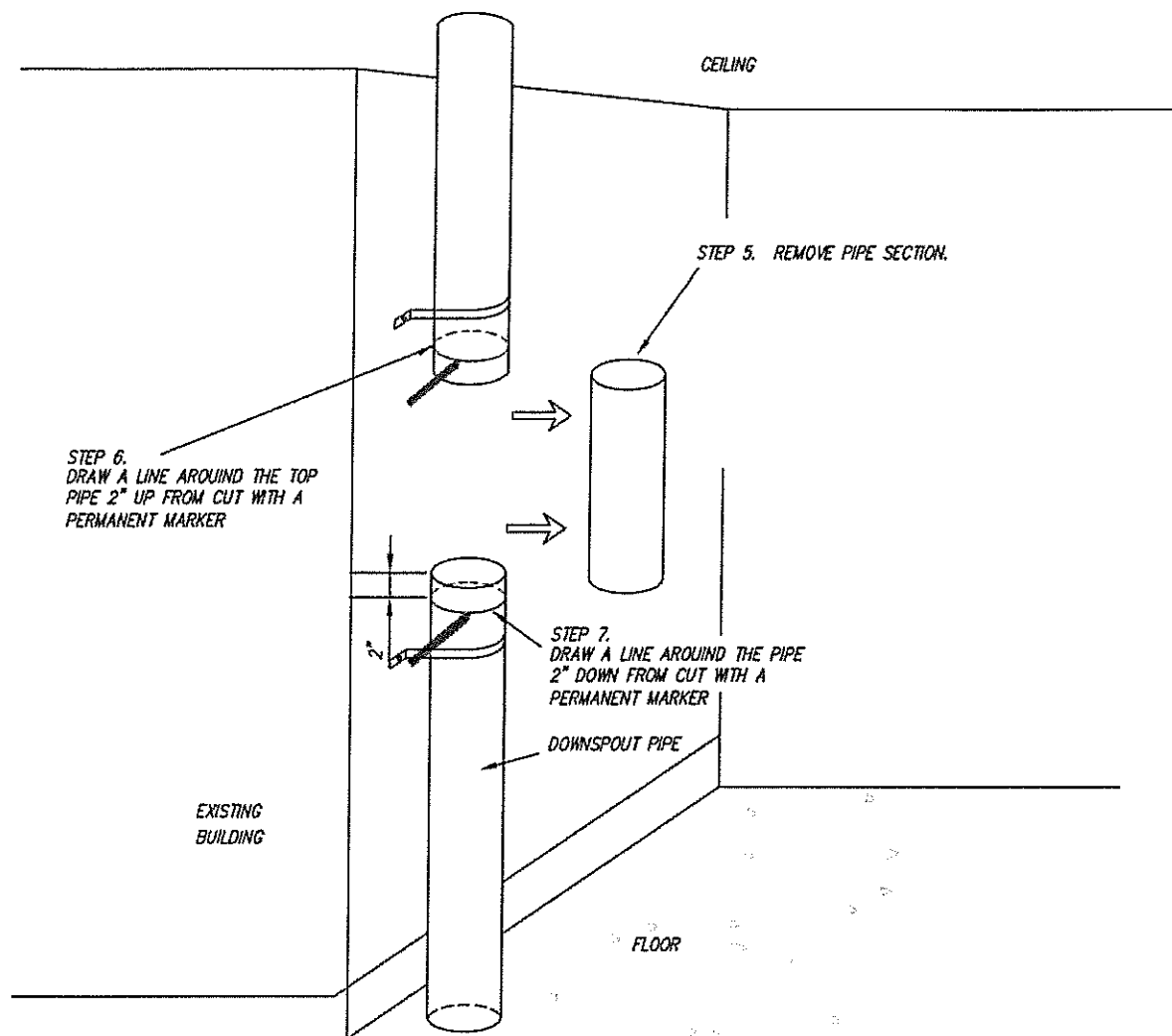


NOTES

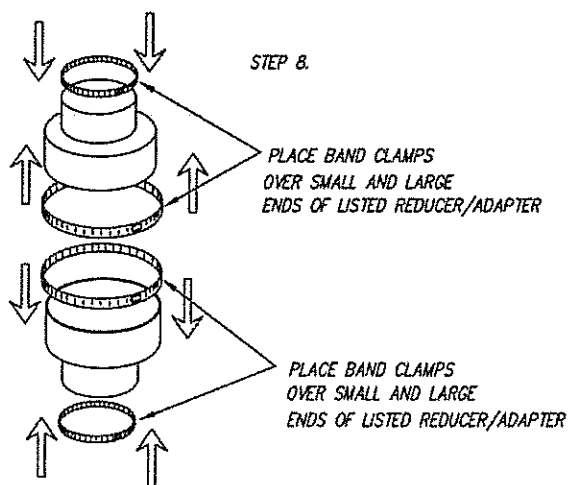
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BIO CLEAN
ENVIRONMENTAL SERVICES, INC.

P.O. BOX 869, Oceanside, Ca. 92049
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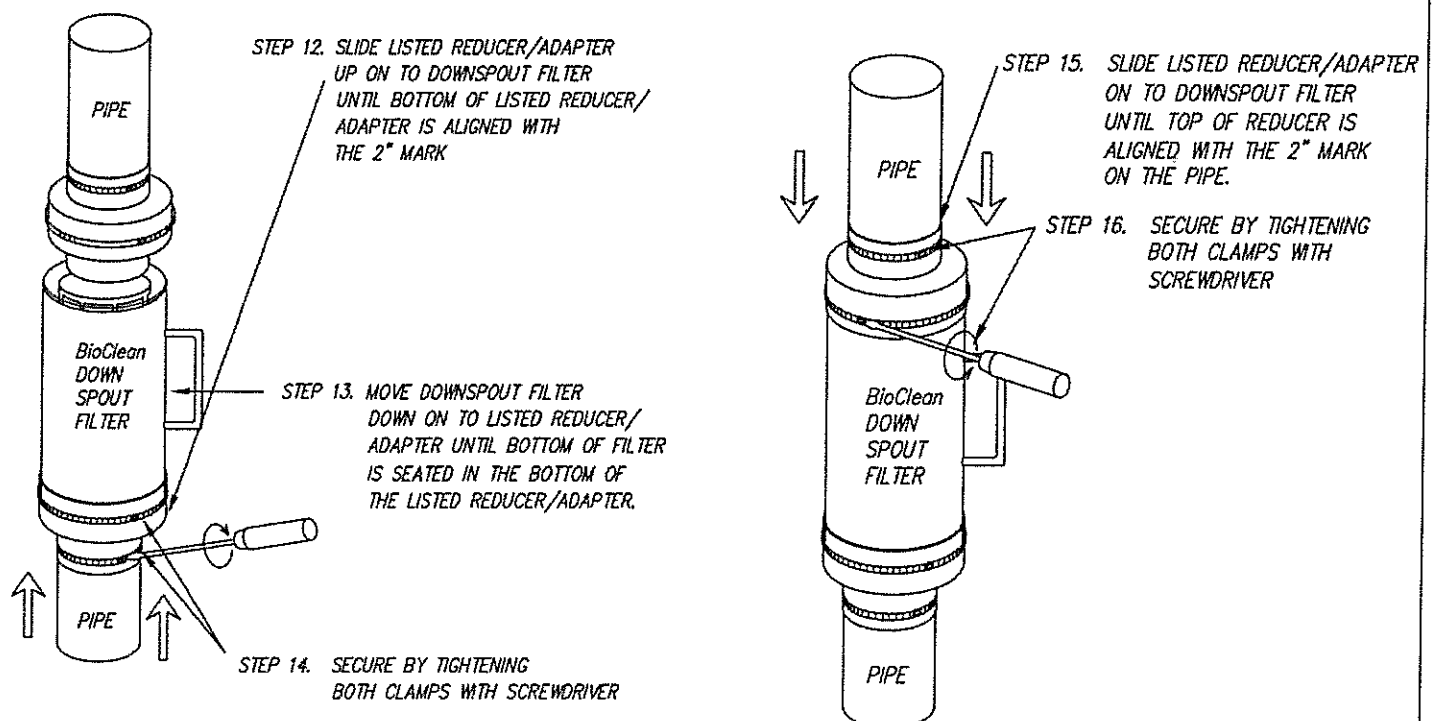
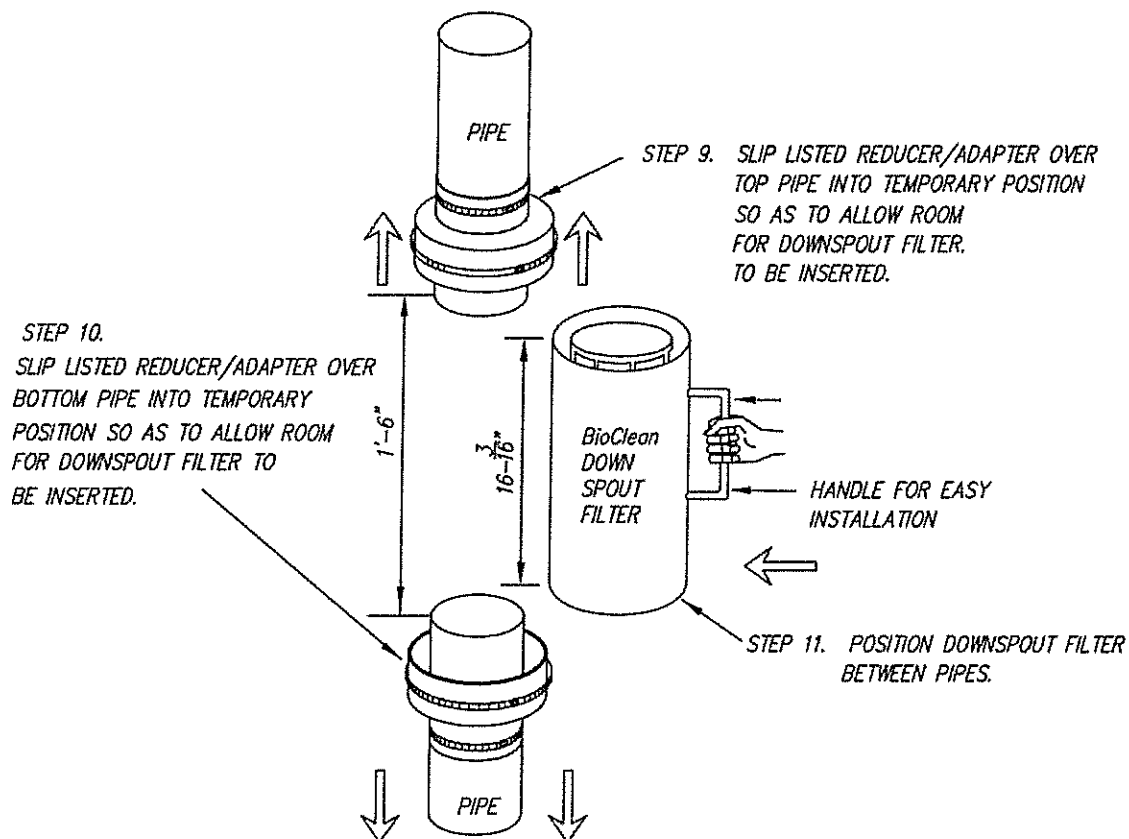
PREPARING LISTED REDUCERS/ADAPTERS



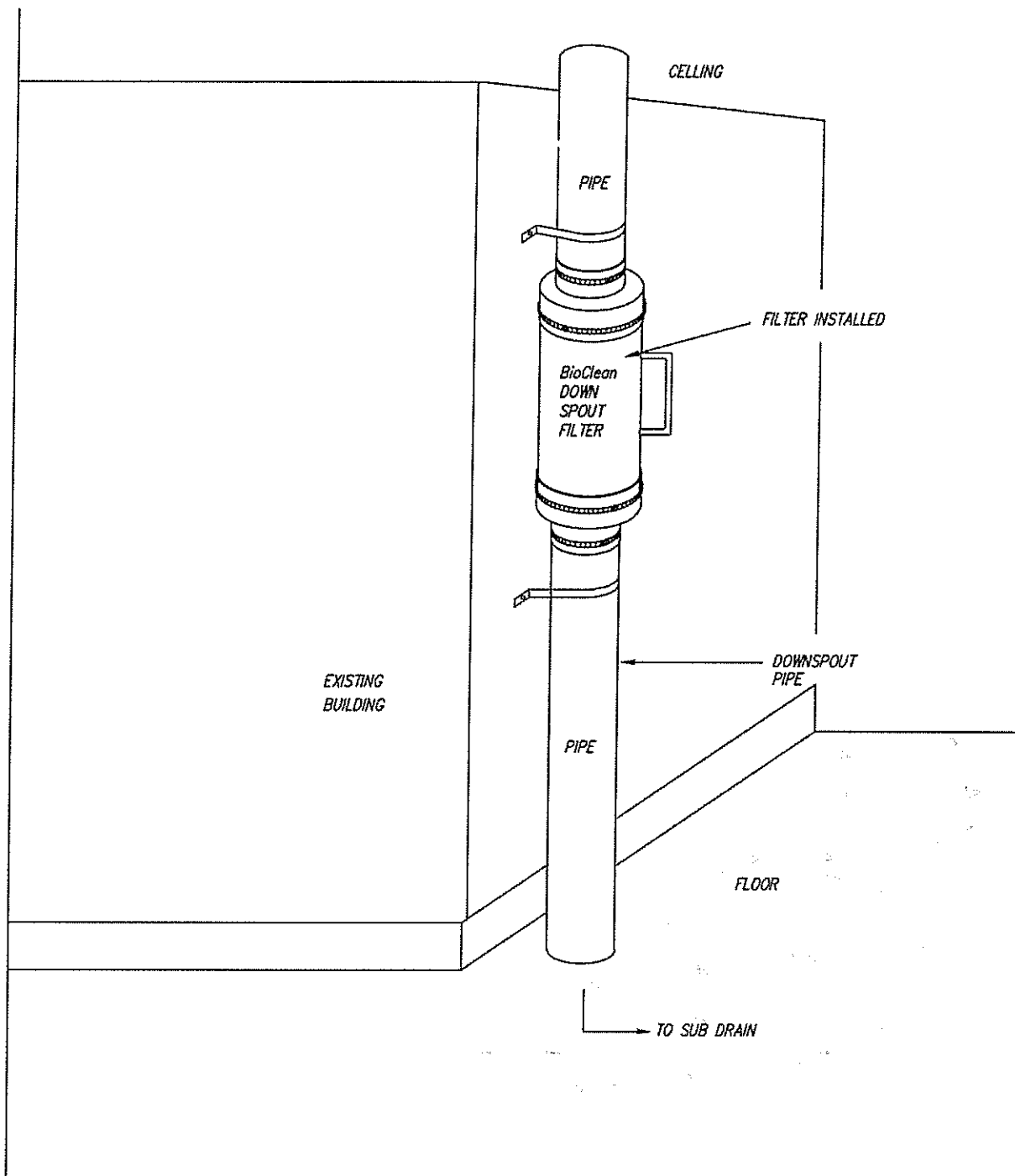
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P.O. BOX 869, Oceanside, Ca. 92049
(760) 433-7640 Fax (760) 433-3176
www.biocleanenvironmental.net

INSTALLING DOWNSPOUT FILTER



TYPICAL DOWNSPOUT FILTER INSTALLED (FOR EXAMPLE, INSIDE PARKING STRUCTURE)



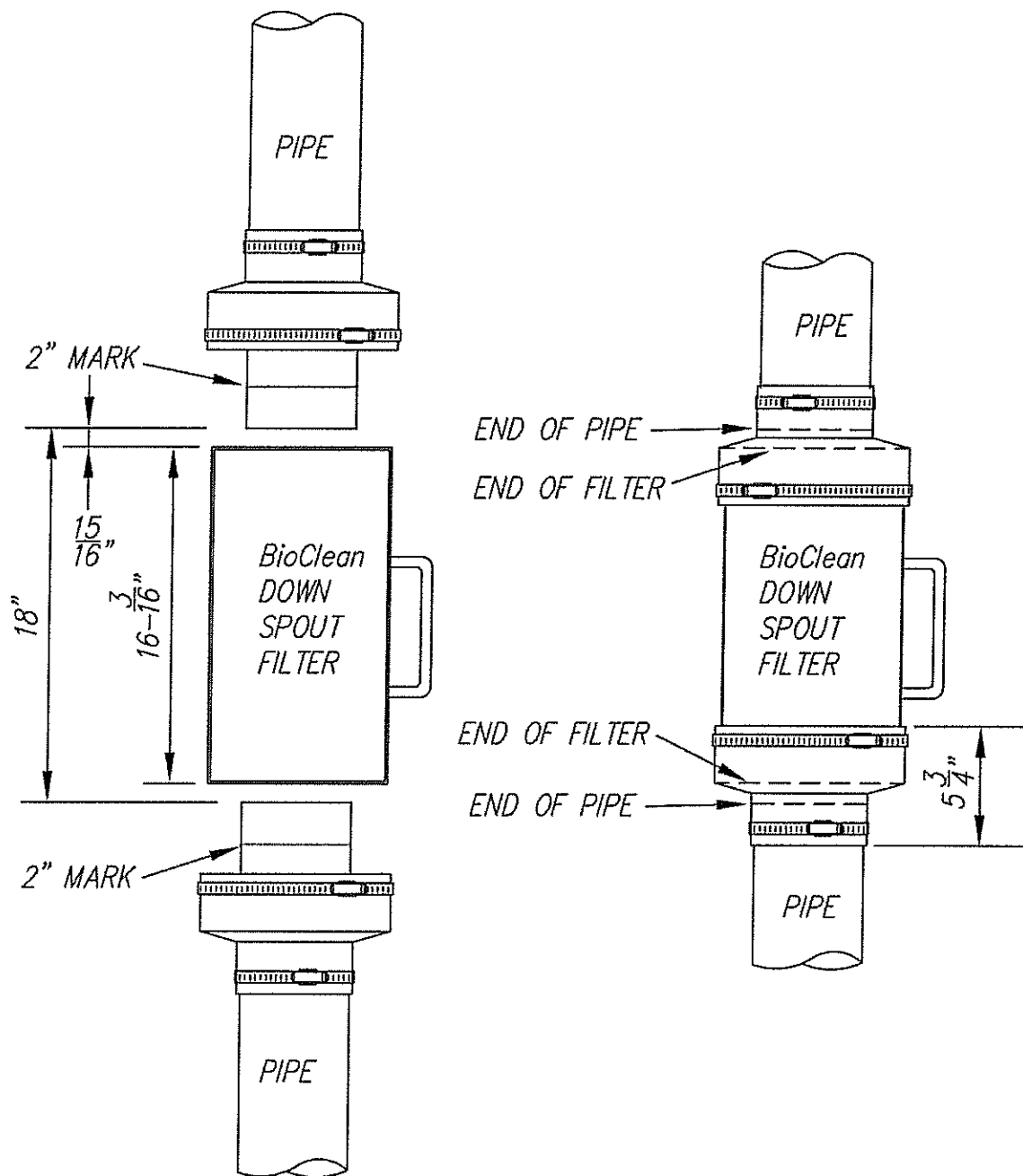
NOTES

1. The device shall be sized according to the nominal size of the interconnecting drainage system. At no time shall the entrance size be larger than the exit size.
2. The device shall be installed in an accessible location to provide for means of repair and maintenance.
3. The device shall be installed using approved adapters or couplings to attach the device to the downspout or drainage pipe.



P.O. BOX 869, Oceanside, Ca. 92049
(760) 433-7640 Fax (760) 433-3176
www.biocleanenvironmental.net

APPROPRIATE FILTER POSITIONING FILTER CENTERED BETWEEN PIPES WITH EVEN GAPS ON TOP AND BOTTOM

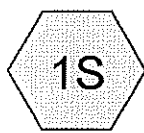


NOTES

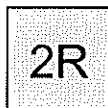
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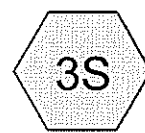
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 (760) 433-7640 Fax (760) 433-3176
www.biocleanenvironmental.net



ROOF



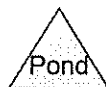
PIPE TO SD



DRIVEWAY



DRYWELL



134 Washington Ave Revised Post

Type III 24-hr 25-YR Rainfall=5.50"

Prepared by BH2M ENGINEERS

Printed 5/28/2014

HydroCAD® 10.00 s/n 00619 © 2011 HydroCAD Software Solutions LLC

Page 2

Summary for Subcatchment 1S: ROOF

Runoff = 0.37 cfs @ 12.09 hrs, Volume= 0.029 af, Depth> 4.87"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-YR Rainfall=5.50"

	Area (sf)	CN	Description
*	3,070	98	ROOOF
	3,070		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, MINIMUM

Summary for Subcatchment 3S: DRIVEWAY

Runoff = 0.24 cfs @ 12.09 hrs, Volume= 0.018 af, Depth> 4.62"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-YR Rainfall=5.50"

	Area (sf)	CN	Description
*	1,943	98	DRIVEWAY
	111	39	>75% Grass cover, Good, HSG A
	2,054	95	Weighted Average
	111		5.40% Pervious Area
	1,943		94.60% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, MINIMUM

Summary for Reach 2R: PIPE TO SD

Inflow Area = 0.070 ac, 100.00% Impervious, Inflow Depth > 4.87" for 25-YR event
 Inflow = 0.37 cfs @ 12.09 hrs, Volume= 0.029 af
 Outflow = 0.36 cfs @ 12.10 hrs, Volume= 0.029 af, Atten= 2%, Lag= 0.8 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Max. Velocity= 2.50 fps, Min. Travel Time= 0.5 min
 Avg. Velocity= 0.98 fps, Avg. Travel Time= 1.2 min

Peak Storage= 10 cf @ 12.09 hrs
 Average Depth at Peak Storage= 0.29'
 Bank-Full Depth= 0.67' Flow Area= 0.3 sf, Capacity= 0.93 cfs

134 Washington Ave Revised Post

Prepared by BH2M ENGINEERS

HydroCAD® 10.00 s/n 00619 © 2011 HydroCAD Software Solutions LLC

Type III 24-hr 25-YR Rainfall=5.50"

Printed 5/28/2014

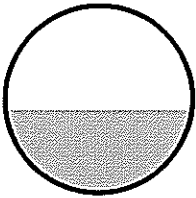
Page 3

8.0" Round Pipe

n= 0.012

Length= 70.0' Slope= 0.0050 '/'

Inlet Invert= 0.00', Outlet Invert= -0.35'

**Summary for Pond 4P: DRYWELL**

Inflow Area = 0.047 ac, 94.60% Impervious, Inflow Depth > 4.62" for 25-YR event
 Inflow = 0.24 cfs @ 12.09 hrs, Volume= 0.018 af
 Outflow = 0.02 cfs @ 13.22 hrs, Volume= 0.014 af, Atten= 93%, Lag= 68.2 min
 Discarded = 0.02 cfs @ 13.22 hrs, Volume= 0.014 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Peak Elev= 62.81' @ 13.22 hrs Surf.Area= 134 sf Storage= 397 cf

Plug-Flow detention time= 177.8 min calculated for 0.014 af (75% of inflow)

Center-of-Mass det. time= 117.9 min (861.4 - 743.5)

Volume	Invert	Avail.Storage	Storage Description
#1	57.50'	154 cf	12.00'D x 6.50'H Vertical Cone/Cylinder Z=0.1 818 cf Overall - 434 cf Embedded = 384 cf x 40.0% Voids
#2	59.00'	355 cf	9.00'D x 5.00'H Vertical Cone/Cylinder Z=0.1 Inside #1 434 cf Overall - 6.0" Wall Thickness = 355 cf
		508 cf	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Discarded	57.50'	2.410 in/hr Exfiltration over Wetted area

Discarded OutFlow Max=0.02 cfs @ 13.22 hrs HW=62.81' (Free Discharge)↑ **1=Exfiltration** (Exfiltration Controls 0.02 cfs)

TREATMENT

134 Washington Ave Revised Post

Prepared by BH2M ENGINEERS

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Type III 24-hr Rainfall=1.00"

Printed 5/28/2014

Summary for Reach 2R: PIPE TO SD

[52] Hint: Inlet/Outlet conditions not evaluated

[65] Warning: Inlet elevation not specified

[82] Warning: Early inflow requires earlier time span

Inflow Area = 0.070 ac, 100.00% Impervious, Inflow Depth > 0.75"
Inflow = 0.06 cfs @ 12.09 hrs, Volume= 0.004 af
Outflow = 0.06 cfs @ 12.11 hrs, Volume= 0.004 af, Atten= 3%, Lag= 1.3 min

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Max. Velocity= 1.50 fps, Min. Travel Time= 0.8 min

Avg. Velocity= 0.54 fps, Avg. Travel Time= 2.2 min

Peak Storage= 3 cf @ 12.10 hrs

Average Depth at Peak Storage= 0.12'

Bank-Full Depth= 0.67' Flow Area= 0.3 sf, Capacity= 0.93 cfs

8.0" Round Pipe

n= 0.012

Length= 70.0' Slope= 0.0050 1'

Inlet Invert= 0.00', Outlet Invert= -0.35'









107 Walnut St
Portland ME 04101

May 7, 2014

City of Portland
Planning Division
389 Congress St
Portland ME 04101

Dear Planning Board,

This is a follow up to a conversation I had with Christine Grimando regarding the development of 18 affordable housing units in a 4 story building at 134 Washington Av. I am absolutely opposed to any more development in this small area that will impact the already challenged parking problems. I think the city needs to step back and give more thought about the impact that a development of this size will have on the neighborhood. It is impossible to find any street parking currently and to add to that problem seems reckless, and thoughtless regarding the taxpayers that currently live in the area.

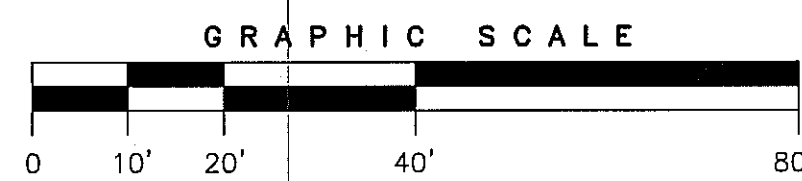
My property is located across the street from this site, and has been in my family for over 55 years. The changes that have taken place in the past several years are not all for the better. This tiny area is already affected by the Sahara Club, a non-profit group that does not pay taxes, but has meetings several times per day, nights and weekends, making it impossible for any homeowners to locate a parking spot.

I hope that you would please give this situation more thought and consideration as to the safety and quality of life of the tax payers that are currently living in this area. There must be other places in the city where a development of this type and size would be more appropriate.

Sincerely,

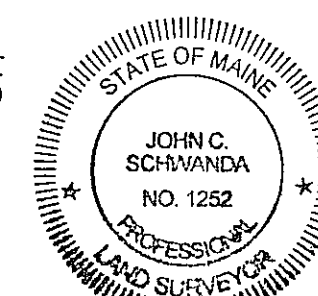
A handwritten signature in black ink that reads "Patty Jo Walton". The signature is written in a cursive, flowing style.

Patty Jo Walton



THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR DOES NOT WARRANT THAT THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE TIMES BEFORE ANY EXCAVATION WORK BEGINS. THE CONTRACTOR IS TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

5-12-2014
DATE



EAST COVE ST.

REV. 1		05-12-14		UPDATED PER REVIEW COMMENTS	
BOUNDARY & TOPOGRAPHIC SURVEY AT 134 WASHINGTON AVENUE, PORTLAND, MAINE MADE FOR AVESTA HOUSING DEVELOPMENT CORP. 307 CUMBERLAND AVENUE, PORTLAND, MAINE					
 OWEN HASKELL, INC. 390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424 PROFESSIONAL LAND SURVEYORS					
Drawn By	SDG	Date	Job No.		
Trace By	JLW	FEB. 13, 2014	2014-008P		
Check By	JCS	Scale	Drwg. No.		
Book No.	1124	1" = 20'	1		

GENERAL NOTES

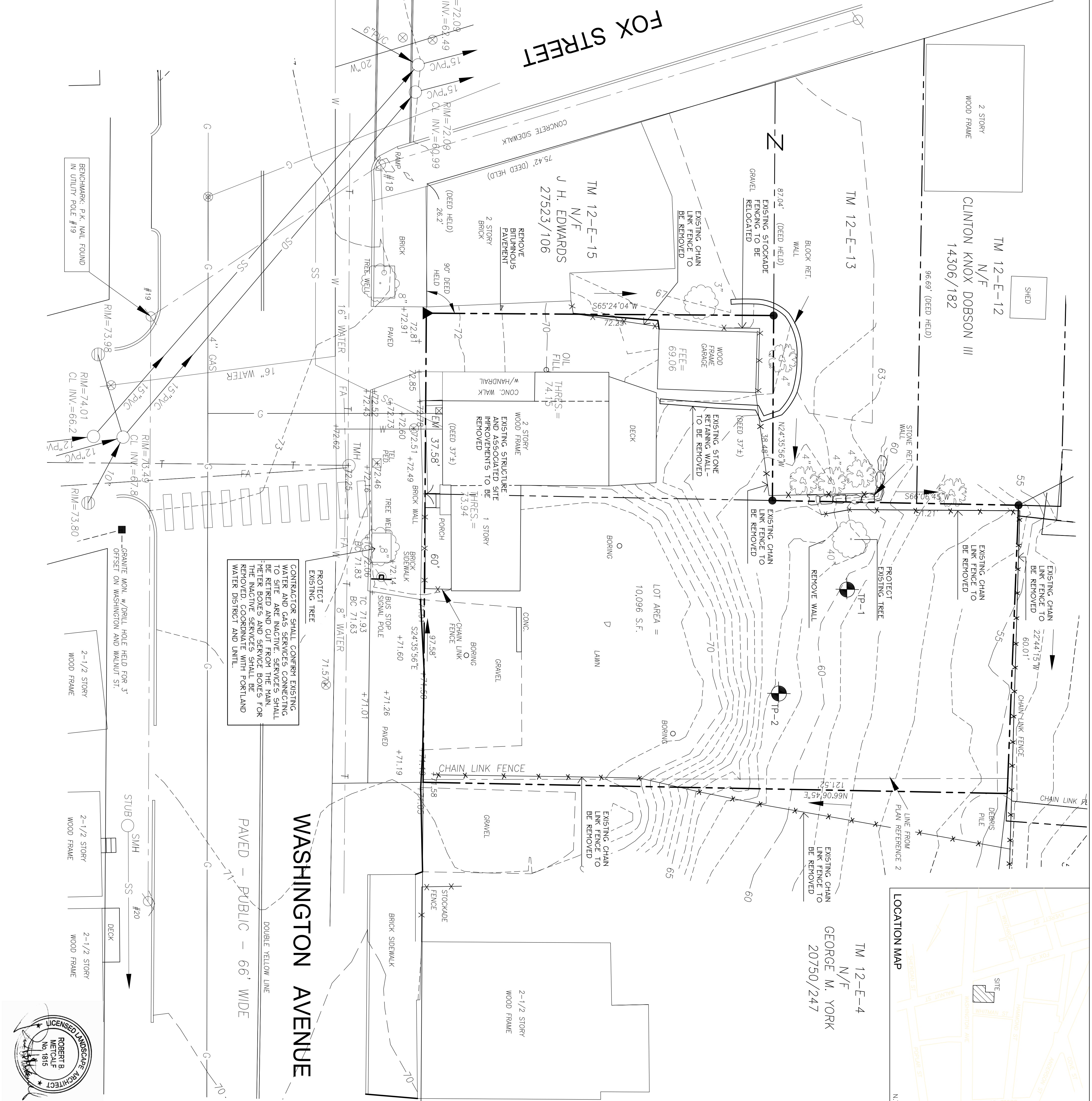
1. OWNER OF RECORD: AESTHA BLOCKING DEVELOPMENT CORPORATION, C.O.R.D. BOOK 30618 PAGE 111.
 2. PARCEL IS SHOWN AS LOT 6 BLOCK E ON CITY OF PORTLAND'S ASSESSORS MAP 12.
 3. BEARINGS ARE BASED ON CITY DATUM.
 4. ELEVATIONS ARE BASED ON CITY DATUM PER BENCHMARK SHOWN ON PLAN REFERENCE 4.
 5. LINE OF WASHINGTON STREET IS BASED ON THE BUILDING TIES AND MONUMENT AS SHOWN HEREON. TO STREET AND HAWMOND STREET ARE BASED ON BUILDING TIES AS SHOWN ON PLAN REFERENCE 3 AND 5.
 6. SOUTHERLY LINES OF PREMISES BASED ON DEED DIMENSIONS OF ADJUTING LOTS TO THE SOUTH, BUT DEED, THE WESTERLY AND NORTHERLY LINES ARE THE SAME AS LOT 4 ON PLAN REFERENCE 1, WHICH IS THE NORTH LINE OF THE ADJUTING DEED TO THE WEST. THE NORTH LINE IS HELD PARALLEL TO THE WESTERLY PORTION OF THE SOUTH LINE AND WITH A FRONTAGE OF 80 FEET ON WASHINGTON AVENUE.
 7. DUE TO THE LACK OF DIMENSIONS ON PLAN REFERENCE 1 AND THE DISCREPANCY WITH THE LINE SHOWN ON THE CITY DATUM, THE LINE SHOWN ON THIS PLAN REFERENCE 1 IS RECOMMENDED WITH GEORGE M. YORK, MONUMENT WILL BE SET AFTER AN AGREEMENT IS MADE.
 8. THE OWNERSHIP OF THE FINES IS NOT KNOWN. THE PROPERTY LINES SHOWN HEREON ARE BASED ON DEED DIMENSIONS. FENCE LINES OF LONG STANDING OCCUPATION MAY HAVE BECOME THE LINES OF OWNERSHIP. A REAL ESTATE ATTORNEY SHOULD BE CONSULTED ABOUT THIS.
-
- ## PLAN REFERENCES
-
1. PLAN OF DIVISION BETWEEN PAUL LITTLE, LEWELL WEEKS AND NATHANIEL MOODY DATED FEBRUARY 17 1872 RECORDED IN DEED BOOK 36 PAGE 247.
 2. "TOWNSHIP SURVEY / EXISTING CONDITIONS PLAN OF 142-146 WASHINGTON AVE. PORTLAND, MAINE BY: GEORGE M. YORK 07-02-2003 PREPARED BY: WORK PLAN BOUNDARY, INC."
 3. PORTLAND ENGINEERING DEPARTMENT RIGHT OF WAY WORKING PLANS OF STREETS IN THIS AREA.
 4. "PLAN AND PROFILE OF WASHINGTON AVE. AND ROY ST. PORTLAND, MAINE MADE FOR THE CITY OF PORTLAND" BY OWEN HASKELL, INC. DATED JULY 2000.
 5. H.I. & C.C. JORDAN FILES AND WORKING DRAWMINGS IN THIS AREA.

PLAN REFERENCES

1. PLAN OF DIVISION BETWEEN PAUL LITTLE, LENUEL WEEKS AND NATHANIEL MOODY DATED FEBRUARY 17 1802 RECORDED IN DEED BOOK 36 PAGE 247.

LEGEND

PROPERTY LINE		EXISTING	
IRON PIPE		CONTOUR	
IRON PIPE SET		WETLAND	
GRANITE MONUMENT		OVERHEAD ELECTRIC	
MAG. NAIL SET		UTILITY POLE	
CATCHBASIN		SOIL BORINGS	
MANHOLE		WATER VALVE	
HYDRANT		GAS VALVE	
UTILITY POLE		SANITARY SEWER	
WOOD FENCE		STORM DRAIN	
DEC. TREE		WATER	
EVERGREEN TREE		GAS	
LIGHT POLE		FIRE ALARM	
		SIGN	



Prepared For:
Applicant:

AVESTA HOUSING
200 Commercial Avenue
Portland, Maine 04101

Prepared By:
MITCHELL & ASSOCIATES
Landscape Architects
The Shapley School
700 Commercial Avenue
Portland, Maine 04101
Tel: (207) 774-4427

WASHINGTON AVENUE EFFICIENCIES

134 Washington Avenue **Portland, Maine**

Date: APRIL 14, 2014	Issued For: SITE PLAN AND SUBDIVISION PLAN REVIEW	Revisions: May 27, 2014	Reproduction or reuse of this document without the expressed written consent of Mitchell & Associates is prohibited.	Title: EXISTING CONDITIONS PLAN	Scale: 1"=10' 	North: 	Sheet No.: 
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GENERAL NOTES:

1. SITE AREA: 10,096 SF OR 0.23 ACRES
2. APPLICANT: AVESTA 134 WASHINGTON LP
307 CUMBERLAND AVENUE
PORTLAND, MAINE 04101
3. OWNER: AVESTA HOUSING DEVELOPMENT CORP.
307 CUMBERLAND AVENUE
PORTLAND, MAINE 04101
4. ZONING DISTRICT: B-2-B COMMUNITY BUSINESS DISTRICT + R-6 (RESIDENTIAL)
5. PARCEL IS SHOWN AS LOT 6 AND LOT 14, BLOCK E ON CITY OF PORTLAND ASSESSEORS MAP 12.
6. DEED RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 30618, PAGE 111.
7. SPACE AND BULK STANDARDS:

REQUIRED	PROPOSED
MINIMUM LOT SIZE:	10,096 SF
MINIMUM STREET FRONTAGE:	47' +/- FEET
FRONT YARD SETBACK:	NONE
REAR YARD SETBACK (ADJ. TO RES. ZONE):	20 FEET
REAR YARD SETBACK (ADJ. TO BUS. ZONE):	10 FEET
SIDE YARD SETBACK:	5 FEET
MAXIMUM PERVIOUS SURFACE RATIO:	40%
MAXIMUM HEIGHT OF STRUCTURES:	45 FEET
MAXIMUM RESIDENTIAL DENSITY:	435 SF/UNIT
	560 SF/UNIT
8. EXISTING CONDITIONS AND BOUNDARY INFORMATION TAKEN FROM A PLAN ENTITLED "BOUNDARY + TOPOGRAPHIC SURVEY AT 134 WASHINGTON AVENUE, PORTLAND, MAINE," PREPARED BY OWEN HASSELL, INC., DATED FEBRUARY 13, 2014.
9. ELEVATIONS ARE BASED ON CITY OF PORTLAND DATUM PER BENCHMARK SHOWN ON PLAN AND PROFILE OF WASHINGTON AVE. AND FOX ST. PORTLAND, MAINE MADE FOR THE CITY OF PORTLAND BY OWEN HASSELL, INC., DATED JULY 2000.
10. PROPOSED DWELLING UNITS: 18 EFFICIENCY APARTMENT UNITS
11. OFF-STREET PARKING REQUIREMENTS:

REQUIRED:	PROPOSED:
18 PARKING SPACES	1 VEHICLE PARKING SPACES
	1 HANDICAP PARKING SPACE
12. BICYCLE PARKING:

REQUIRED:	PROPOSED:
2 SPACES/5 DWELLING UNITS	8 SPACES (18 NEW DWELLING UNITS)
	13 SPACES (12 INTERIOR / 1 EXTERIOR)
13. EXISTING IMPERVIOUS:

PROPOSED IMPERVIOUS:	PROPOSED IMPERVIOUS:
2,884 +/- SF (24% OF SITE)	5,113 +/- SF (51% OF SITE)
14. FLOOR AREA CALCULATIONS:

BASEMENT:	1,228 SF
FIRST FLOOR:	2,948 SF
SECOND FLOOR:	3,070 SF
THIRD FLOOR:	3,070 SF
FOURTH FLOOR:	3,070 SF
TOTAL:	13,286 SF
15. ALL WORK WITHIN THE ROAD RIGHT-OF-WAY AND ALL UTILITIES CONNECTING TO INFRASTRUCTURE WITHIN THE ROAD SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
16. THE CONTRACTOR SHALL BE HELD SOLELY RESPONSIBLE FOR UNDERTAKING THE WORK IN A SAFE AND EFFICIENT MANNER IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL SAFETY REGULATIONS. ALL WORK AREAS SHALL BE DELINEATED CLEARLY AND FENCED AS APPROPRIATE TO PREVENT UNAUTHORIZED ACCESS. THE SITE SHALL BE LEFT IN A SAFE, ORDERLY AND TIDY MANNER AT THE END OF EACH WORK DAY.

PLANT LIST

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE
TREES				
A. KOR	2	ABIES KOREANA	KOREAN FIR	5'-6" HT
C. OCC	3	CELTIS OCCIDENTALIS	CELSTIS OCCIDENTALIS	2" CAL
H. DW	4	MALUS DONALD WITMAN	CRABAPPLE	2" CAL
SHRUBS				
D. BUR	2	DAPHNE BURKWOODII	CAROL. MACNE DAPHNE	#3
C. ALN	1	CLETHRA ALNIFOLIA	RUBY SPICE	#3
R. ARO	19	RHUS AROMATICA	LO-CRO	#3
R. NZ	3	RHOODENDRON NOVA ZEMBLA	RHOODENDRON	#3
S. JOS	4	SIRNCA JOSIFLEXA	LLAC	4'-5" HT

TM 12-E-12
N/F
CLINTON KNOX DOBSON III
14306/182

3' (DEED HELD)
R-6 ZONE
WALL
B-2-B ZONE

PROPOSED G. HT.
SOLID WOOD FENCE
WITH THIN CAP STRIP

PROTECT EXISTING
TREE - PLANE
BROKEN LIMBS

WOOD
BOLLARD (22)

BUILDING, MOUNTED LIGHT
FUTURE-TYPICAL - REFER TO
ARCHITECT'S PLANS FOR LIGHTING
FIXTURE + LOCATIONS

H.C. SIGN CD - WALL
MOUNTED

TRASH
ROOM

BIKE
ROOM

PERENNIALS (5)
C. ALN (3)
D. BUR (2)

GAS METER

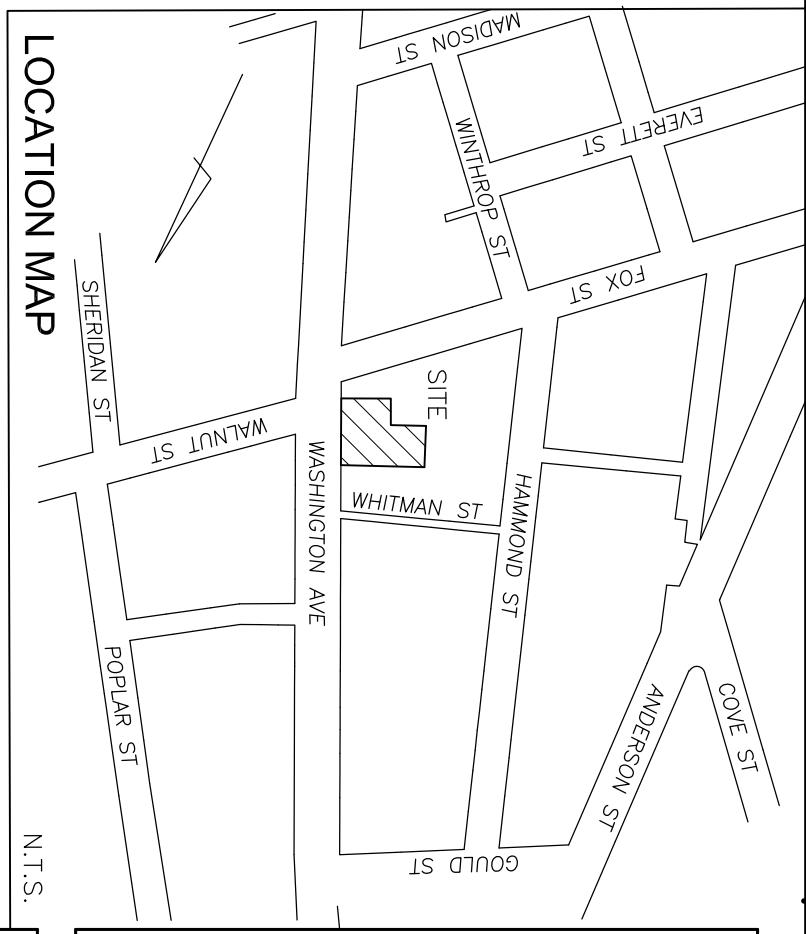
VERTICAL
PLANTING BED

GRANITE TIP-DOWN
CURB - BOTH SIDES

2' X 5' DETECTABLE WARNING
SURFACE - TYPICAL - MEET
CITY STANDARD-DETAIL 10/4

FLUSH GRANITE
CURB

RE-STRIP
CROSSWALK



Prepared For:
Applicant:
AVESTA Housing
307 Cumberland Avenue
Portland, Maine 04101

Prepared By:
MITCHELL & ASSOCIATES
Landscape Architects
The Staples School
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Tel: (207) 774-4427

WASHINGTON AVENUE EFFICIENCIES

134 Washington Avenue

Portland, Maine

Date:
APRIL 14, 2014

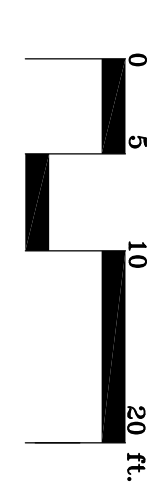
Issued For:
SITE PLAN AND SUBDIVISION
PLAN REVIEW

Revisions:
May 27, 2014

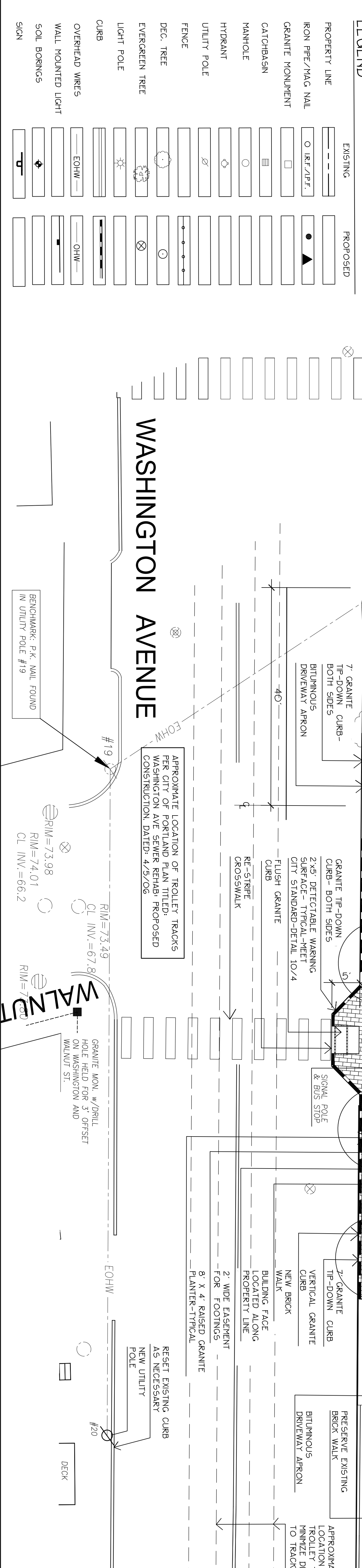
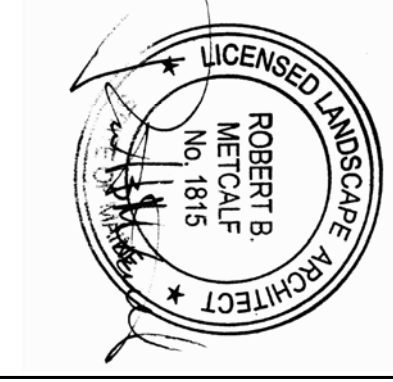
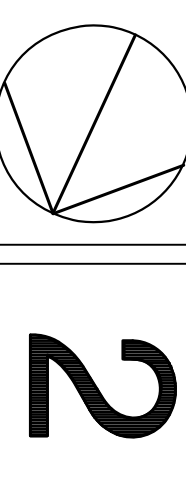
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Title:
LAYOUT AND PLANTING
PLAN

Scale: 1"=10'



North:



LEGEND

EXISTING	PROPOSED
PROPERTY LINE	PROPERTY LINE
IRON PIPE/MAG NAL	IRON PIPE/MAG NAL
GRANITE MONUMENT	GRANITE MONUMENT
CATCHBASIN	CATCHBASIN
MANHOLE	MANHOLE
HYDRANT	HYDRANT
UTILITY POLE	UTILITY POLE
FENCE	FENCE
DEC. TREE	DEC. TREE
EVERGREEN TREE	EVERGREEN TREE
LIGHT POLE	LIGHT POLE
CURB	CURB
OVERHEAD WIRES	OVERHEAD WIRES
WALL MOUNTED LIGHT	WALL MOUNTED LIGHT
SOIL BORINGS	SOIL BORINGS
SIGN	SIGN

GRADING AND DRAINAGE NOTES:

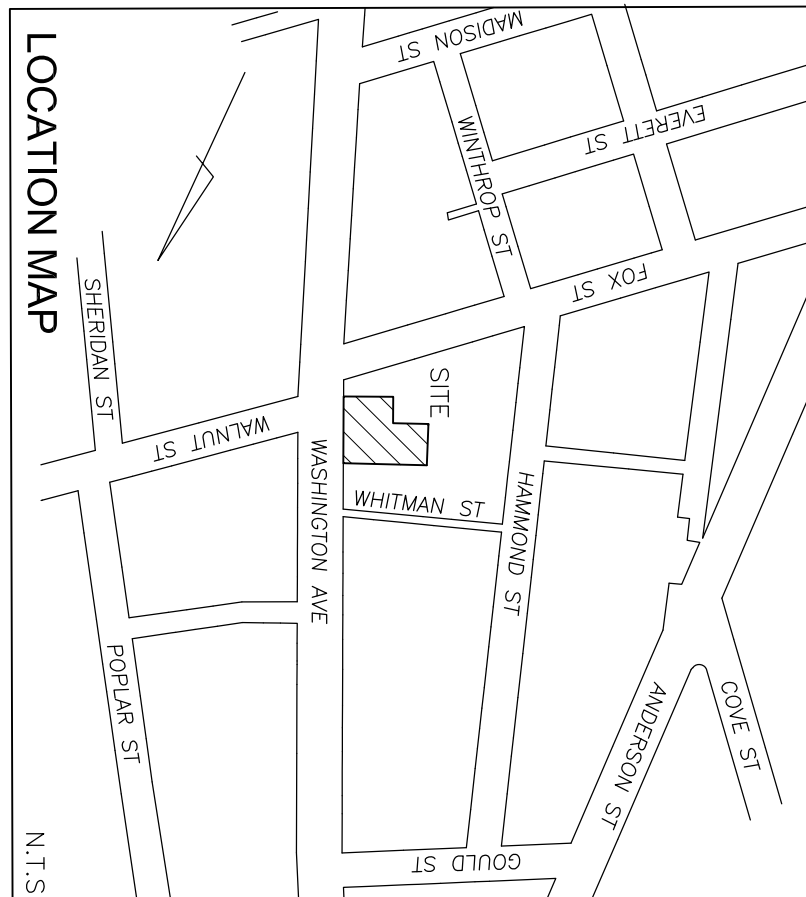
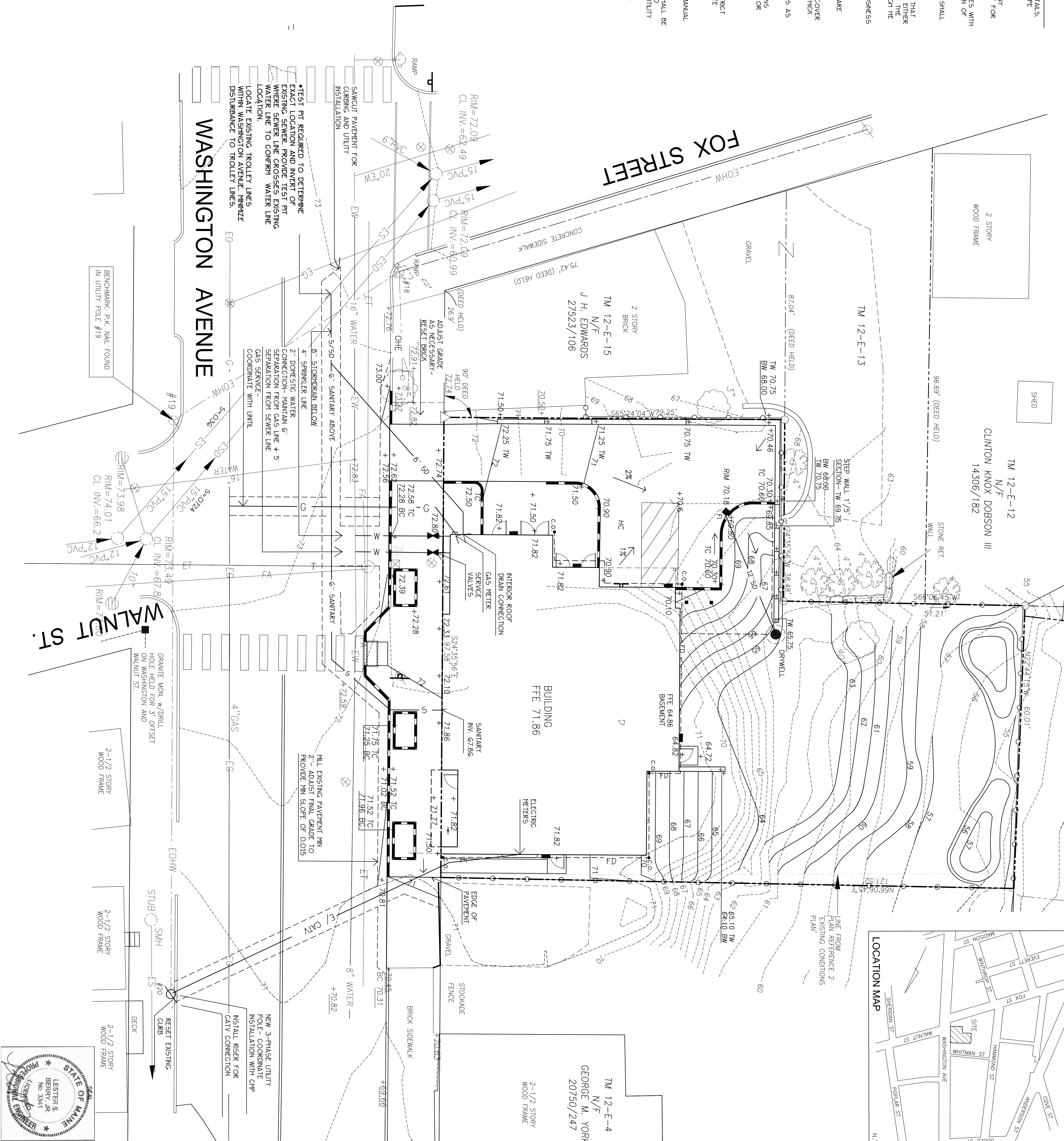
1. DO NOT SCALE THESE DRAWINGS. ANY DISCREPANCIES BETWEEN DRAWINGS, DETAILS, NOTES AND SPECIFICATIONS SHALL BE IMMEDIATELY REPORTED TO THE LANDSCAPE ARCHITECT FOR FURTHER DIRECTION AND RESOLUTION BEFORE ADDITIONAL WORK PROCEEDS.
2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES ON THE GROUND. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE LANDSCAPE ARCHITECT FOR DIRECTION AND RESOLUTION PRIOR TO ANY FURTHER WORK.
3. CONTRACTOR SHALL FIELD VERIFY LOCATION AND DEPTH OF ALL EXISTING UTILITIES WITH THE APPROPRIATE UTILITY COMPANIES PRIOR TO EXCAVATION OF OR INSTALLATION OF ANY PART OF THIS WORK.
4. CONTRACTOR SHALL AVOID ALL AREAS NOT REQUIRING GRADING. CONTRACTOR SHALL NOT DISTURB THESE AREAS.
5. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA. EITHER THE SURVEYOR OR THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, CALL DIGSAFE (1-888-344-7233) AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.
6. CONTRACTOR SHALL CONDUCT TEST PIT EXCAVATION TO CONFIRM LOCATION OF EXISTING UTILITIES WHERE NEW BUILDING SANITARY SERVICE AND WATER SERVICE ARE PROPOSED.
7. WHERE STORM DRAINS OR SEWER MAINS HAVE LESS THAN FOUR (4) FEET OF COVER FROM FINISHED GRADE, THE DRAIN OR SEWER SHALL BE INSTALLED WITH A MINIMUM STRECHFOAM INSULATION BOARD OVER AND ALONG SIDES OF THE PIPE.
8. EXISTING DRAINAGE MANHOLES SHALL BE CORED TO ACCEPT NEW DRAINAGE PIPES AS NOTED.
9. PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE-HALF OF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
10. ROOF DRAIN CONNECTIONS SHALL BE CONFERRED WITH FINAL BUILDING PLANS.
11. ALL UTILITIES SHALL BE INSTALLED IN CONFORMANCE WITH MINIMUM UTILITY DISTRICT REQUIREMENTS; CONTRACTOR SHALL COORDINATE INSTALLATION WITH APPROPRIATE UTILITY DISTRICT BEFORE INSTALLATION.
12. ALL WORK WITHIN THE ROAD RIGHT-OF-WAY AND ALL UTILITIES CONNECTING TO EXISTING STRUCTURE WITHIN THE ROAD SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
13. DISCONTINUED UTILITY SERVICES INCLUDING WATER, GAS AND SANITARY SEWER SHALL BE PERMANENTLY CAPPED CONFORMING TO UTILITY COMPANY AND CITY OF PORTLAND STANDARDS. CONTRACTOR SHALL COORDINATE WITH PUBLIC SERVICES AND/OR UTILITY COMPANY.
14. THE PROJECT BENCH MARK IS P.K. NAIL IN UTILITY POLE #19 AT THE CORNER OF WASHINGTON AVENUE AND WALNUT STREET.

DRAINAGE STRUCTURE LEGEND

- ALL PROPOSED STORMWATER PAVING SHALL BE SDR 35
- FI 70.18 DRYWELL
- RM 64.50 INV. IN GOLO FI
- INV. OUT 66.18 INV. IN GOLO FI

LEGEND

EXISTING	PROPOSED
PROPERTY LINE	
IRON PIPE/MAG NAIL	●
GRANITE MONUMENT	□
CATCHBASIN	≡
FIELD INLET	FI ■
DRYWELL	○ ● DRYWELL
HYDRANT	◇
UTILITY POLE	○
CONTOUR	23
SPOT GRADE	+72.76 +72.89
FENCE	— — — — —
DEC. TREE	○
EVERGREEN TREE	⊗
LIGHT POLE	☆
CURB	— — — — —
OVERHEAD WIRES	— — — — —
WALL MOUNTED LIGHT	— — — — —
SOIL BORINGS	⬇
WATER VALVE	⊗
GAS VALVE	⊗
SANITARY SEWER	ES — — — — —
STORM DRAIN	ESD — — — — —
WATER	EW — — — — —
GAS	EG — — — — —
ELECTRIC	E — — — — —
FIRE ALARM	FA — — — — —
TELEPHONE LINE	ET — — — — —
SIGN	— — — — —



Prepared For:
Applicant:
AVESTA Washington Ave, LP
307 Cumberland Avenue
Portland, Maine
Tel: (207) 774-4427

Prepared By:
MITCHELL & ASSOCIATES
Landscape Architects
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Tel: (207) 774-4427

WASHINGTON AVENUE EFFICIENCIES

134 Washington Avenue

Portland, Maine

Date:
APRIL 14, 2014

Issued For:
SITE PLAN AND SUBDIVISION
PLAN REVIEW

Revisions:
May 27, 2014

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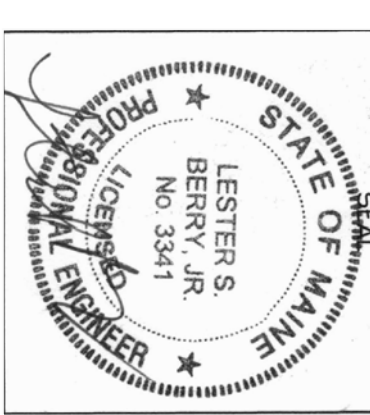
Title:
GRADING, DRAINAGE &
UTILITIES PLAN

Scale: 1"=10'

0 5 10 20 ft.

North:

Sheet No.: **3**





EAST ELEVATION - WASHINGTON AVENUE



NORTH ELEVATION



WEST ELEVATION



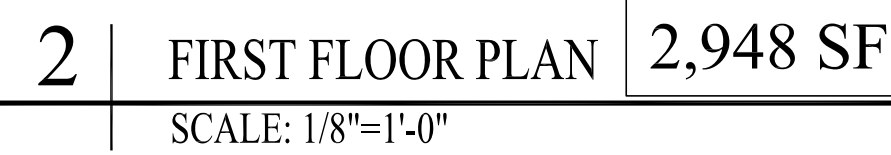
SOUTH ELEVATION

134 WASHINGTON AVENUE
PORTLAND, MAINE



48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Plan 7





PLANNING BOARD REPORT PORTLAND, MAINE

Amended Conditional Rezoning Agreement for 802-828 Ocean Avenue, Casco Heights Condominiums,
formerly Graves Hill
802 Ocean Avenue
First Amended Conditional Rezoning Agreement
Project No.: 2014-036
Ridge Development LLC., Applicant

Submitted to: Portland Planning Board: Public Hearing Date: June 10, 2014	Prepared by: Barbara Barhydt, Development Review Services Manager Date: June 5, 2014 CBL: 411 A007, 416 lots 6, 7, and 21
---	--

I. INTRODUCTION

The Ridge Development LLC is requesting the Planning Board's recommendation on proposed amendments to a conditional zoning agreement for the property at 802-828 Ocean Avenue, which was formerly referred to as Graves Hill. In October 2004, the City Council adopted a conditional rezoning agreement for this site that divided the 18.3 acre parcel into two zones: the Residential R-5A zone (8 acres); and the Recreation and Open Space zone (10 acres). The agreement allowed for a planned residential development of 98 residential condominium units in two mid-rise buildings with a maximum height of 100 feet. Trail easements and other amenities were proposed as part of the project.

The site is wooded with one of the highest points in Portland overlooking Casco Bay. The proposal has been revised since the Planning Board workshop. The proposed amended conditional rezoning agreement seeks to adjust the boundary between the R-5A and ROS zone, reduce the number of units from 98 to 96, reduce the maximum building height from 100 feet to 75 feet, revise the parking numbers, and eliminate some of the building amenities. Casco Heights is proposed with a mix of one, two and three-bedroom market rate units with top floor penthouses.

Applicant: Ridge Development LLC, Pat Tinsman

Property Owner: Diane Doyle, Developer of Graves Hill and hired by applicant to advise on this proposal

Consultant: Will Conway, Sebago Technics

II. REQUIRED REVIEWS

<i>Review</i>	<i>Applicable Statute</i>
Conditional Zoning Agreement	MSRA Section 4352(8) City of Portland Code of Ordinances, <i>Chapter 14, Division 1.5</i>

III. PUBLIC COMMENT

Notices were sent to 414 residents and the interested citizen list. The notice also appeared in the Portland Press Herald on June 2 and June 3, 2014, as well as being posted on the City's web page.

The applicant held the required neighborhood meeting on April 21, 2014 and the material from that meeting is included under the public comment packet as PC-1. The Planning Division has received written comments regarding the project, which are contained in the attachment titled public comment. In general, the points and questions raised include the following:

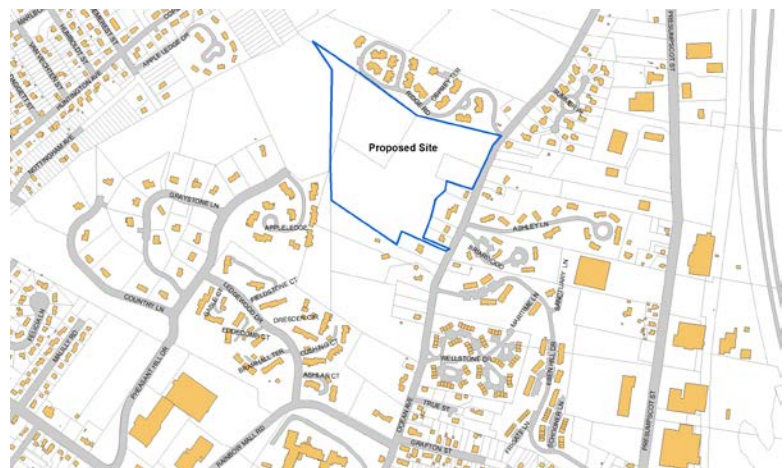
- The adequacy of the parking and site circulation;
- Traffic impacts of the project on the area and proximity of the entrance to Ridge Rd;
- Scale, density, and position of the buildings. Concerns the high rise buildings are out of context for the area;
- Concerns regarding blasting of the ledge for the project and the impacts on neighboring structures;
- Preserve the open space and natural wooded area. Concerns regarding buffers.
- Concerns about the storm water runoff from the site and potential flooding or impacts on residence that are located below the project in the watershed;
- Assurances project will be built as approved; and
- Construction schedule and construction management of the site.

IV. PROJECT DATA

Existing Zoning	R-5A (10. 167 acres) and ROS (8.155 acres) with Conditional Zoning Agreement
Proposed Zoning (revised since workshop)	R-5A (10. 18 acres) and ROS (7.14 acres) with Conditional Zoning Agreement. The zone line adjustment is shown in a map below in the project description.
Existing Use	Vacant wooded site
Proposed Use	96 condominium units in two mid-rise buildings in a Planned Residential Development (PRUD) [at workshop the number was 94]
Parcel Size	18. 32 acres
Impervious Surface Area	2.78 acres
Total Ground Floor Area	46,698 sq. ft.
Total Building Floor Area	215,438 sq. ft.
Bedroom Mix	
One Bedroom	16
Two Bedroom	32
Three Bedroom	48
Vehicle Parking -Proposed	
Total Parking spaces	204- 1 space for 16 one bedroom units and 2 spaces for 80 two/three bedroom units with 28 visitor parking spaces
Handicapped Spaces	5
Bicycle Parking- Proposed	
Total # of Spaces	38

V. BACKGROUND AND CONDITIONAL ZONE AGREEMENT FROM 2004

The roughly 18 acre parcel at 802 Ocean Avenue is a wooded site that has one of the highest elevations in Portland with views of Casco Bay. There is a 135 foot CMP easement along the rear property line. The parcel abuts single family homes along Ocean Avenue. The Ocean Ridge Condominium project is located to the north of the site along Ocean Avenue. The rear boundary abuts the condominiums located in the Alden's Walk project on Wildwood Circle. There are single family homes and condominium projects along the easterly side of Ocean Avenue in vicinity of the site.

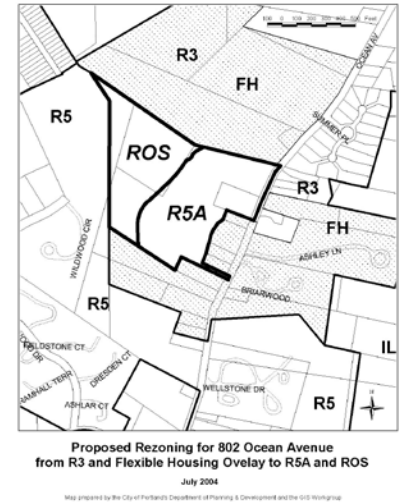


Vicinity Map (from Portland GIS data)

The conditional rezoning agreement adopted by the City Council in 2004 changed the underlying zoning of Residential R-3 to Residential R-5a for 10.167 acres adjoining Ocean Avenue and to ROS for approximately 8 acres at the site. A copy of the original agreement as passed and the Planning Board report to the City Council are included as background information to this report, [Attachments 3 and 4](#), respectively. The 2004 map amendment showing the two zones is inserted here.

The whereas statements in the agreement include a general purpose statement as follows:

...to construct upon a portion of the Property while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system.



The proposed Graves Hill project as described in the Board's report to the City Council ([Attachment 4](#)) included the following aspects:

- a. Two buildings with a total of 98 units.
- b. Maximum building height of 100 ft., tapering down to 70 feet at each end of the buildings.
- c. A community room, small office, fitness and special events room, and a cross-country ski center/locker room proposed in each building
- d. Parking provided at 2 per unit with 28 spaces for visitors.
- e. The uses allowed in the R-5a would be allowed for the Graves Hill planned residential development (PRUD).
- f. The portion of the site (approximately 8 acres) included in the Recreation and Open Space (ROS) zone was to remain undeveloped and open to the public through easements with Portland Trails. The developer proposed a buffer area between the abutting residential neighbors that reside on Ocean Avenue and a no cut area along the ROS zone to further protect the buffer area for the residents at Alden's Walk.

The plans and elevations are included as attachments to the original agreement ([Attachment 3](#)).

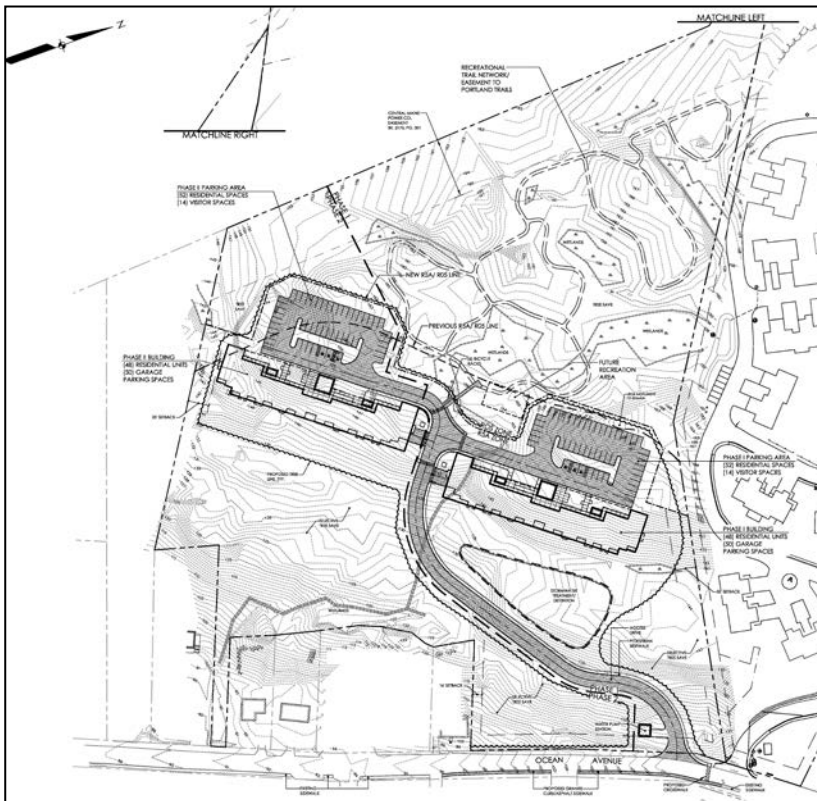
VI. PROPOSED DEVELOPMENT

Ridge Development LLC is seeking to amend the 2004 conditional zone agreement for 802 Ocean Avenue in order to enable them to revise the development concept. Their proposal includes the following components and changes to the proposal since the workshop are noted below:

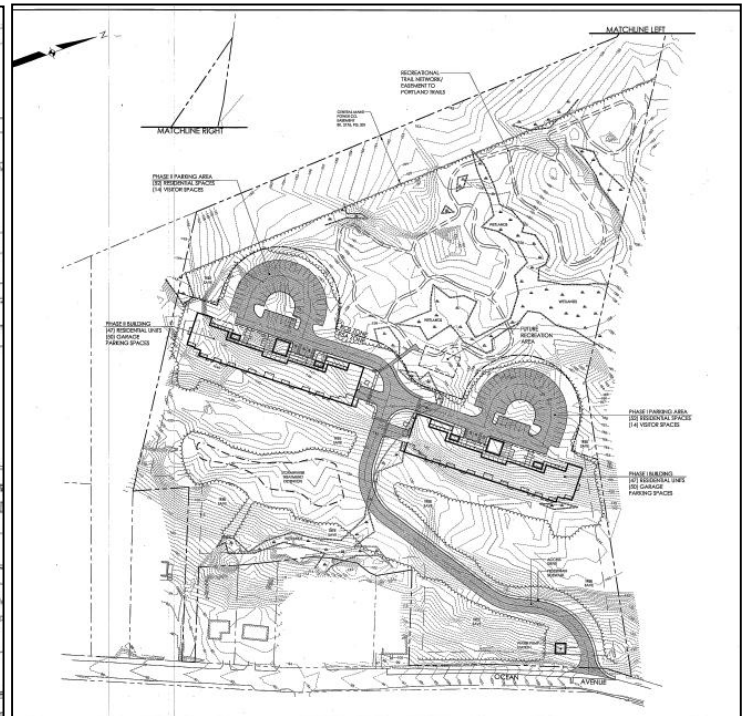
- a. The adopted agreement is for 98 residential in two building. Ridge Development is seeking to amend the agreement to have 96 units (at the workshop the number was 94) in two buildings with 48 units in each.
- b. The bedroom mix is now 16 one-bedroom units, thirty-two two-bedroom units, and 48 three-bedroom units.
- c. A maximum building height of 75 feet, rather than the adopted 100 feet.
- d. With the reduced building height, the building footprints have expanded and are more linear. The building length is roughly 330 feet.
- e. The building on the northeast side of the site (abutting Ocean Ridge Condominiums) has been shifted from 32 to 65 feet from the property line and a landscaped buffer is proposed. The second phase building is 36 feet at the closest point from the property line on the westerly side of the site.
- f. Structured parking is provided on the base level of each building and there are two surface parking lots to the rear of the buildings. The total number of parking spaces proposed and included as an

amendment in the agreement is 204 spaces, based upon a ratio of 1 space for each one bedroom unit, and two spaces for the two and three bedroom units. Twenty (28) visitor parking spaces are proposed. The revised proposal adds 2 units (from 94 to 96 units since the workshop) and the applicant is proposing that the agreement state 204 spaces will be provided based upon the above calculations.

- g. The layouts of the surface lots have been modified since the workshop, so that blasting of the second highest point in Portland is not required. Refer to the revised overall site plan below and the previous version that was presented at the workshop.
- h. The plan includes a sidewalk along the entrance road, which connects with the proposed trails that wind through the woods within the ROS zone. The revised site plan shows a sidewalk along the opposite side of Ocean Avenue, as recommended by Public Services, with a crosswalk leading to the site.
- i. A detention basin is proposed to manage storm water from the site. The revised overall site plan shifts the location of the proposed detention area to the northerly side of the site.



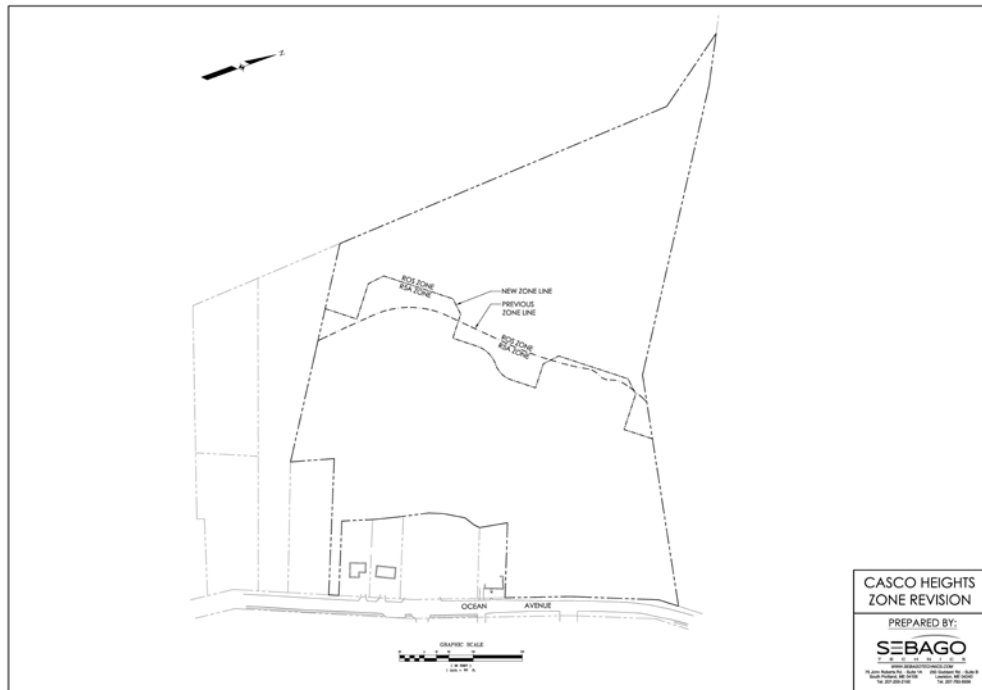
Revised Overall Site Plan for Public Hearing



Overall Site Plan at Workshop

- j. Structured parking is proposed in the base level with four floors for residential units above.
- k. The amenities of a small office, fitness and special events room, a cross country ski center/locker room are eliminated in this proposal.

- l. The project is proposed to retain the two phases of development as presented in the 2004 agreement.
- m. The adjustment to the zone line between ROS and R-5a is shown below and with this modification the amount of land in each zone is almost the same as the current land area. The proposed modification from the approved agreement is as follows:
 - i. Current: R-5A (10.167 acres) and Proposed R-5A (10.18 acres)
 - ii. Current ROS (8.155 acres) and Proposed ROS (7.14 acres)



Proposed Zoning Map Amendment – Adjustment of Line between ROS and R-5a

VII. AMENDED CONDITIONAL REZONING AGREEMENT

The applicant is requesting proposed amendments to the agreement as presented in the application (Applicant's Submission, Attachment D and in the revised submission, Attachment J). A consolidated redlined version of the applicant's request is included as Attachment 1. Staff recommendations for changes to this agreement are noted below and are incorporated into the proposed agreement as Attachment 2. The proposed revisions are summarized below.

WHEREAS STATEMENTS:

1. **Developer Name:** All references to the Graves Hill Land Company, LLC are replaced with the Ridge Development LLC.
2. **Purchase Option:** The first whereas is modified to reflect that Ridge Development has an option to purchase the property.
3. **Number of Residential Units:** The maximum number of proposed residential units is changed from 98 to 96 (at the workshop the maximum figure was 94).
4. **Zone Map Adjustments:** In the third whereas statement, the land area within the R-5a zone is increased slightly from 10.167 to 10.18 acres (at the workshop the increase was to 10.4) and the land

area within the ROS zone is reduced from 8.155 to 8.14 acres (at the workshop the reduction was to 7.92 acres).

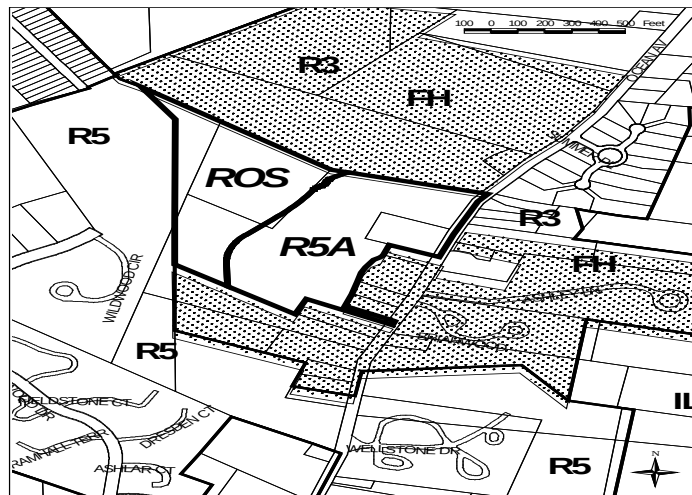
CONDITIONS:

1. **The Zoning Map Amendment (paragraph 1):** The revised proposal states that the agreement would become null and void if the agreement is not recorded at the Registry of Deeds within 30 days of the sale of the property to Ridge Development LLC. Generally, conditional rezone agreements become null and void if the agreement is not recorded within 30 days of the Council approval. The staff are recommending that this be revised to state the following:

If this Agreement is not recorded within thirty (30) days of the ~~City Council's approval of said rezoning sale of the property to Ridge Development LLC~~ or within one hundred and eighty (180) days of the City Council's approval of said rezoning, whichever is later, then the rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-3 zone.

The proposed map amendment presents the revised line as shown below for the adjustment in the zone line between ROS and R-5a.

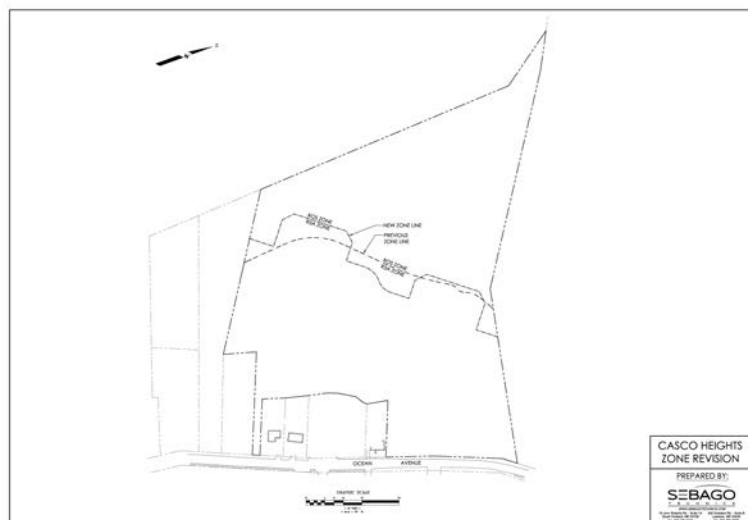
DELETE THIS MAP



Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS
July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

Substitute Map Showing
Revised Zone Line



2. **Permitted uses in the R5a and Parking (paragraph 2):**
 - a. Number of residential units permitted is up to 96 rather than 98;
 - b. Community room in each building is deleted;
 - c. A small office in each building is deleted.
 - d. A fitness and special events room in each building available for use by the residents is deleted.
 - e. A cross country ski center/locker room in each building available for the residents is deleted.
 - f. The two spaces per unit plus 28 spaces for visitor parking is proposed as 2 spaces per the two and three bedroom units and 1 space per 1 bedroom unit, plus at least 28 visitor parking spaces.
 - g. In addition to the trail system, a future recreation area is proposed that is subject to site plan review and approval by the Planning Board.
3. **Use and Phasing of R-5A portion of site (paragraph 3.):** The proposal retains the phasing as depicted in the adopted agreement. The site will be developed in two phases. The paragraph specifies that each phase will be limited to 48 units and it retains the language that all blasting required for the entire site development would be done in Phase I. The first phase includes the access road, building on the northerly side of the site near Ocean Ridge, the surface parking, all trails and the stormwater pond below Phase 1 (as shown on the revised overall site plan, Plan 1, dated 5-20-14).
4. **Separate Performance Guarantees for each Phase (Paragraph 4):** Unchanged.
5. **Use of ROS portion of the site (paragraph 5):** The proposal retains the language for the uses as follows and adds the concept of a future recreation area (shown on site layout):

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walks, future recreation area, or similar improvements as necessary to facilitate access.

The section retains the language for the ROS which states, "... the property shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property."
6. **Recreation Trail Easement to Portland Trails (paragraph 6):** The requirements to grant trail easements to Portland Trails for not less than 3,207 linear feet of trails to allow for passive recreational use by the general public. The full condition remains unchanged from the adopted agreement except for owner name changes. There is an option to convey the ROS area to Portland Trails and if Portland Trails does not accept the easements or conveyance, then the applicant may grant the trail easements to the City of Portland.
7. **Property developed in substantial accordance with Preliminary Site Plans (paragraph 7):** The site plans developed by Sebago Technics and the building elevations prepared by Archetype are substituted for the plans prepared by Scott Simons Architects.

The applicant is proposing a change in this section since the workshop. The revised plan shifts the drainage detention area from behind the homes on Ocean Avenue to a location on the easterly side of the proposed roadway. The revised plan shows tree save areas where the detention basin had been located and it shifts the building in Phase 1 from 32 to 65 feet from the Ocean Ridge property line. The proposal revises the buffer requirement (Plan 19 is the buffer plan, which will be attached to agreement) as follows:

RIDGE DEVELOPMENT shall provide a planted buffer as shown on the site plan in the vicinity of the ~~rear lot lines of the abutters whose lots front on Ocean Avenue~~ side of the building adjacent to Ocean Ridge Condominiums, with precise specifications subject to final site plan review.

Based upon Mr. Errico's review(see transportation below) of the proposed accessway and its proximity to Ridge Road, staff members are recommending that this paragraph be amended to allow the Planning Board to review the final location for the access road and that it would be separated from Ridge Road to the maximum extent practicable. The proposed language is as follows:

The Ridge Development entrance on Ocean Avenue as shown on the site plan shall achieve separation from Ridge Road to the maximum extent practicable ~~be at the location shown on said Site Plans~~subject to site plan review by the Planning Board and ~~the City hereby grants consideration of~~ such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, ~~that at the request of RIDGE DEVELOPMENT, with the approval of the Planning Board, the~~ the final Planning Board approved location of the entrance may be moved ~~up to 20 feet southerly of the location shown~~ from the location on the attached site plan without any further amendment to this Contract Zone Agreement.

8. **Planning Board Review of each Phase (paragraph 8):** Unchanged

9. **Staff Recommendations for conditions of approval regarding a blasting plan, adds new conditions 9-13:** The Planning staff is recommending that conditions be included in the agreement to address concerns raised by the Board and the public. Portland regulates blasting and the proposed conditions build upon those regulations and would require a blasting plan be submitted for review as part of the site plan and subdivision review. The amendments also call for a certified mailing, increase in insurance coverage, and third part monitoring approved by the Planning Authority. The proposed conditions are as follows:

9. The blasting plan required by Chapter 14, Article VIII of the Portland City Code and Section 3 of the City of Portland Technical Manual for issuance of a blasting permit shall be included in the applications for Site Plan and Subdivision Review and shall require final review and approval by the Planning Board.

10. The notification of neighbors required by Section 14-592 of the Portland City Code shall be accomplished by certified mail rather than regular mail.

11. During blasting operations, ground vibration monitoring shall be conducted by an independent seismologist or blasting consultant. RIDGE DEVELOPMENT's selection of the independent seismologist or blasting consultant is subject to the review and approval of the City of Portland Planning Authority.

12. Notwithstanding Section 3.7.13 of the City of Portland Technical Manual, the blasting contractor shall be required to carry liability insurance (XCU) coverage in an amount no less than \$4,000,000.00.

13. In addition to the requirements outlined in Paragraphs 9-11 above, RIDGE DEVELOPMENT expressly agrees that, with respect to its development of the Property, it will comply with all other provisions relating to the regulation of blasting and explosives contained in Chapter 14 of the Portland City Code and the City of Portland Technical Manual.

10. **Change in Ownership (paragraph 14 in staff version or 9 in applicant's):** Unchanged

11. **Dimensional Requirements for modified R-5a zone (paragraph 15, staff version or 10 in applicant's):**

- a. Maximum number of units per building is reduced from 49 to 48
- b. Maximum number of units per building is 2 (unchanged from adopted agreement)

- c. Maximum building height is reduced from 100 feet to 75 feet
- d. The parking is revised to provide a total of 204 spaces with have in Phase I and half in Phase II. The total number of space proposed in the original agreement was 224 spaces.
- e. Minimum recreation open space area: (unchanged from adopted agreement)

12. Standard Conditions of Conditional Zone Agreements (paragraphs 16-21 in staff version or 12 through 16 in applicant's): Unchanged

VII. REGULATORY CONSIDERATIONS

Consideration of the request for conditional rezoning is guided by both state statute and the city's land use ordinance. The state statute (Title 30-A Section 4352(8)) requires that all conditional or contract zoning must:

- *Be consistent with the growth management program adopted under this chapter;*
- *Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and*
- *Only include conditions and restrictions that relate to the physical development or operation of the property.*

The city's ordinance (Section 14-60) further states:

Pursuant to 30-A M.R.S.A. Section 4503(9), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the city council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the city's comprehensive plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. Nothing in this division shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the city's comprehensive plan.

The applicant has provided narrative in their submission that addresses compliance with the Comprehensive Plan and an analysis of compliance with the R-5a zone. Please refer to the applicant's material in the applicant's submissions, Attachments F and G.

VIII. REVIEW OF PROPOSED AMENDED CONDITIONAL ZONE AGREEMENT

The plans submitted with the proposed amended conditional rezone agreement are preliminary plans to be included with the agreement. Final plans for the development will be required to be reviewed under the site plan and subdivision ordinances after the Board has made a recommendation to the City Council.

A. Site Walk

The Planning Board held a site walk of the property on June 3, 2014. Tim Dean, Carol Morrisette, Elizabeth Boepple, Bill Hall, Sean Dundon and Jack Soley attended the site walk, with Stuart O'Brien absent. The meeting was advertised as a public meeting on May 26 and 27th with notices sent to 414 residents and the interested citizen list. Residents accompanied the Board on the walk. The applicant led the walk, which followed the proposed road alignment to the top of the ridge and walked to the staked corners for the two buildings and the two surface parking lots. The detention basin was staked as well and visible from the walk. Clarifying questions from the Board and the public were answered by the applicant.

Prior to the Planning Board site visit, staff members, which included David Margolis-Pineo, David Senus, Jeff Tarling and Barbara Barhydt, walked the site with the applicant on April 25th.

B. Zoning Assessment

The R-5a zone is Division 6.5 of the Land Use code, Section 14-126 through Section 14-131. Excerpts of the R-5a zone and the applicable parking regulations are below.

Sec. 14-126. Purpose.

The purpose of the R-5A residential zone is:

- (a) To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.

Sec. 14-127. Permitted uses.

2. Planned residential unit development (PRUD) consisting of horizontally or vertically attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-130 shall apply with respect to such developments except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. The planned residential unit development shall be implemented through conditional or contract zoning, as described in division 1.5, for specific sites and proposed development meeting the overall requirements specified herein. All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of article IV (subdivisions). Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

Sec. 14-130. Dimensional requirements

- (a) *Minimum lot size:*
Planned residential unit development (PRUD): Three (3) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.
- (b) *Minimum lot area per dwelling unit:* Sixteen hundred (1,600) square feet.
Planned residential unit development (PRUD): Sixteen hundred (1,600) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.
- (c) *Minimum street frontage:* PRUD development: Fifty (50) feet.
- (f) Minimum building setback from external subdivision property lines (PRUD):
 - a. Building length of one hundred (100) feet or less: Twenty-five (25) feet.
 - b. Building length of greater than one hundred (100) feet: Thirty-five (35) feet.
- (g) Minimum recreation open space area (PRUD): Two hundred (200) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526 (d) 9. and the planned residential unit development standards in the City of Portland Design Manual, but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

Division 20 – Parking Section 14-332

- (a) *Residential structures:*
 1. For new construction, two, (2) parking spaces for each dwelling unit, plus one (1) additional parking space for every six (6) units or fraction thereof.

The applicant submitted their analysis of compliance with the R-5a zone (Applicants Submission, Attachment G) and has proposed the following adjustments to the dimensional standards of the R-5a zone.

1. Dimensional Requirements for modified R-5a zone :

- a. Maximum number of units per building is reduced from 49 to 48
- b. Maximum number of units per building is 2 (unchanged from adopted agreement)
- c. Maximum building height is reduced from 100 feet to 75 feet
- d. The parking is revised to provide a total of 204 spaces with have in Phase I and half in Phase II. The total number of space proposed in the original agreement was 224 spaces.
- e. Minimum recreation open space area: (unchanged from adopted agreement)

Marge Schmuckal, Zoning Administrator Review:

Following are the two reviews that Marge Schmuckal conducted for the proposed rezoning agreement.

May 2, 2014 Review

This amendment to the previous conditional/contract zone is reducing several of the dimensional criteria. The numbers of dwelling units is reduced from a total of 98 to 94 with 47 units in two buildings. The height is being reduced from 100' to 75'. The building elevations give an average grade of 1555'-5 5/128" (which I would like confirmed as to how that was determined). The height given on those elevations is 60', well within the 75' height proposed.

If parking was determined using current zoning, two parking spaces per dwelling unit is required along with 1 extra space per each 6 dwelling units. Therefore a total of 204 parking spaces are required. Per their text, 204 parking spaces are provided. However, well over 50,000 sq feet is being proposed, so the Planning Board is the authority for determining the number of parking spaces under section 14-332.2©.

All other R-5A dimensional requirements are being met.

June 4, 2014 Review

A review of the newest plan layout input into e-plan on 5/28 and labeled "Overall Site Plan" was reviewed because of the shifting of the main buildings (which are both over 300' long). Using the scaling on e-plan the minimum 35 foot side set back is being met (71.28' on the right side & 38.97' on the left side). But there is confusion on this labeling of this plan. The minimum setback line shown on the left side of the plan is labeled "25' Setback". However the scaling of the plan shows it to be 35'. I would like confirmation that the minimum setback is 35' as required under the C-34 conditional/contract.

Planning Staff Comment Regarding Zoning Assessment: The proposed changes address those items that were included in the original agreement, such as modifying the maximum number of units per building and reducing the building height from 100 feet to 75. The applicant is also seeking to reduce the amount of required parking as stated in the original agreement. The applicant is proposing to have two parking spaces for those units that have two or three bedrooms and provide one parking space for each of the 12 one-bedroom units. They are also proposing 28 parking spaces for visitors for a total of 204 spaces on site. Division 20 requires two parking spaces per unit for new construction off peninsula and an additional parking space for every 6 units. Under this formula, the required parking for 96 units would be 192 spaces and 16 spaces for visitors or a total of 208 parking spaces. Thus, the proposed amendment adjusts the parking formula contained in the adopted agreement and revises the City's formula. Tom Errico, Consulting Traffic Engineer, has found the proposed number of parking spaces to be adequate, refer to the transportation review below.

The preliminary plans meet or exceed the minimum lot area and minimum lot area per dwelling unit. The minimum setback for buildings over 100 feet in length is 35 feet and the building length scales off at approximately 330 feet. Marge Schmuckal is seeking verification of the setbacks as part of the site plan review, but the preliminary plans appear to meet the zoning requirements. The revised overall plan shows the

Phase I building farther away from the property boundary with Ocean Ridge Condominiums, so there is now a minimum setback of 65 feet and a landscaped buffer is proposed along the property line consisting of red oaks, white pines and serviceberries. (Refer to Plan 1 and Plan 19.)

In evaluating the preliminary plans with the R-5a zoning requirements, the PRUD standard requires a minimum recreation open space area of two hundred (200) square feet per dwelling unit of common area designated on the site for recreation purposes. There is a common area shown on the site plan and Jeff Tarling, City Arborist, questioned whether such an area is needed with the trail system as required in the agreement. Under paragraph 15 (staff version of agreement), the minimum open space requires creating not less than 3,207 linear feet of trails and retaining the ROS portion of the site in its natural state. There is an option in the adopted agreement that states the following:

So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

At this time the common area is not proposed for any improvements and it would be subject to the site plan review. Dtaff members are not recommending any changes to this provision.

C. Transportation/Parking

Parking: Parking is provided under each building and surface parking lots are shown behind the buildings. The proposed changes to the zone line between the ROS and R5a line are revised to accommodate the parking lots shown on the site plan. The parking lots have been reconfigured since the workshop, so that the lots do not consume as much land area and the land area within the two zones is close to the quantities allocated in the original adopted agreement. Blasting of the high point of the site is no longer required with the redesign of the parking lot.

The parking ratio contained in the adopted agreement is 2 spaces per unit with 28 visitor parking spaces, which is a total of 224 spaces. The proposed amendment includes 2 spaces for the 2 and 3 bedroom units and reduces the ratio to 1 space per unit for the one-bedroom units. It retains the 28 spaces for visitors, thus the total number of on-site parking spaces would be 204. The applicant is seeking to amend this as part of the agreement. Public comment has been received that raises questions about the adequacy of on-site parking. As noted above under the zoning assessment, the overall number of proposed parking spaces is four less than required under the zoning code. Tom Errico, Consulting Traffic Engineer, has reviewed the preliminary plans and states in his June 4, 2014 review that the proposed parking is sufficient according to the Parking Generation Manual, Institute of Transportation Engineers (refer to third bullet in his complete review presented in the following paragraph).

Traffic and Access: Public comments have been received about the traffic and safety impacts of the proposed project with the surrounding street system . Mr. Errico's review is as follows:

Based upon my review of the old traffic study for the project and the site plan my comments are noted below:

- I have requested that the old traffic study be updated to reflect the current project as well as current traffic data. Upon receipt of the revised study, I will review specific traffic issues. My general sense is the traffic review will primarily focus on the access location on Ocean Avenue, and based upon the prior analysis, safe conditions will likely be provided. In addition the applicant will be required to evaluate nearby locations that may be High Crash Locations per MaineDOT criteria. This may include the Washington Avenue/Ocean Avenue intersection given that it has been a previous safety concern. I would note that from a traffic operations perspective (vehicle delay), I don't believe this project will have a significant impact to the

Washington Avenue/Ocean Avenue intersection, although the City will make that determination when the traffic study is initiated during Site Plan review.

- Based upon available information, a MaineDOT Traffic Movement Permit will not be required.
- I generally find the applicant's parking program to be reasonable. The project is providing a total of 204 parking spaces and includes 1 parking space per one bedroom units, 2 parking spaces per two and three bedroom units and visitor parking spaces. The parking supply will exceed 2 parking spaces per unit. According to the Parking Generation Manual, Institute of Transportation Engineers, a residential condominium complex located in a suburban setting can expect a average parking demand of 1.46 vehicles per units with a peak parking demand of 1.96 vehicles per unit. According to this publication, the project is expected to provide an adequate parking supply.
- The proposed project driveway is located in close proximity to the Ocean Ridge Development driveway. The proposed driveway separation does not meet City standards and thus the applicant should attempt to meet this standard by increasing the driveway separation to the maximum practicable distance or by creating a single shared driveway with Ocean Ridge. I recognize that there are significant site constraints preventing the separation standard from being met, and accordingly a waiver from our technical standard is likely and will be based on a review of technical documentation of the constraints during the site plan review process.
- The specific details of the crosswalk and sidewalk will need to be reviewed during the site plan process. I generally support the concept plan.

Based upon Mr. Errico's review of the driveway location, there is a staff recommendation to revise the conditional rezone agreement as follows:

The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Sebago Technics (last revised May 2014) and the Proposed Building Design site sections, building sections and floor plans submitted by Archetype PA (last revised May 2014). The Ridge Development entrance on Ocean Avenue as shown on the site plan shall achieve separation from Ridge Road to the maximum extent practicable ~~be at the location shown on said Site Plans~~ subject to site plan review by the Planning Board and ~~the City hereby grants consideration of~~ such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, ~~that at the request of RIDGE DEVELOPMENT, with the approval of the Planning Board, the the final Planning Board approved~~ location of the entrance may be moved up to 20 feet southerly of the location shown from the location on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **RIDGE DEVELOPMENT** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **RIDGE DEVELOPMENT** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

Sidewalk: The proposed development plan shows a sidewalk along the access road, which then connects with the trail system proposed within ROS zone. The agreement includes a requirement that easements are granted to Portland Trails for the public use of the system or given to the City. The provisions remain the same as

were contained in the adopted agreement. The applicant is proposing a sidewalk on the opposite side of Ocean Avenue and a crosswalk as shown on the overall site plan, which fills a gap in along the street and meets David Margolis' May 1 comments (#9 below) and Mr. Errico notes in his review that he supports the sidewalk concept and that design details need to be evaluated during development review.

Mr. Margolis-Pineo's May 1, 2014 comments are below and the comments regarding the pins and survey information are relevant for the site plan and subdivision review process.

The Department of Public Services offers the following preliminary review comments to the above mentioned project.

1. The survey plan requires a surveyor's stamp.
2. Plans need to be stamped.
3. Please change plans to show and indicate all proposed utilities (including Ocean Ave) including drainage.
4. As proposed, the USC&GS marker will be destroyed with this project. The applicant is requested to submit this marker to William Clark of the City at 55 Portland St who will make arrangements to return this marker to the Feds.
5. There are several areas of text on the survey plan presented for staff review when printed out is not legible. A thorough review cannot be completed without changes being made for legibility.
6. Please verify that all property corners shown are currently marked with property pins?
7. Please provide State Plane Coordinates.
8. Have the elevations been checked? Note number 6 states the elevation is based on a hydrant from several years ago which may have been replaced. Please verify.
9. City code requires the applicant to construct a sidewalk with granite curbing along the frontage on the applicant's proposed development. However since the primary sidewalk in this area is on the East side of Ocean Ave and there is an approximate 380' void to the sidewalk opposite the applicant property, the applicant is requested to construct a sidewalk on Ocean Ave. to fill that void.

Please be aware that these comments are preliminary and additional comments will come once a complete set of plans are received and the survey plan becomes legible.

D. Environment and Tree Preservation

Highest Site Elevation: The site is wooded and slopes steeply up to a high point toward the rear of the property. In Mr. Margolis-Pineo's May 1st review he notes that the USC &GS marker will need to be removed and asks that it be submitted to DPS so that it can be returned to the appropriate Federal agency. With the revised plan, the highest point will not be lowered, but measures to protect the marker may be needed, which can be identified during Development review.

Landscape:

The revised overall site plan has been revised to move the Phase I building farther away from the property line shared with Ocean Ridge Condominiums, so there is now a minimum of 65 feet from the building and the property line. A plan for planting additional landscape material in a buffer between the building and the property line in this area is part of the applicant's latest submission (Plan 19).

The revised plan eliminates surface parking in front of the structures, so there is potential to preserve more of the existing vegetation, particularly in Phase 2. The applicant indicated on the site walk that some selective clearing will be needed. Jeff Tarling, City Arborist, recommended that as part of the site plan and subdivision review, that the applicant prepare a tree preservation plan for the project and a long-term tree management plan

that could be part of the condominium documents. As noted above, the common recreation area is still shown on the plan, but the staff are not recommending that it be removed at this time. The provisions in the agreement allow the area to remain natural and only if the applicant seeks to improve the area, then it would require site plan approval. Mr. Tarling's comments regarding the long range management of the site are appropriate to address during development review and in condominium documents.

Mr. Tarling's May 2, 2014 review is as follows:

In review of the proposed zone change for Casco Heights project I would suggest the following topics be incorporated into the conditions:

a) The typical "recreational area" standard that looks for play-field, open turfed area be waived in exchange if existing or modified trails are offered for public use. There maybe trails that are for resident use only near the actual residential buildings. This site offers a fair amount of valuable wooded open space that has high recreation values.

b) 'Tree Save' / Selective Clearing plan - 'Tree Save' Open Space areas should have management guidelines to ensure the right mix of clearing and regeneration of native trees & plants. First condition would be to remove invasive plants already on site and any future problems. Goals would be to have a mix of age and plant types including native groundcover or understory planting. Too often large trees are over pruned for vistas and the native understory removed or cleared. Thus - good to allow small trees to grow up to someday replace the existing large canopy along with saving the native groundcover and understory plants.

Note - the Casco Heights site contains a mix of existing native vegetation types, the management & landscape plan should reflect the characteristics from natural plant community types. The Pitch Pine woodland near the northeast corner is somewhat rare in Portland. See information below:

<http://www.maine.gov/dacf/mnap/features/communities/pitchpinewoodland.htm>

<http://www.maine.gov/dacf/mnap/features/communities/redoakhardwoodpineforest.htm>



Stormwater Management

The proposed stormwater detention area is now proposed in Phase I. It is located in front of the Phase I building and closer to Ocean Avenue. Public comment has been received from the Wellstone Condominium Association expressing concerns about stormwater from this site. The location of the basin is conceptual with the final analysis, stormwater calculations and design details to be prepared at the development review stage. David Senus, Consulting Civil Engineer from Woodard and Curran, submitted the following review on June 2, 2014:

At this early phase in concept design, it appears the Applicant is proposing a centralized stormwater pond to manage stormwater quality and flow rate for runoff generated from the majority of the site. During the Site Plan review phase, the Applicant will need to prepare a well-engineered, well-presented stormwater management system design, demonstrating that the system will meet the requirements of the City's ordinances, including evaluating and limiting impacts to downstream infrastructure and properties. During the Site Plan review phase, the Applicant should provide an engineering evaluation of the project's impacts to downstream properties, and should respond to the concerns raised by nearby and/or adjacent residents and homeowner's associations related to possible drainage and groundwater impacts on their properties. Woodard & Curran will review the Applicant's Site Plan Application for conformance with the City's Stormwater-related Ordinances and Standards when a Site Plan Application is received.

E. Public Safety

Captain Chris Pirone has reviewed the preliminary plans and has submitted the following comments:

Initial Fire comments:

After reviewing the plans, it appears there is no information referencing NFPA 1 requirements or City Tech Standards for Fire Department.

Hydrant locations.

Fire Department Connections for building locations.

Access to buildings that include widths of roads and distances from structures to roadways.

Drawings showing the largest Portland fire Department vehicle navigating in and out of the site.

Exit-ways from the structures to a safe meeting area in case of emergency.

Provide the addressing scheme of the site and buildings.

In a follow-up conversation, Captain Pirone clarified that a second means of access is not required for the site, since the structures will be sprinkled. His other comments above identify the additional information and requirements that would need to be addressed during development review.

The site includes significant ledge outcroppings and blasting is required to construct this development. Public comment has been received from multiple property owners concerned about the extent of blasting needed for this project and the potential impacts on adjoining structures and stormwater systems. The City of Portland has a blasting ordinance and regulations that are contained in the Technical Manual, which are attached as Attachments 5 and 6. The Fire Department reviews blasting plans at the development review stage and separate blasting permits are required.

Mr. Charles Blakeman of BECC Co. worked with the Fire Department in drafting the city's Regulation of Explosives Ordinance. Barbara Barhydt contacted Blakeman to discuss questions and concerns that had been raised. Following is a summary of the conversation:

- a. Mr. Blakeman confirmed that the noticing for the blast site is from the blast point rather than the property boundary. He noted that a blast may be felt or heard more than 600 feet from a site, but it would not cause damage. He concluded that notifying property owners within 600 feet of the blast site is adequate.
- b. However, he did recommend that certified notices be sent to property owners in order to assure property owners receive notices for the pre-blast survey.
- c. We discussed the option of the City seeking a third party review of a proposed blasting plan. He agreed that seeking a third party review during the development review process is reasonable.

- d. The City's regulations call for a third party monitoring , so confirming that an independent third party seismologist or blasting consultant conduct the monitoring of blasts is important and included in the agreement.
- e. The Planning Board questioned the adequacy of a minimum insurance coverage of \$2 million for the blasting company. An employee of BECC Co. contacted two other blasting companies and found that one carries \$2 million in coverage and the other firm carried \$5 million.

Based upon the Planning Staff's information, Jennifer Thompson, prepared the following amendments pertaining to blasting to include in the conditional rezoning agreement :

9. The blasting plan required by Chapter 14, Article VIII of the Portland City Code and Section 3 of the City of Portland Technical Manual for issuance of a blasting permit shall be included in the applications for Site Plan and Subdivision Review and shall require final review and approval by the Planning Board.

10. The notification of neighbors required by Section 14-592 of the Portland City Code shall be accomplished by certified mail rather than regular mail.

11. During blasting operations, ground vibration monitoring shall be conducted by an independent seismologist or blasting consultant. RIDGE DEVELOPMENT's selection of the independent seismologist or blasting consultant is subject to the review and approval of the City of Portland Planning Authority.

12. Notwithstanding Section 3.7.13 of the City of Portland Technical Manual, the blasting contractor shall be required to carry liability insurance (XCU) coverage in an amount no less than \$4,000,000.00.

13. In addition to the requirements outlined in Paragraphs 9-11 above, RIDGE DEVELOPMENT expressly agrees that, with respect to its development of the Property, it will comply with all other provisions relating to the regulation of blasting and explosives contained in Chapter 14 of the Portland City Code and the City of Portland Technical Manual.

F. Building Design

The buildings proposed under the original conditional rezoning agreement were up to 100 feet in height and had a smaller footprint. Parking was provided under those buildings and there was surface parking in front of the buildings and at the rear.

The revised plans reduce the building height with a maximum of 75 feet with parking in the base level. The revised building elevations show a building height of roughly an average of 65 feet and the footprints are elongated to a length of approximately 330 feet. The building façade is articulated with projecting window bays and recessed balconies. The rendering shows the use of different exterior colors to further articulate the façade. The rear elevation is shown on the Applicant's elevation plan, Plans 7 and 8. Based upon the site plan, this façade is also articulated with changes in the plane, but it is difficult to interpret from the elevation. The planning staff recommends that the applicant submit renderings of each elevation and present samples of the proposed exterior materials during development review.

Questions were raised regarding shadow impacts of the proposed buildings on adjoining properties. The applicant has submitted a shadow study for 9 a.m., noon and 3 p.m. for the fall equinox, winter solstice, and summer solstice. The 3 p.m. fall equinox shows a shadow that crosses the property boundary with Ocean Ridge, but it does not appear to impact the closest building. The shadow on the winter solstice crosses the shared property boundary at noon time, but it does not appear to touch a building. The three p.m. winter

solstice does impact adjoining structures. There are no shadow impacts on adjoining property during the summer solstice.

VIII. STAFF RECOMMENDATION

The Planning Staff recommend that the Planning Board recommend adoption of the proposed amended conditional rezoning agreement for 802 Ocean Avenue , as revised by the staff, to the City Council.

IX. PROPOSED MOTION

On the basis of plans and materials submitted by Ridge Development LLC, the policies of the ROS and R-5A zones, Comprehensive Plan, public comment, the information provided in Planning Board Report for the amended conditional rezoning agreement for Casco Heights, 802 Ocean Avenue, Project # 2014-03, and/or other findings as follows:

The Board finds that the proposed Amended Conditional Rezoning Agreement for Ridge Development LLC, now known as Casco Heights [is or is not] consistent with the Comprehensive Plan of the City of Portland and is consistent with the existing and permitted uses in the underlying R-5a zone. The Planning Board therefore [recommends or does not recommend] to the City Council approval of the proposed conditional rezoning, as revised by the staff and Planning Board, for 802 Ocean Avenue.

X. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Proposed First Amended Conditional Rezoning Agreement - Applicant's Request
2. Proposed First Amended Conditional Rezoning Agreement - Staff Recommendation
3. Adopted Agreement 2005 with attachments
4. Planning Board Report to City Council
5. Article VIII Regulation of Explosive
6. Technical Manual – Blasting Regulations

APPLICANT'S SUBMITTALS

- A. Table of Contents
- B. Cover Letter
- C. Application
- D. Redlined Rezoning Agreement
- E. Proposed Amended Rezoning Agreement
- F. Conformance with Comprehensive Plan
- G. Conformance with R-5a zoning
- H. Right Title and Interest
- I. May 20, 2014 Cover letter
- J. Redlined revised agreement, May 20th

PUBLIC COMMENT

- PC-1 Applicant's Neighborhood Meeting Packet, meeting held on April 21, 2014
- PC-2 Mark Lourie, April 21 and 23, 2014
- PC-3 Roberta Loring, April 29, 2014
- PC-4 Dagmar Decker, May 3, 2014
- PC-5 Anthony Miller MD, May 3, 2014
- PC-6 Vincenzo Marotta, May 4, 2014
- PC-7 Jeff Degan, May 4, 2014
- PC-8 Antoinette Mancusi, May 4, 2014

PC -9 Jon Camire, May 4, 2014
PC-10 Pam Anzelc, May 5, 2014
PC-11 Jade Arn, May 5, 2014
PC-12 Helen Daniels, May 5, 2014
PC-13 Thomas and Shelia Buckland, May 6, 2014
PC-14 Sabrina Nickerson and Randy Judkins, May 5, 2014
PC-15 Jean Mattimore, May 5, 2014
PC-16 Gene DiBenedetto, May 5, 2014
PC-17 Judith Richard, May 6, 2014
PC 18 Glenna Irvine, May 6, 2014
PC-19 Jeanette Haskell, Wellstoen Condominium Association, May 6, 2014
PC-20 Frank Pandolfo, May 7, 2014
PC-21 Linda Belanger, May 7, 2014
PC-22 Chuck Grossman, May 6, 2014
PC-23 Leslie Rodgers, May 7, 2014
PC-24 Gene Ibenedetto, June 4, 2014
PC-25 Richard Kessler

PLANS

Plan 1 Overall Site Plan
Plan 2 Illustrative Site Plan- accessway
Plan 3 Illustrative Site Plan- building and parking
Plan 4 Boundary Survey 1
Plan 5 Boundary Survey 2
Plan 6 Zoning Map Adjustment
Plan 7 Casco Heights Building Elevations
Plan 8 Casco Heights Rendering
Plan 9 Casco Heights Flagging for Site Walk
Plan 10 Fall Equinox 9 a.m.
Plan 11 Fall Equinox 12 p.m.
Plan 12 Fall Equinox 3 p.m.
Plan 13 Winter Solstice 9 a.m.
Plan 14 Winter Solstice 12 p.m.
Plan 15 Winter Solstice 3 p.m.
Plan 16 Summer Solstice 9 a.m.
Plan 17 Summer Solstice 12 p.m.
Plan 18 Summer Solstice 3 p.m.
Plan 19 Buffer Plan

Applicant's Proposed Amended Agreement

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**ORDER AUTHORIZING AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: FIRST AMENDMENT CONDITIONAL REZONING
FOR 802-828 OCEAN AVENUE**

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below;

BE IT FURTHER ORDERED, that the conditional rezoning amendment authorized herein shall become effective ~~thirty (30) days following this rezoning upon sale to Ridge Development LLC.~~

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**FIRST AMENDMENT CONDITIONAL ZONE AGREEMENT
GRAVES HILL LAND COMPANY RIDGE DEVELOPMENT, LLC**

This Agreement made this _____ day of _____, 2004 by ~~GRAVES HILL LAND COMPANY RIDGE DEVELOPMENT, LLC~~, a Maine limited liability company with an office in ~~Saco~~, Maine (hereinafter "GRAVES HILL RIDGE DEVELOPMENT").

WITNESSETH:

WHEREAS, GRAVES HILL RIDGE DEVELOPMENT owns or has an option on a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

WHEREAS, GRAVES HILL RIDGE DEVELOPMENT proposes to construct upon a portion of the Property a maximum of 98.96 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

WHEREAS, GRAVES HILL RIDGE DEVELOPMENT has requested the rezoning of 10.167- 10.18 acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for

dwelling units on that portion of the property, and the rezoning of ~~8.155~~ 8.14 acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter “**CITY**”), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the “Code”) §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to be cleared, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

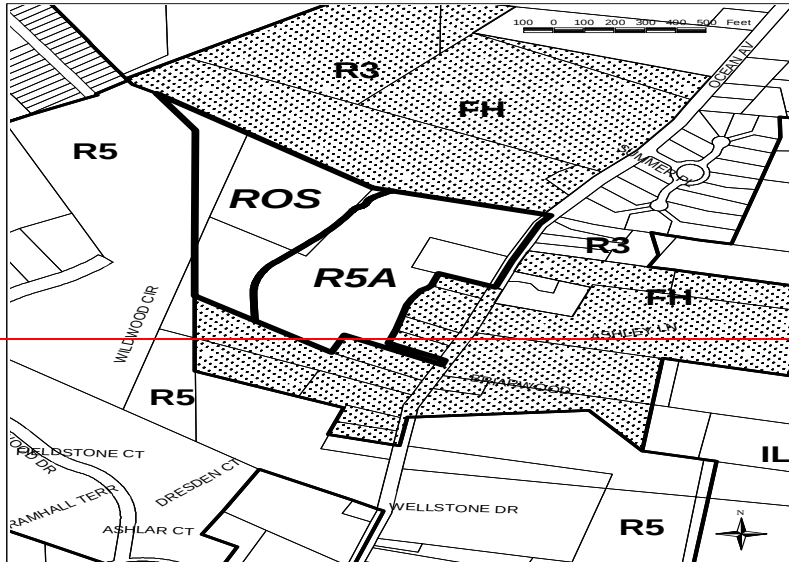
it is necessary and appropriate to impose with ~~GRAVES HILL'S~~ RIDGE DEVELOPMENT'S agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on _____, 200, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1; and

WHEREAS, ~~GRAVES HILL~~ RIDGE DEVELOPMENT has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind ~~GRAVES HILL~~ RIDGE DEVELOPMENT, its successors or assigns;

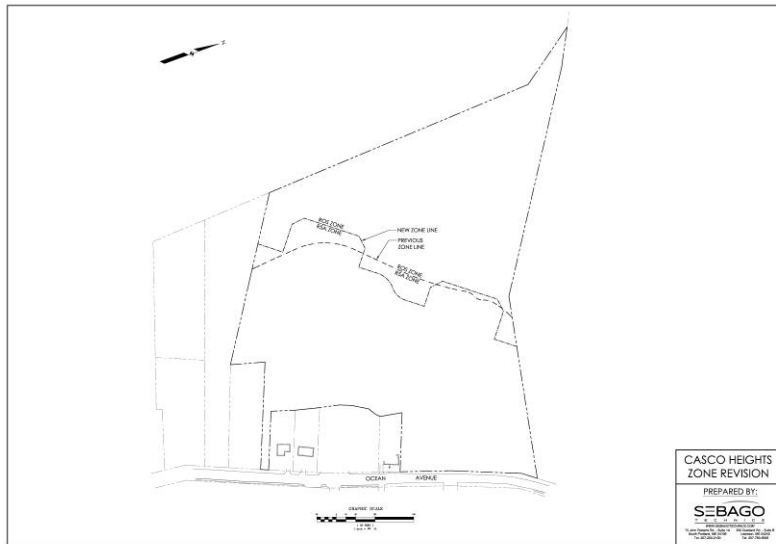
NOW, THEREFORE, in consideration of the rezoning of the Property, ~~GRAVES HILL~~ RIDGE DEVELOPMENT contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the ~~City Council's approval of said rezoning sale of the property to Ridge Development LLC~~, then the rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS
July 2004**

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup



Proposed Amended Rezoning for 802 Ocean Avenue for the line adjustment between
Recreation and Open Space (ROS) and Residential R-5a (of the C-34 Conditional Rezone
Agreement) May 2014

2. **GRAVES HILL RIDGE DEVELOPMENT** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. Up to ~~98-96~~ residential units located in two buildings, each building containing up to ~~49-48~~ units, which may be sold as condominium units, resulting in a maximum total of ninety ~~eight-six~~ (~~98-96~~) residential units within the Property; and
- ~~b. a community room in each building available for use by the residents of the PRUD; and~~
- ~~c. a small office in each building to be used by employees of the condominium owners' association, only for on-site property management and concierge services a fitness and special events room in each building available for use by the residents of the PRUD; and~~
- ~~d. a cross country ski center/locker room in each building available for use by the residents of the PRUD; and~~
- ~~e. b.~~ parking in an amount of not less than ~~2 spaces per residential unit one (1) space per one bedroom unit and two (2) spaces per two and three bedroom units~~, plus at least 28 additional surface visitor parking spaces; and
- ~~f. c.~~ a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site. A future recreation area is also permitted, subject to Site Plan Review and approval by the Planning Board.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty ~~nine-eight~~ (~~49-48~~) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty ~~nine-eight~~ (~~49-48~~) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface

stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. ~~GRAVES HILL- RIDGE DEVELOPMENT~~ is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the R-OS portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, future recreation area, or similar improvements as necessary to facilitate access.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. ~~GRAVES HILL- RIDGE DEVELOPMENT~~ shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize ~~GRAVES HILL- RIDGE DEVELOPMENT~~, its successors and assigns, Graves Hill Ridge Development Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, ~~GRAVES HILL- RIDGE DEVELOPMENT~~ may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall

not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as ~~GRAVES HILL RIDGE DEVELOPMENT~~ has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, ~~GRAVES HILL RIDGE DEVELOPMENT~~ may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by ~~Richardson and Associates (last revised August 16, 2004)~~, ~~Sebago Technics (last revised May 2014)~~ and the Proposed Building Design site sections, building sections and floor plans submitted by ~~Scott Simons Architects (last revised July 8, 2004)~~, ~~Archetype PA (last revised May 2014)~~ and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The ~~Graves Hill Ridge Development~~ entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of ~~GRAVES HILL RIDGE DEVELOPMENT~~, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. ~~GRAVES HILL RIDGE DEVELOPMENT~~ shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, ~~GRAVES HILL RIDGE DEVELOPMENT~~ shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the CITY for the CITY to apply toward installing granite curbs and sidewalk in the vicinity of the PROPERTY.

~~GRAVES HILL RIDGE DEVELOPMENT~~ shall provide a planted buffer as shown on the site plan in the vicinity of the ~~rear lot lines of the abutters whose lots front on Ocean Avenue side of the building adjacent to Ocean Ridge Condominiums~~, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by ~~GRAVES HILL RIDGE DEVELOPMENT~~ or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while ~~GRAVES HILL RIDGE DEVELOPMENT~~ shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by ~~GRAVES HILL RIDGE DEVELOPMENT~~ or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which ~~GRAVES HILL RIDGE DEVELOPMENT and/or Diane Doyle~~ holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, ~~GRAVES HILL RIDGE DEVELOPMENT~~ or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: ~~49~~ **48**

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Maximum number of buildings containing residential dwelling units: 2

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Maximum building height: ~~100~~ **75** feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location on the site plan

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Parking: ~~Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II.~~ **204 spaces, half in Phase I and half in Phase II.**

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Minimum recreation open space area: Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, ~~GRAVES HILL RIDGE DEVELOPMENT~~ may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However,

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the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY's** zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL- RIDGE DEVELOPMENT** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit ~~GRAVES HILL- RIDGE DEVELOPMENT~~, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

14. In the event ~~GRAVES HILL- RIDGE DEVELOPMENT~~ or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of ~~GRAVES HILL'S- RIDGE DEVELOPMENT 'S~~ breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that ~~GRAVES HILL- RIDGE DEVELOPMENT~~ has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. ~~GRAVES HILL- RIDGE DEVELOPMENT~~ shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS: ~~GRAVES HILL LAND COMPANY~~ RIDGE DEVELOPMENT, LLC

By: _____
~~Diane Doyle~~ Patrick Tinsman
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

_____, 200_

Then personally appeared the above-named ~~Diane Doyle~~ Patrick Tinsman, Manager of ~~GRAVES HILL LAND COMPANY~~ RIDGE DEVELOPMENT, LLC as aforesaid, and acknowledged the foregoing instrument to be ~~her~~ his free act and deed in ~~her~~ his said capacity and the free act and deed of said limited liability company.

Before me,

Notary Public/Attorney-at-Law

Printed name: _____

My Commission Expires: _____

Portland Staff Recommendations

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**ORDER AUTHORIZING AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: FIRST AMENDMENT CONDITIONAL REZONING
FOR 802-828 OCEAN AVENUE**

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below;

BE IT FURTHER ORDERED, that the conditional rezoning amendment authorized herein shall become effective ~~thirty (30) days following this rezoning upon sale to Ridge Development LLC.~~

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**FIRST AMENDMENT CONDITIONAL ZONE AGREEMENT
GRAVES HILL LAND COMPANY RIDGE DEVELOPMENT, LLC**

This Agreement made this _____ day of _____, ~~2004~~ by ~~GRAVES HILL LAND COMPANY RIDGE DEVELOPMENT, LLC~~, a Maine limited liability company with an office in ~~Saco~~, Maine (hereinafter "GRAVES HILL RIDGE DEVELOPMENT").

WITNESSETH:

WHEREAS, GRAVES HILL RIDGE DEVELOPMENT owns or has an option on a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

WHEREAS, GRAVES HILL RIDGE DEVELOPMENT proposes to construct upon a portion of the Property a maximum of ~~98.96~~ condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

WHEREAS, GRAVES HILL RIDGE DEVELOPMENT has requested the rezoning of ~~10.167-10.18~~ acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of ~~8.155-8.14~~ acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to be blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

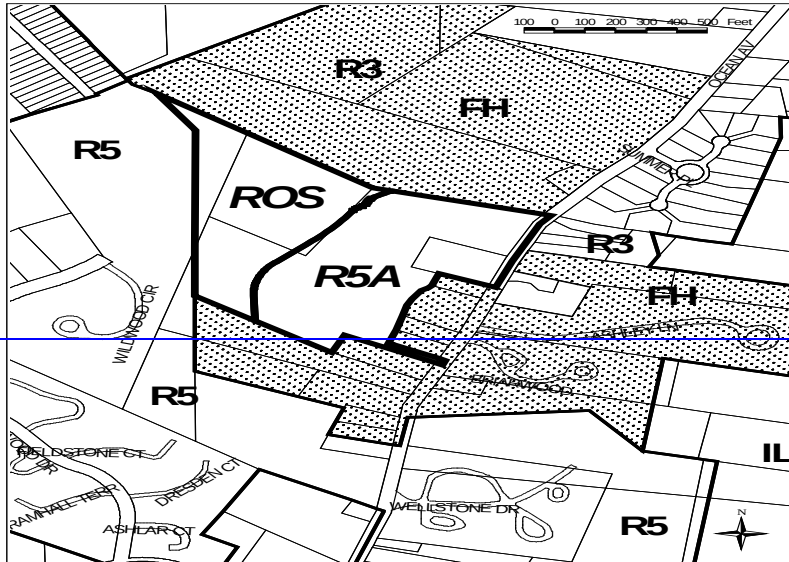
it is necessary and appropriate to impose with ~~GRAVES HILL'S~~ RIDGE DEVELOPMENT'S agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on _____, 2009, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1; and

WHEREAS, ~~GRAVES HILL~~ RIDGE DEVELOPMENT has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind ~~GRAVES HILL~~ RIDGE DEVELOPMENT, its successors or assigns;

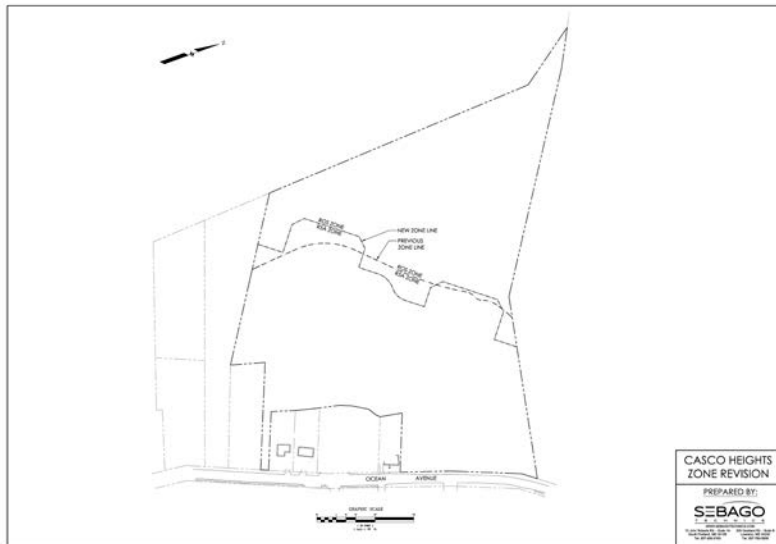
NOW, THEREFORE, in consideration of the rezoning of the Property, ~~GRAVES HILL~~ RIDGE DEVELOPMENT contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the ~~City Council's approval of said rezoning~~ sale of the property to Ridge Development LLC or within one hundred and eighty (180) days of the City Council's approval of said rezoning, whichever is later, then the rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS**
July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup



Proposed Amended Rezoning for 802 Ocean Avenue for the line adjustment between
Recreation and Open Space (ROS) and Residential R-5a (of the C-34 Conditional Rezone
Agreement) May 2014

2. GRAVES HILL RIDGE DEVELOPMENT is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. Up to ~~98-96~~ residential units located in two buildings, each building containing up to ~~49-48~~ units, which may be sold as condominium units, resulting in a maximum total of ninety ~~eight-six~~ (98-96) residential units within the Property; and
- ~~b. a community room in each building available for use by the residents of the PRUD; and~~
- ~~c. a small office in each building to be used by employees of the condominium owners' association, only for on-site property management and concierge services a fitness and special events room in each building available for use by the residents of the PRUD; and~~
- ~~d. a cross country ski center/locker room in each building available for use by the residents of the PRUD; and~~
- ~~e. b.~~ parking in an amount of not less than ~~2 spaces per residential unit one (1) space per one bedroom unit and two (2) spaces per two and three bedroom units~~, plus at least 28 additional surface visitor parking spaces; and
- ~~f. c.~~ a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site. A future recreation area is also permitted, subject to Site Plan Review and approval by the Planning Board.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty ~~nine-eight~~ (49-48) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty ~~nine-eight~~ (49-48) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface

stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. ~~GRAVES HILL- RIDGE DEVELOPMENT~~ is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the R-OS portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, future recreation area, or similar improvements as necessary to facilitate access.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. ~~GRAVES HILL- RIDGE DEVELOPMENT~~ shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize ~~GRAVES HILL- RIDGE DEVELOPMENT~~, its successors and assigns, Graves Hill Ridge Development Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, ~~GRAVES HILL- RIDGE DEVELOPMENT~~ may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall

not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as ~~GRAVES HILL- RIDGE DEVELOPMENT~~ has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, ~~GRAVES HILL- RIDGE DEVELOPMENT~~ may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by ~~Richardson and Associates (last revised August 16, 2004)~~ Sebago Technics (last revised May 2014) and the Proposed Building Design site sections, building sections and floor plans submitted by ~~Scott Simons Architects (last revised July 8, 2004)~~ Archetype PA (last revised May 2014) and the preliminary elevation from ~~Mackworth Island (undated, submitted August 17, 2004), attached hereto.~~ The Ridge Development entrance on Ocean Avenue as shown on the site plan shall achieve separation from Ridge Road to the maximum extent practicable be at the location shown on said Site Plans subject to site plan review by the Planning Board and ~~the City hereby grants consideration of~~ such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, ~~that at the request of RIDGE DEVELOPMENT, with the approval of the Planning Board, the the final Planning Board approved~~ location of the entrance may be moved up to 20 feet southerly of the location shown from the location on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. ~~GRAVES HILL- RIDGE DEVELOPMENT~~ shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, ~~GRAVES HILL- RIDGE DEVELOPMENT~~ shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the CITY for the CITY to apply toward installing granite curbs and sidewalk in the vicinity of the PROPERTY.

~~GRAVES HILL- RIDGE DEVELOPMENT~~ shall provide a planted buffer as shown on the site plan in the vicinity of the ~~rear lot lines of the abutters whose lots front on Ocean Avenue side of the building adjacent to Ocean Ridge Condominiums,~~ with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by ~~GRAVES HILL- RIDGE DEVELOPMENT~~ or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while ~~GRAVES HILL- RIDGE DEVELOPMENT~~ shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. The blasting plan required by Chapter 14, Article VIII of the Portland City Code and Section 3 of the City of Portland Technical Manual for issuance of a blasting permit shall be included in the applications for Site Plan and Subdivision Review and shall require final review and approval by the Planning Board.

10. The notification of neighbors required by Section 14-592 of the Portland City Code shall be accomplished by certified mail rather than regular mail.

11. During blasting operations, ground vibration monitoring shall be conducted by an independent seismologist or blasting consultant. RIDGE DEVELOPMENT's selection of the independent seismologist or blasting consultant is subject to the review and approval of the City of Portland Planning Authority.

12. Notwithstanding Section 3.7.13 of the City of Portland Technical Manual, the blasting contractor shall be required to carry liability insurance (XCU) coverage in an amount no less than \$4,000,000.00.

13. In addition to the requirements outlined in Paragraphs 9-11 above, RIDGE DEVELOPMENT expressly agrees that, with respect to its development of the Property, it will comply with all other provisions relating to the regulation of blasting and explosives contained in Chapter 14 of the Portland City Code and the City of Portland Technical Manual.

149. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by ~~GRAVES HILL RIDGE DEVELOPMENT~~ or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which ~~GRAVES HILL RIDGE DEVELOPMENT and/or Diane Doyle~~ holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, ~~GRAVES HILL RIDGE DEVELOPMENT~~ or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

~~1015.~~ For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: ~~49~~ 48

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Maximum number of buildings containing residential dwelling units: ~~2~~ 2

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Maximum building height: ~~100-75~~ feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location on the site plan

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Parking: ~~Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II.~~ 204 spaces, half in Phase I and half in Phase II.

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Minimum recreation open space area: Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **GRAVES HILL- RIDGE DEVELOPMENT** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

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Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY's** zoning ordinance shall apply to the portion of the Property rezoned R-5A.

~~164.~~ For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL- RIDGE DEVELOPMENT** need not submit any parking needs projections.

~~17.~~ The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL- RIDGE DEVELOPMENT**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

~~18.~~ If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

1419. In the event ~~GRAVES HILL~~ RIDGE DEVELOPMENT or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of ~~GRAVES HILL'S~~ RIDGE DEVELOPMENT 'S breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that ~~GRAVES HILL~~ RIDGE DEVELOPMENT has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

1420. ~~GRAVES HILL~~ RIDGE DEVELOPMENT shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

1421. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS: ~~GRAVES HILL LAND COMPANY~~ RIDGE DEVELOPMENT, LLC

By: _____
~~Diane Doyle~~ Patrick Tinsman
 Its Manager

STATE OF MAINE
 CUMBERLAND, SS.

_____, 200_

Then personally appeared the above-named ~~Diane Doyle~~ Patrick Tinsman, Manager of ~~GRAVES HILL LAND COMPANY~~ RIDGE DEVELOPMENT, LLC as aforesaid, and acknowledged the foregoing instrument to be ~~her~~ his free act and deed in ~~her~~ his said capacity and the free act and deed of said limited liability company.

Before me,

 Notary Public/Attorney-at-Law

Printed name: _____

My Commission Expires: _____

Att. 3

Order 67 – 04/05

Given first reading 9/20/04

Postponed on 10/4/04

Public Hearing and Passage 10/18/04 7-1 (Smith abstaining, O'Donnell opposed)

NATHAN H. SMITH (MAYOR)(3)

WILLIAM R. GORHAM (1)

KAREN A. GERAGHTY (2)

CHERYL A. LEEMAN (4)

JAMES I. COHEN (5)

CITY OF PORTLAND
IN THE CITY COUNCIL

PETER E. O'DONNELL (A/L)

JAMES F. CLOUTIER(A/L)

JILL C. DUSON (A/L)

NICHOLAS M. MAVODONES (A/L)

ORDER AUTHORIZING AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR 802-828 OCEAN AVENUE

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below;

BE IT FURTHER ORDERED, that the conditional rezoning amendment authorized herein shall become effective thirty (30) days following this rezoning.

CONDITIONAL ZONE AGREEMENT
GRAVES HILL LAND COMPANY, LLC

This Agreement made this _____ day of _____, 2004 by **GRAVES HILL LAND COMPANY, LLC**, a Maine limited liability company with an office in Saco, Maine (hereinafter "**GRAVES HILL** ").

WITNESSETH:

WHEREAS, GRAVES HILL owns a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

WHEREAS, GRAVES HILL proposes to construct upon a portion of the Property a maximum of 98 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate

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with a larger trail system; and

WHEREAS, GRAVES HILL has requested the rezoning of 10.167 acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of 8.155 acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to be blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

it is necessary and appropriate to impose with **GRAVES HILL's** agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on _____, 200_, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1; and

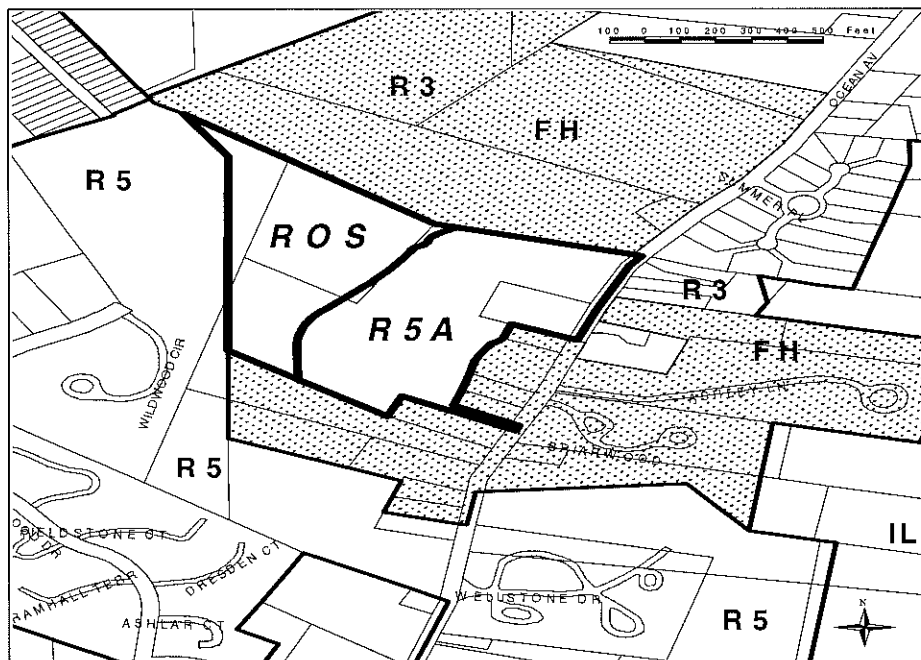
WHEREAS, GRAVES HILL has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **GRAVES HILL**, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, **GRAVES HILL** contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Counsel's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert

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to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS**

July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. **GRAVES HILL** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. Up to 98 residential units located in two buildings, each building containing up to 49 units, which may be sold as condominium units, resulting in a maximum total of ninety-eight (98) residential units within the Property; and
- b. a community room in each building available for use by the residents of the PRUD; and
- c. a small office in each building to be used by employees of the condominium owners' association, only for on-site property management and concierge services for 802 Ocean Avenue, if determined necessary by the condominium owners' association; and
- d. a fitness and special events room in each building available for use by the residents of the PRUD; and
- e. a cross country ski center/locker room in each building available for use by the

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residents of the PRUD; and

- f. parking in an amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces; and
- g. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty-nine (49) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty-nine (49) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. **GRAVES HILL** is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **GRAVES HILL** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The

easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **GRAVES HILL**, its successors and assigns, Graves Hill Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, **GRAVES HILL** may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as **GRAVES HILL** has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, **GRAVES HILL** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Richardson and Associates (last revised August 16, 2004) and the Proposed Building Design site sections, building sections and floor plans submitted by Scott Simons Architects (last revised July 8, 2004) and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The Graves Hill entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **GRAVES HILL**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this

Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **GRAVES HILL** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **GRAVES HILL** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

GRAVES HILL shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by **GRAVES HILL** or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while **GRAVES HILL** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **GRAVES HILL** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **GRAVES HILL** and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, **GRAVES HILL** or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: 49

**Maximum number of buildings containing
residential dwelling units:** 2

Maximum building height: 100 feet, as measured per zoning ordinance,
and in accordance with the plans attached hereto and in accordance with the location on the site

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plan

Parking: Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II

Minimum recreation open space area: Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property,

generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **GRAVES HILL** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY's** zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

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14. In the event **GRAVES HILL** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **GRAVES HILL'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **GRAVES HILL** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **GRAVES HILL** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

GRAVES HILL LAND COMPANY, LLC

By: _____
Diane Doyle
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

_____, 200_

Then personally appeared the above-named Diane Doyle, Manager of **GRAVES HILL LAND COMPANY, LLC** as aforesaid, and acknowledged the foregoing instrument to be her

free act and deed in her said capacity and the free act and deed of said limited liability company.

Before me,

o:/Penny/Contract/Rezoning/Graves Hill to Council 9.15.04

Notary Public/Attorney-at-Law

Printed name: _____

My Commission Expires: _____

CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

EDWIN P. CHESTER
BARBARA A. VESTAL
STEVEN M. CAREY

107 Congress Street
Portland, Maine 04101
Telephone (207) 772-7426
Fax (207) 761-5822
E-mail: nchester@maine.rr.com
vestal@maine.rr.com
smcarey@maine.rr.com

NOV 12 2004

November 12, 2004

HAND DELIVERED

Penny Littel, Esq.
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Conditional Zone Agreement, Graves Hill Land Company, LLC

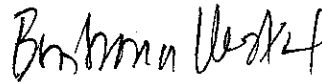
Dear Penny:

Enclosed is a copy of the Conditional Zone Agreement which was executed by Graves Hill Land Company, LLC on November 8, 2004, together with the Council Order (Attachment 1) and reduced, black/white copies of Exhibits 1-4 which were attached to the Agreement when it was submitted to the City Council for public hearing on October 18, 2004. The original Conditional Zone Agreement (including Attachment and Exhibits) was recorded on November 10, 2004 at 2:02 p.m. in Cumberland County Registry of Deeds Book 21999, Page 113.

As agreed, also enclosed for your records are the full size, 11" x 17" and/or color pages which were submitted to the Council as Exhibits 1-4.

Please contact me if anything further is required at this time. Thank you for your assistance throughout this phase of the process.

Very truly yours,



Barbara A. Vestal

BAV/om
Enclosures
dc: Diane Doyle, Graves Hill Land Company, LLC

Official Receipt for Recording in:

Cumberland County Registry Of Deeds
142 Federal Street
PORTLAND, MAINE 04101

Issued To:
CHESTER & VESTAL
107 CONGRESS STREET
PORTLAND ME 04101-

Recording Fees

Document Description	Number	Volm	Page	Recording Amount
MORTGAGE	88949	21999	113	\$61.00
1-GRAVES HILL LAND CO LLC				
02:02:30p				
				\$61.00

Collected Amounts

Payment Type	Check Number	Amount
CHECK	144	\$61.00
		\$61.00

Total Received :	\$61.00
Less Total Recordings:	\$61.00
Change Due :	\$0.00

Thank You
JOHN B OBRIEN - Register of Deeds
By - Monica Bouchie

Receipt# Date Time
0185173 11/10/2004 02:02p

**CONDITIONAL ZONE AGREEMENT
GRAVES HILL LAND COMPANY, LLC**

This Agreement made this 8th day of November, 2004 by **GRAVES HILL LAND COMPANY, LLC**, a Maine limited liability company with an office in Saco, Maine (hereinafter "**GRAVES HILL**").

WITNESSETH:

WHEREAS, GRAVES HILL owns a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

WHEREAS, GRAVES HILL proposes to construct upon a portion of the Property a maximum of 98 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

WHEREAS, GRAVES HILL has requested the rezoning of 10.167 acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of 8.155 acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

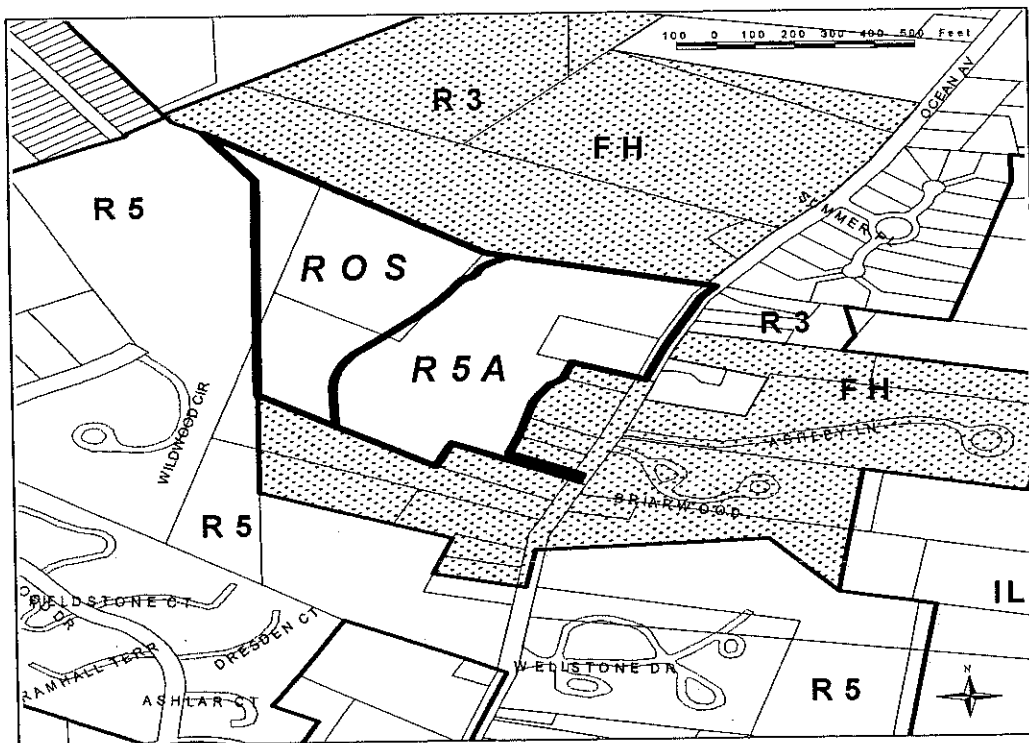
it is necessary and appropriate to impose with **GRAVES HILL**'s agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on October 18, 2004, by City Council Order No.67 – 04/05, a true copy of which is attached hereto as Attachment 1; and

WHEREAS, **GRAVES HILL** has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **GRAVES HILL**, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, **GRAVES HILL** contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Counsel's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R-3 and Flexible Housing Overlay to R-5A and R-OS**

July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. **GRAVES HILL** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. Up to 98 residential units located in two buildings, each building containing up to 49 units, which may be sold as condominium units, resulting in a maximum total of ninety-eight (98) residential units within the Property; and
- b. a community room in each building available for use by the residents of the PRUD; and
- c. a small office in each building to be used by employees of the condominium owners' association, only for on-site property management and concierge services for 802 Ocean Avenue, if determined necessary by the condominium owners' association; and
- d. a fitness and special events room in each building available for use by the residents of the PRUD; and
- e. a cross country ski center/locker room in each building available for use by the residents of the PRUD; and
- f. parking in an amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces; and
- g. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty-nine (49) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty-nine (49) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by

blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. **GRAVES HILL** is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **GRAVES HILL** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **GRAVES HILL**, its successors and assigns, Graves Hill Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, **GRAVES HILL** may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as **GRAVES HILL** has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site

have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, **GRAVES HILL** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Richardson and Associates (last revised August 16, 2004) and the Proposed Building Design site sections, building sections and floor plans submitted by Scott Simons Architects (last revised July 8, 2004) and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The Graves Hill entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **GRAVES HILL**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **GRAVES HILL** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **GRAVES HILL** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

GRAVES HILL shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by **GRAVES HILL** or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while **GRAVES HILL** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **GRAVES HILL** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **GRAVES HILL** and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual

condominium units. Similarly, **GRAVES HILL** or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: 49

Maximum number of buildings containing residential dwelling units: 2

Maximum building height: 100 feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location of the site plan

Parking: Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II

Minimum recreation open space area: Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. An public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **GRAVES HILL** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY's** zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any por-

tion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

14. In the event **GRAVES HILL** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **GRAVES HILL'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **GRAVES HILL** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **GRAVES HILL** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

Brianne V. Vorkel

GRAVES HILL LAND COMPANY, LLC

By: [Signature]
Diane Doyle
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

November 8, 2004

Then personally appeared the above-named Diane Doyle, Manager of GRAVES HILL LAND COMPANY, LLC as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said limited liability company.

Before me,

Barbara A. Vezina

~~Notary Public~~/Attorney-at-Law

Printed name: Barbara A. Vezina

My Commission Expires: _____

ATTACHMENT 1

Order 67 – 04/05

Given first reading 9/20/04

Postponed on 10/4/04

Public Hearing and Passage 10/18/04 7-1 (Smith abstaining, O'Donnell opposed)

NATHAN H. SMITH (MAYOR)(3)

WILLIAM R. GORHAM (1)

KAREN A. GERAGHTY (2)

CHERYL A. LEEMAN (4)

JAMES I. COHEN (5)

CITY OF PORTLAND
IN THE CITY COUNCIL

PETER E. O'DONNELL (A/L)

JAMES F. CLOUTIER (A/L)

JILL C. DUSON (A/L)

NICHOLAS M. MAVODONES (A/L)

ORDER AUTHORIZING AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR 802-828 OCEAN AVENUE

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below;

BE IT FURTHER ORDERED, that the conditional rezoning amendment authorized herein shall become effective thirty (30) days following this rezoning.

CONDITIONAL ZONE AGREEMENT
GRAVES HILL LAND COMPANY, LLC

This Agreement made this _____ day of _____, 2004 by **GRAVES HILL LAND COMPANY, LLC**, a Maine limited liability company with an office in Saco, Maine (hereinafter "**GRAVES HILL** ").

WITNESSETH:

WHEREAS, GRAVES HILL owns a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

WHEREAS, GRAVES HILL proposes to construct upon a portion of the Property a maximum of 98 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

WHEREAS, GRAVES HILL has requested the rezoning of 10.167 acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of 8.155 acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to be blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

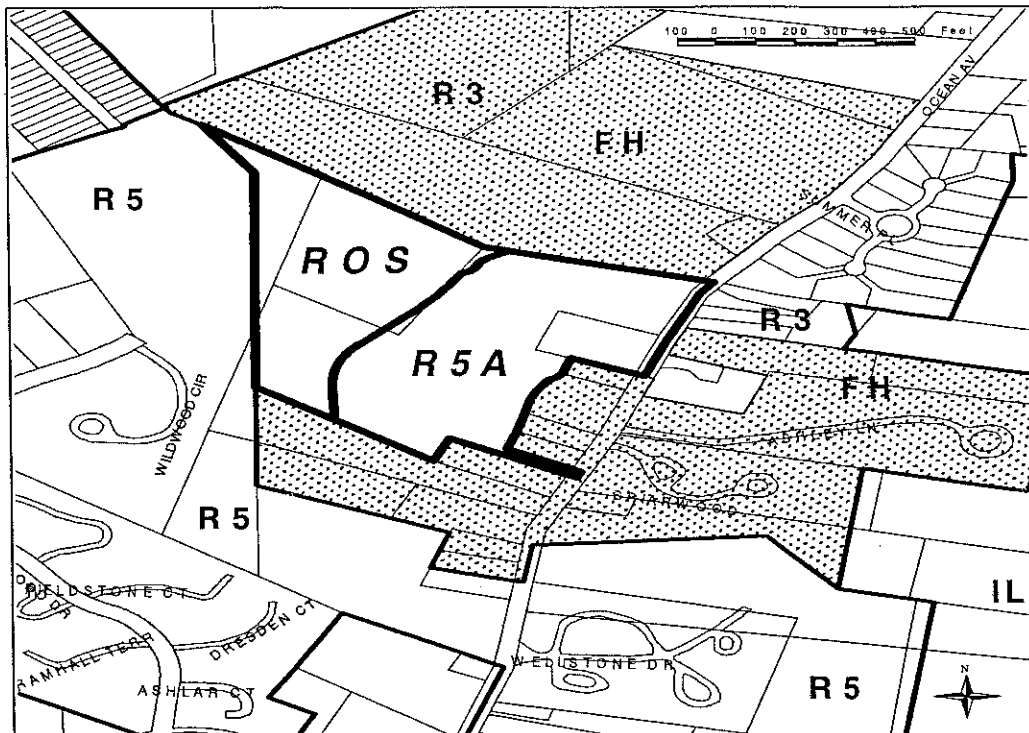
it is necessary and appropriate to impose with **GRAVES HILL's** agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on _____, 200__, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1; and

WHEREAS, GRAVES HILL has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **GRAVES HILL**, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, **GRAVES HILL** contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Counsel's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS**

July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. **GRAVES HILL** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. Up to 98 residential units located in two buildings, each building containing up to 49 units, which may be sold as condominium units, resulting in a maximum total of ninety-eight (98) residential units within the Property; and
- b. a community room in each building available for use by the residents of the PRUD; and
- c. a small office in each building to be used by employees of the condominium owners' association, only for on-site property management and concierge services for 802 Ocean Avenue, if determined necessary by the condominium owners' association; and
- d. a fitness and special events room in each building available for use by the residents of the PRUD; and
- e. a cross country ski center/locker room in each building available for use by the residents of the PRUD; and

- f. parking in an amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces; and
- g. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty-nine (49) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty-nine (49) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. **GRAVES HILL** is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **GRAVES HILL** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking

dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **GRAVES HILL**, its successors and assigns, Graves Hill Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, **GRAVES HILL** may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as **GRAVES HILL** has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, **GRAVES HILL** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Richardson and Associates (last revised August 16, 2004) and the Proposed Building Design site sections, building sections and floor plans submitted by Scott Simons Architects (last revised July 8, 2004) and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The Graves Hill entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **GRAVES HILL**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **GRAVES HILL** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **GRAVES HILL** shall instead contribute funds

equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

GRAVES HILL shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by **GRAVES HILL** or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while **GRAVES HILL** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **GRAVES HILL** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **GRAVES HILL** and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, **GRAVES HILL** or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: 49

Maximum number of buildings containing residential dwelling units: 2

Maximum building height: 100 feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location on the site plan

Parking: Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II

Minimum recreation open space area: Outdoor passive recreation in the form of

pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **GRAVES HILL** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY**'s zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

14. In the event **GRAVES HILL** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **GRAVES HILL'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **GRAVES HILL** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the

request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **GRAVES HILL** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

GRAVES HILL LAND COMPANY, LLC

By: _____
Diane Doyle
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

_____, 200_

Then personally appeared the above-named Diane Doyle, Manager of GRAVES HILL LAND COMPANY, LLC as aforesaid, and acknowledged the foregoing instrument to be her

free act and deed in her said capacity and the free act and deed of said limited liability company.

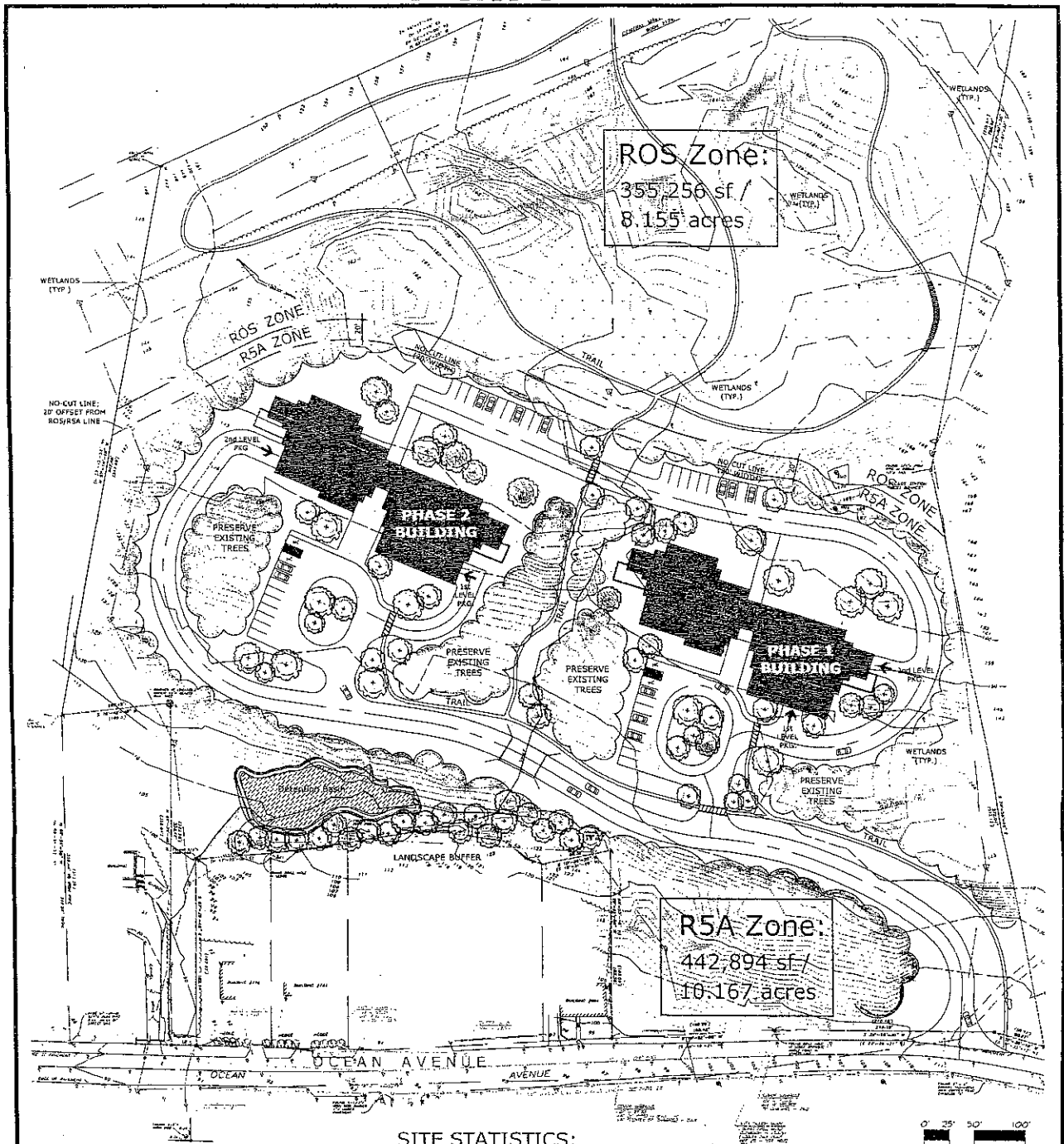
Before me,

Notary Public/Attorney-at-Law

Printed name: _____

My Commission Expires: _____

EXHIBIT 1



NOTES:

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2. UTILITY INFORMATION SHOWN IS APPROXIMATE ONLY.
3. PROPOSED ELEVATIONS AND PERCENT SLOPES INDICATED ON PLAN ARE TO PROVIDE GENERAL INFORMATION REGARDING
4. EXISTING AND PROPOSED CONDITIONS AND RELATIONSHIPS.
5. WETLANDS BOUNDARIES SHOWN ARE FOR PLANNING PURPOSES ONLY AND WILL REQUIRE FIELD VERIFICATION.

SITE STATISTICS:

Site Size: Gross area: 798,150 s.f. / 18.323 acres
 Zone ROS: 355,256 sf / 8.1555 acres
 Zone R5A: 442,894 sf / 10.167 acres
 Net Land Area: 434,622 s.f. / 9.978 acres
 Frontage: 445 L.F.
 Impervious Surface Ratio: 0.16

Number of Units:
 Phase 1: 49
 Phase 2: 49
 Gross Density: 5.3 Units/Acre
 Net Density: 9.8 Units/Acre

Roadway Ownership: Private
 Linear Feet of Roadway: 2,656 L.F.
 Roadway Width: 24 feet

Total Number of Parking Spaces: 224 spaces
 Phase 1: 112 spaces
 Phase 2: 112 spaces

Parking Spaces within Parking Structure:
 Phase 1: 90 spaces
 Phase 2: 20 spaces

Surface Parking Spaces:
 Phase 1: 22 spaces
 Phase 2: 22 spaces

Projected Wetlands Disturbance: 2,230 s.f.
 Projected Site Disturbance: 3.4 Acres

Trail:
 Zone ROS: 2,855 lf
 Zone R5A: 1,170 lf
 Total Trail: 4,025 lf

Preliminary Site Plan: Zone Identification

GRAVES HILL

Portland, Maine

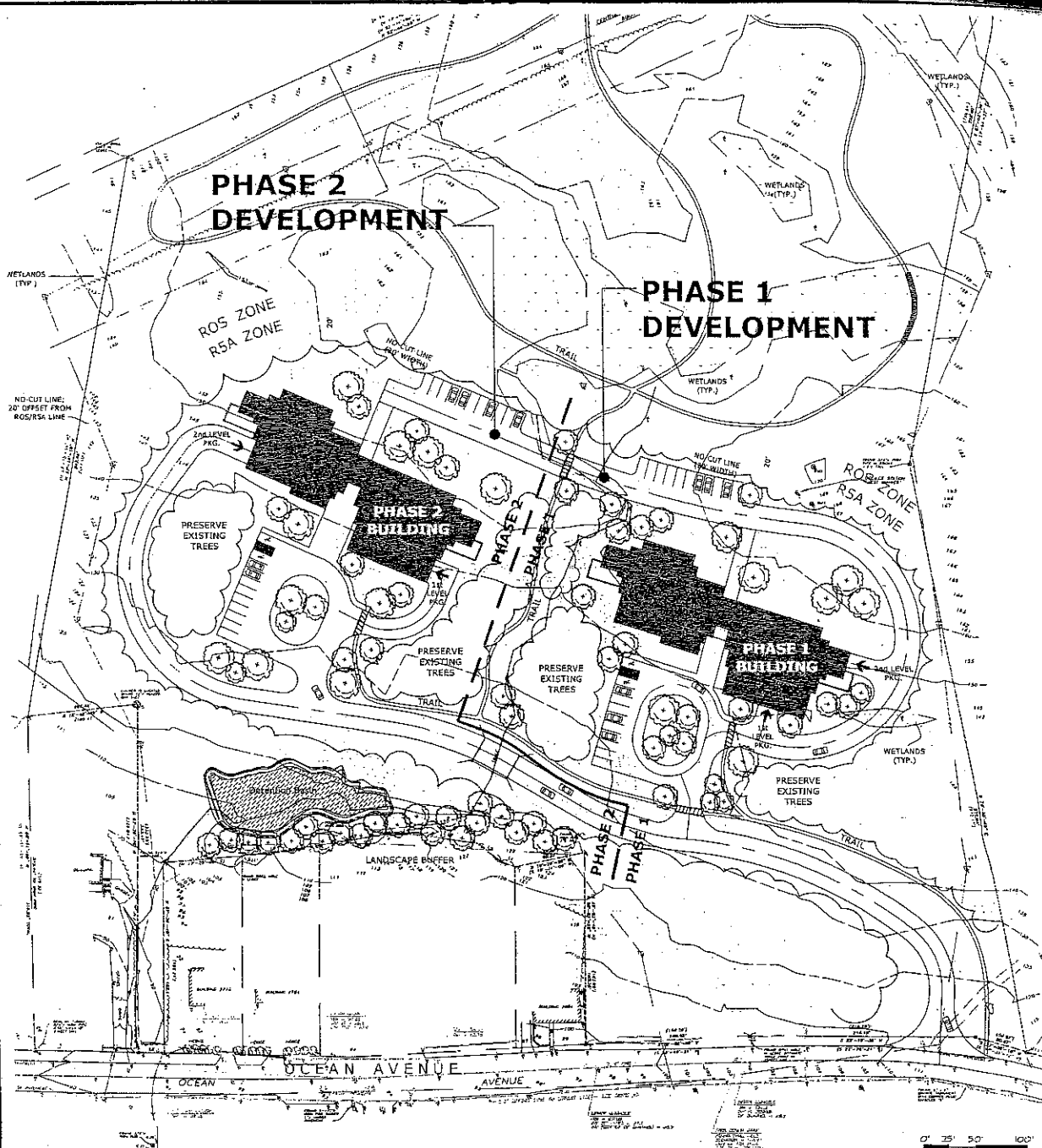
Developer: GRAVES HILL LAND COMPANY
 150 Main Street
 Scarborough, Maine
 tel: 207.286.1191

Architect: Scott Simons Architects
 75 York Street
 Portland, Maine 04101
 tel: 207.772.4656

Landscape Architect: Richardson & Associates
 Landscape Architects
 PO Box 426
 176 Main Street
 Scarborough, Maine 04072
 tel: 207.286.9291

Civil Engineer: BH2M
 Consulting Engineers
 28 State Street
 Gorham, Maine
 tel: 207.870.7371

MARCH 25, 2004
 REVISED MAY 14, 2004
 REVISED JUNE 1, 2004
 REVISED JUNE 14, 2004
 REVISED JULY 8, 2004
 REVISED AUGUST 18, 2004



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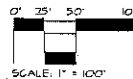
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 Phase 2: 90 spaces

Surface Parking Spaces:
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 Phase 2: 22 spaces

Projected Wetlands Disturbance: 2,730 s.f.
 Projected Site Disturbance: 3,645 Acres

Trail:
 Zone ROS: 2,855 L.F.
 Zone RSA: 1,170 L.F.
 Total Trail: 4,025 L.F.



Preliminary Site Plan: Phasing Identification

GRAVES HILL

Portland, Maine

Developer: GRAVES HILL LAND COMPANY
 110 Main Street
 Saco, Maine
 tel 207.286.1151

Architect: Scott Simons Architects
 75 York Street
 Portland, Maine 04101
 tel 207.722.4656

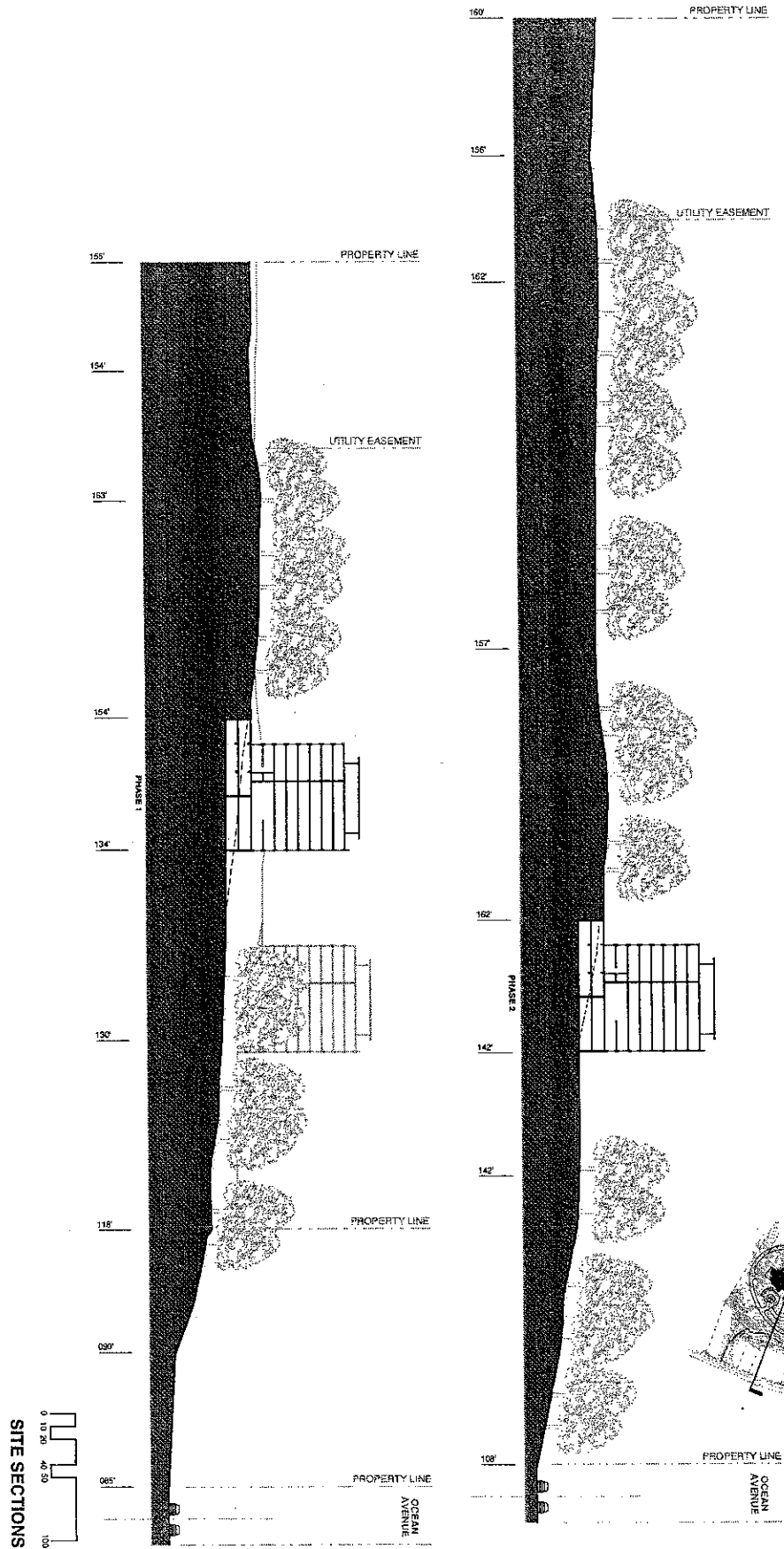
Landscape Architect: Richardson & Associates
 Landscape Architects
 PO Box 426
 176 Main Street
 Saco, Maine 04072
 tel 207.286.9291

Civil Engineer: BHZM
 Consulting Engineers
 28 State Street
 Gorham, Maine
 tel 207.639.2771

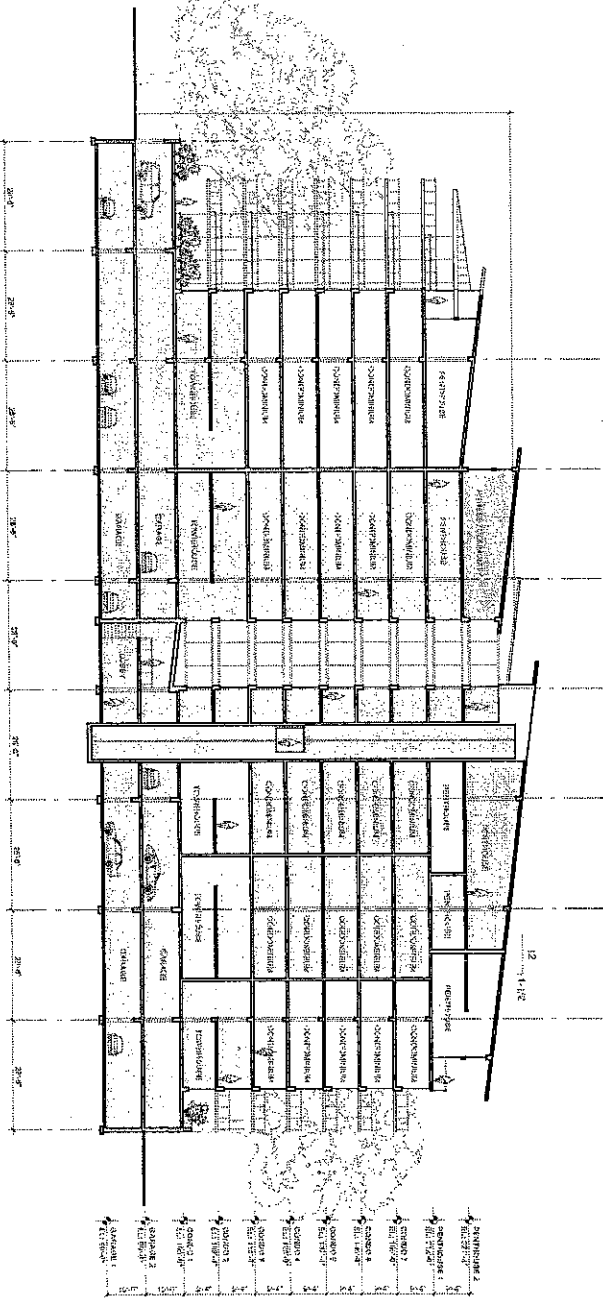
MARCH 25, 2004
 REVISED MAY 14, 2004
 REVISED JUNE 1, 2004
 REVISED JUNE 14, 2004
 REVISED JULY 6, 2004
 REVISED AUGUST 16, 2004

EXHIBIT 3

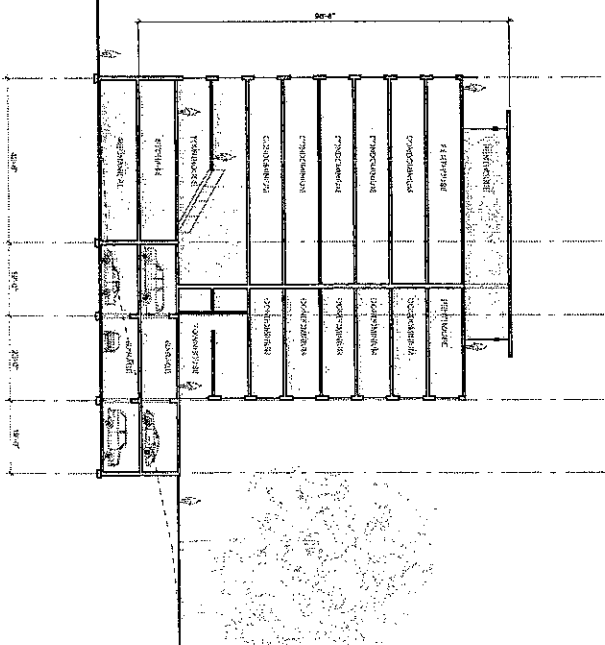
GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



S-N BUILDING SECTION



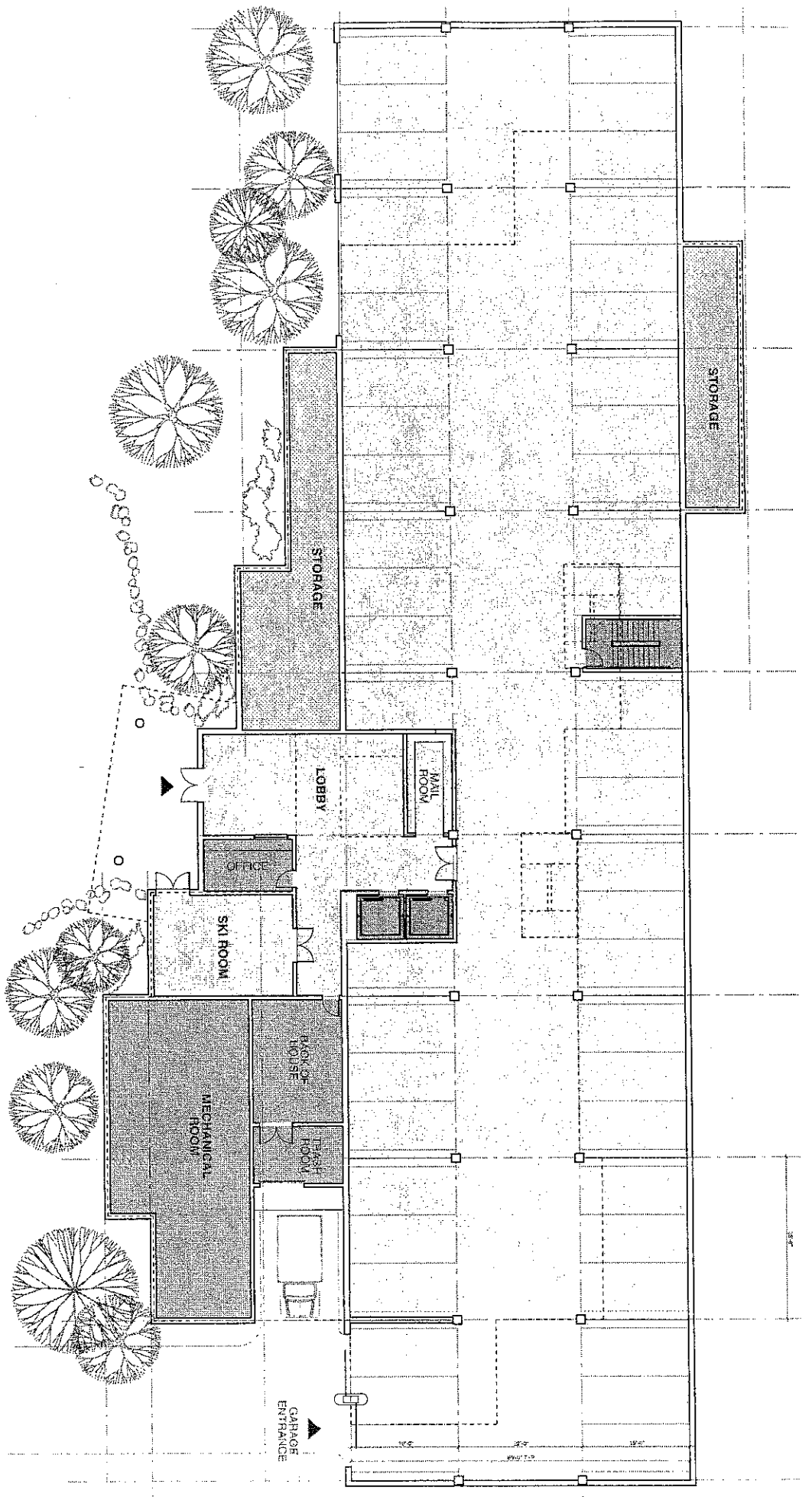
E-W BUILDING SECTION



BUILDING SECTIONS

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME

GRAVES HILL
 OCEAN AVENUE
 PORTLAND, ME



FLOOR 01: LOBBY & GARAGE

SS
 Scott Simon Architects

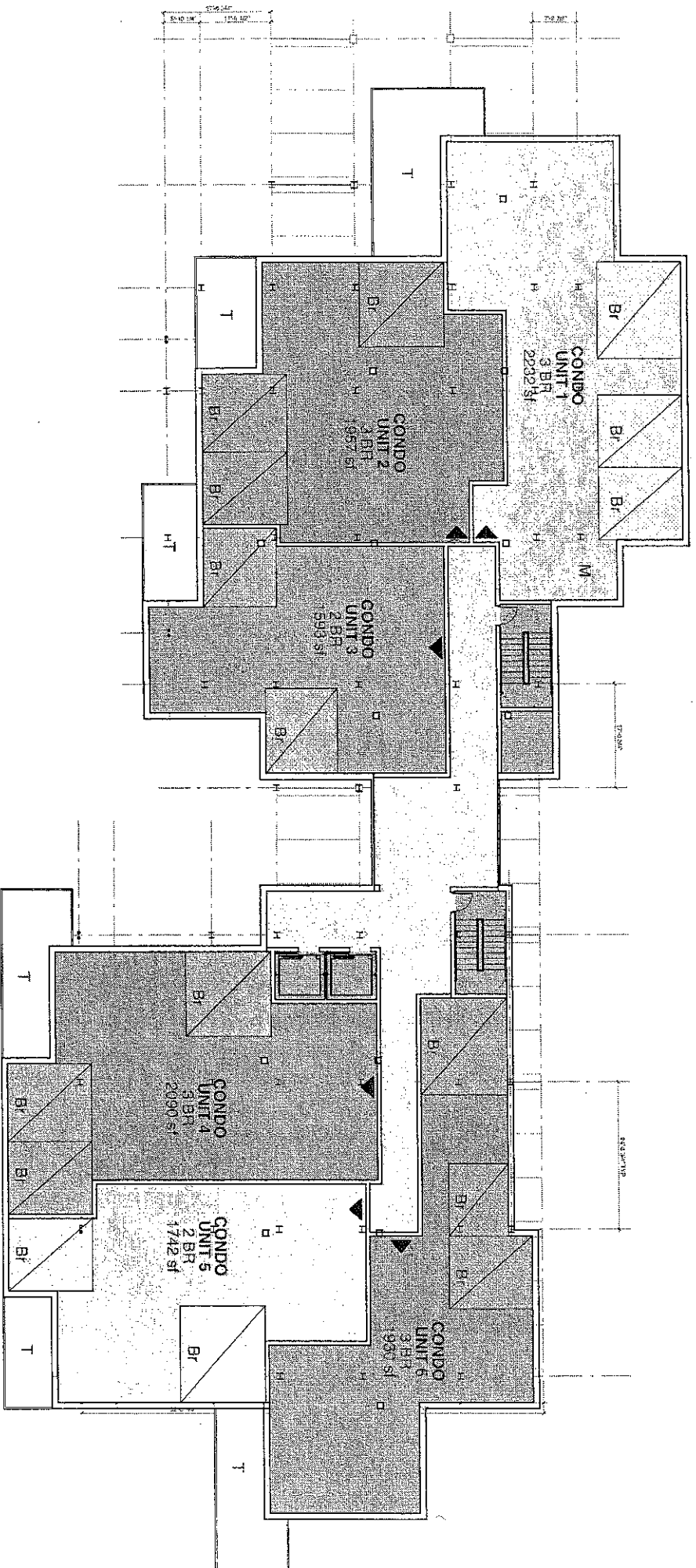
Scott Simons Architects

This architectural floor plan depicts a building layout with several distinct rooms and storage areas. The plan is oriented horizontally, with a dashed line indicating a section cut on the left side. The rooms are labeled as follows:

- STORAGE:** There are four storage areas, each shaded with a stippled pattern. One is a large rectangular room on the far left. Another is a smaller rectangular room in the center. A third is a long, narrow room on the right side. The fourth is a small rectangular room at the bottom right.
- COMMUNITY ROOM:** A rectangular room located in the center-left area, adjacent to the large storage room on the left.
- LOBBY:** A small rectangular area situated between the community room and the central storage room.
- Staircases:** Two sets of stairs are shown. One is located in the central storage room, and the other is in the small storage room at the bottom right.
- Entrances/Exits:** Several door symbols are distributed throughout the plan, indicating points of entry and exit.
- Section Cut:** A dashed line on the left side of the plan, accompanied by the text "SECTION CUT", indicates where the building's cross-section was taken.

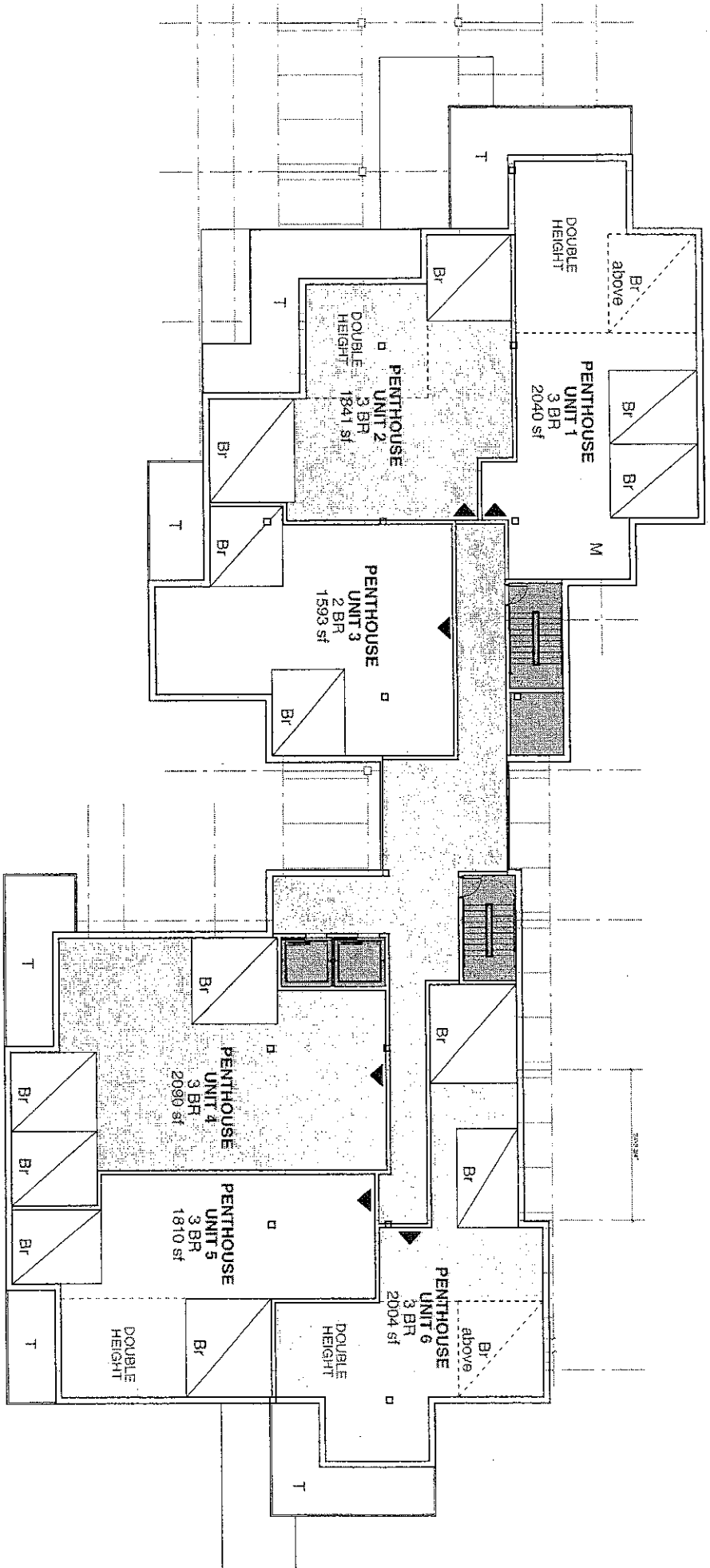
The plan uses standard architectural conventions, including solid lines for walls, dashed lines for section cuts, and stippled shading for storage areas. The overall layout suggests a functional building with dedicated spaces for storage, community activities, and circulation.

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



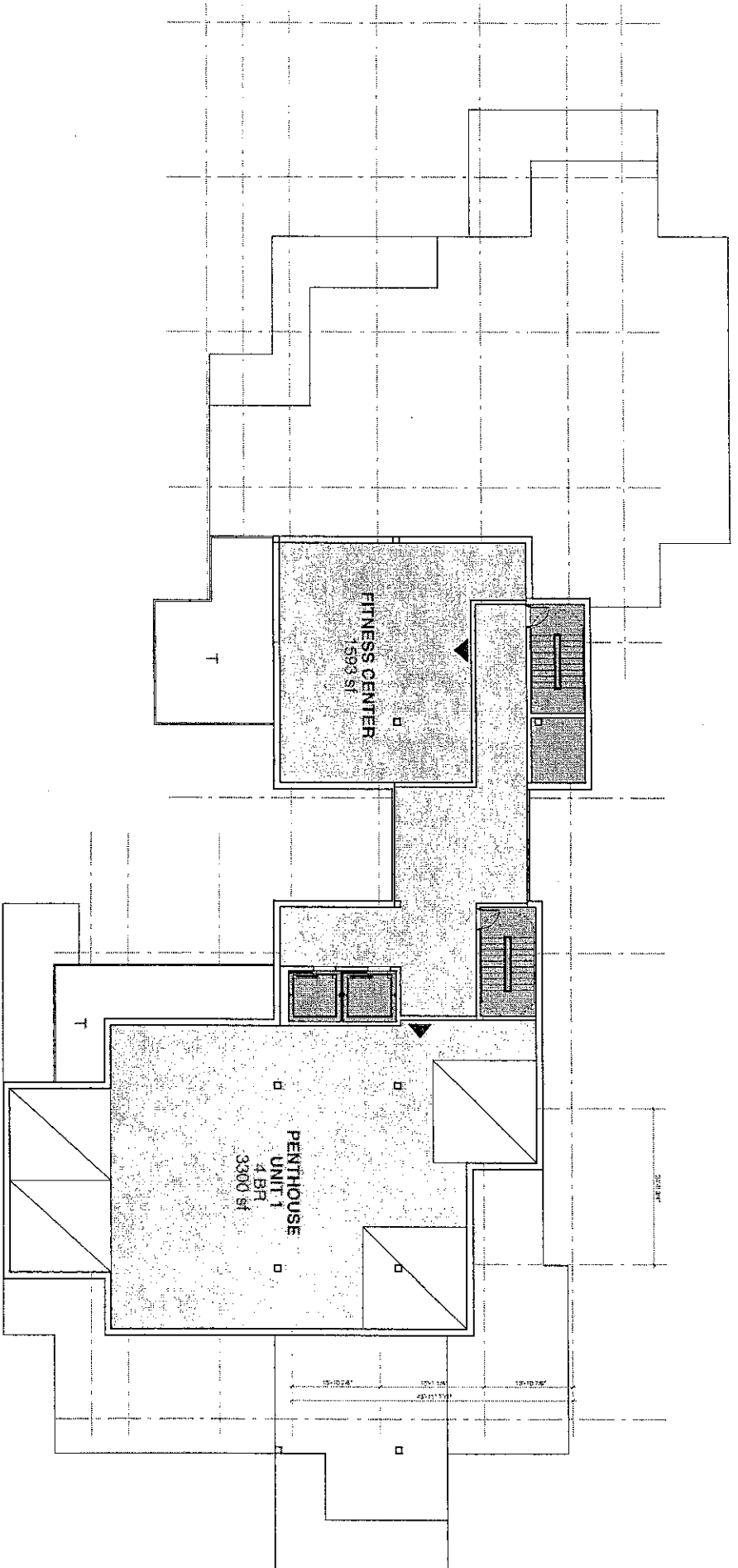
FLOOR 03-09: TYPICAL CONDOMINIUM
 14,510 SF TOTAL

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



FLOOR 10: PENTHOUSE
 13,405 SF TOTAL

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



FLOOR 11: PENTHOUSE
6,893 SF TOTAL

EXHIBIT 4



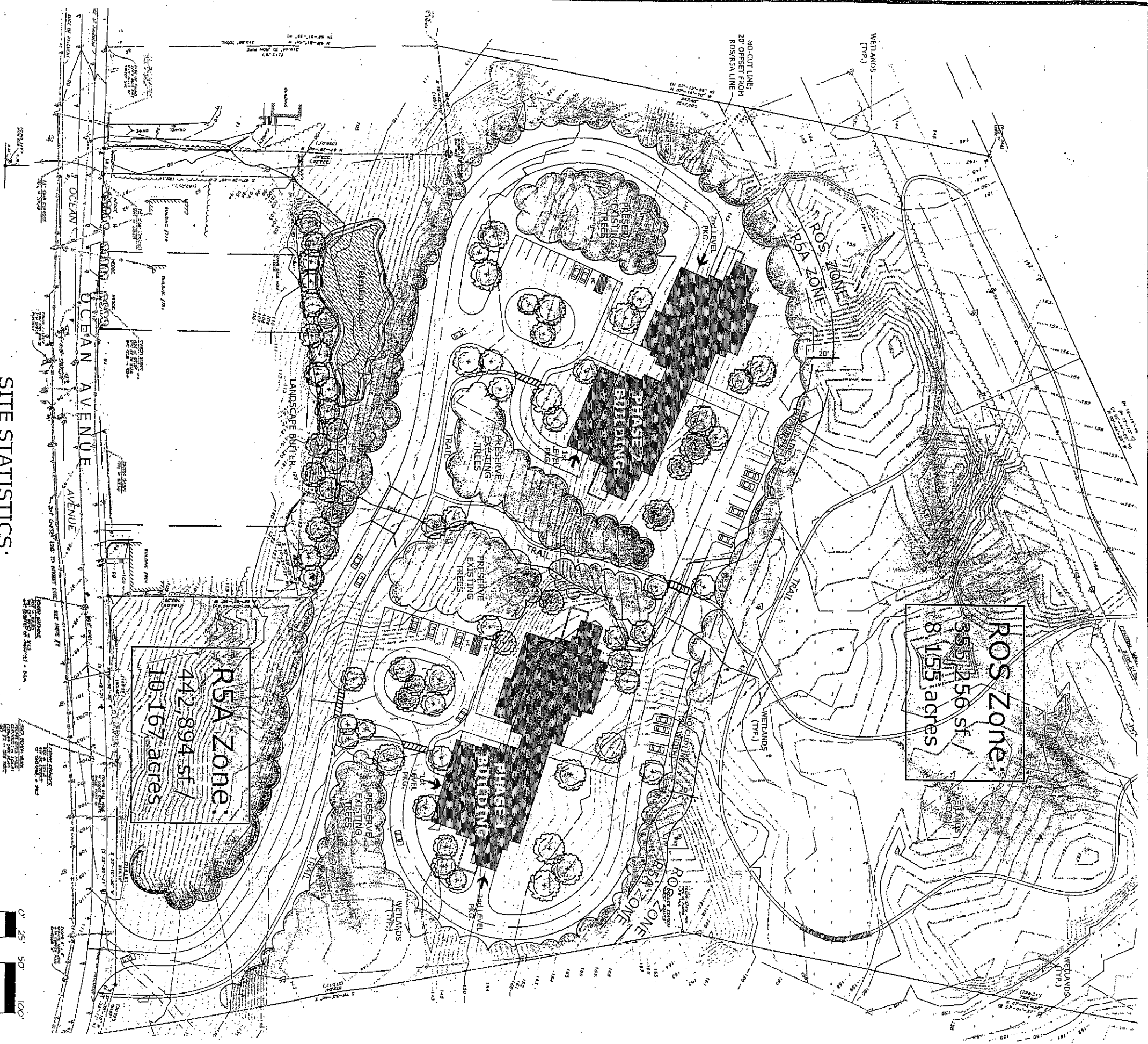
Submitted to
PORTLAND PLANNING BOARD
AUGUST 17, 2004

GRAVES HILL LAND COMPANY, LLC
Diane Doyle 207.286.1151

SCOTT SIMONS ARCHITECTS
Scott Simons 207.772.4656

RICHARDSON & ASSOCIATES
Todd Richardson 207.286.9291

BH2M
Les Berry 207.839.2771



ROS Zone:
355,256 sf /
8.155 acres

RSA Zone:
442,894 sf /
10.167 acres

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Projected Site Disturbance: 3.4 Acres

Trail:
Zone ROS: 2,855 lf
Zone RSA: 1,170 lf
Total Trail: 4,025 lf

Preliminary Site Plan: Zone Identification

GRAVES HILL

Portland, Maine

MARCH 25, 2004
REVISED MAY 14, 2004
REVISED JUNE 1, 2004
REVISED JUNE 4, 2004
REVISED JUNE 8, 2004
REVISED AUGUST 16, 2004

Developer: GRAVES HILL LAND COMPANY

Architect: Scott Simons Architects

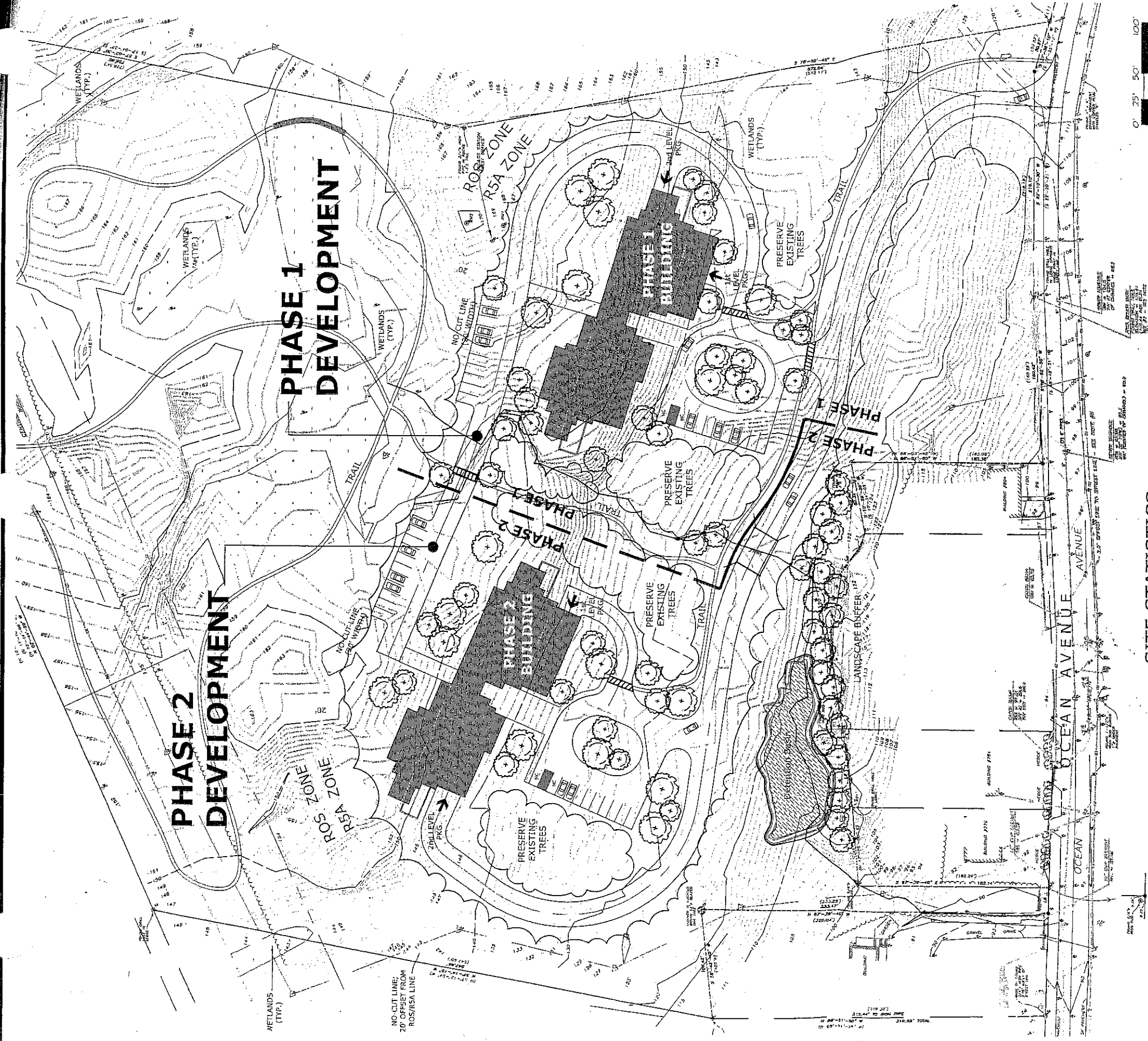
Landscape Architect: Richardson & Associates

Civil Engineer: BH2M

Consulting Engineers
28 State Street
Portland, Maine 04101
tel 207.339.2771

PHASE 2 DEVELOPMENT

PHASE 1 DEVELOPMENT



SITE STATISTICS:

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Preliminary Site Plan: Phasing Identification

GRAVES HILL

Portland, Maine

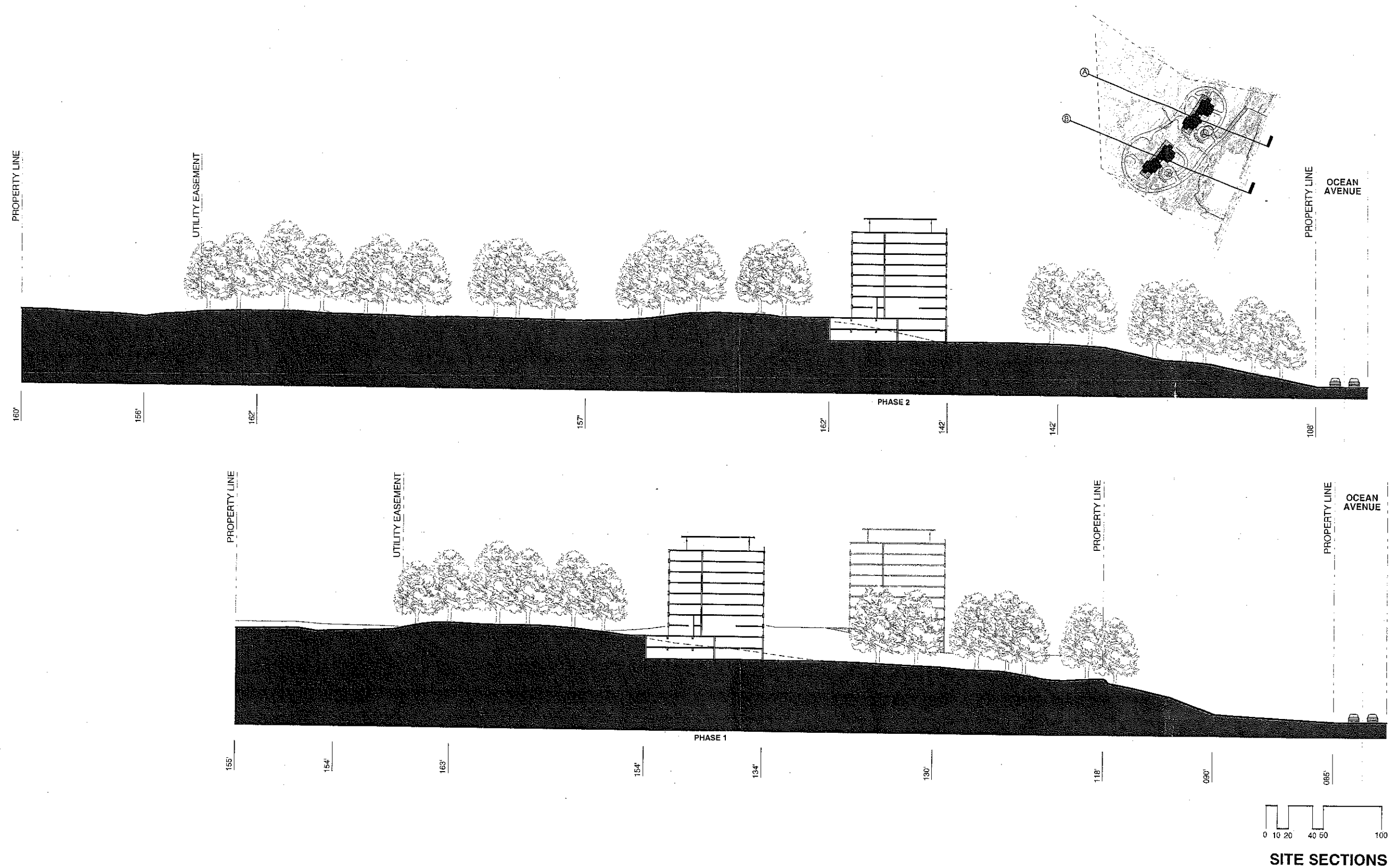
Developer: GRAVES HILL LAND COMPANY
 110 Main Street
 Saco, Maine
 tel 207.286.1151

Architect: Scott Simons Architects
 75 York Street
 Portland, Maine 04101
 tel 207.772.4656

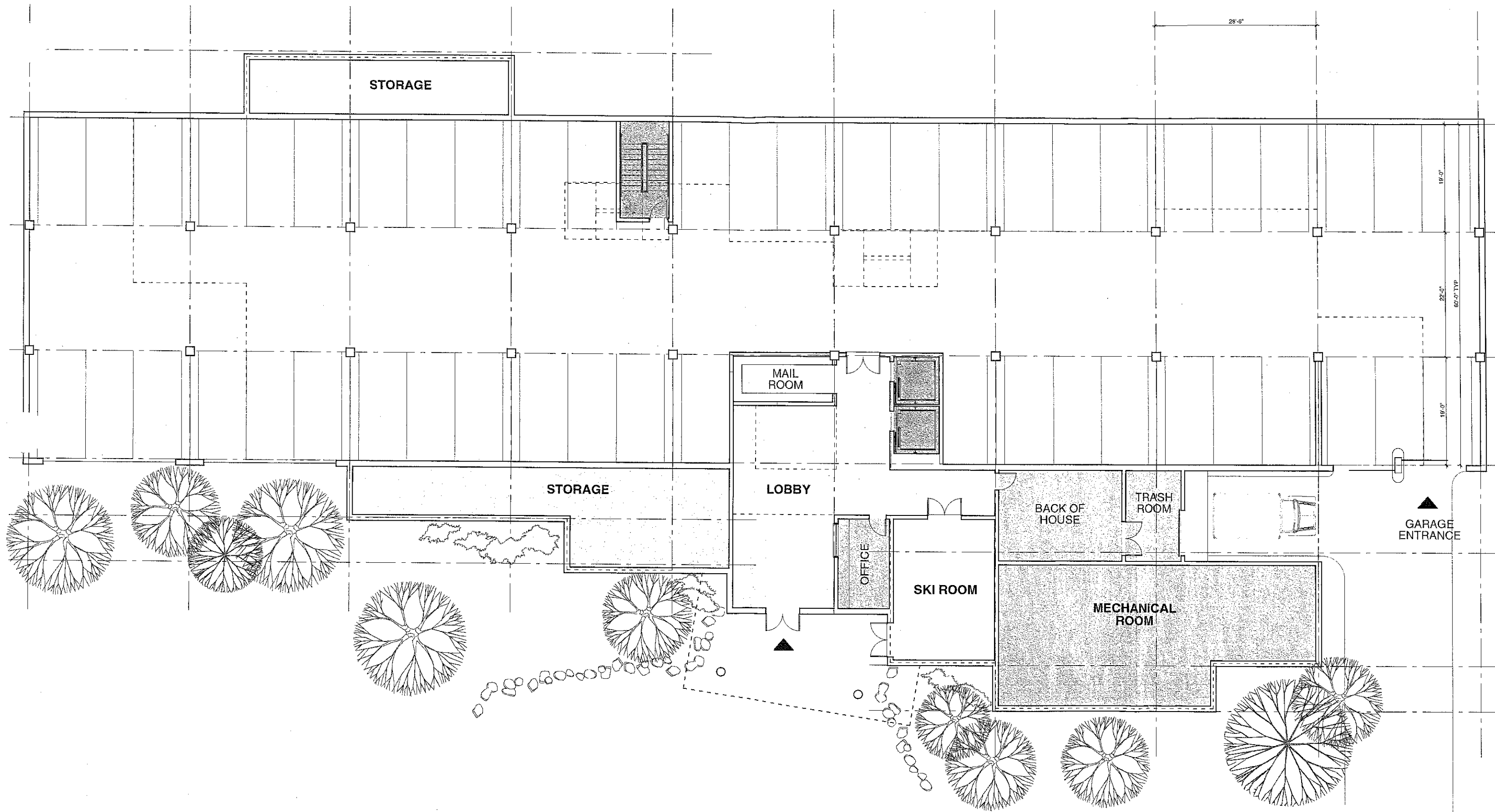
Landscape Architect: Richardson & Associates
 Landscape Architects
 PO Box 426
 176 Main Street
 Saco, Maine 04072
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Civil Engineer: BHZM
 Consulting Engineers
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 Gorham, Maine
 tel 207.859.2771

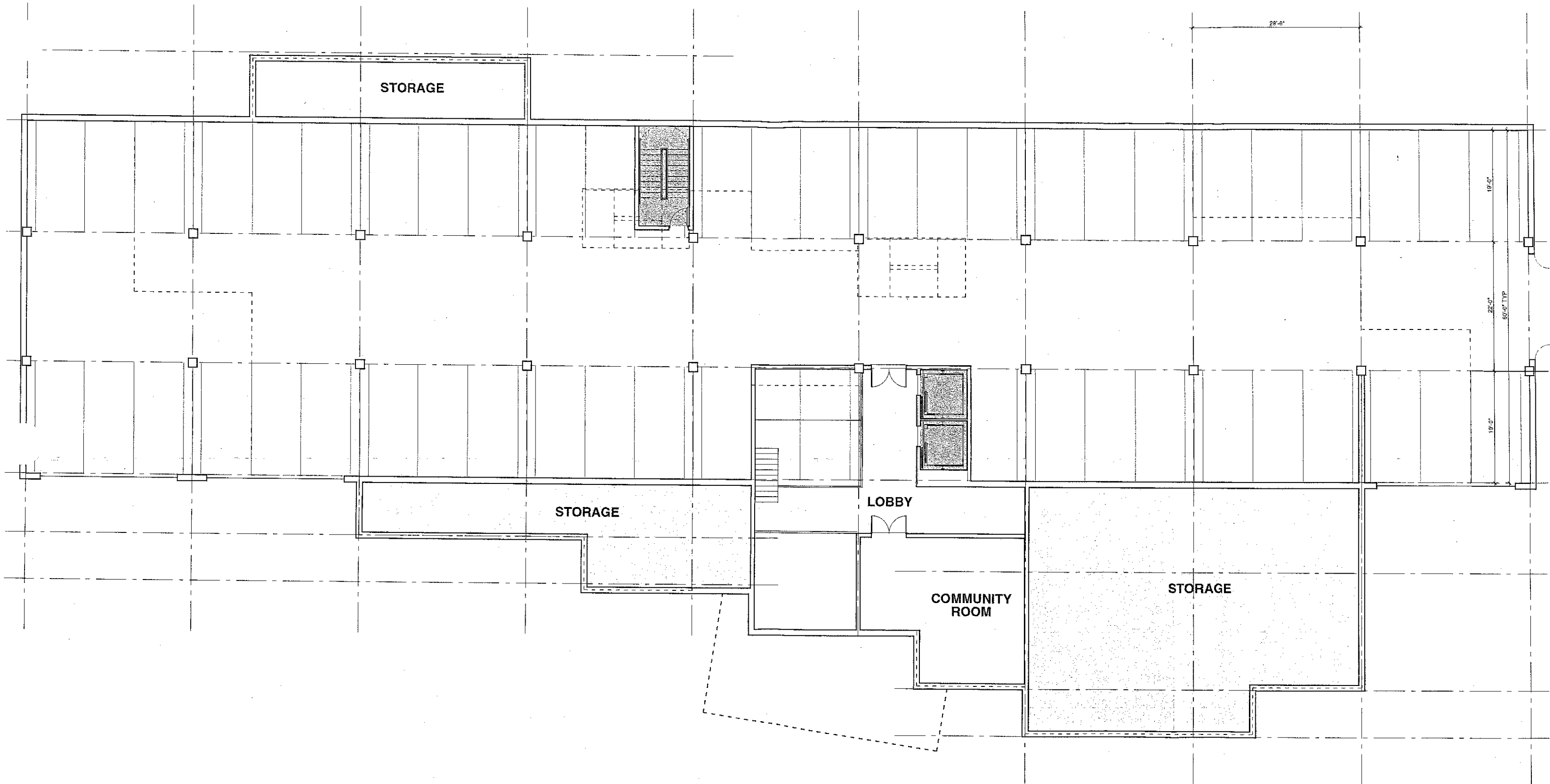
MARCH 23, 2004
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 REVISED AUGUST 16, 2004



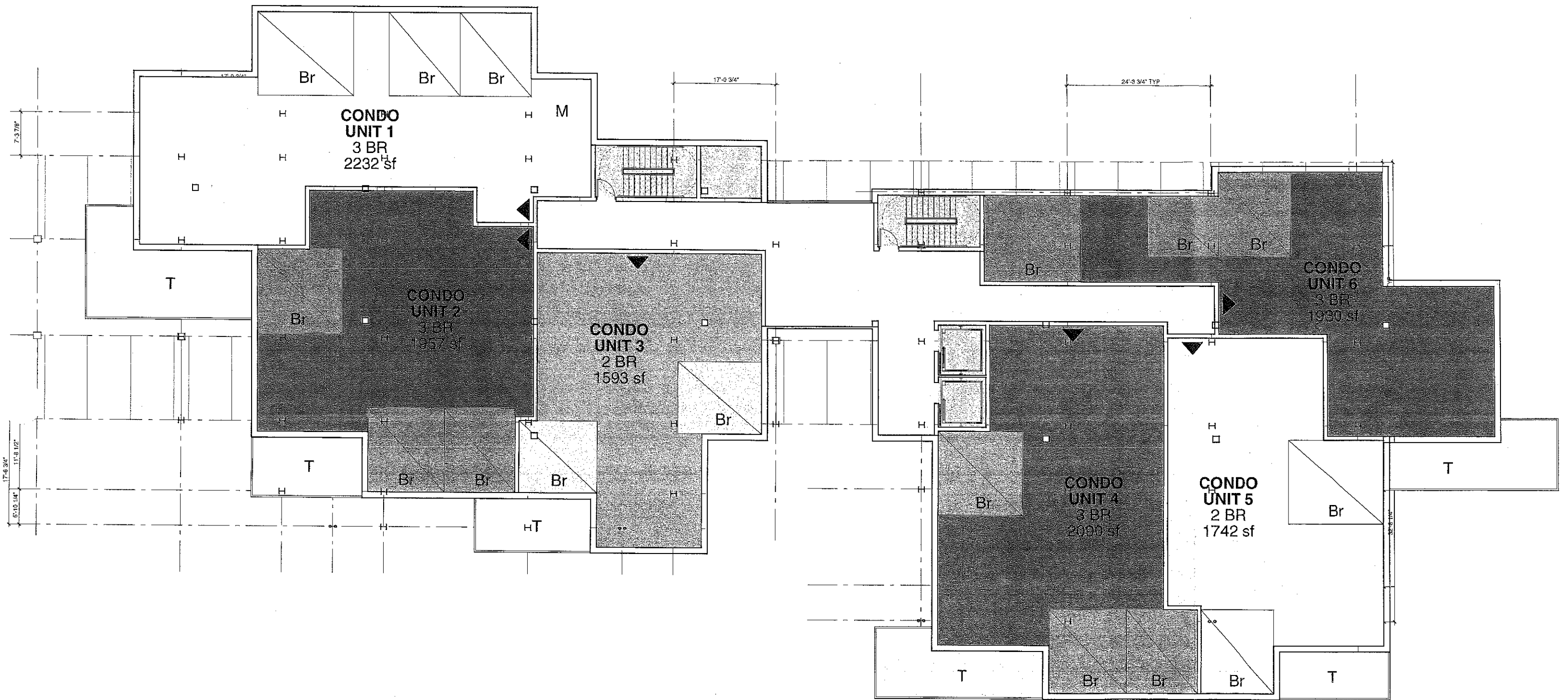
GRAVES HILL
 OCEAN AVENUE
 PORTLAND, ME



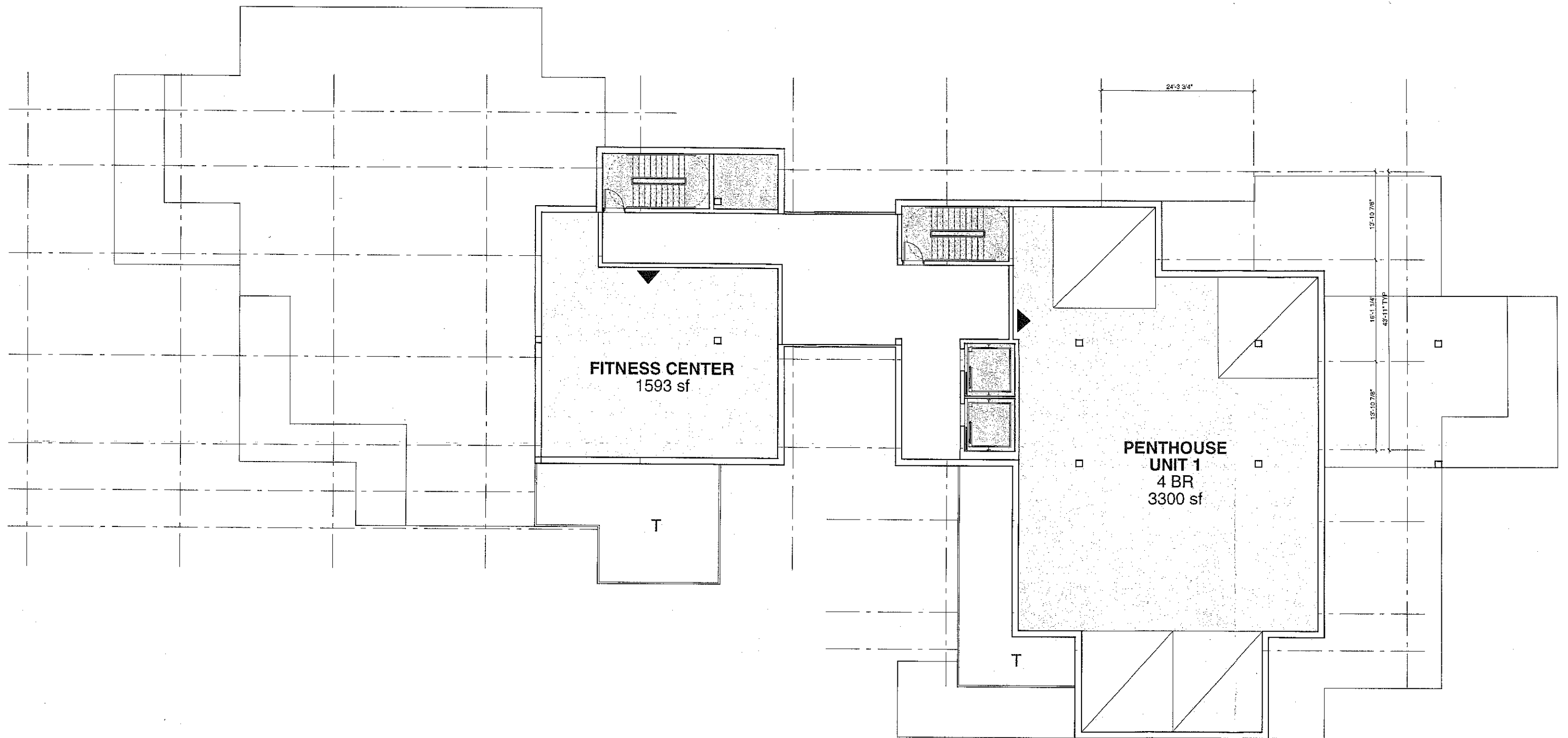
GRAVES HILL
 OCEAN AVENUE
 PORTLAND, ME



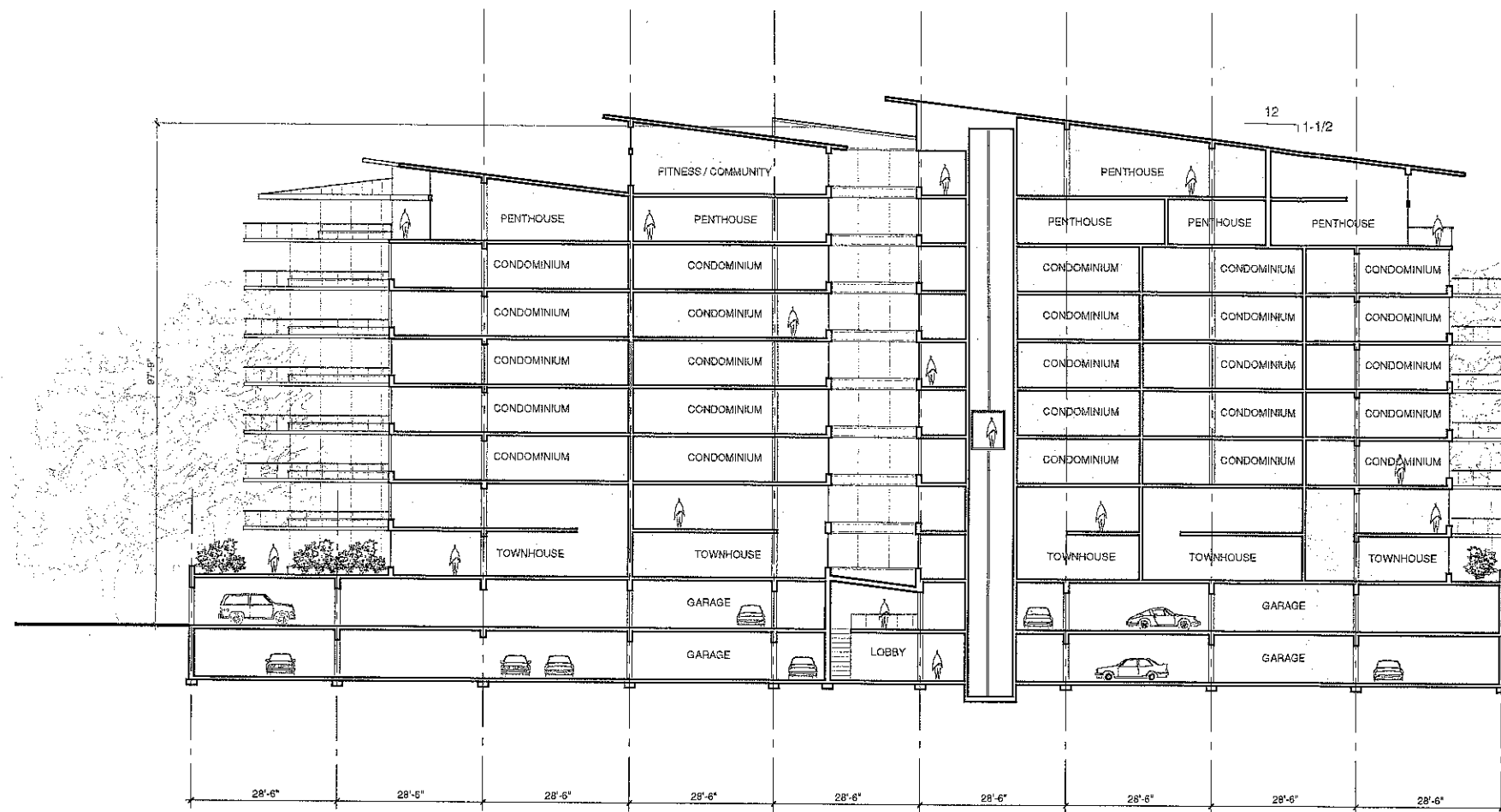
FLOOR 02: COMMUNITY ROOM & GARAGE



FLOOR 03-09: TYPICAL CONDOMINIUM
14,510 SF TOTAL

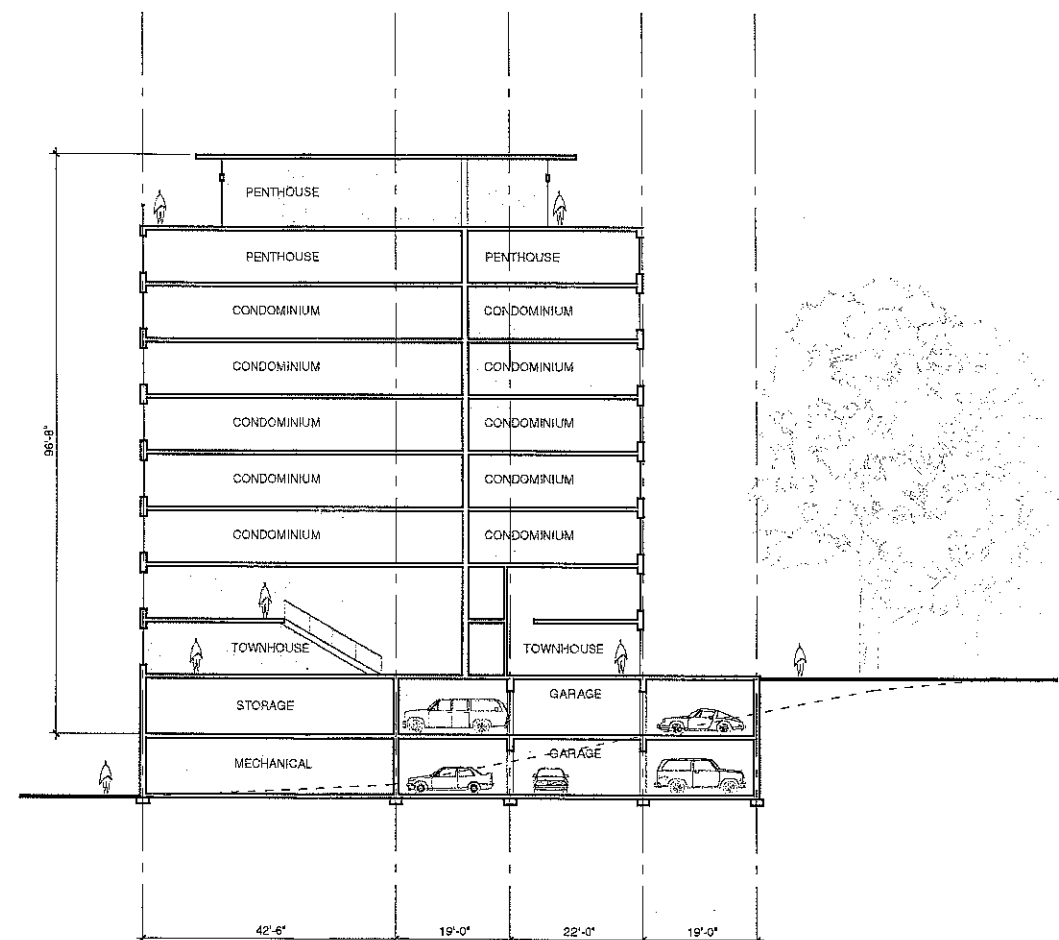


FLOOR 11: PENTHOUSE
6,653 SF TOTAL



S-N BUILDING SECTION

- PENTHOUSE 2
EL: 221'-4"
- PENTHOUSE 1
EL: 212'-0"
- CONDO 7
EL: 155'-0"
- CONDO 8
EL: 146'-8"
- CONDO 5
EL: 137'-4"
- CONDO 4
EL: 128'-0"
- CONDO 3
EL: 118'-8"
- CONDO 2
EL: 109'-4"
- CONDO 1
EL: 100'-0"
- GARAGE 2
EL: 90'-0"
- GARAGE 1
EL: 80'-0"



E-W BUILDING SECTION

BUILDING SECTIONS

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



Scott Simons Architects

PLANNING BOARD REPORT #38-04

**802 OCEAN AVENUE
R-5A/ROS CONDITIONAL REZONING REQUEST
GRAVES HILL LAND COMPANY, LLC, APPLICANT**

Submitted to:

Portland City Council
Portland, Maine
September 16, 2004

I. INTRODUCTION

Graves Hill Land Company, LLC is proposing a R5A/ROS conditional rezoning at 802 Ocean Avenue to allow two (2) highrise buildings. The site is approximately 18.32 acres in size and is currently zoned R-3 Residential and F-H Flexible Housing Overlay.

The buildings have a proposed maximum height of 100 feet, tapering down to 70 feet at each end. The buildings have a maximum of 98 new housing units. Approximately 8 acres of property is proposed to remain natural and to be rezoned ROS Recreation Open Space.

Included in the package submitted by the developer are:

- The proposed conditional rezoning.
- Site layout plan.
- Site phasing plan.
- Building floor plans.
- A shadow study.
- A study showing visibility of balloons from all the surrounding neighborhoods.
- Information regarding hydrostatic pressure of the detention pond and blasting.
- Letter from Portland Trails discussing trails and open space area.

266 notices were sent to area property owners. Two notices of the public hearing appeared in the Portland Press Herald. The notice was posted in the City Clerks office 14 days prior to the Public Hearing. A neighborhood meeting was held on April 4, 2004 and minutes are included.

II. HISTORY

In November 2003 the first Graves Hill plans were submitted. At that time, a preliminary plan was submitted proposing two twelve-story buildings containing a total of eighty (80) units with a height of 120 feet. The developer hired Scott Simons Architects to design the building and Richardson and Associates to do the site design and landscape plan. The focus was to design buildings that would minimize the impact on the site, preserving the natural landscape for the public to enjoy through a trail system.

The developer returned to the Planning Board in March 2004 with two buildings proposed, a 14-story 150-foot building and a 13-story 137-foot building containing a total of 98 units. A neighborhood meeting was scheduled for the abutters of Graves Hill. In preparation for the meeting, the developer flew weather balloons at each end of the buildings at the proposed height. The balloons indicated that the buildings were too high and would have loomed over the adjacent Alden's Walk subdivision. The developer reworked the plans and submitted the proposal that is before the City Council today.

III. FINDINGS

Current Zoning:	R-3 Residential/Flexible Housing Overlay
Proposed Zoning:	R-5A/ROS Conditional Zone
Land Area:	18.32 acres
Existing Use:	vacant
Proposed Use:	98 residential units
Land Uses in the Vicinity:	residential

IV. EXISTING USES

The uses along Ocean Avenue consist primarily of singlefamily homes and residential condominium units.

V. DEVELOPMENT PLAN

The applicant is proposing to construct two buildings, which will consist of a total of 98 units. The buildings will have a maximum height of 100 ft., tapering down to 70 feet at each end. The buildings will be constructed on a portion of the property, while preserving and protecting a portion of the property as open space. By utilizing a pattern of development designed to minimize the clearing of natural vegetation, the applicant proposes to minimize the need for blasting, to maximize views from the site, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails, which integrate with a larger trail system.

Each building will contain up to 49 units, a community room, a small office, fitness and special events room, and a cross-country ski center/locker room. The uses will be available for residents of the PRUD. Each building will have parking in the amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces.

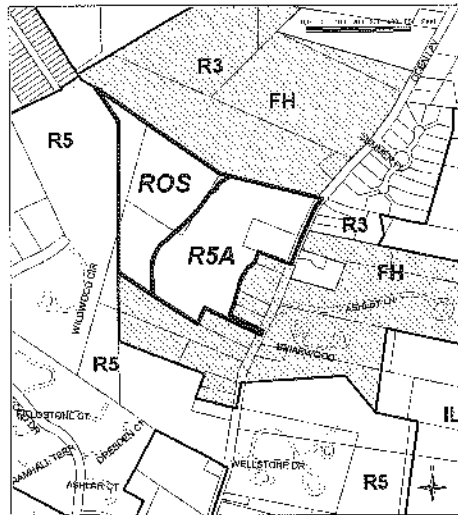
As stated previously, a portion of the site (approximately 8 acres) will remain undeveloped and is proposed to be rezoned ROS Recreation Open Space. This ROS area will be open to the public. Also proposed is a trail system through the R5A portion of the site and throughout the ROS open space area of the site. The developer is also proposing a buffer area between the abutting residential neighbors that reside on Ocean Avenue and a no cut area along the ROS zone to further protect the buffer area for the residents at Alden's Walk.

The applicant is proposing to construct the development in two phases. Phase I will consist of all necessary blasting for both buildings, one building plus all accessory uses associated with that structure, and the entire trail system in both the R5A and ROS portions of the property. Phase II will consist of the second building and trail sections and roads serving only that structure.

VI. CONDITIONS FOR REZONING

This rezoning shall be subject to the following proposed conditions, as outlined in the executive agreement between the City and the applicant.

1. The CITY hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 1449 of the Code, by adopting the map change amendment shown below (rezoning to R5A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Counsel's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert to the preexisting R-3 zone.



Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and R-OS

July 2004

Map prepared by the City of Portland's Urban Planning and Development Department

2. **GRAVES HILL** is authorized to establish and maintain the following uses on the ~~R-5A~~ **R-5A** portion of the property:
 - a. Up to 98 residential units located in two buildings, each building containing up to 49 units, which may be sold as condominium units, resulting in a maximum total of ninety-eight (98) residential units within the Property; and
 - b. a community room in each building available for use by the residents of the PRUD; and
 - c. a small office in each building to be used by employees of the condominium owners' association, only for onsite property management and concierge services for 802 Ocean Avenue, if determined necessary by the condominium owners' association; and

- d. a fitness and special events room in each building available for use by the residents of the PRUD; and
- e. a cross country ski center/locker room in each building available for use by the residents of the PRUD; and
- f. parking in an amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces; and
- g. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

- 3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty-nine (49) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty-nine (49) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.
- 4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.
- 5. **GRAVES HILL** is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other nonmotorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **GRAVES HILL** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the **RSA** portion of the Property and ten feet in width for trails on the **ROS** portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **GRAVES HILL**, its successors and assigns, Graves Hill Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the **ROS** portion of the Property, **GRAVES HILL** may opt to convey the **R-OS** portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the **R-OS** portion of the site so long as **GRAVES HILL** has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the **R-OS** portion of the site have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, **GRAVES HILL** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.
7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Richardson and Associates (last revised August 16, 2004) and the Proposed Building Design site sections, building sections and floor plans submitted by Scott Simons Architects (last revised July 8, 2004) and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The Graves Hill entrance on Ocean Avenue shall be

at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **GRAVES HILL**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **GRAVES HILL** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **GRAVES HILL** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

GRAVES HILL shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area", also with precise specifications subject to final site plan review, shall remain in perpetuity and shall not be eliminated by **GRAVES HILL** or its successors, provided that, to the extent applicable, these buffers may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations* and such other provisions as may be approved by the Planning Board. Furthermore, while **GRAVES HILL** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.
9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **GRAVES HILL** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **GRAVES HILL** and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, **GRAVES HILL** or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying **R5A** zone with respect to PRUDs except as follows:

Maximum number of units per building	49
Maximum number of buildings containing residential dwelling units:	2
Maximum building height	100 feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location on the site plan
Parking:	Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II
Minimum recreation open space area	Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plan, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to Portland Trails or, in the alternative, to the City of Portland granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, GRAVES HILL may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to Portland Trails in fee, both subject to such restrictions on hours, manner and

intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the CITY's zoning ordinance shall apply to the portion of the Property rezoned R5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the **R-OS** zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no offstreet parking need be provided on any portion of the Property for visitors projected to use the **ROS** portion of the Property and **GRAVES HILL** need not submit any parking needs projections.
12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the CITY, by and through its duly authorized representatives.
13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.
14. In the event **GRAVES HILL** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **GRAVES HILL'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the **R5A** or **ROS** zone, the CITY may prosecute such violations in accordance with 39A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **GRAVES HILL** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **GRAVES HILL** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

VII. POLICY CONSIDERATIONS

Graves Hill Land Company, LLC has stated that they believe their proposal is a bold and innovative design, which does the following:

- Promotes efficient land use and conservation of natural resources.
- Protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas.
- Utilizes one of the last large undeveloped tracts of residentially zoned land to provide housing of a type not currently available in Portland.
- Reduces the impact on surrounding properties by minimizing the blasting and preserving the natural site amenities.
- Enhances the recreational trail system in Portland.

R-5A Residential Zone

The purpose of the R-5A zone is:

"To provide for moderate-density residential development in offpeninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in offpeninsula locations by providing a moderate-density zone."

The R-5A Residential Zone allows for the higher density. When the R-5A zone was created, it was intended as a floating zone and therefore, was not mapped on the zoning map. The intention was that a development that may wish to use the R5A designation would require a zone change. The R-5A zone does not have a height limitation. Planned Residential Unit Developments can only be implemented through a contract or conditional rezoning.

Housing Plan

The Housing Plan recommends a diversity of housing types. Graves Hill Land Company, LLC's luxury high-rise proposal is unique, and offers an alternative method of providing density while maintaining and preserving the majority of a wooded, ledgestrewn site. As stated previously, the applicant is proposing to develop 10.16 acres and rezoning the remaining 8.1 acre ROS to be maintained as natural open space.

Open Space and Recreation

The *Green Spaces, Blue Edges* Report adopted by the City Council in 1995 recommends that neighbors have open space focal points within walking distance. The addition of 8 acres in the ROS portion of the Graves Hill development will significantly increase the amount of forested open space and expand the length and quality of pedestrian trails available in the immediate vicinity for public recreational use.

The report also makes a city-wide recommendation to "develop High Point Parks, open spaces located on the higher elevations of the city, in neighborhoods throughout the city such as the Ocean Avenue landfill, hilltop on Ocean Avenue, by rock shop, Rocky Hill, and hills in Stroudwater." The hilltop on Ocean Avenue, by rock shop is the Graves Hill site. The ROS boundary has been drawn so that the highest point of land is included within that zone. The trail system will include a branch leading to the marker on the rock outcropping signifying the high point.

The Comprehensive Plan also discusses Portland Trails and the creation of 13 miles of public trails in Portland and the goal of creating 30 miles of trails. The developer is proposing to convey a trail easement to Portland Trail over all of the trails on the R-5A portion of the site, and will convey all of the land to be rezoned ROS to Portland Trails. It is proposed that there will be at least 3,207 linear feet of trails constructed for public use on the site.

Environmental Protection

The Comprehensive Plan states "locate and design housing to reduce impacts on environmentally sensitive areas." The Comprehensive Plan encourages growth and development in appropriate areas and discourages development where it is hazardous or threatens natural resources.

The buildings and road infrastructures have been moved down the slope to stay away from wetland areas. The roads have been designed to avoid going up steep inclines where possible, to minimize erosion.

VIII. NEIGHBORHOOD COMMENTS

At the Planning Board public hearing for this development, a number of residents chose to speak on this project. There were residents from across Ocean Avenue, Summer Place and Ocean Ridge, in opposition of the development, citing incompatibility with the neighborhood and excessive height. Residents from directly below the development on Ocean Avenue and from Alden's Walk were in favor of the development and felt that the developer had listened early on to their concerns and had addressed them.

Attached to this report are also a number of letters from residents discussing their concerns. Please note, that there are two letters from Scott Cohen and his attorney discussing his concerns and opposition to this development. However, at the public hearing, Mr. Cohen stated that he felt that Graves Hill Land Company had addressed his concerns and felt that the project had come a long way since the original proposal.

IX. PLANNING BOARD RECOMMENDATION

On August 31, 2004, the Portland Planning Board voted unanimously (6-0, Anton absent) to recommend the proposal by Graves Hill Company, LLC to rezone the property located at 802 Ocean Avenue from the R-3 zone to the R-5A/ROS Conditional Rezoning. The Planning Board found that the proposal was consistent with the policies of the R-5A Residential Zone, ROS Recreation Open Space Zone and the City's Comprehensive Plan.

Attachments:

1. Zone Change Application
2. Right, Title and Interest
3. Letter from Applicant
4. R-5A Zoning Text
5. Letters from Neighbors
6. Reply from Applicant regarding Attorney Vaniotis' Letter
7. Fire Department Memo
8. Neighborhood Meeting Minutes
9. Booklet from Developer

ARTICLE VIII. REGULATION OF EXPLOSIVES

*Editor's note--Ord. No. 125-98, adopted Oct. 19, 1998, repealed Art. VIII, §§ 14-583--14-585, relative to moratorium on residential developments. Formerly, such provisions derived from Ord. No. 152-81, §§ 607.1--607.3, adopted Aug. 17, 1981, and Ord. No. 180-87, adopted Nov. 2, 1987. The new Article VIII, regarding regulation of explosives, was passed on March 17, 2003.

Sec. 14-583. Purpose.

The purpose of this ordinance is to protect the public's health, safety and general welfare by regulating and controlling blasting operations within the City.
(Ord. No. 177-02/03, 3-17-03)

Sec. 14-584. Applicability.

This ordinance shall apply to all blasting operations related to construction and development of real estate within the City. The City of Portland Technical Manual is incorporated into this section by reference. Standards listed in the Technical Manual shall be additional to the provisions of this article.
(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-585. Definitions.

For the purposes of this Article, the following words and phrases shall have the respective meanings ascribed to them:

Blasting plan means the detailed plan for conduct of any blasting operations, and any amendments thereto where over three hundred (300) cubic yards of material shall be removed, which plan has been reviewed by the Planning and Urban Development Department in accordance with the provisions of this ordinance.

Blasting operations means the use of explosives for purposes of breaking up and removing soil, rock and ledge, related to construction and development of real estate within the City.

Blasting permit means a permit issued by the City Fire Department in accordance with the provisions of this ordinance to allow blasting operations within the City.

Blasting submittal means the plan for conduct of any blasting operation where between fifty (50) and three hundred (300) cubic yards of material shall be removed, which plan has been submitted to the Planning and Urban Development Department in accordance with the provisions of this ordinance.

Explosives means any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packaging that an ignition by fire, by friction, by compound or mixture may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are

capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol and shotgun ammunition, or fireworks.

(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-586. Administration.

(a) This ordinance shall be administered by the Planning and Urban Development Department and the Fire Department, which departments shall have the ability to promulgate amendments to the standards listed in the City of Portland Technical Manual that implement this ordinance.

(b) City Council shall enact the initial Rules required for implementing this Article.

(c) The procedure for amendment of rules shall be as follows:

1. Department staff shall draft proposed rule amendments to the technical standards for presentation to the Planning Board.

2. The Planning Board shall hold a public hearing on the proposed rule amendments and provide interested parties an opportunity for comment, both written and oral, on the proposed rule amendments.

3. The department shall review comments made by the Planning Board and interested parties and make changes to the proposed rule amendments at its discretion. The amendments to the rules shall go into effect within thirty (30) days of the public hearing held by the Planning Board.

(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-587. Permit Required.

No person may conduct blasting operations within the City without first obtaining a permit from the Fire Department, as required by the National Fire Protection Association 1 Fire Prevention Code, as adopted and amended in section 10-16 et seq. Of this Code. Fees for this permit shall be as established by Order of the City Council.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-588. Application Requirements.

Prior to the issuance of a permit pursuant to section 14-587 the following information shall be submitted to the City:

(a) A blasting plan shall be submitted by the applicant to the Planning and Urban Development Department for all projects where more than three hundred (300) cubic yards of material shall be removed. The blasting plan shall conform to the provisions of this section and of Section 3 of the City of Portland Technical Manual.

(b) A blasting submittal shall be submitted to the Planning and Urban Development Department where between fifty (50) and three hundred (300) cubic yards of material shall be removed. The blasting submittal shall conform to the provisions of this section and of Section 3 of the City of Portland Technical Mannual.

(c) A blasting application shall be submitted to the Planning and Urban Development Department where less than fifty (50) cubic yards of material shall be removed, or where utility trench work in the accepted public right of way, including City or Portland Water District infrastructure is proposed. Small blasts where less than fifty (50) cubic yards of material shall be removed, are not required to submit either a blasting plan or blasting submittal. Such projects must conform to the National Fire Protection Association Fire Prevention Code and applicants shall submit a monitoring report upon request. Information provided in the blasting application shall confirm that the proposed small blast conforms to all applicable provisions of this ordinance and of Section 3 of the City of Portland Technical Manual.

(d) A blasting plan or blasting submittal may be required for any blasting operation at the discretion of the Planning and Urban Development Department when it determines that conditions at or near the site of the blasting operations warrant the provision of a plan.

(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-589. Storage and handling.

All explosives shall be stored and handled in accordance with the provisions of this code, the laws of the State of Maine and the National Fire Protection Association 1 Fire Prevention Code.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-590. Enforcement.

(a) This ordinance shall be enforced by the Planning and Urban Development Department and the Fire Department. Either department shall have the authority to issue a written stop work order in the event of a violation of this ordinance or a failure to follow the approved blasting plan.

(b) The issuance of a stop work order may be appealed to the Director of Planning and Urban Development within two (2) business days of its issuance. The decision of the Director of Planning and Urban Development on the appeal shall be final.

(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-591. Penalties.

(a) In addition to the stop work order which may be issued pursuant to section 14-590, the Permittee shall be subject to the following penalties:

1 st offence	\$500.00
2 nd offence	\$1,000.00
Subsequent offences	\$1,000.00.

(b) In the event that there are more than three documented violations of the blasting plan, blasting submittal, or blasting permit, the Planning and Urban Development Department and/or Fire Department shall have the right to issue a stop work order on all construction or development related to the permitted operation. The Permittee shall then be required to submit a revised blasting plan to the Planning and Urban Development

Department for review and approval. Work shall not be allowed to continue until the revised blasting plan is approved.
(Ord. No. 177-02/03, 3-17-03; Ord. No. 74-10/11, 11-15-10)

Sec. 14-592. Notice requirements.

(a) At least ten (10) days prior to the start of any blasting operation, notice shall be published in a newspaper of local publication and shall be mailed by first class mail to all property owners within the distance specified below of the perimeter of the blasting site:

Small blast (trench blast or under fifty (50) cubic yards of rock removed): All property owners within two hundred and fifty (250) feet of the perimeter of the blasting site.

Medium blast (removal of 50-300 cubic yards of rock material): All property owners within five hundred (500) feet of the perimeter of the blasting site.

Large blast (removal of over 300 cubic yards of rock material): All property owners within six hundred (600) feet of the perimeter of the blasting site.

(b) Notice shall conform to the model notice contained in Section 3 of the City of Portland Technical Manual and shall include a description of the proposed blasting operations, estimated schedule and duration of blasting operations, description of the blasting signals to be used during operations, the complaint protocol and the complete address, telephone numbers and email contact for the blasting contractor, Planning and Urban Development Department and Fire Department where neighbors and property owners may request further information and notification.

(c) For medium blasts where 50-300 cubic yards of rock material is to be removed, and large blasts where over 300 cubic yards of rock material is to be removed, additional notification requirements shall apply during construction, as detailed in Section 3 of the City of Portland Technical Manual.

(d) If blasting operations are to occur within two hundred and fifty (250) feet of any structure, additional notification requirements shall apply, as detailed in Section 3 of the City of Portland Technical Manual, in order to prevent adverse public health and safety impacts due to blasting-related carbon

monoxide migration.

(Ord. No. 74-10/11, 11-15-10)

Sec. 14-593. Hours of blasting.

Blasting shall occur Monday through Friday, between the hours of 9am and 4pm, unless otherwise approved by the Planning and Urban Development Department. Requests for extension of hours of blasting must be submitted by the applicant in writing.

(Ord. No. 74-10/11, 11-15-10)

Sec. 14-594. Waiver provision.

Upon written request by the applicant, the Planning and Urban Development Department, based on a positive recommendation by the Fire Department, may waive all or a portion of the blasting provisions of Section 3 of the City of Portland Technical Manual, provided that all waivers are consistent with the purposes set forth in Section 14-583.

(Ord. No. 74-10/11, 11-15-10)

Sec. 14-595. Suspension of blasting operations.

If it is determined that blasting operations pose any risk to public health, safety or general welfare, the Director of Planning and Urban Development or the Fire Chief or their designee shall have the authority to suspend the blasting permit at any time until they deem it safe for blasting operations to continue.

(Ord. No. 74-10/11, 11-15-10)

Excerpt from Portland Technical Manual -

1.7. STANDARDS FOR BLASTING AND REGULATION OF EXPLOSIVES

1.7.1. Definitions

Small Blast: Trench blast or removal of under fifty (50) cubic yards of rock material.

Medium Blast: Removal of 50-300 cubic yards of rock material.

Large Blast: Removal of over 300 cubic yards of rock material.

1.7.2. Submittal Requirements:

1.7.2.1. All Blast Operations:

Applicants for all blasting operations shall obtain a blasting permit from the Planning and Urban Development Department prior to any blasting.

Application forms may be obtained through the Inspections Division or can be downloaded from the City of Portland website.

1.7.2.2. Medium Blast Operations:

For medium blast operations, the blasting contractor will also be required to submit a blasting submittal with the blasting application form. The blasting submittal must include, at a minimum, the following information:

- Description of Test Blast, Drill Pattern
- Description of Production Blasting, Drill Pattern
- Explosives to be used during wet and dry conditions
- Stemming material and depth
- Description of matting used to prevent fly rock
- Description and location of blasting signs
- Type of seismograph to be used
- Description of proposed transportation and storage of explosives
- Signature of blasting contractor testifying to the accuracy of the above information

1.7.2.3. Large Blast Operations:

For large blast operations, the blasting contractor will also be required to submit a drilling pattern and loading plan, referred to herein as a blasting plan, with the blasting application for review and approval. Blasting plans must be submitted at least two weeks prior to the start of any drilling and/or blasting operations. A model blasting plan is provided at the end of this section and shall include, at a minimum, the following information:

- The sequence and schedule of blasting rounds, including a general description of the proposed approach for developing each bedrock excavation area.
- A diagrammatic description of the typical blast pattern to be used, including pre-splitting pattern if pre-splitting is required.

- Diameter, spacing, burden, depth and orientation of each drill hole relative to the “free face”, along with details of the delay pattern.
- A diagrammatic description of the loading plan for a typical production hole including charge weights and distribution of primer, explosives and stemming within a typical hole.
- Estimation of ground vibration levels at nearest adjacent structures.
- Written evidence of the licensing, experience, and qualifications of the blaster who will be responsible for loading and firing each shot.
- A listing of the number and type of instrumentation proposed to be used to monitor vibrations and airblast overpressures.
- Safety procedures, security measures, and warning sequences.

1.7.3. Pre-Blast Survey

Pre-blast surveys are required for all blasting operations. The blasting contractor will hire an independent seismologist or blasting consultant to perform pre-blast surveys on all structures (contingent upon property owner agreement) within the distances specified below. The independent seismologist or blasting consultant shall not be an employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

Size of Blast	Scope of pre-blast survey
Small Blast	Within 250 feet of the perimeter of the blasting site
Medium Blast	Within 500 feet of the perimeter of the blasting site
Large Blast	Within 600 feet of the perimeter of the blasting site

1.7.3.1. Pre-Blast Survey Offer Notice:

Prior to commencement of the pre-blast surveys, the contractor shall provide the following documentation to the Planning and Urban Development Department:

- A list of property owners to be contacted (in accordance with the distances listed in the table, above).
- Verification that the subject property owners were notified of the pre-blast survey work.
- A copy of the pre-blast survey offer notice.
- Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response.

The contractor shall retain a copy of each pre-blast survey offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in

addition to provision of the required offer notice letter.

1.7.3.2. Pre-Blast Survey Documentation:

All pre-blast surveys shall include documentation of interior subgrade and above grade accessible walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken.

A high- quality videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be submitted as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

1.7.3.3. Pre-Blast Survey Conditions Report:

The pre-blast surveys shall include a conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations.

1.7.3.4. Verification:

Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the Planning and Urban Development Department at least two weeks prior to commencing any drilling and/or blasting operations.

1.7.4. Notification to Neighbors

Notice of blasting operations shall be provided in accordance with the requirements listed in Section VIII of the Land Use Code. For medium and large blasts, please also refer to the additional notification requirements during construction, described in Section 3.7.8 of this section (*Blasting Schedule*).

1.7.5. Complaint Protocol

The blasting contractor shall be solely and completely responsible for the safety of all persons and property during the performance of work. The blasting contractor shall have full and complete responsibility for the handling, discharging, or settling of any and all damage or annoyance claims resulting from the blasting activities on the project.

Complaints may be submitted to the Blasting Contractor and to the Planning and Urban Development Department or to the Fire Department throughout the duration of blasting operations. If a property owner submits a complaint regarding alleged blasting- related damages, the independent seismologist or blasting

consultant shall meet with the property owner within 24 hours of receiving the complaint to discuss the basis for the complaint, review applicable blasting records, and evaluate the reasonableness of the complaint. If a reasonable basis for the complaint is verified, the independent seismologist or blasting consultant shall conduct a second condition survey of the property within 48 hours of receiving the complaint to identify any changes in the property conditions. A condition survey report summary shall be submitted to the Applicant, and verification that the condition survey was completed shall be submitted to the Planning and Urban Development Department within two weeks of the second condition survey being conducted.

1.7.6. Hours of Blasting and Storage of Explosives

1.7.6.1. Hours of blasting operations shall be limited to those defined in Chapter 14, Section VIII, *Regulation of Explosives* of the City Code of Ordinances.

1.7.6.2. Only the amount of explosives necessary for the day's work shall be brought to the site, and explosives shall be transported and stored in approved magazines when not in use.

1.7.7. Blast Warning

1.7.7.1. International Blast Warnings shall be utilized for all blasting operations, as described below:

3 horns	5 minutes before blast
2 horns	1 minute before blast
1 horn	All clear

1.7.7.2. Large Blasts:

For large blasts, all persons within 600 feet of the blasting area shall be notified of the "warning" and "all-clear" signals through notices left in mailboxes and signs posted in the vicinity of the blasting site.

1.7.8. Blasting Schedule (Medium and Large Blasts, only)

For medium and large blasts, the blasting contractor shall prepare and submit a blasting schedule to the property owner, the general contractor and the Planning and Urban Development Department at least 10 business days prior to commencing blasting operations. The schedule shall include name and contact information for the blasting contractor, blasting area locations, planned dates and times of blasts, access restrictions to the blast areas, and warning signal protocols.

During construction, the blasting contractor shall coordinate the blasting schedule with the property owner, the general contractor, the Planning and Urban Development Department and the Fire Department on a weekly basis.

The morning of a planned detonation, the blasting contractor shall notify the Fire Department and the Planning and Urban Development Department of the planned

time of the blast (+/- one hour), the location where the blasting is to occur, and the amount of explosives to be used.

At least 24 hours prior to any blast, the blasting contractor shall inform all property owners who requested notice of the blasting schedule (+/- one hour).

1.7.9. Vibration Limits and Ground Vibration Monitoring

The seismograph must be set up at the closest structure to record each blast event. Ground vibration from all blasting operations shall be measured in terms peak particle velocity (inches per second, ips) and frequency (Hertz). The permissible maximum ground vibration at existing nearby structures shall be limited to values established by the U.S. Bureau of Mines¹ to avoid cracking or structural damage in residential structures. Particle velocity shall be recorded in three mutually perpendicular directions. Ground vibration for residential structures shall not exceed the following limits:

Type of Structure	Maximum PPV (ins/s)	
	Frequencies below 40 HZ	Frequencies 40 HZ or greater
Modern Homes (drywall interior)	.75	2.0
Older Homes (Plaster on wood lath for interior walls)	.50	2.0

Deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations may require lower PPV limits than those listed above. If information obtained from the pre-blast surveys indicates lower limits are required for certain structures, the independent seismologist or blasting consultant shall identify the limits applicable to a specific structure, and the blasting contractor shall incorporate such provisions in the features of the blasting plan.

In the event the blasting contractor's blasting round results in ground vibrations closely approaching the stated limits, the blasting operations shall be modified to reduce ground vibrations.

In the event the blasting contractor's blasting round results in ground vibrations exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the property owner and the general contractor, copied to the Planning and Urban Development Department and the Fire Department. This report shall describe corrective action to be taken on the next shot. The next shot shall not be loaded until the property owner and the general contractor acknowledge, in writing, copied to the Planning and Urban Development

¹ United States Bureau of Mines. *Structure Response And Damage Produced By Ground Vibration From Surface Mine Blasting*. Prepared by D.E. Siskind, M.S. Stagg, J.W. Kopp, and C.H. Dowding, Report of Investigations #8507, Appendix B, 1980.

Department and the Fire Department, that a design change is being attempted.

1.7.10. Flyrock Control (Large Blasts, only)

For large blasts, blasting mats, soil, or other equally serviceable material shall be utilized for all blast rounds to prevent the throw of flyrock from the blasting area.

1.7.11. Pre-Blast Safety Meeting (Medium and Large Blasts, only)

For medium and large blasts, prior to any blasting the blasting contractor will conduct a pre-blast safety meeting with all contractors to familiarize them with blast signals and precautions.

1.7.12. Test Blasts (Large Blasts, only)

For large blasts, prior to commencing full-scale blasting, the blasting contractor shall demonstrate the adequacy of the proposed blasting plan by drilling, blasting, and excavating short test sections using small charges and the required monitoring instruments. The blasting contractor shall develop site specific scaled distance relationships from the test blast rounds to determine the allowable charge weight of explosives to be detonated per delay.

1.7.13. Personnel

All employees of the blasting contractor working on site during the blasting operation shall be trained in the use and handling of explosives.

1.7.13.1. Large Scale Blasts:

For large scale blasts, the blasting contractor shall be required to carry liability insurance (XCU) coverage in an amount no less than \$2,000,000.

For large blasts, the blasting contractor shall a company specializing in the use of explosives for breaking rock and licensed in the State of Maine. The blaster or foreman responsible for the loading and firing of each shot, as well as the person responsible for designing and directing the blasting operation, shall have at least five years of documented experience with similar work responsibilities. If controlled blasting methods are required, these individuals shall have at least five years of documented experience in controlled blasting techniques.

At least two weeks prior to the commencement of pre-blast surveys, the contractor will submit the name and qualifications of the independent seismologist or blasting consultant proposed to conduct the pre-blast surveys to the Planning and Urban Development Department and the applicant, if other than the blasting contractor.

At least two weeks prior to the commencement of drilling and blasting operations, the contractor will submit to the City of Portland and applicant the name and qualifications of the independent seismologist or blasting consultant proposed to monitor and report blasting vibrations.

1.7.14. Record Keeping and Reporting

1.7.14.1. For large blasts, Blast monitoring and analysis shall be conducted by the independent seismologist or blasting consultant. A minimum of two (2) seismograph instruments will be used to monitor vibrations and airblast pressures for each blast. The seismographs used by the seismologist or blasting consultant for blast monitoring shall comply with the following requirements:

- Velocity range: 0.005 to 10.0 inches per second.
- Seismic frequency range: 2 to 250 Hz, within zero to -3 dB of an ideal flat response.
- Acoustic frequency range: 2 to 250 Hz flat, -3 dB at 2 Hz $\pm$ 1 dB.
- Sound range: 100 to 140 dB (linear).
- Measure, display, and provide a permanent time history record of the event, including both ground vibration and airblast.
- Measure the three mutually perpendicular components of particle velocity in directions vertical, radial, and perpendicular to the vibration source.
- The seismograph shall display and provide a record of:
 - the date and time of the event
 - identifying information concerning the company
 - the location of the seismograph and of the blast
 - trigger levels
 - verification the instrument was set for “continuous” and not “manual” readings
 - instrument serial number
 - the date of the most recent calibration
- The seismograph shall be calibrated as often as necessary, but at least once every 12 months, and must be performed to a standard traceable to the National Institute of Standards and Technology.

Blast monitoring data obtained by the independent seismologist or blasting consultant must be available for inspection on the blasting site, be submitted in writing to the Applicant within 24 hours following each blast, and be submitted to the Planning and Urban Development Department on a weekly basis. A model blast monitoring report is included at the end of this section.

1.7.14.2. Blasting Log:

A blasting log summarizing details of the round as shot, weather conditions, proximity of the blast location to nearest structures, exact locations of monitoring instruments, and the results of blast monitoring at each instrument location shall be maintained daily for every blast. The blasting log shall be available for inspection on-site, shall be submitted in writing to the Applicant within 24 hours following each blast, and shall be submitted to the City on a weekly basis.

1.7.15. Airblast Overpressure Limits

The peak airblast overpressure at any inhabited building not owned or controlled by the developer shall not be allowed to exceed 133 decibels (linear) when measured by an instrument with a high pass system and a lower frequency limit of 2 Hz.

The seismologist or blasting consultant shall monitor, record, analyze and report airblast pressure resulting from the blasting activities. In the event the blasting contractor's blasting round results in airblast overpressures approaching the stated limits, the Applicant may require the blasting contractor to modify the blasting operations to reduce airblast overpressures. In the event the blasting contractor's blasting round results in airblast overpressures exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the Applicant, and copied to the City. This report shall discuss the corrective action to be taken on the next shot, and the next shot shall not be loaded until the Applicant acknowledges, in writing, that a design change is being attempted.

1.7.16. Carbon Monoxide (CO) Control

If any blasting operations are to occur within two hundred and fifty (250) feet of any structure, the blasting company shall:

- Submit a carbon monoxide (CO) management plan to the Planning and Urban Development Department with the Blasting Application for review and approval. The plan shall detail strategies that will be employed by the blasting company throughout blasting operations to prevent and mitigate the health and safety risks associated with possible CO migration away from the blast site and into abutting structures. CO management plans shall be tailored to the specific nature of blasting operations but shall include, at a minimum, two or more of the following actions:
 - Effort to determine the presence and location of one or more operable Carbon Monoxide detector(s) within abutting

structures. Where operable Carbon Monoxide detectors are not present, they shall be temporarily provided and placed in the basement of the structure, or on the first floor if there is no basement, until at least 24 hours after completion of blasting operations.

- Immediate excavation of individual shots, with holes remaining vented for an adequate time to allow any CO produced by the blast to dissipate into the atmosphere. Safe CO levels in the blast hole shall be confirmed by a CO detector before the hole is backfilled.
 - Identify and document active and abandoned sewer connection locations and sealed drains locations for abutting structures as part of the pre-blast survey in order to identify structures that may pose an increase risk for CO migration. This information is available through the City of Portland Department of Public Services.
- Notify all commercial and residential abutters of the blast site at least 24 hours prior to the start of blasting by means of door hangers left at both front and rear primary building entrances. Reasonable effort shall be made to also provide face-to-face notification to all building owners and/or occupants of abutting buildings. Door hangers shall be provided to the blasting company by the City of Portland and are available through the Fire Department or the Inspections Division. The language provided on the door hangar is provided at the end of this section.

If a carbon monoxide detector is in alarm during blasting operations, the blasting company or building occupant shall call 911 immediately. In addition to calling 911, the blasting company shall contact the Fire Department at (207) 874-8405 to notify them of the emergency. The blast location shall be excavated immediately and shall remain open to the atmosphere until CO is no longer detectable in the blast hole.

1.8. MODEL BLASTING PLAN

Removal of over 300 cubic yards of rock material

The purpose of the Blasting Plan is to describe anticipated rock excavation requirements for the project, and outline proposed blasting operations, vibration control criteria, and monitoring/reporting protocols, and to protect surrounding properties from damage related to proposed blasting activities.

1. Project:

2. Project Location:

3. Estimated Quantity (cubic yards in-ground measurement) of Rock to be Blasted:

4. Project Description

Describe the project for which blasting is required. Include lot size, building construction type, number of units, etc. Refer to site/grading plans. Specify anticipated depth of fills and cuts.

5. Site and Subsurface Conditions

Provide a detailed description of the site, including but not limited to existing conditions, elevations, terrain character, topography, soil conditions, groundwater depths, depth of bedrock, etc.

6. Surrounding Properties, Utilities and Wells

Describe surrounding properties, specifying use and type of construction. Include a vicinity map with the outlines of existing structures located within a site radius equal to the minimum radius required for pre-blast condition surveys.

Indicate the location of all utilities in the vicinity, including water, sewer, stormwater, and natural gas.

Indicate the location of drinking wells in a 2000ft radius of the property.

7. Anticipated Project Areas Requiring Blasting

Indicate on a site plan the areas where blasting is expected to occur. Provide a narrative characterizing the blasting/excavation work, the estimated total number of cubic yards of material to be removed by blasting, and an estimate of the number of blasts required to remove the specified amount of material.

Include a proposed Bedrock Excavation Plan showing approximate bedrock excavation areas, variations in the depth of bedrock excavation requiring blasting, and areas where controlled perimeter blasting methods will be used (if any).

Describe the distance of proposed blasting to the nearest structures and underground utilities.

Attachments:

- A. Site Plan
- B. Radius Plan
- C. Proposed Bedrock Excavation Plan
- D. Model Notification Letter
- E. Model Offer of Pre-Blast Survey Notice
Blasting Log
- F. Model Blast Monitoring Report

1.9. MODEL NOTIFICATION LETTER

Date _____

Dear Neighbor:

We are sending you this letter to inform you that we will be blasting ledge in preparation for the _____ project on _____ Street.

As required by City Ordinance, prior to any blasting, neighbors within (250, 500, 600)feet of the blast area shall be notified in writing prior to the blast.

We will begin blasting on _____. We expect the blasting to last for _____. By City Ordinance, blasting will occur between 9:00am – 4:00pm, Monday through Friday.

The procedure for the blast will be as follows: Just before the blasting is due to begin, a horn will sound to signal people in the immediate area of the upcoming blast. The horn will blow in the following sequence:

- 3 long horns – 5 minutes before the blast
- 2 long horns – 1 minute before the blast
- 1 long horn - All clear for the blast to proceed.

Please Note: Toxic gases, including carbon monoxide (CO), are a byproduct of the detonation of explosives. Carbon monoxide is a poisonous, colorless, odorless, and tasteless gas. Exposure to raised levels of carbon monoxide can be hazardous or deadly. It is possible, in instances of incomplete combustion of explosives and where an open pathway is present, for carbon monoxide to travel from the blast site into nearby buildings. The Portland Fire Department encourages all Portland residents to install carbon monoxide detectors in their homes and workplaces to prevent exposure to hazardous levels of carbon monoxide. Carbon monoxide detectors should be installed in the basement or on the first floor of structures.

If you have any questions, please call any of the following numbers:

Blasting Contractor _____

City of Portland Fire Prevention Bureau
City of Portland Development Review Coordinator
City of Portland Inspections Division

(207) 874-8405
(207) 874-8719
(207) 874-8703

For damage complaints, please call the Fire Prevention Bureau at (207) 874-8405 to log the complaint and request inspection and documentation of the damage.

Please do not hesitate to call if you have any questions or concerns.

Sincerely,

Blasting Contractor

1.10. MODEL OFFER OF PRE-BLAST SURVEY NOTICE

Date

Dear Neighbor:

We are sending you this letter to inform you that we will be blasting ledge in preparation for the _____ project on _____ Street.

As required by City Ordinance, prior to any blasting, a pre-blast survey of all structures within (250, 500, 600)feet of the blast area shall be conducted to establish a base line against which any claims of damage caused by this blasting can be judged.

Your property is within the (250, 500, 600) ft radius. A pre-blast survey will be performed at no cost to you if you would like to have it done.

To request that a pre-blast survey be done of your residence, please complete the enclosed survey form in its entirety and mail it back in the enclosed stamped envelope no later than_____.

Pre-blast condition surveys for this project will be performed by _____. A representative from _____ will call you to set up an appointment to perform the survey. A seismologist or a qualified technician working under the direction of a seismologist from _____ will then make a videotape of the interior and exterior condition of your residence. The pre-blast survey records will be kept in a locked file for a period of _____after the completion of blasting at which time they will be destroyed.

If you have any questions, please contact _____ at _____.

Thank you,

Blasting Contractor

1.11. Door Hanger Model Language

Fact Sheet

This notice serves as a reminder that blasting operations will be occurring in your neighborhood in the next day or two. By now you should have also been notified in writing by the Blasting Company who will be doing this work. For the public's safety, the City of Portland requires contractors of blasting operations to monitor for the release of any carbon monoxide gas traveling into occupied buildings. This notice describes what carbon monoxide is, identifies potential signs of carbon monoxide build-up and steps for you to follow.

What is carbon monoxide?

Carbon monoxide (CO) is an odorless, colorless gas that can cause sudden illness or death.

Where is CO found?

CO is found in combustion fumes, such as those produced by cars and trucks, small gasoline engines, stoves, lanterns, burning charcoal and wood, and gas ranges and heating systems. ***CO is also a byproduct of blasting operations in the ground.*** CO from any of these sources can build up in enclosed or semi-enclosed spaces. People and animals in these spaces can be poisoned by breathing it.

Protection from CO

The best protection from CO poisoning is early detection through the installation of a working carbon monoxide detector in your home.

What are the symptoms of CO poisoning?

The most common symptoms of CO poisoning are headache, dizziness, weakness, nausea, vomiting, chest pain, and confusion. High levels of CO inhalation can cause loss of consciousness and death. Unless suspected, CO poisoning can be difficult to diagnose because symptoms mimic other illnesses. People who are sleeping or intoxicated can die from CO poisoning before ever experiencing symptoms.

Emergency Contact

If you or anybody in the building experiences any of the symptoms or your CO detector goes into alarm ***please call 911 immediately.***

If you have general questions regarding blasting operations in your neighborhood or carbon monoxide, please contact the Portland Fire Department Fire Prevention Bureau.

**Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
874-8405**

1.12. MODEL EMERGENCY ACCESS LANE MAINTENANCE AGREEMENT

IN CONSIDERATION OF the Subdivision approval granted by the Planning Board of the City of Portland to a plan entitled

dated , 20 and recorded in the Cumberland County Registry of Deeds in Plan Book ,
Page and pursuant to a conditions thereof,

(Applicant, Nature of Applicant's Business-Corporation, Partnership or sole proprietorship and principal of business)

The owner of the subject premises, does hereby agree, for itself, its successors and assigns (the "Owner") as follows:

1. That the Owner shall be responsible for the maintenance and repair of, snow removal from, preservation of, and removal of obstructions and encumbrances including but not limited to debris, junked vehicles and other refuse, from the Emergency Access Lane depicted on the Plat (the "Emergency Access Lane") so that the Emergency Access Lane shall remain reasonably passable for fire-fighting and preventive apparatus and vehicles and other public emergency vehicles owned or operated by or on behalf of the City of Portland.

2. That the Owner shall remove snow from Emergency Access Lane so that at no time shall the snow accumulate thereto to an average depth in excess of four (4) inches and shall also remove snow from the Emergency Access Lane of a depth of less than four (4) inches if subsequent rain, hail or temperatures below thirty-two (32°) degrees Fahrenheit shall result in the snow accumulated on the Emergency Access Lane becoming so frozen as to render the Emergency Access drive impassable by such fire-fighting and public emergency vehicles. If the Owner shall fail to remove such non-frozen snow accumulating in excess of four (4) inches in depth within twenty-four (24) hours after the cessation of the storm creating such snow, or if the Owner shall fail to remove such ice within twenty-four (24) hours after ice has accumulated or formed to the state as to render the Emergency Access Lane impassable for said purposes, or if the Owner shall fail to remove said obstructions and encumbrances on the Emergency Access Lane (that are not the result of precipitation) which render the Emergency Access Lane (that are not the result of precipitation) which render the Emergency Access Lane impassable for said purposes within thirty-six (36) hours after such obstructions and up the Emergency Access Lane and adjacent land as necessary with men and machines in order to plow and clear, or cause to be plowed and cleared, such snow and ice and to remove said obstructions and encumbrances from the Emergency Access Lane and bill the Owner for the expense of the same. The City of Portland shall submit its itemized bill for such expenses to the Owner which the Owner shall pay to the City of Portland within sixty (60) days of receipt, or such longer period of time as the City of Portland shall agree to. The expenses billed to the Owner shall include the time spent for travel to and from the Property.

This Agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon its successors and assigns as their interests may appear.

Date at Portland, Maine this day of , 20

(Applicant)

BY _____

Its

State of Maine

Cumberland, ss , 20

Then personally appeared the above named _____,
and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free
act and deed of said Corporation.

Before me,

Notary Public/Attorney-at-Law

(Print or Type Name)

*If the approval is of a site plan, this clause should read "IN CONSIDERATION OF THE SITE
PLAN APPROVAL granted by the Planning Board of the City of Portland to a site plan entitled _____,
dated FORMTEXT _____, 20 _____, and file with the City of Portland, Department of Planning and
Urban Development, 389 Congress Street, Portland, Maine,..."



Conditional Rezoning Amendment Application
Casco Heights Residential Condominium
802- 828 Ocean Avenue Portland, Maine
Tax Map 411, Block A, Lot 7 and Tax Map 416, Lots 6,7 and 21
Ridge Development, LLC / Applicant

April 4, 2014

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Tab 3 – Redlined Edits to Existing Conditional Rezoning Agreement

Tab 4 – Proposed Amended Conditional Rezoning Agreement

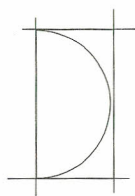
Tab 5 – Conformance With Comprehensive Plan

Tab 6 – Conformance With R5A Zoning District

Tab 7- Right, Title or Interest

Tab 8 – Preliminary Site Plans

Tab 9 – Preliminary Architectural Design



d o y l e
enterprises

CASCO HEIGHTS

April 2014

Dear Members,

On October 18, 2004 the Portland City Council approved the Contract Zone Agreement to Graves Hill, LLC, which allowed the 18 acre vacant property, overlooking Casco Bay, located at 802 Ocean Avenue to be rezoned from R-3 to 8 acres of R-OS and 10 acres of R-5A. Working with Portland Trails, the open space was to be developed into a trail system that would connect with the Ocean Avenue Recreation Area. (At that time it was The Ocean Avenue Landfill.) The R-5A portion would allow two 100 foot buildings containing a total of 98 units. The 2004 project was called Graves Hill and was designed as large luxury condominiums. The Contract Zone Agreement specified that there would be two parking spaces per unit along with 28 visitor spaces and that each building would contain a community room, an office, a fitness and special events room and a cross country ski room.

The project got bogged down in stormwater issues and the final planning board approval was not received until 2006. Then 2007 came along and due to the instability of the economy, the project was not built. I own the property and was the developer for the Graves Hill project. I have entered into an agreement to sell the property to Ridge Development, LLC. They have hired me to advise them and present the new plan.

The new project will be called Casco Ridge and the buildings are an improvement over the approved 2006 project. The approved 100 foot height limit was controversial, Casco Heights will be no taller than 75 feet. Graves Hill was entirely large luxury units. Casco Heights is a mix of one, two and three bedroom, market rate condominiums along with top floor penthouses.

Although the Graves Hill buildings may have been controversial, the preservation of open space and the careful consideration of the land to be developed, was always supported by the boards and neighbors. That concept has not changed. Eight Acres will still be rezoned as R-OS and Portland Trails will participate in the development of a trail system that will run from Ocean Avenue through the R5-A zone to the R-OS and then connect to the Ocean Avenue Recreation Area.

We are asking that the Planning Board recommend to the Portland City Council the following changes to the 2004 approved Conditional Rezoning Amendment:

1. The name shall be changed from Graves Hill Land Company, LLC to Ridge Development, LLC
2. The maximum number of total allowed units shall be reduced from 98 to 94
3. The R-5A zone shall be changed from 10.17 acres to 10.4 acres and the R-OS shall be changed from 8.15 acres to 7.92 acres
4. The requirement for each building to contain a community room, office, fitness room, special events room and cross country ski center shall be removed
5. The amount of required parking shall be changed from two spaces per unit to two spaces for multi bedroom units and one space per single bedroom unit. The 28 visitor spaces remain unchanged.

Thank you for your consideration. We look forward to working with you on the new project.

Sincerely,

Diane Doyle

PROJECT ADDRESS: 802 - 828 Ocean AvenueCHART/BLOCK/LOT: 411-A-7 and 416-A-6, 7, 21

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Amendment to existing conditional rezoning agreement

CONTACT INFORMATION:

	Applicant's Contact for electronic plans Name: <u>William Conway</u> e-mail Address: <u>Sebago Technics</u> work #
Applicant – must be owner, Lessee or Buyer Name: <u>Patrick Tinsman</u> <u>Ridge Development LLC</u> Business Name, if applicable: Address: <u>P.O. Box 535</u> City/State: <u>Buxton ME</u> Zip Code: <u>04093</u>	Applicant Contact Information Work # Home# Cell # <u>239 - 5000</u> Fax# e-mail: <u>ptinsman@maine.rr.com</u>
Owner – (if different from Applicant) Name: <u>Diane Doyle</u> <u>Doyle Enterprises</u> Address: <u>110 Main Street; Suite 1214</u> City/State: <u>Saco, ME</u> Zip Code: <u>04072</u>	Owner Contact Information Work # <u>286 - 1151</u> Home# Cell # <u>229 - 3530</u> Fax# <u>282 - 7970</u> e-mail: <u>didoyleco@gmail.com</u>
Agent/ Representative Name: <u>William Conway</u> <u>Sebago Technics Inc</u> Address: <u>75 John Roberts Road</u> City/State: <u>So Portland ME</u> Zip Code: <u>04106</u>	Agent/Representative Contact information Work # <u>200 - 2055</u> Cell # <u>205 - 5271</u> e-mail: <u>wconway@sebagotechnics.com</u>
Billing Information Name: <u>Same as Applicant</u> Address: City/State : Zip Code:	Billing Information Work # <u>Same as Applicant</u> Cell # Fax# e-mail:
Engineer Name: <u>Shawn Frank</u> <u>Sebago Technics</u> Address: City/State : Zip Code:	Engineer Contact Information Work # <u>200 - 2062</u> Cell # Fax# e-mail: <u>sfrank@sebagotechnics.com</u>

Surveyor Name: Dow and Colombe Mike Colombe Address: Saco ME City/State : Zip Code:	Surveyor Contact Information Work # 204 - 4521 Cell # Fax# e-mail: dowcol @ gwi.net
Architect Name: Bill Hopkins Address: Archetype PA Portland ME City/State : Zip Code:	Architect Contact Information Work # 772 6022 Cell # Fax# e-mail: hopkins @ archetype pa . com
Attorney Name: N/A Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

See Attached

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

Undeveloped

Current Zoning Designation(s):

R5A / R0S Conditional Zone

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

See Attached

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

See Attached

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

Zoning Map Amendment ___ \$2,000.00 (from ___ zone to ___ zone)	Fees Paid (office use) ___	The City invoices separately for the following: • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
Zoning Text Amendment ___ \$2,000.00 (to Section 14- ___) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (<u>example</u>) and language to be added is depicted as underline (<u>example</u>))	___	
Combination Zoning Text Amendment and Zoning Map Amendment ___ \$3,000.00	___	
Conditional or Contract Zone ☒ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	___	

Signature of Applicant: 	Date: 4-2-14
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Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	18.32	Ac	sq. ft.
Proposed Total Disturbed Area of the Site	5.86	Ac	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			
Impervious Area (Total Existing)	0		sq. ft.
Impervious Area (Total Proposed)	2.78	Ac	sq. ft.
Building Ground Floor Area and Total Floor Area			
Building Footprint (Total Existing)	0		sq. ft.
Building Footprint (Total Proposed)	46,698		sq. ft.
Building Floor Area (Total Existing)	0		sq. ft.
Building Floor Area (Total Proposed)	25,438		sq. ft.
Zoning			
Existing	RSA / ROS		
Proposed, if applicable	RSA / ROS		
Land Use			
Existing	UNDEVELOPED		
Proposed	RESIDENTIAL		
Residential, if applicable			
# of Residential Units (Total Existing)	0		
# of Residential Units (Total Proposed)	94		
# of Lots (Total Proposed)	1		
# of Affordable Housing Units (Total Proposed)	0		
Proposed Bedroom Mix			
# of Efficiency Units (Total Proposed)	0		
# of One-Bedroom Units (Total Proposed)	12		
# of Two-Bedroom Units (Total Proposed)	34		
# of Three-Bedroom Units (Total Proposed)	48		
Parking Spaces			
# of Parking Spaces (Total Existing)	0		
# of Parking Spaces (Total Proposed)	204		
# of Handicapped Spaces (Total Proposed)	5		
Bicycle Parking Spaces			
# of Bicycle Spaces (Total Existing)	0		
# of Bicycle Spaces (Total Proposed)	38		
Estimated Cost of Project			

Att. D

~~Order 67 - 04/05~~~~Given first reading 9/20/04~~~~Postponed on 10/4/04~~~~Public Hearing and Passage 10/18/04 7-1 (Smith abstaining, O'Donnell opposed)~~

NATHAN H. SMITH (MAYOR)(3)
 WILLIAM R. GORHAM (1)
 KAREN A. GERAGHTY (2)
 CHERYL A. LEEMAN (4)
 JAMES I. COHEN (5)

CITY OF PORTLAND
 IN THE CITY COUNCIL

PETER E. O'DONNELL (A/L)
 JAMES F. CLOUTIER (A/L)
 JILL C. DUSON (A/L)
 NICHOLAS M. MAVODONES (A/L)

amended

ORDER AUTHORIZING AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR 802-828 OCEAN AVENUE

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below;

BE IT FURTHER ORDERED, that the conditional rezoning amendment authorized herein shall become effective thirty (30) days following this rezoning.

Ridge
 Development LLC
 wherever Graves
 Hill referred to

CONDITIONAL ZONE AGREEMENT
~~GRAVES HILL LAND COMPANY, LLC~~

This Agreement made this _____ day of _____, 2004 by ~~GRAVES HILL LAND COMPANY, LLC~~, a Maine limited liability company with an office in ~~Saco~~, Maine (hereinafter "~~GRAVES HILL~~").

or has an option

WITNESSETH:

WHEREAS, ~~GRAVES HILL~~ owns a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

94

WHEREAS, ~~GRAVES HILL~~ proposes to construct upon a portion of the Property a maximum of 98 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate

o:/Penny/Contract/Rezoning/Graves Hill to Council 9.15.04

with a larger trail system; and

10.40

WHEREAS, ~~GRAVES HILL~~ has requested the rezoning of ~~10.167~~ acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of ~~8.155~~ acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

7.92

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to be blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

it is necessary and appropriate to impose with ~~GRAVES HILL's~~ agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on _____, 200_, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1; and

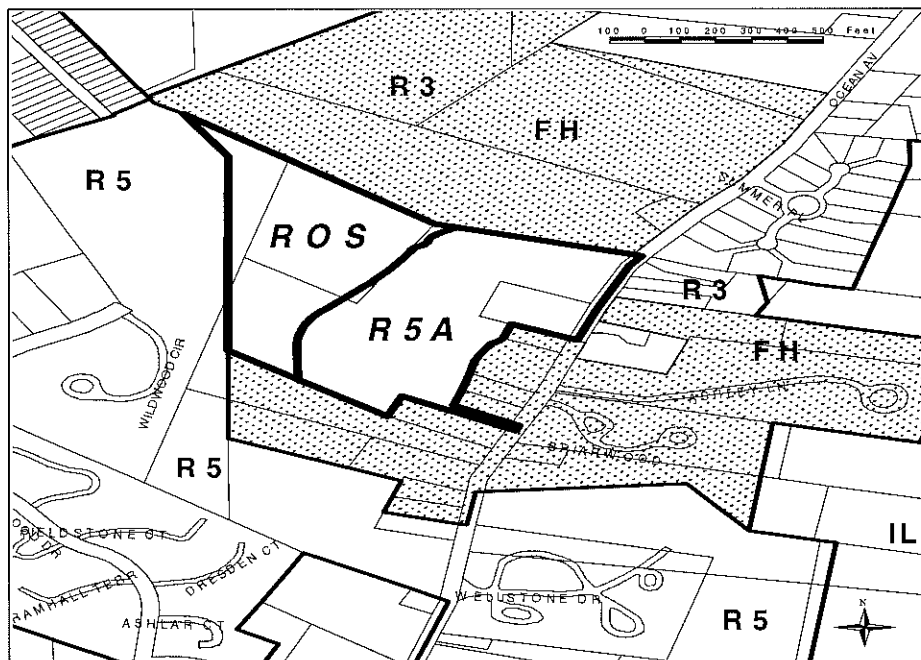
WHEREAS, GRAVES HILL has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind ~~GRAVES HILL~~, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, ~~GRAVES HILL~~ contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Counsel's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert

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to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS**

July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. **GRAVES HILL** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

94

47

- a. Up to ~~98~~ residential units located in two buildings, each building containing up to ~~49~~ units, which may be sold as condominium units, resulting in a maximum total of ~~ninety eight (98)~~ residential units within the Property; and
- b. a community room in each building available for use by the residents of the ~~PRUD~~, and
- c. a small office in each building to be used by employees of the condominium owners' association, only for on site property management and concierge services for 802 Ocean Avenue, if determined necessary by the condominium owners' association; and
- d. a fitness and special events room in each building available for use by the residents of the ~~PRUD~~; and
- e. a cross country ski center/locker room in each building available for use by the

ninety four (94)

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b

1 space per 1BR
unit + 2 spaces per
2BR, 3BR units

A future recreation
area is also
permitted, subject
to Site Plan Review
and approval by
the Planning Board

~~residents of the PRUD; and~~

~~f. parking in an amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces; and~~

c

~~g. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.~~

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

forty seven (47)

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to ~~forty nine (49)~~ dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to ~~forty nine (49)~~ dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

forty seven (47)

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. ~~GRAVES HILL~~ is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access.

future recreation
area

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. ~~GRAVES HILL~~ shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The

easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize ~~GRAVES HILL~~, its successors and assigns, ~~Graves Hill~~ Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, ~~GRAVES HILL~~ may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as ~~GRAVES HILL~~ has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, ~~GRAVES HILL~~ may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

Archetype PA, date
TBD

Sebago Technics,
Date TBD

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Richardson and Associates (last revised August 16, 2004) and the Proposed Building Design site sections, building sections and floor plans submitted by Scott Simons Architects (last revised July 8, 2004) and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The ~~Graves Hill~~ entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of ~~GRAVES HILL~~, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this

Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. ~~GRAVES HILL~~ shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, ~~GRAVES HILL~~ shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the CITY for the CITY to apply toward installing granite curbs and sidewalk in the vicinity of the PROPERTY.

~~GRAVES HILL~~ shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by ~~GRAVES HILL~~ or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while ~~GRAVES HILL~~ shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by ~~GRAVES HILL~~ or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which ~~GRAVES HILL~~ and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, ~~GRAVES HILL~~ or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned R-5A, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: ~~49~~

47

Maximum number of buildings containing residential dwelling units:

2

75

Maximum building height:

~~100~~ feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location on the site

plan

204 spaces



Parking:
spaces, half in Phase I and half in Phase II

Minimum of ~~2 spaces per unit~~ plus 28 visitor

Minimum recreation open space area:
in the form of

Outdoor passive recreation

pedestrian trails of not less than 3,207 linear

feet shall be provided on the Property,

generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, ~~GRAVES HILL~~ may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY's** zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and ~~GRAVES HILL~~ need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit ~~GRAVES HILL~~, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

o:/Penny/Contract/Rezoning/Graves Hill to Council 9.15.04

14. In the event ~~GRAVES HILL~~ or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of ~~GRAVES HILL'S~~ breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that ~~GRAVES HILL~~ has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. ~~GRAVES HILL~~ shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

~~GRAVES HILL LAND COMPANY, LLC~~

Ridge
Development LLC

By: _____

~~Diane Doyle~~

Its Manager

Patrick Tinsman,
Manager of Ridge
Development LLC

Patrick Tinsman

STATE OF MAINE
CUMBERLAND, SS.

_____, 200_

Then personally appeared the above-named ~~Diane Doyle, Manager of GRAVES HILL LAND COMPANY, LLC~~ as aforesaid, and acknowledged the foregoing instrument to be her

free act and deed in her said capacity and the free act and deed of said limited liability company.

Before me,

Notary Public/Attorney-at-Law

Printed name: _____

My Commission Expires: _____

CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

EDWIN P. CHESTER
BARBARA A. VESTAL
STEVEN M. CAREY

107 Congress Street
Portland, Maine 04101
Telephone (207) 772-7426
Fax (207) 761-5822
E-mail: nchester@maine.rr.com
vestal@maine.rr.com
smcarey@maine.rr.com

NOV 12 2004

November 12, 2004

HAND DELIVERED

Penny Littel, Esq.
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Conditional Zone Agreement, Graves Hill Land Company, LLC

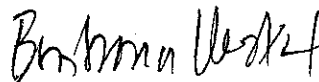
Dear Penny:

Enclosed is a copy of the Conditional Zone Agreement which was executed by Graves Hill Land Company, LLC on November 8, 2004, together with the Council Order (Attachment 1) and reduced, black/white copies of Exhibits 1-4 which were attached to the Agreement when it was submitted to the City Council for public hearing on October 18, 2004. The original Conditional Zone Agreement (including Attachment and Exhibits) was recorded on November 10, 2004 at 2:02 p.m. in Cumberland County Registry of Deeds Book 21999, Page 113.

As agreed, also enclosed for your records are the full size, 11" x 17" and/or color pages which were submitted to the Council as Exhibits 1-4.

Please contact me if anything further is required at this time. Thank you for your assistance throughout this phase of the process.

Very truly yours,



Barbara A. Vestal

BAV/om
Enclosures
dc: Diane Doyle, Graves Hill Land Company, LLC

Official Receipt for Recording in:

Cumberland County Registry Of Deeds
142 Federal Street
PORTLAND, MAINE 04101

Issued To:
CHESTER & VESTAL
107 CONGRESS STREET
PORTLAND ME 04101-

Recording Fees

Document Description	Number	Volm	Page	Recording Amount
MORTGAGE	88949	21999	113	\$61.00
1-GRAVES HILL LAND CO LLC				
02:02:30p				
				\$61.00

Collected Amounts

Payment Type	Check Number	Amount
CHECK	144	\$61.00
		\$61.00

Total Received :	\$61.00
Less Total Recordings:	\$61.00
Change Due :	\$0.00

Thank You
JOHN B OBRIEN - Register of Deeds
By - Monica Bouchie

Receipt# Date Time
0185173 11/10/2004 02:02p

**CONDITIONAL ZONE AGREEMENT
GRAVES HILL LAND COMPANY, LLC**

This Agreement made this 8th day of November, 2004 by **GRAVES HILL LAND COMPANY, LLC**, a Maine limited liability company with an office in Saco, Maine (hereinafter "**GRAVES HILL**").

WITNESSETH:

WHEREAS, GRAVES HILL owns a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

WHEREAS, GRAVES HILL proposes to construct upon a portion of the Property a maximum of 98 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

WHEREAS, GRAVES HILL has requested the rezoning of 10.167 acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of 8.155 acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

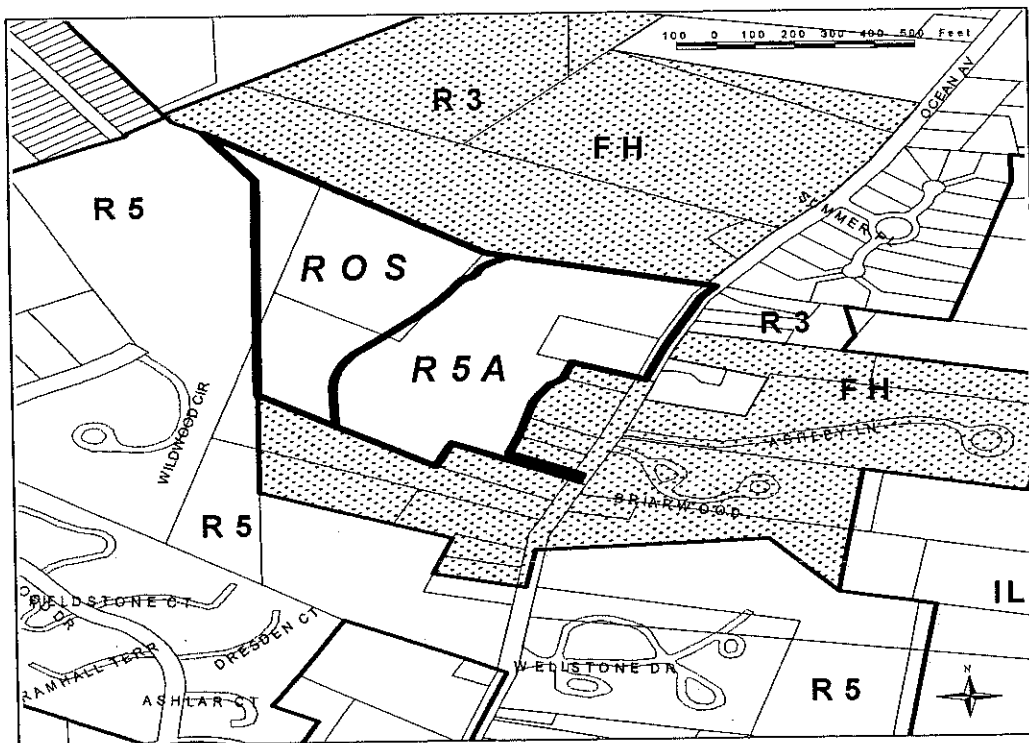
it is necessary and appropriate to impose with **GRAVES HILL**'s agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on October 18, 2004, by City Council Order No.67 -- 04/05, a true copy of which is attached hereto as Attachment 1; and

WHEREAS, **GRAVES HILL** has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **GRAVES HILL**, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, **GRAVES HILL** contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Counsel's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R-3 and Flexible Housing Overlay to R-5A and R-OS**

July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. **GRAVES HILL** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. Up to 98 residential units located in two buildings, each building containing up to 49 units, which may be sold as condominium units, resulting in a maximum total of ninety-eight (98) residential units within the Property; and
- b. a community room in each building available for use by the residents of the PRUD; and
- c. a small office in each building to be used by employees of the condominium owners' association, only for on-site property management and concierge services for 802 Ocean Avenue, if determined necessary by the condominium owners' association; and
- d. a fitness and special events room in each building available for use by the residents of the PRUD; and
- e. a cross country ski center/locker room in each building available for use by the residents of the PRUD; and
- f. parking in an amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces; and
- g. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty-nine (49) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty-nine (49) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by

blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. **GRAVES HILL** is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **GRAVES HILL** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **GRAVES HILL**, its successors and assigns, Graves Hill Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, **GRAVES HILL** may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as **GRAVES HILL** has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site

have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, **GRAVES HILL** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Richardson and Associates (last revised August 16, 2004) and the Proposed Building Design site sections, building sections and floor plans submitted by Scott Simons Architects (last revised July 8, 2004) and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The Graves Hill entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **GRAVES HILL**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **GRAVES HILL** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **GRAVES HILL** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

GRAVES HILL shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by **GRAVES HILL** or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while **GRAVES HILL** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **GRAVES HILL** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **GRAVES HILL** and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual

condominium units. Similarly, **GRAVES HILL** or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: 49

Maximum number of buildings containing residential dwelling units: 2

Maximum building height: 100 feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location of the site plan

Parking: Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II

Minimum recreation open space area: Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. An public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **GRAVES HILL** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY's** zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any por-

tion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

14. In the event **GRAVES HILL** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **GRAVES HILL'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **GRAVES HILL** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **GRAVES HILL** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

Brianne V. Vorkel

GRAVES HILL LAND COMPANY, LLC

By: [Signature]
Diane Doyle
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

November 8, 2004

Then personally appeared the above-named Diane Doyle, Manager of GRAVES HILL LAND COMPANY, LLC as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said limited liability company.

Before me,

Barbara A. Vezina

~~Notary Public~~/Attorney-at-Law

Printed name: Barbara A. Vezina

My Commission Expires: _____

ATTACHMENT 1

Order 67 – 04/05

Given first reading 9/20/04

Postponed on 10/4/04

Public Hearing and Passage 10/18/04 7-1 (Smith abstaining, O'Donnell opposed)

NATHAN H. SMITH (MAYOR)(3)

WILLIAM R. GORHAM (1)

KAREN A. GERAGHTY (2)

CHERYL A. LEEMAN (4)

JAMES I. COHEN (5)

CITY OF PORTLAND
IN THE CITY COUNCIL

PETER E. O'DONNELL (A/L)

JAMES F. CLOUTIER (A/L)

JILL C. DUSON (A/L)

NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR 802-828 OCEAN AVENUE**

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below;

BE IT FURTHER ORDERED, that the conditional rezoning amendment authorized herein shall become effective thirty (30) days following this rezoning.

**CONDITIONAL ZONE AGREEMENT
GRAVES HILL LAND COMPANY, LLC**

This Agreement made this _____ day of _____, 2004 by **GRAVES HILL LAND COMPANY, LLC**, a Maine limited liability company with an office in Saco, Maine (hereinafter "GRAVES HILL").

WITNESSETH:

WHEREAS, GRAVES HILL owns a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

WHEREAS, GRAVES HILL proposes to construct upon a portion of the Property a maximum of 98 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

WHEREAS, GRAVES HILL has requested the rezoning of 10.167 acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of 8.155 acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to be blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

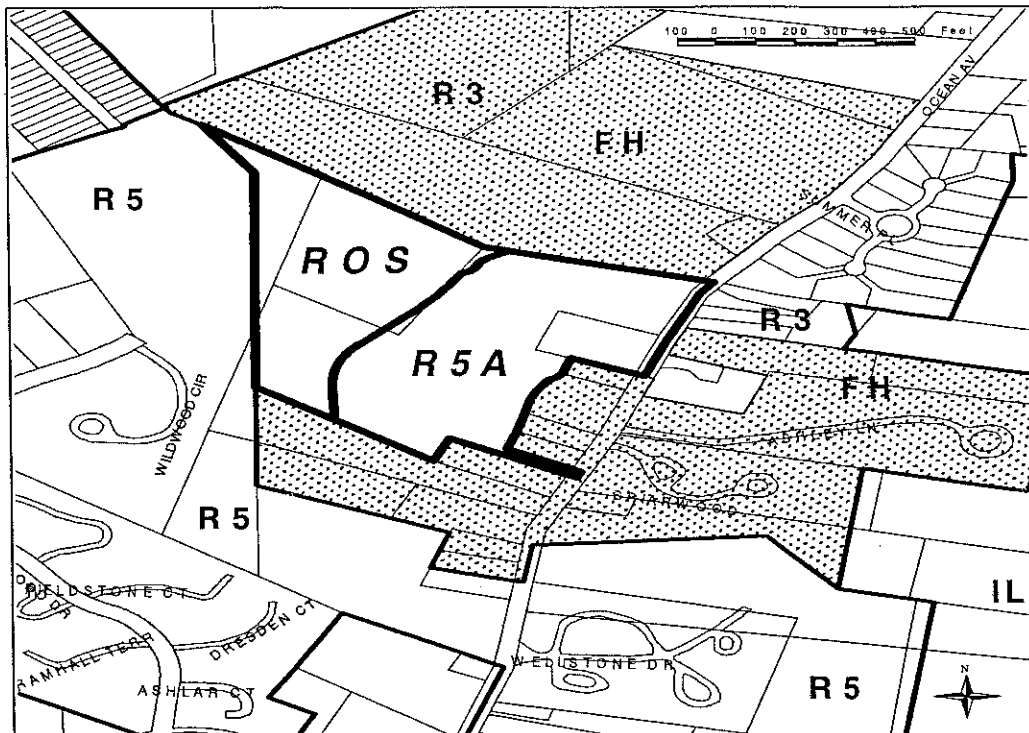
it is necessary and appropriate to impose with **GRAVES HILL's** agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on _____, 200__, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1; and

WHEREAS, GRAVES HILL has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **GRAVES HILL**, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, **GRAVES HILL** contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Counsel's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS**

July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. **GRAVES HILL** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. Up to 98 residential units located in two buildings, each building containing up to 49 units, which may be sold as condominium units, resulting in a maximum total of ninety-eight (98) residential units within the Property; and
- b. a community room in each building available for use by the residents of the PRUD; and
- c. a small office in each building to be used by employees of the condominium owners' association, only for on-site property management and concierge services for 802 Ocean Avenue, if determined necessary by the condominium owners' association; and
- d. a fitness and special events room in each building available for use by the residents of the PRUD; and
- e. a cross country ski center/locker room in each building available for use by the residents of the PRUD; and

- f. parking in an amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces; and
- g. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty-nine (49) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty-nine (49) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. **GRAVES HILL** is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **GRAVES HILL** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking

dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **GRAVES HILL**, its successors and assigns, Graves Hill Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, **GRAVES HILL** may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as **GRAVES HILL** has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, **GRAVES HILL** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Richardson and Associates (last revised August 16, 2004) and the Proposed Building Design site sections, building sections and floor plans submitted by Scott Simons Architects (last revised July 8, 2004) and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The Graves Hill entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **GRAVES HILL**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **GRAVES HILL** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **GRAVES HILL** shall instead contribute funds

equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

GRAVES HILL shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by **GRAVES HILL** or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while **GRAVES HILL** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **GRAVES HILL** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **GRAVES HILL** and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, **GRAVES HILL** or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: 49

**Maximum number of buildings containing
residential dwelling units:** 2

Maximum building height: 100 feet, as measured per zoning ordinance,
and in accordance with the plans attached hereto and in accordance with the location on the site
plan

Parking: Minimum of 2 spaces per unit plus 28 visitor
spaces, half in Phase I and half in Phase II

Minimum recreation open space area: Outdoor passive recreation in the form of

pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **GRAVES HILL** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY**'s zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

14. In the event **GRAVES HILL** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **GRAVES HILL'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **GRAVES HILL** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the

request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **GRAVES HILL** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

GRAVES HILL LAND COMPANY, LLC

By: _____
Diane Doyle
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

_____, 200_

Then personally appeared the above-named Diane Doyle, Manager of GRAVES HILL LAND COMPANY, LLC as aforesaid, and acknowledged the foregoing instrument to be her

free act and deed in her said capacity and the free act and deed of said limited liability company.

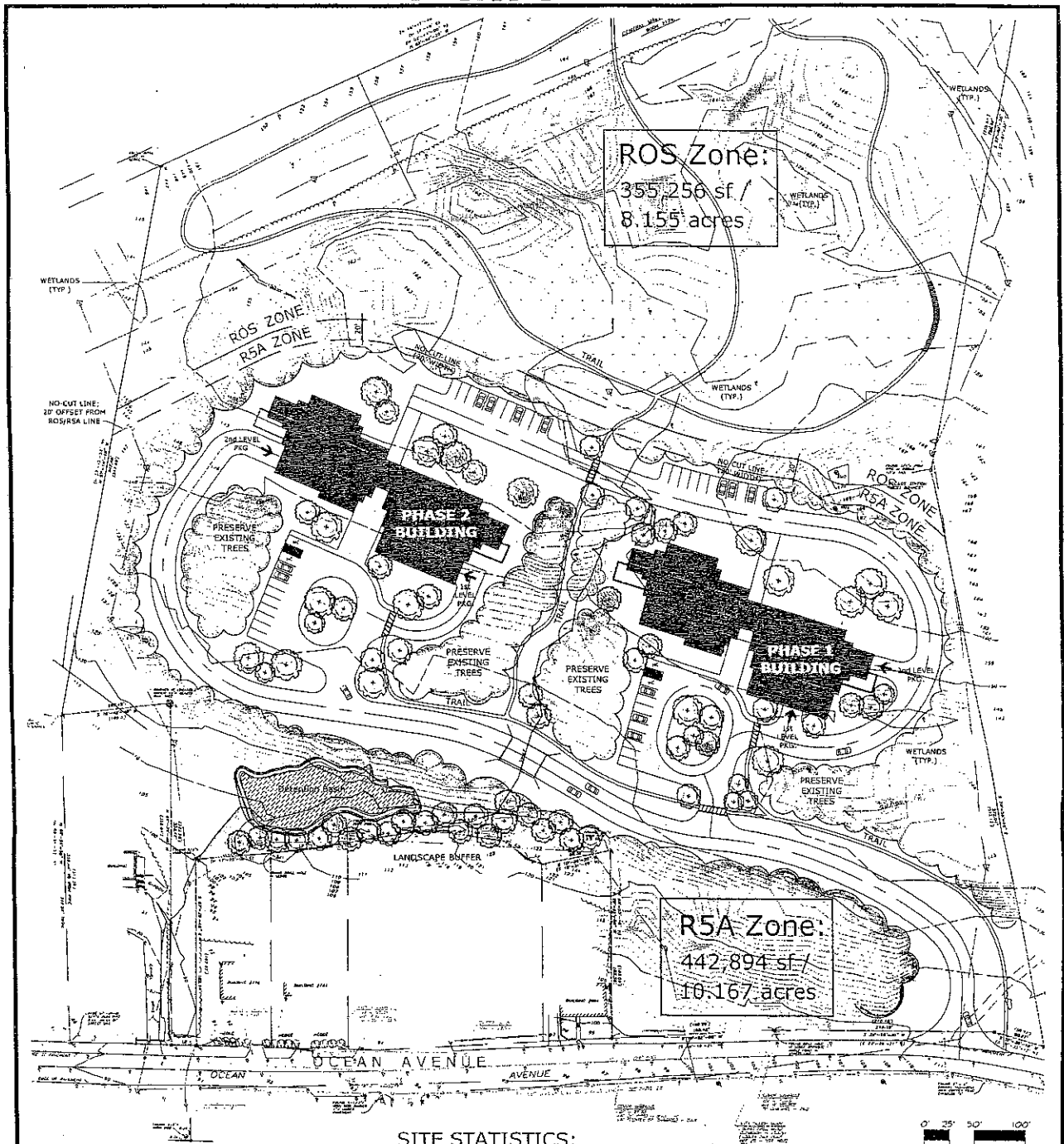
Before me,

Notary Public/Attorney-at-Law

Printed name: _____

My Commission Expires: _____

EXHIBIT 1



NOTES:

1. ALL TOPOGRAPHIC INFORMATION AND EXISTING BASE INFORMATION EXCEPT WETLANDS BOUNDARIES PROVIDED BY DOW & COULOMBE SURVEYORS.
2. UTILITY INFORMATION SHOWN IS APPROXIMATE ONLY.
3. PROPOSED ELEVATIONS AND PERCENT SLOPES INDICATED ON PLAN ARE TO PROVIDE GENERAL INFORMATION REGARDING
4. EXISTING AND PROPOSED CONDITIONS AND RELATIONSHIPS.
5. WETLANDS BOUNDARIES SHOWN ARE FOR PLANNING PURPOSES ONLY AND WILL REQUIRE FIELD VERIFICATION.

SITE STATISTICS:

Site Size: Gross area: 798,150 s.f. / 18.323 acres
 Zone ROS: 355,256 sf / 8.1555 acres
 Zone R5A: 442,894 sf / 10.167 acres
 Net Land Area: 434,622 s.f. / 9.978 acres
 Frontage: 445 L.F.
 Impervious Surface Ratio: 0.16

Number of Units:
 Phase 1: 49
 Phase 2: 49
 Gross Density: 5.3 Units/Acre
 Net Density: 9.8 Units/Acre

Roadway Ownership: Private
 Linear Feet of Roadway: 2,656 L.F.
 Roadway Width: 24 feet

Total Number of Parking Spaces: 224 spaces
 Phase 1: 112 spaces
 Phase 2: 112 spaces

Parking Spaces within Parking Structure:
 Phase 1: 90 spaces
 Phase 2: 20 spaces

Surface Parking Spaces:
 Phase 1: 22 spaces
 Phase 2: 22 spaces

Projected Wetlands Disturbance: 2,230 s.f.
 Projected Site Disturbance: 3.4 Acres

Trail:
 Zone ROS: 2,855 lf
 Zone R5A: 1,170 lf
 Total Trail: 4,025 lf

Preliminary Site Plan: Zone Identification

GRAVES HILL

Portland, Maine

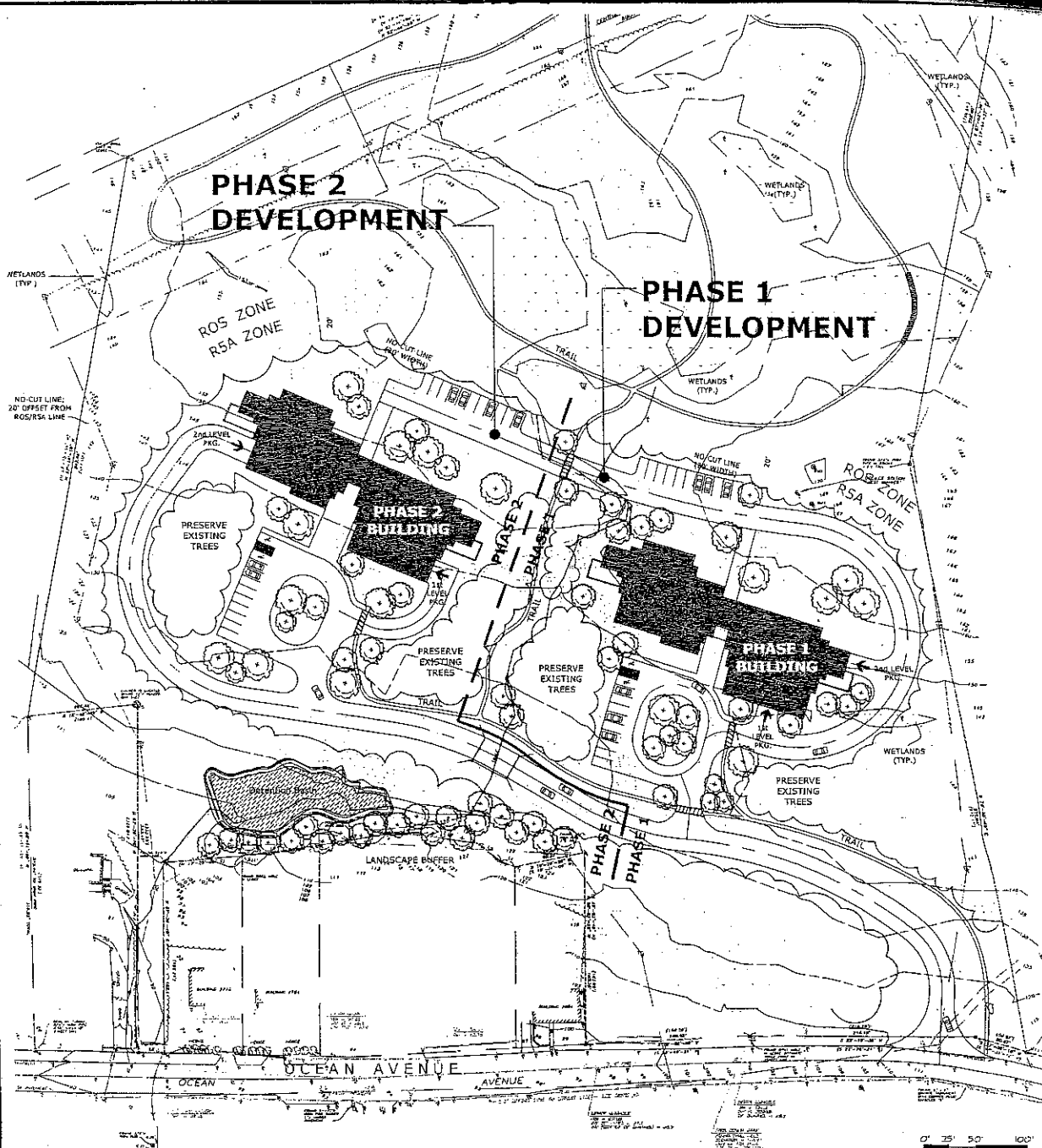
Developer: GRAVES HILL LAND COMPANY
 150 Main Street
 Scarborough, Maine
 tel: 207.286.1191

Architect: Scott Simons Architects
 75 York Street
 Portland, Maine 04101
 tel: 207.772.4656

Landscape Architect: Richardson & Associates
 Landscape Architects
 PO Box 426
 176 Main Street
 Scarborough, Maine 04072
 tel: 207.286.9291

Civil Engineer: BH2M
 Consulting Engineers
 28 State Street
 Gorham, Maine
 tel: 207.870.7371

MARCH 25, 2004
 REVISED MAY 14, 2004
 REVISED JUNE 1, 2004
 REVISED JUNE 14, 2004
 REVISED JULY 8, 2004
 REVISED AUGUST 18, 2004



NOTES:

1. ALL TOPOGRAPHIC INFORMATION AND EXISTING BASE INFORMATION EXCEPT WETLANDS BOUNDARIES PROVIDED BY DOW & COULOMBE SURVEYORS.
2. UTILITY INFORMATION SHOWN IS APPROXIMATE ONLY.
3. PROPOSED ELEVATIONS AND PERCENT SLOPES INDICATED ON PLAN ARE TO PROVIDE GENERAL INFORMATION REGARDING
4. EXISTING AND PROPOSED CONDITIONS AND RELATIONSHIPS.
5. WETLANDS BOUNDARIES SHOWN ARE FOR PLANNING PURPOSES ONLY AND WILL REQUIRE FIELD VERIFICATION.

SITE STATISTICS:

Site Size: Gross area: 798,150 s.f. / 18.323 acres
 Zone ROS: 355,256 s.f. / 8.155 acres
 Zone RSA: 442,894 s.f. / 10.167 acres
 Net Land Area: 434,622 s.f. / 9.978 acres
 Frontage: 445 L.F.
 Impervious Surface Ratio: 0.16

Number of Units:
 Phase 1: 49
 Phase 2: 49
 Gross Density: 5.3 Units/Acre
 Net Density: 9.8 Units/Acre

Roadway Ownership: Private
 Linear Feet of Roadway: 2,656 L.F.
 Roadway Width: 24 feet

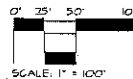
Total Number of Parking Spaces: 224 spaces
 Phase 1: 112 spaces
 Phase 2: 112 spaces

Parking Spaces within Parking Structure:
 Phase 1: 90 spaces
 Phase 2: 90 spaces

Surface Parking Spaces:
 Phase 1: 22 spaces
 Phase 2: 22 spaces

Projected Wetlands Disturbance: 2,730 s.f.
 Projected Site Disturbance: 3,645 Acres

Trail:
 Zone ROS: 2,855 L.F.
 Zone RSA: 1,170 L.F.
 Total Trail: 4,025 L.F.



Preliminary Site Plan: Phasing Identification

GRAVES HILL

Portland, Maine

Developer: GRAVES HILL LAND COMPANY
 110 Main Street
 Saco, Maine
 tel 207.286.1151

Architect: Scott Simons Architects
 75 York Street
 Portland, Maine 04101
 tel 207.722.4656

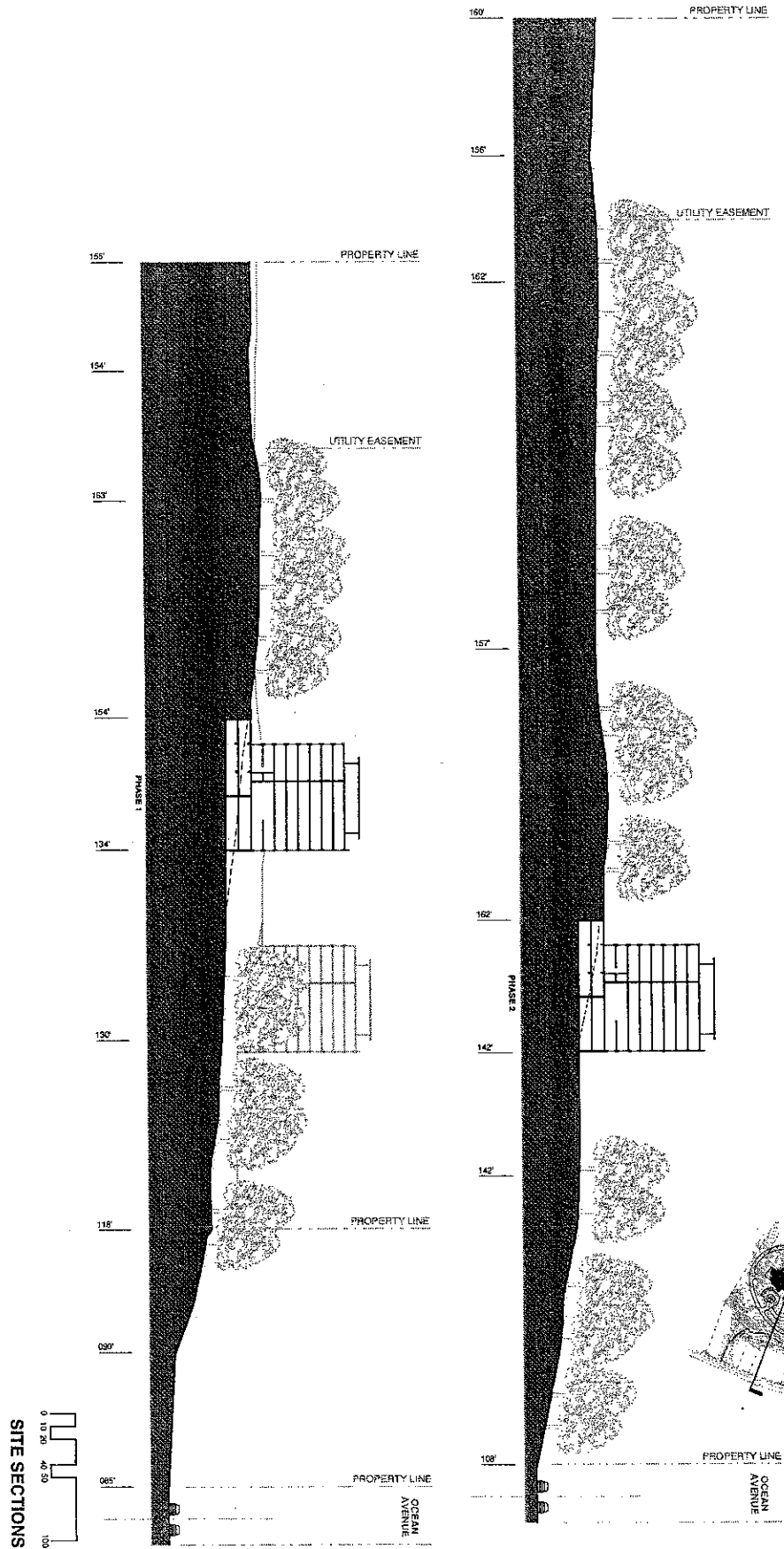
Landscape Architect: Richardson & Associates
 Landscape Architects
 PO Box 426
 176 Main Street
 Saco, Maine 04072
 tel 207.286.9291

Civil Engineer: BHZM
 Consulting Engineers
 28 State Street
 Portland, Maine
 tel 207.535.2771

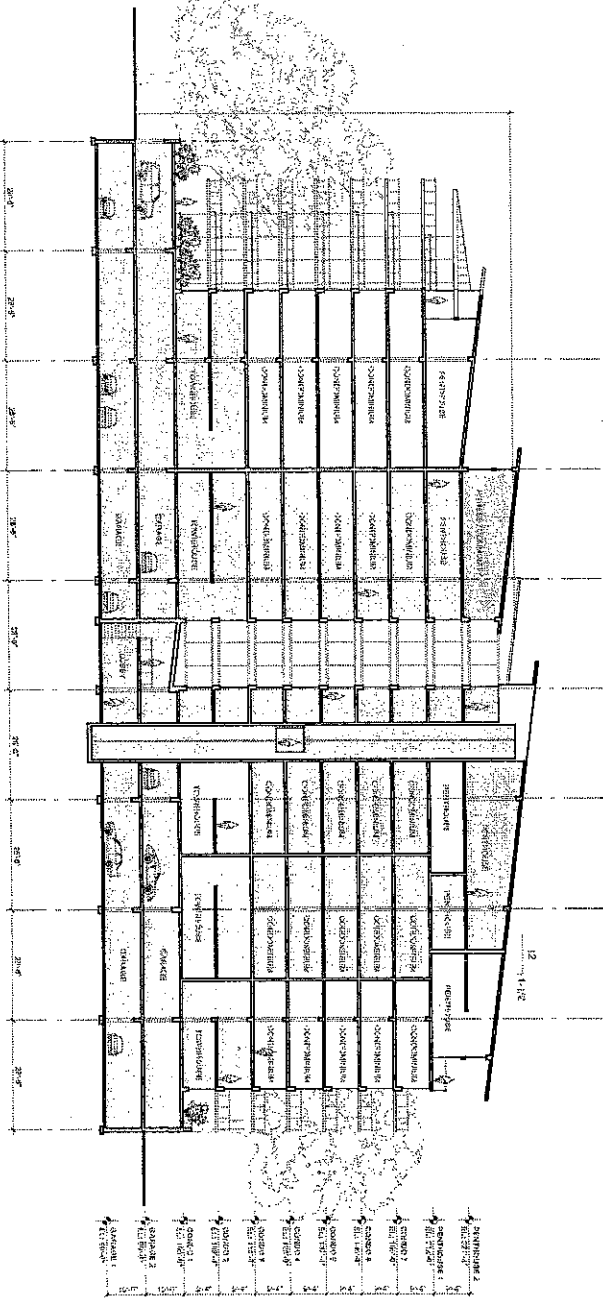
MARCH 25, 2004
 REVISED MAY 14, 2004
 REVISED JUNE 1, 2004
 REVISED JUNE 14, 2004
 REVISED JULY 6, 2004
 REVISED AUGUST 16, 2004

EXHIBIT 3

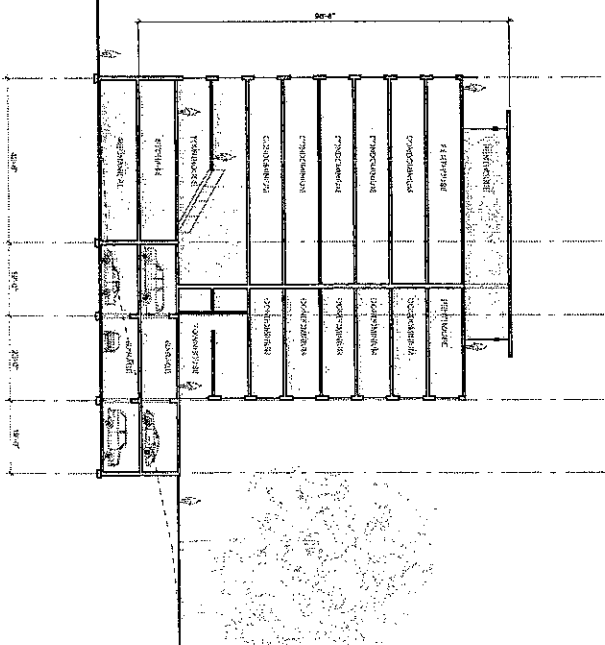
GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



S-N BUILDING SECTION



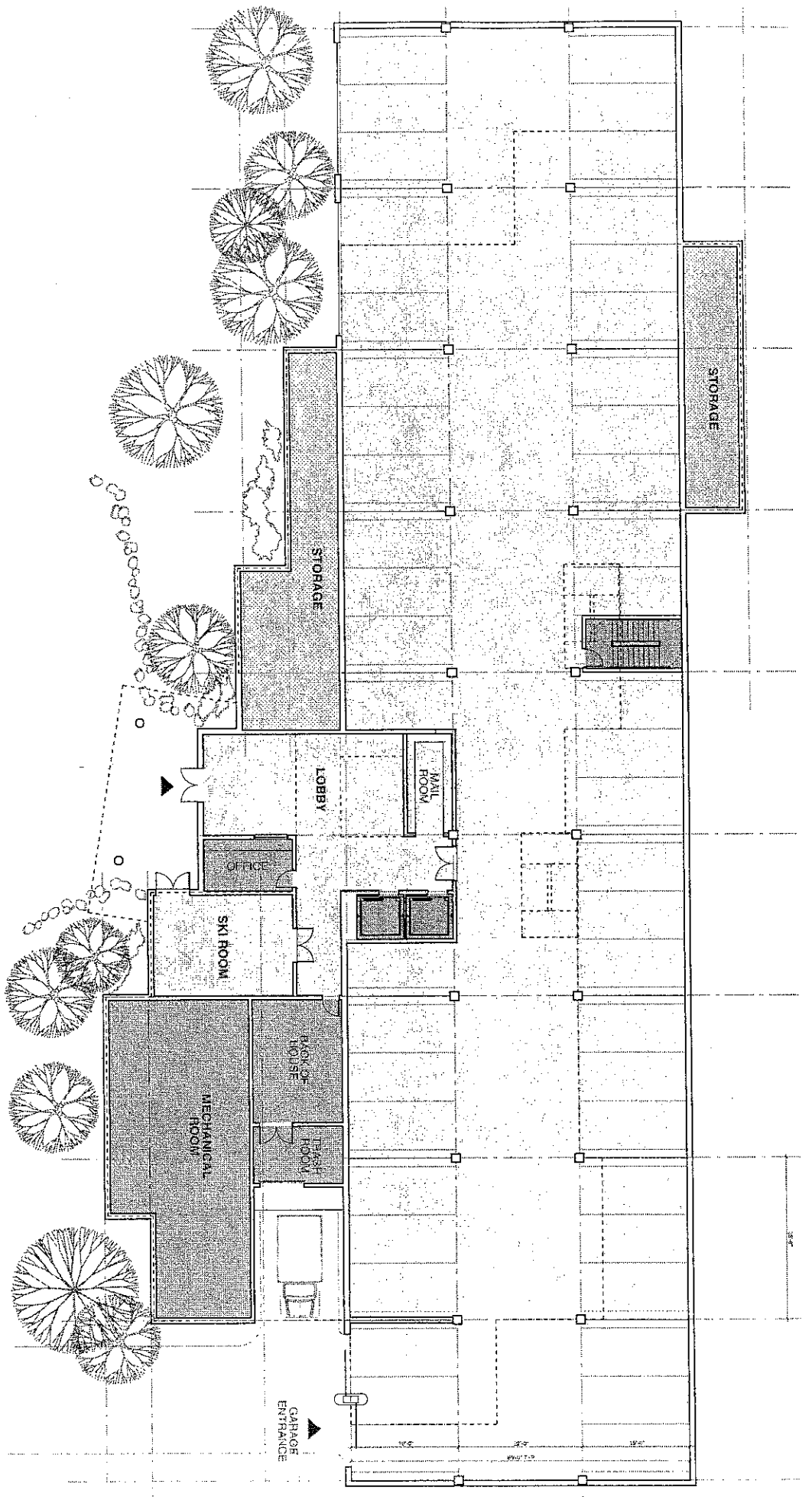
E-W BUILDING SECTION



BUILDING SECTIONS

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME

GRAVES HILL
 OCEAN AVENUE
 PORTLAND, ME



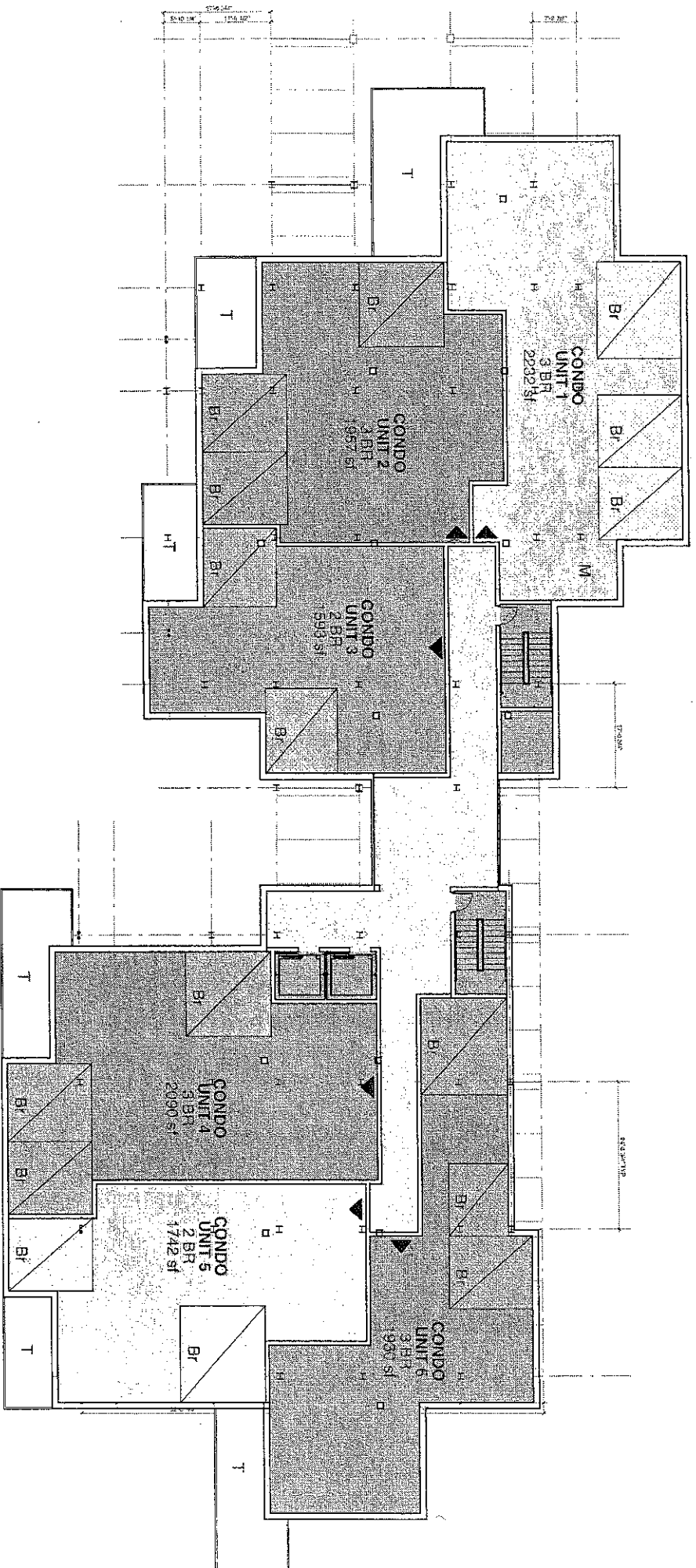
FLOOR 01: LOBBY & GARAGE

Scott Simons Architects

This architectural floor plan depicts a building layout with several distinct rooms and storage areas. The plan is oriented horizontally, with a central corridor running vertically. On the left side of the corridor, there is a large 'STORAGE' area at the top, followed by a 'COMMUNITY ROOM' and a 'LOBBY' area. On the right side, there is another large 'STORAGE' area at the top, followed by a 'STORAGE' area and a 'STORAGE' area. The plan includes various rooms, corridors, and storage areas, with labels indicating their functions. The layout is detailed with room boundaries, door swings, and storage units.

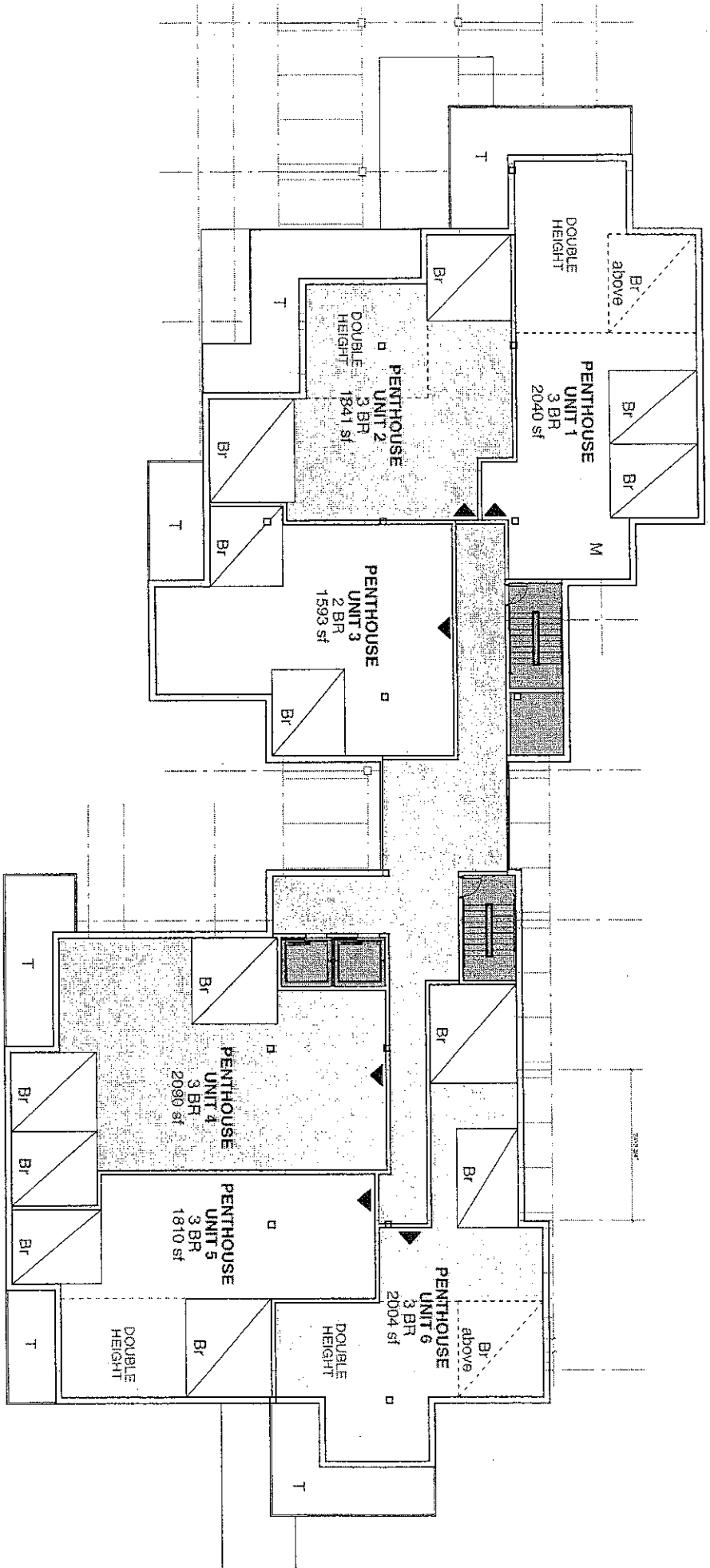
STORAGE

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



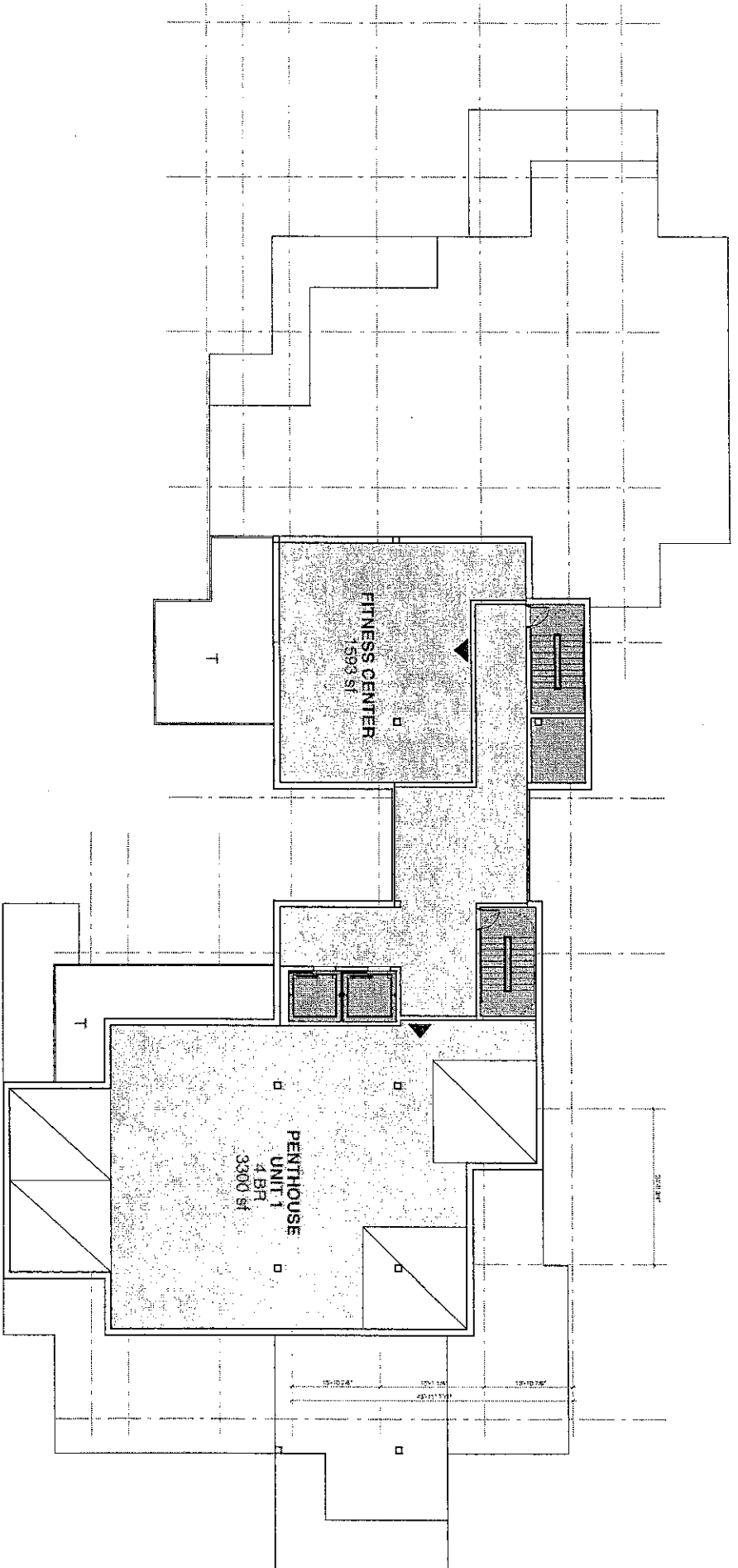
FLOOR 03-09: TYPICAL CONDOMINIUM
 14,510 SF TOTAL

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



FLOOR 10: PENTHOUSE
 13,405 SF TOTAL

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



FLOOR 11: PENTHOUSE
6,653 SF TOTAL

EXHIBIT 4



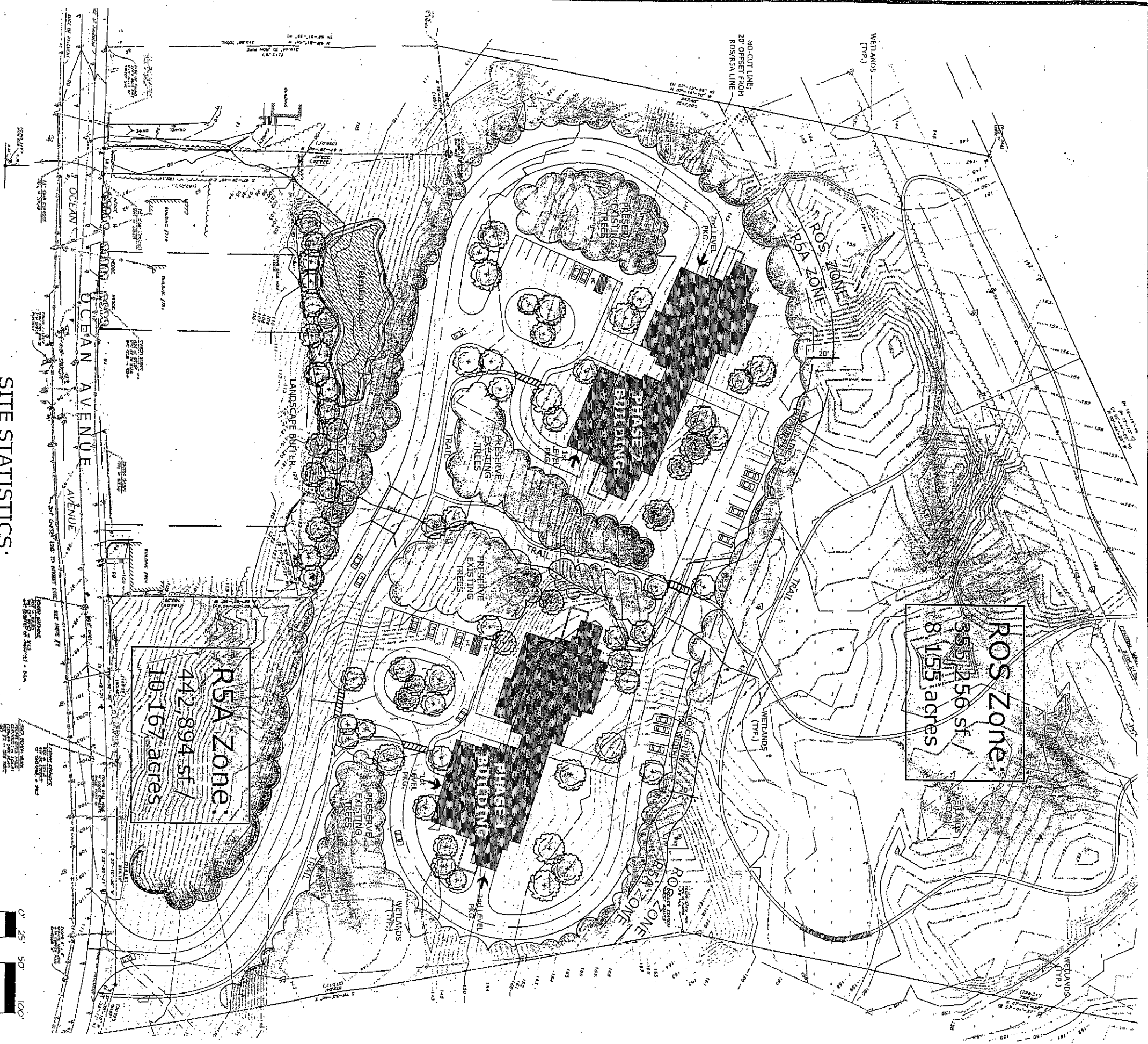
Submitted to
PORTLAND PLANNING BOARD
AUGUST 17, 2004

GRAVES HILL LAND COMPANY, LLC
Diane Doyle 207.286.1151

SCOTT SIMONS ARCHITECTS
Scott Simons 207.772.4656

RICHARDSON & ASSOCIATES
Todd Richardson 207.286.9291

BH2M
Les Berry 207.839.2771



NOTES:

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Frontage: 445 L.F.
Impervious Surface Ratio: 0.16

Number of Units:
Phase 1: 49
Phase 2: 49
Gross Density: 5.3 Units/Acre
Net Density: 9.8 Units/Acre

Roadway Ownership: Private
Linear Feet of Roadway: 2,656 L.F.
Roadway Width: 24 feet

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Phase 2: 112 spaces

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Projected Wetlands Disturbance: 2,230 s.f.
Projected Site Disturbance: 3.4 Acres

Trail:
Zone ROS: 2,855 lf
Zone RSA: 1,170 lf
Total Trail: 4,025 lf



Preliminary Site Plan: Zone Identification

GRAVES HILL

Portland, Maine

MARCH 25, 2004
REVISED MAY 14, 2004
REVISED JUNE 1, 2004
REVISED JUNE 4, 2004
REVISED AUGUST 16, 2004

Developer: GRAVES HILL LAND COMPANY
110 Main Street
Saco, Maine
tel 207.286.1151

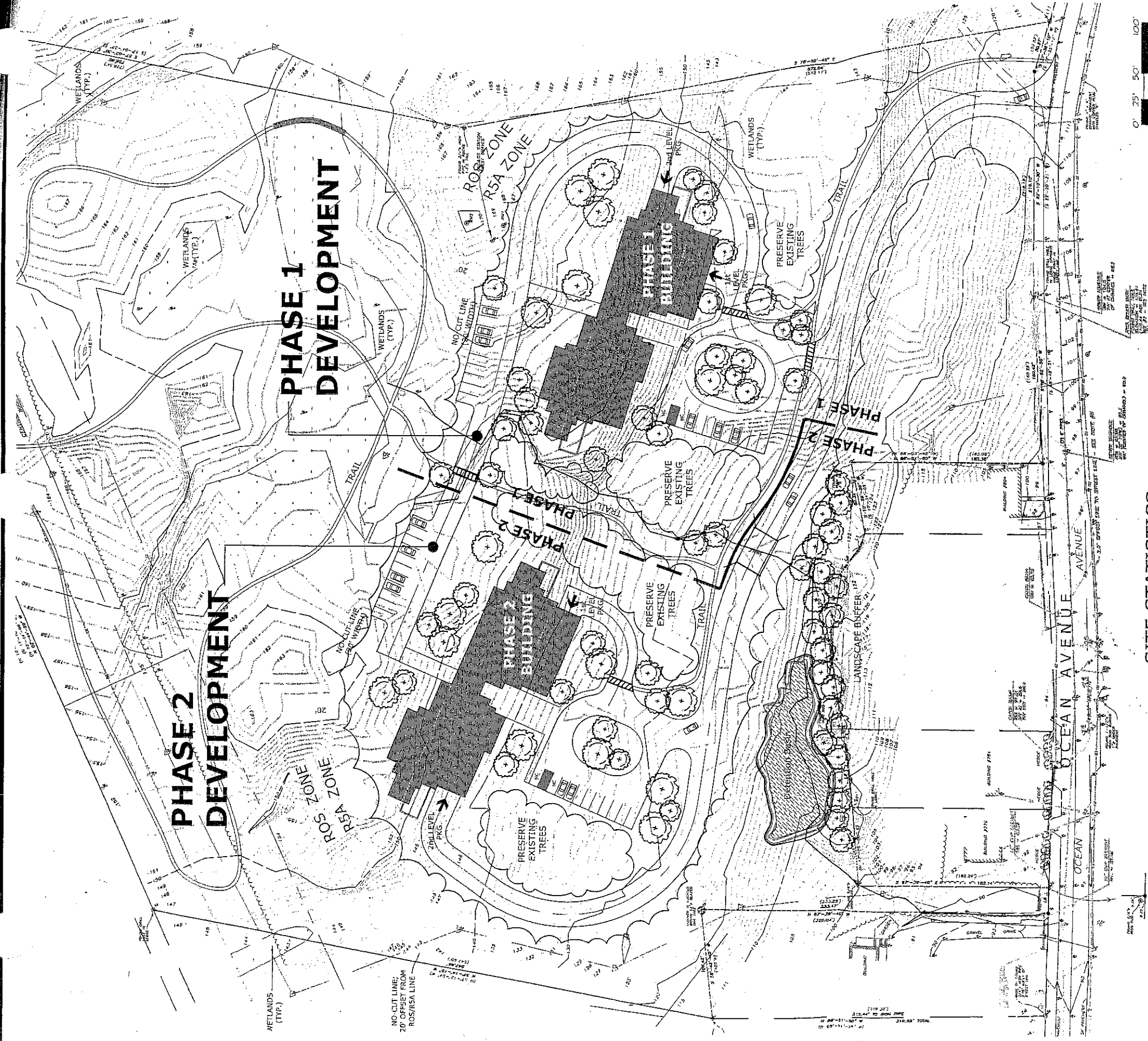
Architect: Scott Simons Architects
75 York Street
Portland, Maine 04103
tel 207.772.4556

Landscape Architect: Richardson & Associates
Landscape Architects
PO Box 426
176 Main Street
Saco, Maine 04072
tel 207.286.9291

Civil Engineer: BH2M
Consulting Engineers
28 State Street
Corryville, Maine
tel 207.859.7771

PHASE 2 DEVELOPMENT

PHASE 1 DEVELOPMENT



SITE STATISTICS:

Site Size: Gross area: 798,150 s.f. / 18.323 acres
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Preliminary Site Plan: Phasing Identification

GRAVES HILL

Portland, Maine

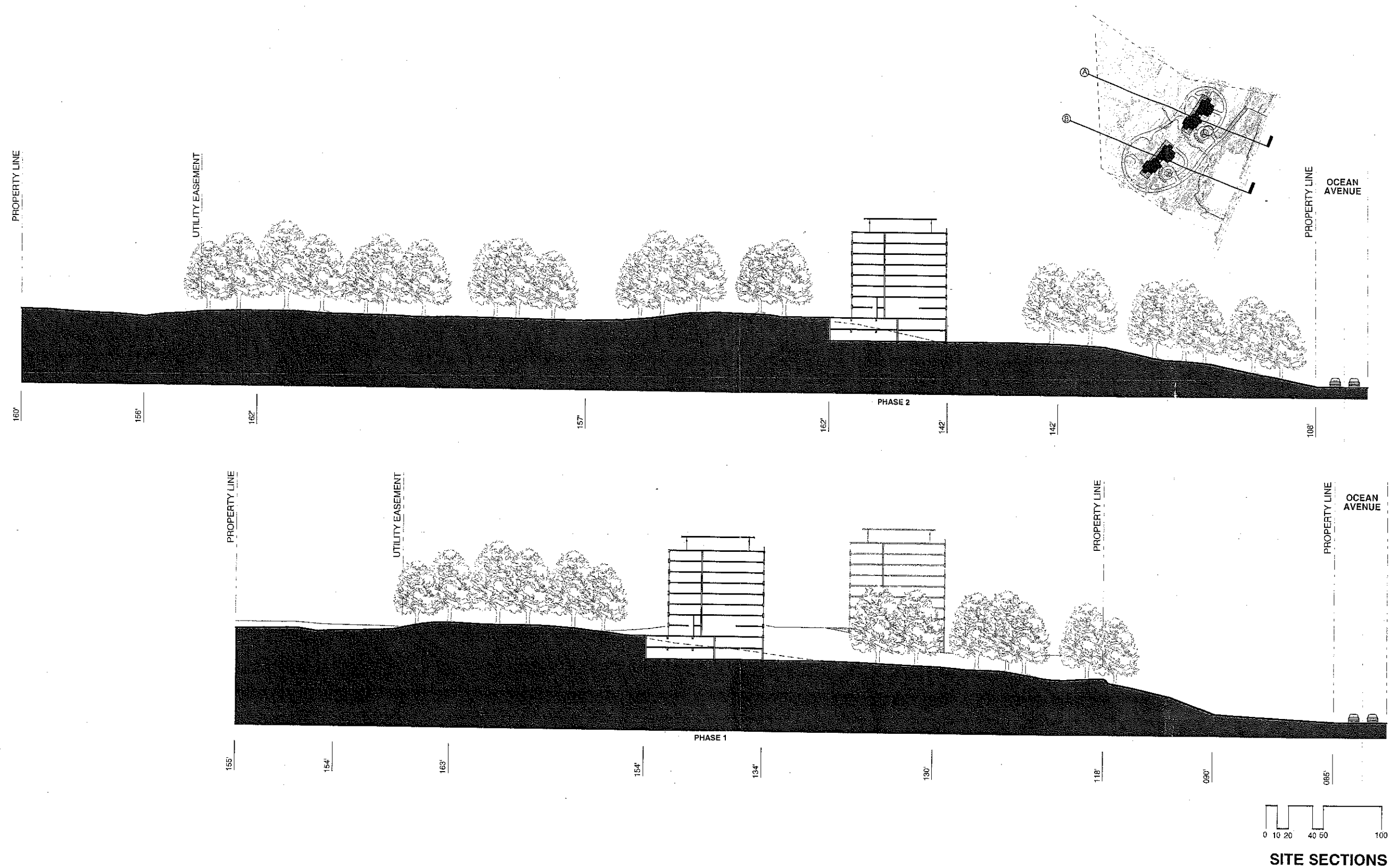
Developer: GRAVES HILL LAND COMPANY
 110 Main Street
 Saco, Maine
 tel 207.286.1151

Architect: Scott Simons Architects
 75 York Street
 Portland, Maine 04101
 tel 207.772.4656

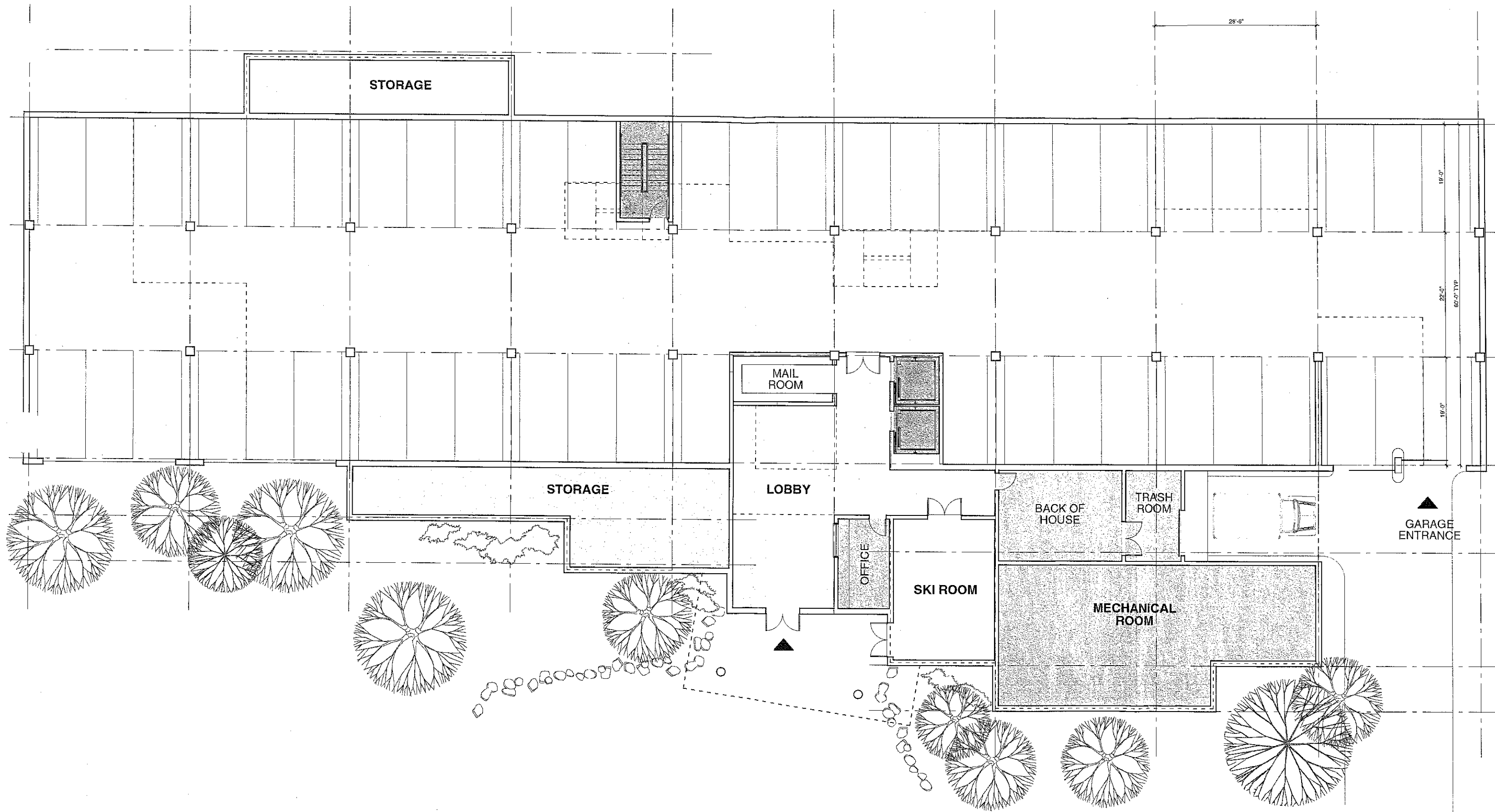
Landscape Architect: Richardson & Associates
 Landscape Architects
 PO Box 426
 176 Main Street
 Saco, Maine 04072
 tel 207.286.9291

Civil Engineer: BHZM
 Consulting Engineers
 28 State Street
 Gorham, Maine
 tel 207.859.2771

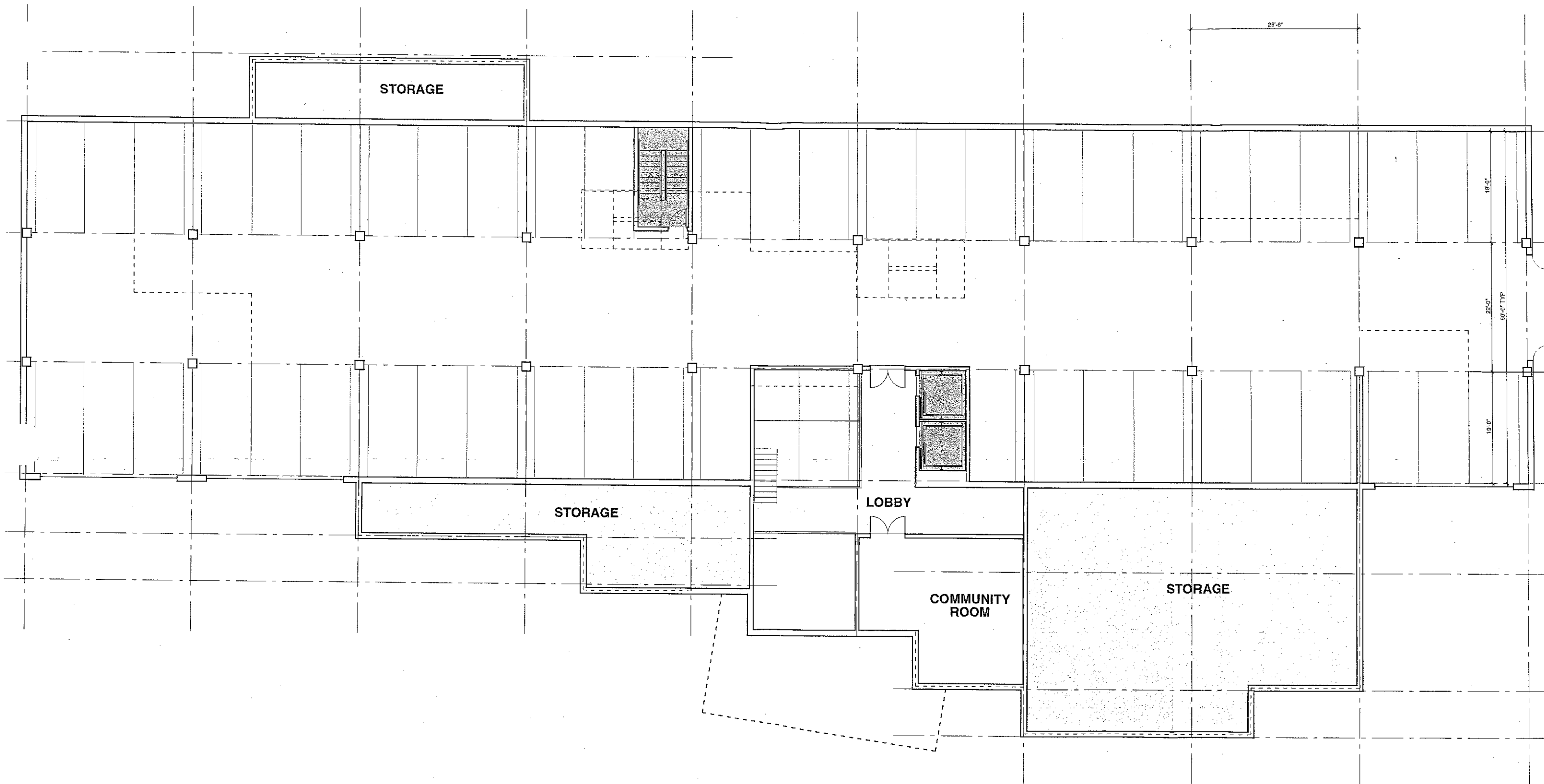
MARCH 23, 2004
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 REVISED JULY 6, 2004
 REVISED AUGUST 16, 2004



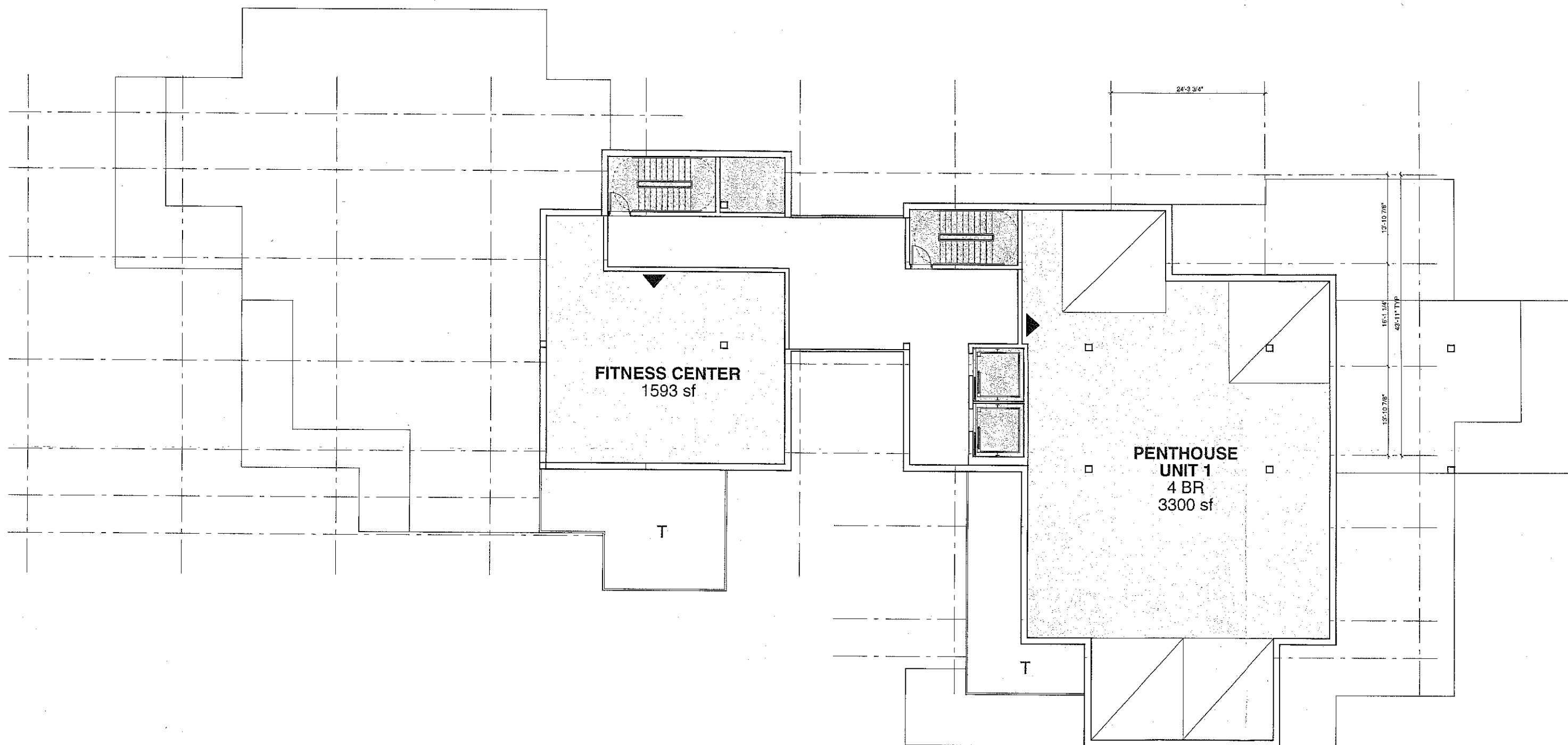
GRAVES HILL
 OCEAN AVENUE
 PORTLAND, ME



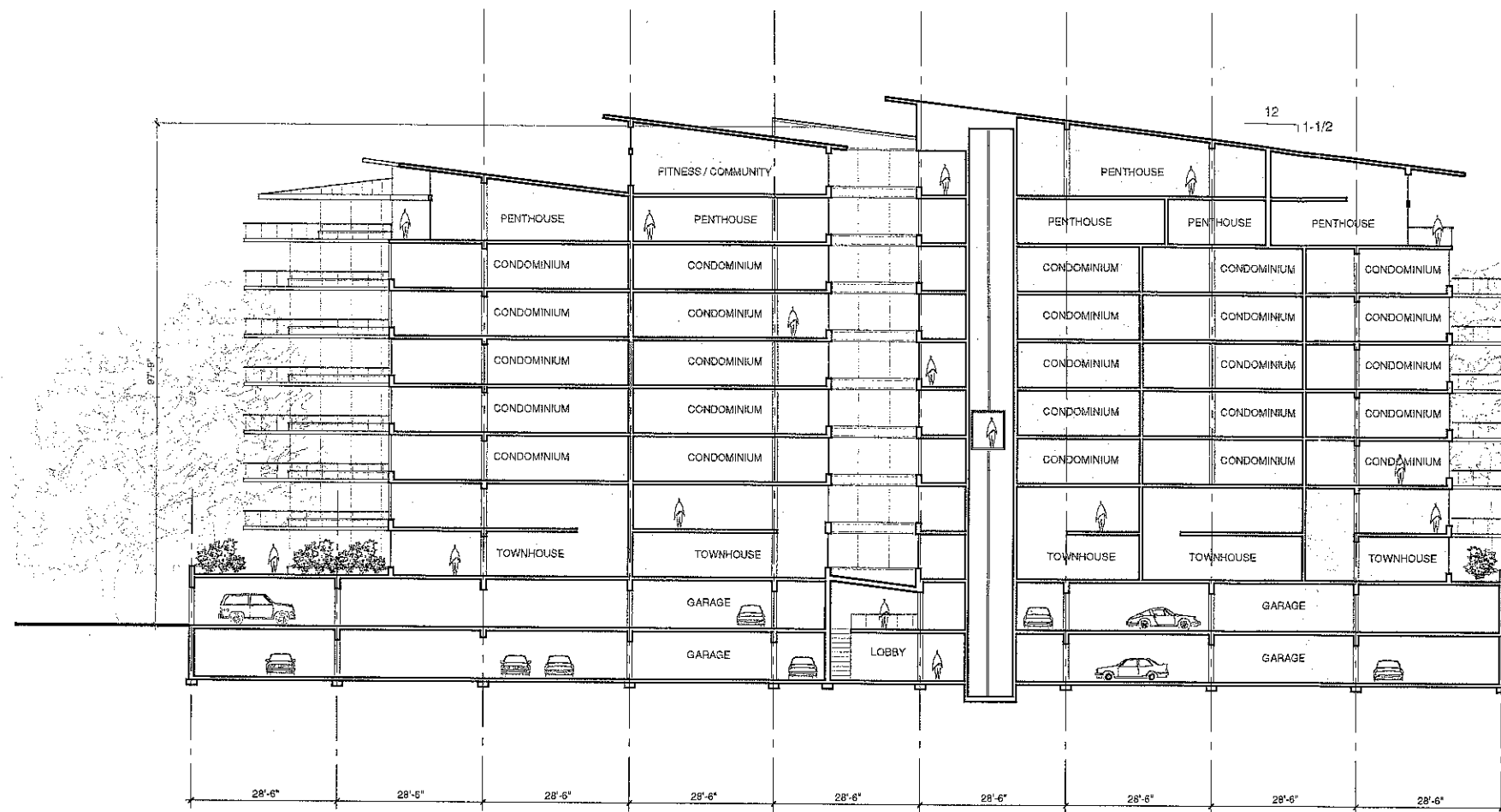
GRAVES HILL
 OCEAN AVENUE
 PORTLAND, ME



FLOOR 02: COMMUNITY ROOM & GARAGE

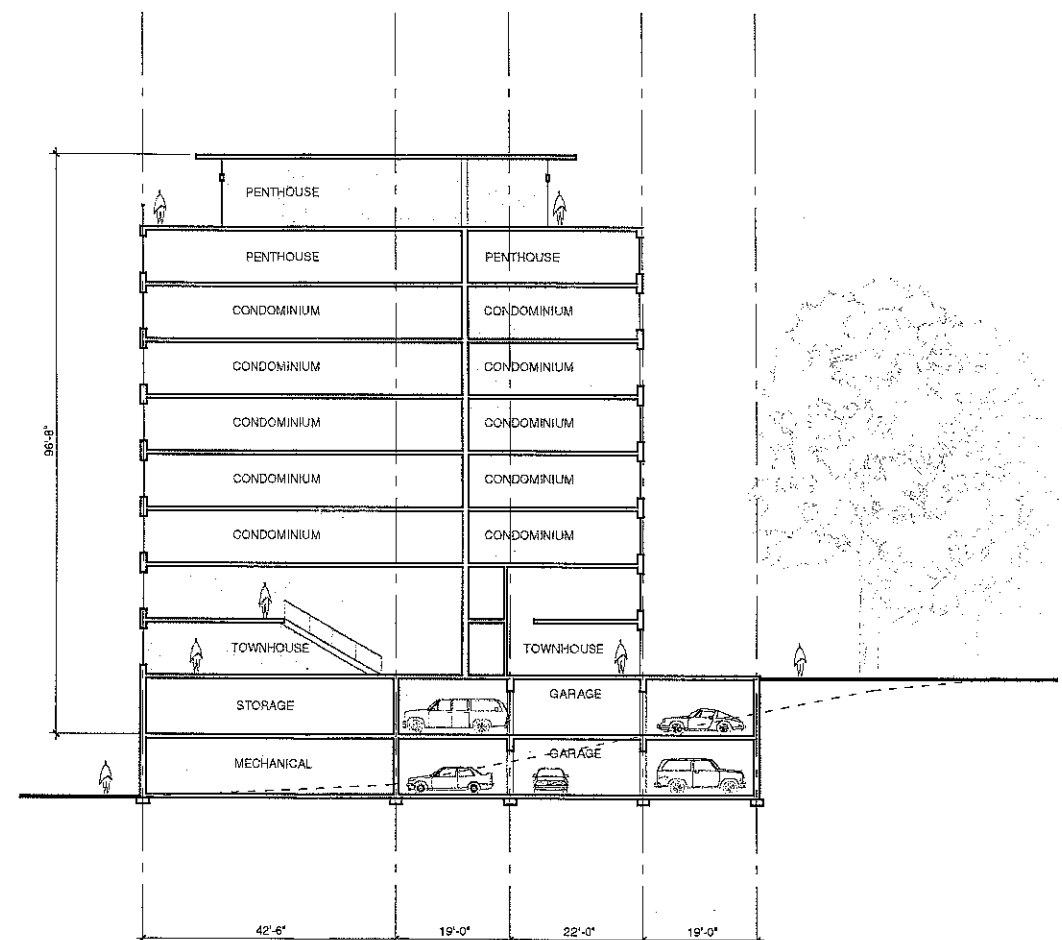


FLOOR 11: PENTHOUSE
6,653 SF TOTAL



S-N BUILDING SECTION

- PENTHOUSE 2
EL: 221'-4"
- PENTHOUSE 1
EL: 212'-0"
- CONDO 7
EL: 155'-0"
- CONDO 8
EL: 146'-8"
- CONDO 5
EL: 137'-4"
- CONDO 4
EL: 128'-0"
- CONDO 3
EL: 118'-8"
- CONDO 2
EL: 109'-4"
- CONDO 1
EL: 100'-0"
- GARAGE 2
EL: 90'-0"
- GARAGE 1
EL: 80'-0"



E-W BUILDING SECTION

BUILDING SECTIONS

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME

Michael F. Brennan
Kevin J. Donoghue
David A. Marshall
Cheryl A. Leeman
Edward J. Suslovic

CITY OF PORTLAND
IN THE CITY COUNCIL

John R. Coyne
John Hinck
JILL C. DUSON
NICHOLAS M. MAVODONES

ORDER AUTHORIZING AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR
802-828 OCEAN AVENUE
RIDGE DEVELOPMENT, LLC

ORDERED, that the Zoning Map of the City of Portland, dated 2012 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below;

BE IT FURTHER ORDERED, that the conditional rezoning amendment authorized herein shall become effective thirty (30) days following this rezoning.

CONDITIONAL ZONE AGREEMENT
RIDGE DEVELOPMENT, LLC

This Agreement made this _____ day of _____, 2014 by Ridge Development, LLC, a Maine limited liability company with an office in Portland, Maine (hereinafter "RIDGE DEVELOPMENT").

WITNESSETH:

WHEREAS, RIDGE DEVELOPMENT owns or has an option to buy a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

WHEREAS, RIDGE DEVELOPMENT proposes to construct upon a portion of the Property a maximum of 94 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

WHEREAS, RIDGE DEVELOPMENT has requested the rezoning of 10.4 acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of 7.92 acres of the Property from R-3 to Recreation and Open Space Zone (R-OS); and

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to be blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

it is necessary and appropriate to impose with **RIDGE DEVELOPMENTS** agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

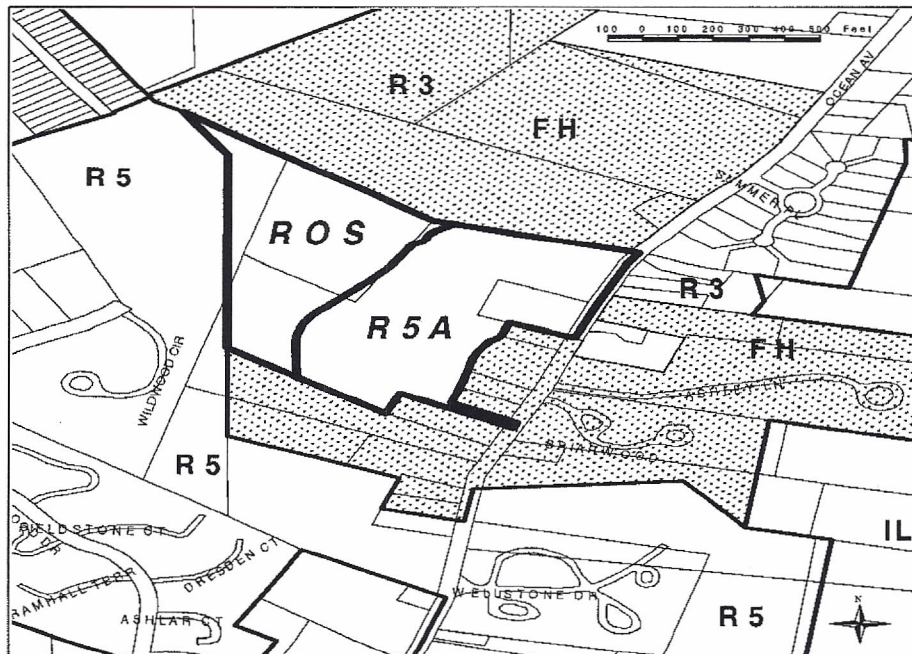
WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on _____, 2014_, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1; and

WHEREAS, RIDGE DEVELOPMENT has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **RIDGE DEVELOPMENT**, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, **RIDGE DEVELOPMENT** contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated 2012, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R5-A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Council's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert

to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS**

April 2014

2. **RIDGE DEVELOPMENT** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. up to 94 residential units located in two buildings, each building containing up to 47 units, which may be sold as condominium units, resulting in a maximum total of ninety-four (94) residential units within the Property; and
- b. parking in an amount of not less than 1 space per 1BR unit and 2 spaces per 2BR and 3BR units per residential unit, plus at least 28 additional surface visitor parking spaces; and
- c. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty-seven (47) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty-seven (47) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. **RIDGE DEVELOPMENT** is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access. Additionally, a future recreation area subject to Planning Board approval may be created.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **Ridge DEVELOPMENT** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public.

The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **RIDGE DEVELOPMENT**, its successors and assigns, Casco Heights Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, **RIDGE DEVELOPMENT** may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I.

If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as **RIDGE DEVELOPMENT** has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, **RIDGE DEVELOPMENT** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Sebago Technics (last revised March, 2014) and the Proposed Building Design site sections, building sections and floor plans submitted by Archetype (last revised March, 2014). The Casco Heights entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **RIDGE DEVELOPMENT**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment

the attached site plan without further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **RIDGE DEVELOPMENT** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **RIDGE DEVELOPMENT** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

RIDGE DEVELOPMENT shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by **RIDGE DEVELOPMENT** or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while **RIDGE DEVELOPMENT** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **RIDGE DEVELOPMENT** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **RIDGE DEVELOPMENT** holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, **RIDGE DEVELOPMENT** or any successor in interest may convey the R- OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: 47

**Maximum number of buildings containing
residential dwelling units:** 2

Maximum building height: 75 feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location on the site plan

Parking: 204 Spaces, half in Phase I and half in Phase II.

Minimum recreation open space area:

Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **RIDGE DEVELOPMENT** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY's** zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and **RIDGE DEVELOPMENT** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **RIDGE DEVELOPMENT**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized **representatives**.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

14. In the event **RIDGE DEVELOPMENT** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **RIDGE DEVELOPMENT'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **RIDGE DEVELOPMENT** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **RIDGE DEVELOPMENT** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

RIDGE DEVELOPMENT, LLC

By: _____

Patrick Tinsman
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

_____, 2014_

Then personally appeared the above-named Patrick Tinsman, Manager of Ridge Development, LLC as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company.

Before me:

Notary Public/Attorney-at-Law

Printed name: -----

My Commission Expires: _____

Consistency of Casco Heights with Portland's Comprehensive Plan

1. Introduction: Portland's Comprehensive Plan attempts to safeguard Portland's status as a "truly remarkable city" by identifying its distinctive features and then creating a multi-faceted strategy to value, preserve and build upon those features. The Plan seeks to enhance Portland's best qualities and characteristics partially through incremental growth, but also through "bold initiatives tempered by careful consideration and foresight in planning." (Housing Component, p. 9). In some respects, Casco Heights might be viewed as a "bold initiative" due to its imaginative design, the balance it strikes between scale and massing and environmental protection. However, in many other ways, it is consistent with an incremental pattern of development; it is a residential use in a residential zone which preserves open space. This type of development is already anticipated in the R-5A zoning text.

To protect Portland's premier status as a vibrant, small city the Comprehensive Plan adopts the target of **increasing the number of housing units so that Portland grows at the same pace as the region**, maintaining a 25% share of Cumberland County's population (Housing, p. 20). Other components of the community vision seek to: **capitalize on Portland's economic assets**; support and encourage the **creation of an adequate supply of quality housing for all**; create a **sustainable community** while keeping **municipal taxes affordable**; and **protect valued community attributes** including a welcoming and people-scaled built environment, coastal amenities, parks, trails and natural resources, and distinctive sense of place. (Housing, p. 8-9)

As the Casco Heights site is one of the largest remaining parcels of undeveloped land in Portland, it is important for it to be developed in a way that furthers the community vision. The proposal for this site is consistent with that community vision and furthers the Comprehensive Plan's goals and objectives for housing and economic development, open space and recreation, environmental protection and urban design, as further outlined below.

2. Housing and Economic Development: The housing component of the Comprehensive Plan (*Housing: Sustaining Portland's Future*, November 18, 2002) endeavors to build upon Portland's: (1) identity as the regional center for jobs, economic activity and institutional services (social, educational, and medical); (2) unique combination of a welcoming "small town feel" with bigger city amenities; and (3) appreciation of its heritage, including coastal environment, natural resources, and architectural character (p. 8). The Casco Heights developer values and, in turn seeks to attract residents who value these same community attributes. In keeping with the community vision, Casco Heights will be accessible and welcoming, designed to complement the architectural and coastal heritage, and positioned to contribute to maintaining Portland's position as the economic engine of the region.

Accessible/Welcoming

Casco Heights will be welcoming not only to its own residents, but also to the community at large. Public access will be granted over trails which cross the entire site. While the primary trailhead will be located on the former landfill site (where parking will be available), neighborhood walkers from Summer Place, Ocean Ridge, and other nearby residences will be able to access the trail system from Ocean Avenue by walking through the R-5A portion of the site. Similarly, the open space will not be reserved for owners only. A number of neighborhood residents and others already use an informal trail system on the back portion of the site for running, walking, mountain biking, riding ATVs and hunting. While use by motorized vehicles and hunters will no longer be permitted, use by the general public for the remaining low impact uses will be encouraged and facilitated through improvements to be made in cooperation with Portland Trails.

Appreciation of Coastal Heritage

The Housing Plan encourages Portland to build upon the fact that it is a geographically varied and dynamic coastal community with "spectacular views of Casco Bay and the Islands, Back Cove, and Maine's Mountains from the City's promontories," and the fact that residents have ready access to natural features through trails, parks, and scenic viewpoints. Casco Heights is designed to provide water views from most of the units. Similarly, the trails and open space on the R-OS portion of the site will provide residents and the general public with access to wooded land and interesting natural features such as dramatic rock outcroppings.

Need for Higher Density to Maintain Regional Share

The Housing Plan recognizes that, given the limited amount of vacant land, in order for Portland achieve its target of maintaining a 25% share of the County's population, the City will have to allow higher residential density in areas that can support it. The Plan states:

[l]ocations along arterials, near services, or adjoining public amenities may be appropriate for a medium or high-rise apartment building given appropriate controls, high quality design and neighborhood compatibility. The intent is to identify areas suitable for higher density without adversely impacting the character of Portland's neighborhoods. (Housing Plan, p. 27)

Casco Heights is one of those sites that is suitable for development at a density higher than the existing R-3 zone. It is located on a collector street with capacity to accommodate additional traffic, and it is not too far from Washington Avenue, a principal arterial.

. It is served by public water and sewer, adjoins land which will be dedicated to public open space, is on a site of sufficient size to provide substantial buffers from its neighbors, and, due to the nature of the units to be built, should impact the character of the neighborhood in a positive way.

Need for Continuum of Options for All Income Levels

The Housing Plan also states that Portland needs to encourage a full range of housing types, including private market rate development:

Although there has been much emphasis on affordable assisted housing, the need for market rate housing for mid and higher income households is also critically important to Portland's future. Eliminating barriers to housing development and supporting market rate projects through the approval process can assist in this. (Housing Plan, "Early Achievable Actions, Production, #8, p. 64)

This market rate housing should "provide a continuum of options across all income levels" and should include all types of quality housing including condominium and town-house units (Housing Plan, p. 29). The goal is to allow households to "move up" in the real estate market within Portland (or be attracted back into Portland from outlying communities) so that Portland can remain competitive with suburban communities (Housing Plan, p. 15-16). Casco Heights will supply needed housing options at market rate and penthouses at the higher cost end of the continuum.

Integrate Housing and Economic Goals

The Comprehensive Plan recognizes that Portland is sliding into an unbalanced situation where the City provides much of the employment, educational, medical and social services, and arts and cultural opportunities for the region, but many of the higher income individuals who work in Portland and enjoy these services and amenities live in, and pay real estate taxes to, outlying communities. The Comprehensive Plan recognizes the need to improve the balance between where jobs are located and where housing is located by pursuing strategies to entice these individuals not to leave and/or to return to Portland (Comprehensive Plan, Vol I, p. 22).

The Casco Heights units can make a significant contribution to recapturing real estate tax dollars that would, most likely, otherwise flow to suburban communities. In addition, the net real estate tax benefit may be even greater because the high assessed value per unit may very well be coupled with relatively low service demands as a majority of the residents are expected to be older and/or without children in City schools, and some of them may only be in residence for part of each year.

Similarly, while there is no guarantee, it is very possible that one or more of the households attracted by Graves Hill may make a significant contribution to Portland's economic base. As technology makes it increasingly possible for certain types of businesses to relocate almost anywhere, a prime factor in deciding where to locate a business is often where top management would prefer to live. Allowing the creation of very high quality, innovative housing in our high-amenity community (with coastal resources, spectacular views, diverse recreational opportunities, arts and cultural offerings, historic resources, an authentic sense of place, and easy access to all amenities) may very well attract one or more residents who want to relocate their businesses to Portland, thus serving as an economic development tool.

3. Open Space and Recreation: The component of the Comprehensive Plan addressing open space and recreation (based on *Green Spaces, Blue Edges*, 1995, updated 2001), **recommends that neighborhoods have open space focal points within walking distance.**

The adjacent Ocean Avenue Landfill has been developed into The Ocean Avenue Recreation Area. The addition of 7.92 acres in the R-OS portion of the Casco Heights development will significantly increase the amount of forested open space and expand the length and quality of pedestrian trails available in the immediate vicinity for public recreational use.

In addition, *Green Spaces, Blue Edges* makes a city-wide recommendation to **"develop High Point Parks, open spaces located on the higher elevations of the city, in neighborhoods throughout the city such as the Ocean Avenue landfill, hilltop on Ocean Avenue by rock shop, Rocky Hill, and hills in Stroudwater"** (Comp. Plan Vol. I, p. 56). The second highest listed site is located on the Casco Height's property and will be part of the RO-S property.

Ridge Development will be working in conjunction with Portland Trails to develop the trail system on the site. The **Comprehensive Plan lauds Portland Trails** for its diligent work in creating at least 50 miles of public trails in Portland. Assuming final agreement by Ridge Development and Portland Trails, Ridge Development will convey a trail easement to Portland Trails over all of the trails on the R-5A portion of the site, and will convey all of the land to be rezoned R-OS to Portland Trails in fee, both subject to use restrictions. Between the two zones, at least 3,207 linear feet of trails will be constructed for public use. This is consistent with the strategies contained in the Comprehensive Plan to foster partnerships with nonprofits with similar goals and to continue to attract private funding to enhance recreation and open space goals (Comp. Plan, Vol. I, p. R-5).

4. Environmental Protection: Encouraging growth and development in appropriate areas, and discouraging or prohibiting development where it is hazardous or threatens natural resources is another goal of the Comprehensive Plan. Specifically, it states: **"locate and design housing to reduce impacts on environmentally sensitive areas"** (Comp. Plan, Vol. I, p. 22). The Casco Heights proposal has done this, both within its own site and within the context of Greater Portland.

Within the 18-acre site, the buildings and road infrastructure have been moved down the slope to stay away from environmentally sensitive wetland areas. The roads

have been designed to avoid going up steep inclines where possible, to minimize erosion. Structures have been massed to minimize the need for blasting and to reduce the amount of impervious surface. The developer will place 7.92 acres under the control of Portland Trails; all of the land in that portion of the site not used for pedestrian trails will be left in its natural state. On the R-5A portion of the site, Casco Heights has made a commitment to carefully evaluate construction options relative to the existing vegetation, and has identified tree preservation areas where it will actively work to save mature trees to the extent possible. There is also a 20' "no cut" strip of land in the R-5A zone abutting the R-OS zone for its entire length. These efforts to reduce negative environmental impact are all consistent with the goals of the Comprehensive Plan.

This environmental goal may also be viewed in a **broader context, intended to direct coastal development to sites that can accommodate it.** The State Coastal Management Policies, the Mandatory Shoreland Zoning Act (as implemented by City zoning), and the City's Islands Land Use and Zoning Study all recognize that absent regulation, there will be a very high demand to build residences in locations with views of coastal waters. Yet unless properly sited, building near coastal waters can pose an environmental threat to coastal resources, place residences in hazardous locations, and reduce the scarce supply of land suitable for water-dependent uses. Portland has adopted shoreland zoning and waterfront zoning to regulate setbacks and establish allowable uses along waterbodies. Similarly, Portland has zoned its islands for very low density development, based in part upon a groundwater carrying capacity analysis which sets limits based upon an assumption that each island might need to be self-supporting with regard to fresh water at some point in the future (Comp. Plan, Vol. I, p. 53).

Thus, if Portland wants to capitalize upon the high demand for views of coastal waters, that demand will have to be satisfied by non-harbor, non-island locations. Allowing 94 units on the Casco Heights site, approximately most of which will have spectacular views of Casco Bay, may take some pressure off more hazardous or environmentally fragile locations. This is very much in keeping with state and local policies and with the Comprehensive Plan (Comp. Plan, Vol. I, p. 59).

5. Urban Design: The Comprehensive Plan notes that Portland's topography plays an important role in shaping perceptions of and views from the City. The high bluffs of the Western and Eastern Promenades are said to help accentuate a sense of Portland as a "city of stature." Similarly, the Plan notes: "off the peninsula, the topography of the city includes several high points that provide scenic vistas or are appealing objects for viewing themselves. For example, Graves Hill offers a majestic view of the Presumpscot River Sanctuary and the islands." (Comp. Plan., Vol. I, p. N-15). At an elevation of 174 feet, Graves Hill is the second highest off-peninsula point of land, six feet lower than Summit Hill and one foot lower than the Western Promenade. Graves Hill is the site on which Casco Heights will be built.

The interplay of the natural topography with the built environment can further accentuate the distinctive sense of place. *Green Spaces, Blue Edges* challenges the City to:

[d]evelop a vision of the natural environment that enhances the full range of dynamic contrasts between the landscapes and built forms found in Portland, which will enrich the appearance and enliven the use of our City. (Comp. Plan, Vol. I, p. 24)

The building design proposed for Casco Heights embodies dynamic contrasts between natural features and the built forms. Siting relatively tall, built upon one of the higher hills in Portland emphasizes the natural topography. The buildings themselves will be surrounded by mostly-forested open space. Due to the vegetation, they will be only minimally visible to their immediate neighbors

Even though it addressed primarily non-residential uses, the Downtown Height Study, a component of the Comprehensive Plan, provides important guidance for approaching height issues at Graves Hill (Comp. Plan, Vol. I, p. N-17). Based on an extensive process lead by a skilled consultant, in 1989 the City adopted height overlay zones for the entire peninsula. The process examined the contextual relationship, the underlying topography, the skyline, view corridors, architectural massing, the resulting pedestrian environment, open space, transportation capacity, and build out scenarios.

One of the primary recommendations was that the **tallest structures should be located on the high points already established by the natural topography**. This meant the tallest buildings should be located along the raised spine of the peninsula (along Congress Street/Cumberland Avenue), and that heights should step down as the topography fell off toward Back Cove and Commercial Street. The rationale for this design was that it would produce the most visually interesting, graceful skyline, reflective of the underlying place, and it would also preserve views from multiple locations.

By analogy, the Downtown Height Study component of the Comprehensive Plan suggests that Casco Heights is located at precisely the right location, on one of the points of high natural topography, to create visual interest and avoid blocking views. It also suggests that heights in excess of 150 feet have been determined to be compatible with Portland's sense of a human scale and in keeping with the local context. Casco Heights, at a maximum height of 75 feet, is well under that height. Finally, consistent with the study's conclusion that architects needed to pay much more additional attention to the tops of buildings, the Casco Heights structures are already designed for maximum visual interest.

Policy Underlying R-SA Zone and Contract Zone Standards

HISTORY OF R-5A:

The R-5A zone was developed in 1988 as part of a multi-year, comprehensive review of all of the residential zones. It is unique in that when it was first enacted, it was the only residential zone which was not accompanied by any designation of corresponding land on a map. The Planning Board and City Council decided not to designate any specific land as R-5A, but rather to wait until individual applicants expressed an interest in having their land rezoned to that classification. As the zone requires a unique confluence of site characteristics coupled with an owner's desire to develop a particular type unit, the City determined it had an insufficient basis for "reducing the zone to the ground" in advance. Thus, the City made the zone available as a matter of policy, but opted to wait for specific rezoning requests to determine whether it was appropriate to change the map to R-SA in a particular location.

PURPOSE OF R-5A:

The R-5A zone was created to allow for moderate density in off-peninsula locations. It was designed to help maintain a strong residential tax base, to accommodate a diverse range of housing within Portland (both affordable and high end), and to allow developers to take advantage of unique development opportunities offering high site amenities.

The purpose statement anticipates use of the R-5A zone in three different situations:

- 1) To provide a unique residential living experience with a high degree of natural site amenities;
- 2) To provide areas in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods;
- 3) To increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.

Casco Ridge development is clearly consistent with the first purpose. As a large, undeveloped parcel with wooded hills, recreational trails, and magnificent views of Casco Bay, the City, and points west, the site amenities are unsurpassed. As proposed it would provide a residential living experience unique to Portland: a mix of market rate and high end penthouse units in mid-rise buildings in a natural, non-urban setting.

Casco Ridge is also consistent with the second purpose. Due to the easy proximity to the peninsula via Ocean Avenue/Washington Avenue, its access to the full range of municipal services, the size of the site, the ability to provide substantial buffering from its neighbors, and its intent to provide significant recreational open space for use by its

residents and the public, it can appropriately accommodate a more intensive use of the land.

COMPARISON OF DENSITY:

Land in the R-1 and R-2 zones, designated as "**low**" density, is probably unlikely to be rezoned to R-5A because that land is located in outlying areas and/or in areas with limited additional traffic capacity. Thus, it is most likely that R-5A rezoning request will involve land zoned R-3 or R-5. The ordinance describes R-3 and R-5 as "**medium**" density, requiring a minimum net land area of 6,500 and 3,000 square feet per dwelling unit, respectively. R-6, applicable to most peninsula residential neighborhoods, is designated as "**high**" density, requiring a minimum of 1,000 square feet per dwelling unit. R-5A, designated as a "**moderate**" density, falls in the middle, requiring a minimum of 1,600 square feet of net land area per dwelling unit.

Zone	Density Designation	Minimum Lot Area Per Dwelling Unit (sq. ft.)
R-1	Lower	15,000 (gross)
R-2	Low	10,000 (gross)
R-3	Medium	6,500 (net)*
R-5	Medium	3,000 (net)*
R-5A	Moderate	1,600 (net)*
R-6	High	1,000 (gross)

*Net land area, as defined in Sec. 14-47 deducts all unbuildable and "inaccessible" areas plus 20% of the remaining area, per formula.

Casco Heights significantly exceeds these lot area minimum requirements. Looking at the entire parcel, the gross area per dwelling unit is 8,144 sq. ft. and the net area is 4,435 sq. ft., almost triple the R-5A required minimum of 1,600 square feet. If Graves Hill Land Company conveys the R-OS portion of the site to Portland Trails in fee, the remaining R-5A portion of the site continues to meet the density requirements by itself, with a gross area of 4,519 sq. ft. and a net area of 3,249 sq. ft. per unit, still double the required 1,600 sq. ft. minimum.

Casco Heights Density Calculations

Land Area	Lot Area Per Dwelling Unit, Gross, Sq. Ft.	Lot Area Per Dwelling Unit, Net, Sq. Ft.
Entire parcel (R-5A and R-OS)	8,144	4,435
R-5A only	4,519	3,249

CONTRACT/CONDITIONAL ZONE IN R-5A:

The R-5A zone allows multiple-family attached dwelling units ("planned residential unit developments" or PRUDs) as a permitted use. However, rather than attempting to impose fixed requirements for what may be very divergent types of housing, it provides for each proposed PRUD to be reviewed and implemented through conditional or contract zoning (hereinafter "contract zoning").

The Planning Board and the City Council have significant discretion in recommending and/or approving a contract zone. The state enabling legislation requires that a contract zone be consistent with the municipality's growth management program, establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and only include conditions and restrictions that relate to the physical development or operation of the property. (30A M.R.S.A Sec. 4352) Portland's Land Use Ordinance directs that a contract zone may be granted where the City Council finds it necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions to ensure that the rezoning is consistent with the city's comprehensive plan. The conditions imposed must relate only to the physical development and operation of the property, and may address the number of units and types of uses permitted, the scale and density of development, the design and layout of buildings, schedules for completion, performance guarantees, open space, buffers, protection of natural areas, and contributions toward the provision of municipal services. (Division 1.5, Conditional or Contract Zoning, Sec. 14-60 to -62)

In addition to these general principals, some of Portland's zones anticipate contract zone requests and incorporate more specific guidance into that section of the ordinance. For example, there are very detailed standards for the review of any proposed contract zone in the Waterfront Central Zone. Similarly, the R-5A zone sets some minimum standards for PRUDs applying for a contract zone, as follows:

- Minimum lot size: three acres gross area;
- Minimum land area per dwelling unit: 1,600 square feet of net land area;
- Minimum street frontage: Fifty (50) feet;
- Minimum building setback from external property lines: 35 feet if building length is greater than 100 feet;
- Minimum recreation open space area (PRUD): Two hundred (200) square feet per dwelling unit of common area designated on the site for recreational purposes, with additional standards addressing features of the area;
- No open outside stairways or fire escapes above the ground floor; and
- All land shall be owned and used in common and governed and maintained through condominium documents or similar instruments.

However, none of the other dimensional requirements contained in Sec. 14-130 (e.g., minimum yard dimensions, maximum lot coverage) or height limits apply to PRUDs, so the Planning Board and City Council retain discretion to determine appropriate limits for

those components, informed by the comprehensive plan, site plan and subdivision standards.

Casco Heights clearly meets or exceeds all of the minimum standards for PRUDs established in the R-5A zone. The applicant is requesting that those ordinance minima be supplemented by establishing the density and dimensional requirements listed in Paragraph 10 of the proposed contract zone (e.g., maximum units per building, 49; maximum number of buildings, 2; maximum building height, 100 feet (per ordinance definition); minimum parking of 2 spaces per unit plus 28 visitor spaces; recreation open space of not less than 3,207 linear feet of pedestrian trails). Similarly, consistent with City Code, the proposed contract zone addresses map changes, number and types of uses, protection of natural areas, design and layout of buildings, phasing, performance guarantees, and enforcement.

PURCHASE AND SALE AGREEMENT - LAND ONLY

October , 2013 Effective Date

Effective Date is defined in Paragraph 20 of this Agreement.

October 3, 2013

1. PARTIES: This Agreement is made between V&E Enterprises ("Buyer") and Graves Hill Land Trust ("Seller").
2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy (☒ all , ☐ part of; If "part of" see paragraph 26 for explanation) the property situated in municipality of Portland, County of Cumberland , State of Maine, located at 802 Ocean Ave. and described in deed(s) recorded at said County's Registry of Deeds Book(s) 21500, Page(s) 269.
3. PURCHASE PRICE: For such Deed and conveyance Buyer agrees to pay the total purchase price of \$1,100,000.00. Buyer has delivered; or will deliver to the Agency within 2 days of the date of this offer, a deposit of earnest money in the amount \$10,000.00. If said deposit is to be delivered after the submission of this offer and is not delivered by the above deadline, this offer shall be void and any attempted acceptance of this offer in reliance on the deposit being delivered will not result in a binding contract. The remainder of the purchase price shall be paid by a certified or cashier's check upon delivery of the Deed.
- This Purchase and Sale Agreement is subject to the following conditions:
4. EARNEST MONEY/ACCEPTANCE: Malone Commercial Brokers ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until October ☐ AM 5:00 ☒ PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.
5. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers the later of March 7, 2014 or 14 days following receipt of the Amended Contract zone and site Plan approvals per Paragraph 22 of this Contract. (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.
6. DEED: The property shall be conveyed by a Maine State Short deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.
7. POSSESSION: Possession of premises shall be given to Buyer immediately at closing unless otherwise agreed in writing.
8. RISK OF LOSS: Until the closing, the risk of loss or damage to said premises by fire or otherwise, is assumed by Seller. Buyer shall have the right to view the property within 24 hours prior to closing for the purpose of determining that the premises are in substantially the same condition as on the date of this Agreement.
9. PRORATIONS: The following items, where applicable, shall be prorated as of the date of closing: association fees, Real estate taxes shall be prorated as of the date of closing (based on municipality's fiscal year). Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing, they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive closing. Buyer and Seller will each pay their transfer tax as required by State of Maine.

Mark Malone
LicenseeMalone Commercial Brokers is the
AgencyN/A
LicenseeN/A is a
Agency

☒ Seller Agent	☐ Buyer Agent
☐ Disc Dual Agent	☐ Transaction Broker
☐ Seller Agent	☐ Buyer Agent
☐ Disc Dual Agent	☐ Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency

Consent Agreement.

10. PROPERTY DISCLOSURE FORM: Buyer acknowledges receipt of Seller's Property Disclosure Form.

11. MEDIATION: Earnest money disputes subject to the jurisdiction of small claims court will be handled in that forum. For all other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules. Buyer and Seller are bound to mediate in good faith and pay their respective mediation fees. If a party does not agree first to go to mediation, then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who refused to go to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

12. DEFAULT: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller.

13. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

14. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

15. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts, such as a faxed copy, with the same binding effect as if the signatures were on one instrument. Original or faxed signatures are binding.

16. ADDENDA: ☐ Yes Explain: _____ ☒ No

17. EFFECTIVE DATE/NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to the party or their licensee. Withdrawals of offers and counteroffers will be effective upon communication, verbally or in writing. This Agreement is a binding contract when signed by both Buyer and Seller and when that fact has been communicated which shall be the Effective Date. Licensee is authorized to fill in the Effective Date on Page 1 hereof. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any State/Federal holidays (including but not limited to Patriots Day, Columbus Day, Martin Luther King Holiday, etc.) Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on

18. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the entire closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.

19. ZONING CONTINGENCY: This contract is contingent upon the City of Portland amending the Contract Zone to allow 98 units in 2 or more buildings, in a configuration mutually satisfactory to both the City and the Buyer. 2) The Buyer receives site plan approval for its intended project and 3) The Seller authorize Sebago Technics and any other professional service providers it has used for the evaluation of the Property, to use any and all data and material the Seller previously obtained while conducting the zone change and site plan approvals.

20. PERMITS AND APPROVALS: Purchase is subject to Buyer being able to obtain all necessary permits, approvals, and municipal zone changes within one hundred and fifty (150) days of the executed Purchase and Sale Agreement. Buyer shall submit applications to City and State agencies within thirty (45) days of the executed Purchase and Sale Agreement. Buyer shall have one - (30) day extension to this contingency if it has diligently pursued its permits and approvals and the City of Portland has caused delays to make this deadline impossible without the extension.

21. DUE DILIGENCE: Buyer is encouraged to seek information from professionals regarding any specific issue or concern.

Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Sellers' real property. This Agreement is subject to the following contingencies, with results being satisfactory to Buyer:

CONTINGENCY	YES	NO	DAYS FOR COMPETION
1. SURVEY	☒	☐	<u>30</u>
Purpose:			
2. SOILS TEST	☒	☐	<u>30</u>
Purpose:			
3. SEPTIC SYSTEM DESIGN	☐	☒	<u>0</u>
Purpose:			
4. HAZARDOUS WASTE REPORTS	☒	☐	<u>30</u>
Purpose:			
5. UTILITIES	☒	☐	<u>30</u>
Purpose:			
6. WATER	☒	☐	<u>30</u>
Purpose:			
7. SUB-DIVISION APPROVAL	☒	☐	<u>30</u>
Purpose:			
8. HABITAT REVIEW/ WATERFOWL	☒	☐	<u>30</u>
Purpose:			
9. MDOT DRIVEWAY/ ENTRANCE PERMIT	☒	☐	<u>30</u>
Purpose:			
10. DEED RESTRICTION	☒	☐	<u>30</u>
Purpose:			

Further specifications regarding any of the above:

Unless otherwise specified above, all of the above will be obtained and paid for by Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an investigation is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of inspection(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

22. FINANCING: None

A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.

Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.

Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.

Buyer's Mailing address is 199 Elderberry Drive, So. Portland, ME.

Robert A. Mantel 10-3-13
BUYER DATE

BUYER DATE

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is 16 Tiffany Lane, Saco, ME 04072.

SELLER

DATE

SELLER

DATE

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ ☐ AM ☐ PM.

BUYER

DATE

BUYER

DATE

The Buyer hereby accepts the counter offer set forth above.

BUYER

DATE

BUYER

DATE

EXTENSION: The time for the performance of this Agreement is extended until _____.

BUYER

DATE

BUYER

DATE

BUYER

DATE

BUYER

DATE

**2nd AMENDMENT TO
PURCHASE AND SALE AGREEMENT – LAND ONLY**

The Contract For Sale of Real Estate for property located at 802 Ocean Ave. Portland, Maine between Graves Hill Land Company, LLC ("Seller") and V&E Enterprises (the original Buyer), with an effective date of October 7, 2013, for valuable consideration, is hereby amended as follows effective as of January 7, 2014:

1. Paragraph 1 Parties: The identity of the parties is hereby amended as follows:

The name of the Seller is hereby corrected to Graves Hill Land Company, LLC instead of Graves Hill Land Trust, and Seller hereby represents that it is duly authorized to enter into the Contract.

The identity of the Buyer is hereby changed to Ridge Development LLC and the original buyer, V&E Enterprises, hereby assigns its entire interest in the Contract to Ridge Development LLC, which hereby assumes and agrees to perform the Contract.

2. Paragraph 21, PERMITS AND APPROVALS: Paragraph 21 is hereby amended and restated as follows:

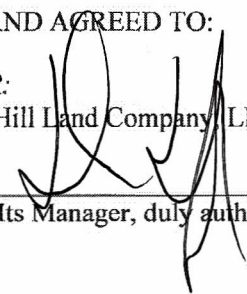
"Buyer's obligations under this Contract are subject to receipt of all necessary governmental permits and approvals satisfactory to Buyer, including without limitation City Council approval of a replacement/amended Contract Zone, which Buyer agrees to seek with due diligence and continuity of effort. Buyer shall have until 1/20/2014 to submit applications to the City of Portland and shall have until 5/5/2014 to receive approvals, provided that Buyer shall be entitled to 15 business days written notice of default and opportunity to cure."

This Amendment may be signed on any number of identical counterparts, including telefax or scanned copies, with the same binding effect as if all of the signatures were on one instrument. All other terms and conditions of the Contract as amended to date remain in full force and effect.

SEEN AND AGREED TO:

SELLER:

Graves Hill Land Company LLC

By:  _____
Its Manager, duly authorized

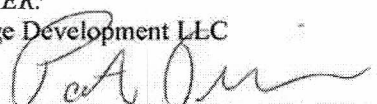
ASSIGNING BUYER

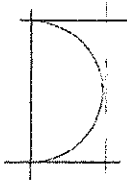
V&E Enterprises

By: _____
Its _____

BUYER:

Ridge Development LLC

By:  _____
Its Manager, duly authorized



d o y l e
e n t e r p r i s e s

CASCO HEIGHTS

Dear Members,

On May 6, 2014 we presented to you Casco Heights and the proposed amendment to the underlying 2004 approved Conditional Rezoning Amendment. That 2004 amendment rezoned the R-3 parcel into 8.15 acres of R-OS, improved with trails and 10.17 acres of R-5A developed with two 100 foot buildings containing a total of 98 luxury condominiums.

Based on the input from the neighbors, the Planning Board and advisors, we have slightly adjusted the proposed revision to the contract zone.

The factor most upsetting to the neighbors at the adjacent Ocean Ridge Condominium complex was the proximity of the north building to their units and the lack of a substantial buffer. In our previous submission, the building was 32 feet from the property line. We have increased that to 65 feet and included a buffer plan.

The site plan submitted in May divided the property into more or less the same amount of R-OS and R5-A as the contract zone, however the shape was different and included a rounded parking lot that would require blasting the second highest point in Portland. Our current plan's zoning division is within a hundredth of an acre of the existing contract zone, more in line with the contract zone's shape and preserves the second highest point.

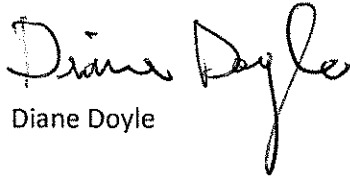
Staff suggested that rather than requiring a sidewalk on Ocean Avenue in front of Casco Heights, the sidewalk should go on the opposite side of Ocean Ave. and connect the existing pieces. This is now shown with a crosswalk connecting it to the Casco Heights Trail/sidewalk. The only other change to the site plan is the location of the detention pond. The pond has been moved to the front of the north building, away from the Ocean Avenue neighbors.

The approved contract zone allowed 98 units. On May 6, 2014 we asked that that be reduced to 94 units. After talking to local real estate agents, we determined that we needed a few more one bedroom units so we are asking that the maximum number of units be changed to 96 units, 48 per building. In each building we have taken a top floor two bedroom and converted it into two one bedroom units. The required parking spaces remain the same.

The final change to the amended contract zone regards the effective date of the conditional rezoning amendment. The approved contract zone orders the rezoning to become effective within 30 days of approval by City Council. We have asked that the zone amendment become effective upon sale of the property to Ridge Development.

We look forward to meeting with you on June 10th.

Sincerely,

A handwritten signature in black ink that reads "Diane Doyle". The signature is written in a cursive, flowing style. The first name "Diane" is written with a capital 'D' and a lowercase 'i', and the last name "Doyle" is written with a capital 'D' and a lowercase 'y'. The signature is positioned to the right of the word "Sincerely,".

Diane Doyle

Michael F. Brennan
 Kevin J. Donoghue
 David A. Marshall
 Cheryl A. Leeman
 Edward J. Suslovic

CITY OF PORTLAND
 IN THE CITY COUNCIL

John R. Coyne
 John Hinck
 JILL C. DUSON
 NICHOLAS M. MAVODONES

ORDER AUTHORIZING AMENDMENT TO CITY CODE
 SEC. 14-49 (ZONING MAP AMENDMENT)
 RE: CONDITIONAL REZONING FOR
 802-828 OCEAN AVENUE
 RIDGE DEVELOPMENT, LLC

ORDERED, that the Zoning Map of the City of Portland, dated 2012 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below;

BE IT FURTHER ORDERED, that the conditional rezoning amendment authorized herein shall become effective ~~thirty (30) days following this rezoning.~~

CONDITIONAL ZONE AGREEMENT
 RIDGE DEVELOPMENT, LLC

upon sale to ridge
 development llc

This Agreement made this _____ day of _____, 2014 by Ridge Development, LLC, a Maine limited liability company with an office in Portland, Maine (hereinafter "RIDGE DEVELOPMENT").

WITNESSETH:

WHEREAS, RIDGE DEVELOPMENT owns or has an option to buy a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

96

WHEREAS, RIDGE DEVELOPMENT proposes to construct upon a portion of the Property a maximum of ~~94~~ condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

10.18

WHEREAS, RIDGE DEVELOPMENT has requested the rezoning of ~~10.4~~ acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of ~~7.92~~ acres of the Property from R-3 to Recreation and Open Space Zone (R-OS); and

8.14

WHEREAS, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to be blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

it is necessary and appropriate to impose with **RIDGE DEVELOPMENTS** agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on _____, 2014, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1; and

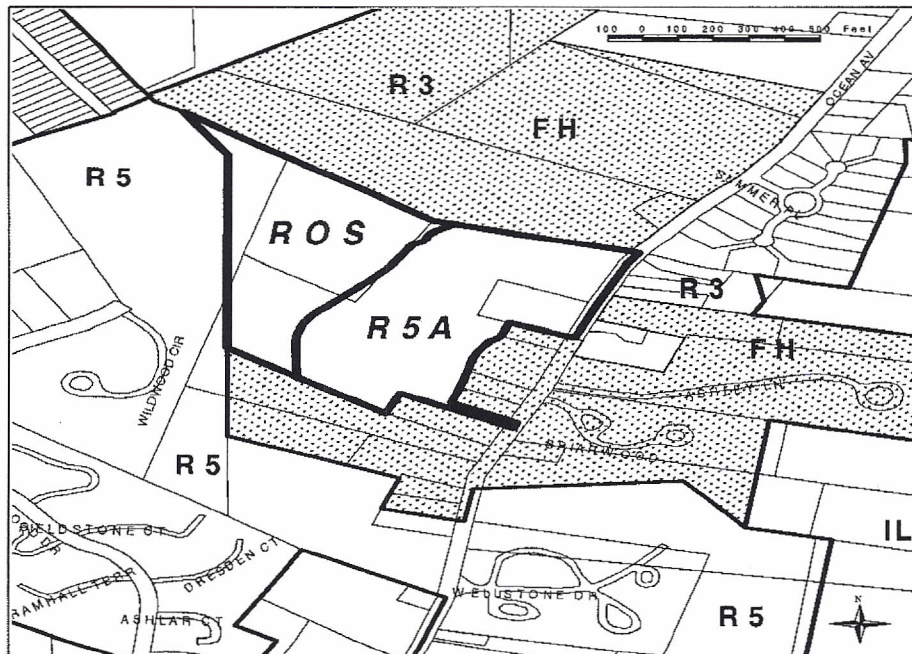
WHEREAS, RIDGE DEVELOPMENT has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **RIDGE DEVELOPMENT**, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, **RIDGE DEVELOPMENT** contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated 2012, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R5-A and R-OS). If this Agreement is not recorded within thirty (30) days of the ~~City Council's approval of said rezoning~~, then the rezoning shall become null and void and the zoning of the Property shall revert

sale of the property
to ridge
development

to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS**

April 2014

2. **RIDGE DEVELOPMENT** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. up to ~~94~~ residential units located in two buildings, each building containing up to ~~47~~ units, which may be sold as condominium units, resulting in a maximum total of ~~ninety-four (94)~~ residential units within the Property; and

48

ninety six(96)

- b. parking in an amount of not less than 1 space per 1BR unit and 2 spaces per 2BR and 3BR units per residential unit, plus at least 28 additional surface visitor parking spaces; and
- c. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

forty eight (48)

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to ~~forty seven (47)~~ dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to ~~forty seven (47)~~ dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

forty eight (48)

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. **RIDGE DEVELOPMENT** is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access. Additionally, a future recreation area subject to Planning Board approval may be created.

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **Ridge DEVELOPMENT** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public.

The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **RIDGE DEVELOPMENT**, its successors and assigns, Casco Heights Condominium Owners' Association, and Portland Trails to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, **RIDGE DEVELOPMENT** may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I.

If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as **RIDGE DEVELOPMENT** has made the required conveyance, by easement and/or in fee, to Portland Trails and funds sufficient to complete construction the trails on the R-OS portion of the site have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, **RIDGE DEVELOPMENT** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

May

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Sebago Technics (last revised ~~March~~, 2014) and the Proposed Building Design site sections, building sections and floor plans submitted by Archetype (last revised ~~March~~, 2014). The Casco Heights entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **RIDGE DEVELOPMENT**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment

May

side of the building
adjacent to Ocean
Ridge
Condominiums

the attached ~~amendment to this Contract Zone Agreement.~~ So long as the two residential units have an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **RIDGE**

DEVELOPMENT shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **RIDGE DEVELOPMENT** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

RIDGE DEVELOPMENT shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by **RIDGE DEVELOPMENT** or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Furthermore, while **RIDGE DEVELOPMENT** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **RIDGE DEVELOPMENT** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **RIDGE DEVELOPMENT** holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, **RIDGE DEVELOPMENT** or any successor in interest may convey the R- OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: ~~47~~ ← 48

Maximum number of buildings containing
residential dwelling units: 2

Maximum building height: 75 feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location on the site plan

Parking: 204 Spaces, half in Phase I and half in Phase II.

Minimum recreation open space area:

Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **RIDGE DEVELOPMENT** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY's** zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and **RIDGE DEVELOPMENT** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **RIDGE DEVELOPMENT**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized **representatives**.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

14. In the event **RIDGE DEVELOPMENT** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **RIDGE DEVELOPMENT'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **RIDGE DEVELOPMENT** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **RIDGE DEVELOPMENT** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

RIDGE DEVELOPMENT, LLC

By: _____

Patrick Tinsman
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

_____, 2014_

Then personally appeared the above-named Patrick Tinsman, Manager of Ridge Development, LLC as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company.

Before me:

Notary Public/Attorney-at-Law

Printed name: -----

My Commission Expires: _____

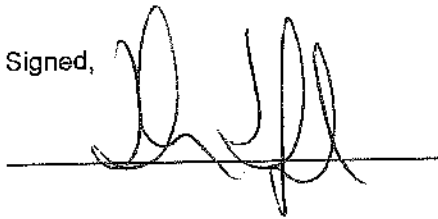
Neighborhood Meeting Certification

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 ten (10) days prior to the neighborhood meeting), invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Office (my@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,



APRIL 21, 2014 (date)

Attached to this certification are:

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



April 11, 2014
13450

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a conditional re-zoning amendment for Casco Heights Condominium (Formerly Graves Hill Condominium) 802 - 828 Ocean Avenue, Portland, ME.

Meeting Location: The Atrium, located at the Cedars Retirement Community-
630 Ocean Avenue, Portland, ME 04103

Meeting Date: April 21, 2014
Meeting Time: 6:30pm

The city code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Shawn Frank at Sebago Technics, Inc. at 207-200-2100.

Sincerely,

SEBAGO TECHNICS, INC.

A handwritten signature in black ink, appearing to read "Shawn M. Frank", written over a horizontal line.

Shawn M. Frank, P.E.
Senior Project Manager

SMF:jsf

Sign In Sheet

Chuck Grossman

Antoinette Mancusi

VINCENZO MAROTTA

Amy Hebel

Gene DiBenedetto

Jay Johnson

Judy Richard

E.R. + N.D. Goodwin

Carol Vellamy

CHRISTY MILLMAN

BILL PUSEY

Jeff Burr

Glenn Irvine

Hammy Ellis

Tim CAIAZZO

Laurette Johnstone

Jay Mattimore

John M. McCall

Karen McLellan

Barbara Miller

Stacey Hong

Mark Smith

Doug McGoan

Xesie Merrill

Howard

Charlie Miller

Jonathan Camire

Leslie A Fuller

Dick Perkins

Mike Payson

Casco Heights Contract Zone Amendment Neighborhood Meeting

The Cedars-April 21, 2014

Diane Doyle opens meeting with a discussion about the change in the height of the building-

-Can you still fit the same number of units in it?

Doyle gives explanation of the change in number of units within the building-

-The average size of units?

Doyle explains the change of parking lot layout-

- What is the excavation involved in creating these parking spaces?

Is the excavation/blasting report available from the plan created 10 years ago?

Not part of approval. Did not apply for building permit

-Ocean Ridge was put on slabs, that development in in a similar environment, why not follow their example instead of blasting?

Blasting basically for a flat surface. Less than previous plan.

Doyle gives explanation of past drilling samples, there has been no blasting done yet, everything needs to be approved by planning board

Gives details on traffic impact study-

-How far away from Ocean Ridge is the entrance for the project?

Fairly close.

-Is there going to be an access road?

-Is there going to be a natural buffer or constructed buffer around the new extension of the building?

-When are we going to be able to see a map of where our properties lay in relation to this proposed plan?

Sebago Tech to provide to City for viewing soon.

-What is the elevation of the back of the parking lot? And what is the excavation involved in creating these parking areas?

-What is the estimated price range of the various units? (This is important for us to know since it relates to how the general real estate of the area will be impacted)

Not certain. Maybe \$300,000 for one bedroom.

-How much of the natural vegetation on coming down/going to be affected?

-Implication of opening up private property to the public with trails around property-

-Will you be allowing public access through the easement over the road? (Neighbors not pleased about the fact of tapping into "their road and their resources) Can the new owners utilize the easement?

Sidewalk from Ocean Ave through Casco Heights to be open for people connecting to trails on open space.

-Who is the new developer? We would like to know more about Steve Goodrich-Who are his partners?

Pat Tinsman. Vinnie Mietta

Ledgewood Condos-The traffic and parking issue related to the trailhead at Pheasant Hill are an issue; the trails are not public trails but people use them as such, bringing bikes, dogs etc. to them; This area is supposed to remain undeveloped according to them

-Are there any designated wet lands in the proposed developed area? The detention pond sits over homes, Do you know the numbers of the homes that the pond sits over?

-Where will we see the change in the length of the building?

-Again: When will we be able to see the maps of the other properties around the development?

Ocean Ridge: Doesn't want their views to be impacted or to have to look at the new buildings; important for their visuals

-A building of this size blocks limited light available to surrounding properties, especially to the four properties next to building extension.

Diane explains Shadow study-

-What is the time frame of when the development will begin?

Not sure

Further discussion on amendment to contract-

Orca- there is a current problem with parking at our establishment, for example when someone has a party or guests, your planned parking seems "wildly inaccurate"

Explanation of city calculated minimum-

-Did your contract zone not lapse? Why couldn't they reverse that decision?

-Does the storm water solution still impact Briarwood Apartments?

-What is the elevation on the peaks of the building?

Height is 60'. Is not the peak but average roof height possibly.

-Again: Is there an estimate of what the units will be selling for? When will we know the answer to that?

-When does the city look at and take into consideration the previous track record of the new developers?

Need financial and technical capability.

Concern about finishing the project with quality- Neighbors don't want to look at construction for an extended period of time and also voice concerns about the end product being of quality. What if it lacks quality and they are unable to sell the units? What if the value of their property is decreased by the addition of a subpar development?

Comment that a 5A Zone needs to be in character of surrounding neighborhood, will this development follow that rule?

-What is the impact of the blasting to surrounding homes?(They have previous experience with a small home being contrasted in the area that required blasting and the blasts could be felt in the neighborhood, there are even cracks in sheetrock in some homes from it)

Will have to get a blasting survey and explained.

-How long does a project like this take to build?

-How do you plan to preserve the trails? How many miles are the proposed trails?

Ocean Ridge: back to the issue of the easement, it would give them more security knowing that it wasn't there and wasn't able to be utilized by new developers.

-What is that second access area next to ocean road on the map? Will it continue to be a drain for the property?

-How many feet away from the development is Ocean Road?

Concern: If the road (Ocean Road) is not well maintained (which is currently is not-they have made previous calls to the city in regards to this) then the added traffic of new residents and construction vehicles is a concern.

-What is the distance from the back parking lot to the power lines?

-So the city of Portland has no problem blasting the second highest point in Portland...?

Aldens Walk: Are you purporting to give all the open space to Portland Trails? We don't want all the trees getting cut down.

Did Ocean Ridge exist in 2004 when you created your first plan for the property?

-Again: We would like to see what the buffer consists of-Do we, as neighbors, have a say in it?

Planning board discussion

-Does the changed contract zone eliminate the previous contract zone? Can you specify what the contract changes entail?

-Does one space (regarding the change in the parking situation) mean that the owner of the unit only has one vehicle as well? Can they use the visitor parking for extra vehicles?

In regards to "Tab 4" (in handout): The City of Portland letterhead is used-was this document penned by the contractor, who signed it, and not the city of Portland like it primarily gives the allusion to?

In regards to the timing of the project: It says that the date previously given (May 5) has been amended, what has that date been amended to? What are you extending it to?

In regards to the difference in the two buildings 10 years ago versus now-has the foot print really changed that much?

Narrower but longer.

-What/when will the next step of this new project begin?

Comment that the type of zoning (conditional contract zoning) is not very common in the state or city.

Explains why taller buildings and more open space works. Good use of contract zone

-How many acres is the building total? What is the effect on the change of open space due to these changes?

-Have the purchasers of the property considered a project like Ocean Ridge (maybe even a continuation) which is comprised of more home-like homes instead of condos? This proposed project has a much bigger impact on the environment.

No. If homes all developed and no R-OS.

-Why would a developer not make a 100ft structure if it was already approved-why not make the most of your investment?

4 stories can be made of wood.

-What materials are the buildings made of? What type of siding?

Not sure.

-So, the city council approved your previous plan? Why wasn't it developed?

2007

Even though projects get approved by the city council, they don't always fit in with the rest of the community-The neighbors are afraid of this and the quality of the finished project, concerned that new developers will be "cutting corners," just looking to make a profit and not care about the effect on the neighborhood as a whole.

-What is "Plan B"? Going back to the original design?

Possible

Alden's Walk- A previous developer began a project near their community and then went bankrupt, leaving the area unfinished and an eyesore to the community, the community sued them for leaving the unfinished land and won the land in the lawsuit, they kept the land until they found a quality developer who only built 25 quality homes on the land, which in turn increased their real estate values.

-Once you sell the property you're done with the project? So, Pat wants you to do his dirty work and get it approved? Are you going to be involved in the building process at all?

Comment that Ledgewood and Aldens Walk were both built without cutting all the trees down.

-Who is the Ocean Ridge developer?

The people who are most drastically impacted by the closer building don't necessarily think that the new contract is better.

-There is money involved for the people who are affected by the easement (\$10,000 per unit), so is Pat Tinsman paying himself?

Again: Concerns about the buffer between the new project and Ocean Ridge-if it's a natural buffer what about during the season changes when the leaves fall off.

-Is that a pump house (referring to a location on the blue print)? Is that for natural gas?

-Is there any way to make the easement go away with the contract change?

-You currently own the property-so the decision of the easement is up to you?

From: Mark Lourie <mark@skylineonline.com>
To: Barbara Barhydt <BAB@portlandmaine.gov>
Date: Wednesday, April 23, 2014 4:41 PM
Subject: Re: Casco Heights Development

Thank you Barbara and yes, please include my comments.

Mark Lourie

VP of Development <> Skyline Music, LLC

Full Skyline Roster: <http://skylineonline.com> – includes bios, digital assets, and links on our artists

PH – *866-531-2172 x104 *Fax – 207-930-4512

Skyline Music News @skylineagency <<http://twitter.com/skylineagency>>

On Wed, Apr 23, 2014 at 6:31 PM, Barbara Barhydt <BAB@portlandmaine.gov> wrote:

> Hello:
 >
 > Thank you for your comments and I will share them with the city staff who
 > are reviewing this project.
 >
 > The meeting on the 21st was a neighborhood meeting held by the applicant.
 > A workshop with the Planning Board will be scheduled soon. It may be on
 > their agenda for May 6th or May 13th. The schedule will be finalized
 > tomorrow. I can let you know the timing for this project. Please let me
 > know if you would like me to include your comments in the packet for the
 > Planning Board.
 >
 > Thank you.
 >
 > Barbara
 >
 >
 >
 > Barbara Barhydt
 > Development Review Services Manager
 > Planning Division
 > 389 Congress Street 4th Floor
 > Portland, ME 04101
 > (207) 874-8699
 > Fax: (207) 756-8256
 > bab@portlandmaine.gov
 > >>> Mark Lourie <mark@skylineonline.com> Monday, April 21, 2014 10:15 AM
 > >>>
 > Dear Barbara,
 >
 > As a resident and owner at Ocean Ridge Condominium Association I have
 > serious concerns about the proposed Casco Heights development at 802 - 828
 > Ocean Ave.
 >
 > I am unable to attend the April 21 meeting and so would like to present
 > these concerns. In general, I do not feel the site is appropriate for a
 > development of this size.
 >
 > 1 - The parking allotment is insufficient, as we have learned the hard way
 > from our own development by the same developer, and am concerned that
 > traffic pressure on Ocean avenue, with inadequate sidewalks and limited
 > width, could be a problem.
 >
 > 2 - High Rise buildings in this area are out of context with the
 > neighborhood.
 >
 > 3 - The ledge our units and the proposed development would be built on is

> unique and potentially fragile. It would be hard to imagine blasting of
> that ridge not causing potentially significant damage to our adjacent
> buildings, not to mention disturbance of the peace.
>
> 4 - A quick look at a google map in satellite view will show that the
> woods and trails surrounding Ocean Ridge is the single remaining
> uninterrupted parcel of such natural environment in the city. A major
> development like this would ruin such a wonderful resource.
>
> I hope you will consider the impact of such a major development.
>
> Obviously the City cannot impose restrictions beyond their jurisdiction on
> the development of a parcel within it's zoned usage, but this seems to be
> stretching the limits of what is reasonable in this particular property.
>
> Thanks for your attention to this matter.
>
> Sincerely,
>
> Mark Lourie
>
> VP of Development <> Skyline Music, LLC
>
> Full Skyline Roster: <http://skylineonline.com> – includes bios, digital
> assets, and links on our artists
>
> PH – *866-531-2172 <866-531-2172> x104 *Fax – 207-930-4512
>
> Skyline Music News @skylineagency <<http://twitter.com/skylineagency>>
>
>
> Notice: Under Maine law, documents - including e-mails - in the possession
> of public officials or city employees about government business may be
> classified as public records. There are very few exceptions. As a result,
> please be advised that what is written in an e-mail could be released to
> the public and/or the media if requested. --
>

Barbara Barhydt

From: <rmayl1301@aol.com>
To: <bab@portlandmaine.gov.>
Date: Tuesday, April 29, 2014 6:59 PM

Barbara, Blasting of any sort with this Ledge surrounding our homes here in Ledgewood is very worrisome. Building 94 new homes is alot. All our pipes for our condos as you must know are just beneath our cement and could cause problems from the long blasting movements. This is my real concern!!!!

Thank you
Roberta Loring

Barbara Barhydt - Comment to Casco Heights Project

From: Dagmar Decker <dagmardecker@gmail.com>
To: <bab@portlandmaine.gov>
Date: Saturday, May 03, 2014 12:59 PM
Subject: Comment to Casco Heights Project

Dear Portland Planning Board:

As a person looking to move to Portland (preferably the North Deering neighborhood) I am horrified at knowing that there is a proposal being put forth of the scale of the Casco Heights project!!!! How awful for the neighborhood. I strongly encourage you to scale down the project to ensure that development in such a lovely neighborhood is not contrary to its the character. This project is most certainly inappropriate!!!!

Sincerely,

Dagmar Decker

Barbara Barhydt - Re: Amendment to Conditional Rezoning Agreement; Casco Heights Condominiums (formerly Graves Hill Development); 802-828 Ocean Avenue

From: "Anthony C. Miller MD" <millerac@me.com>
To: <bab@portlandmaine.gov>
Date: Saturday, May 03, 2014 4:39 PM
Subject: Re: Amendment to Conditional Rezoning Agreement; Casco Heights Condominiums (formerly Graves Hill Development); 802-828 Ocean Avenue
CC: Anthony Miller <millerac@me.com>

Anthony C. Miller

56 Ridge Road

Portland, ME 04103-4715

May 3, 2014

Barbara Barhydt

Development Review Services Manager

Planning Division

City Hall

Fourth Floor

389 Congress Street

Portland, ME 04101

Re: Amendment to Conditional Rezoning Agreement; Casco Heights Condominiums (formerly Graves Hill Development); 802-828 Ocean Avenue; Ridge Development, LLC., Applicant

Dear Ms. Barhydt:

In reference to the above amendment to be discussed by the Planning Board at upcoming meetings, I am presenting the following concerns and comments for consideration.

1. Scale and position of buildings on the lot

Although I understand that the goal of Zone R5A is to increase the density of certain off-peninsula lots, the proposed scale of the buildings of Casco Heights is greatly out of character with the East Deering neighborhood. The nearby buildings are all three stories or less, yet the proposed structures are 60 to 75 feet tall. Furthermore, the dimensions of the structures make each of them approximately the size of the Thomas Block on Commercial Street. This contrast of scale and mass will make the new buildings oppressive to their neighbors. Furthermore, the repositioning of the new buildings on the lot in comparison to the original plan submitted to the Board places the nearer only approximately 110 feet from the closest building of the Ocean Ridge Condominium Association. This is about twice as close as the original development plan, and the decrease in height from the original proposal is not enough to ameliorate the affect of this proximity. Given that the Casco Heights structures will be about twice as tall as the Ocean Ridge buildings, they will cast shadows into Ocean Ridge, especially in the winter when the sun is low in the southern sky. I recommend that Board require a shadow study of the proposed structures.

2. Buffer

Given the proximity of the Casco Heights units to Ocean Ridge, I believe that the inadequacy of the proposed buffer must be addressed. Not only is physical separation a consideration, but noise, sight lines, and privacy must be examined. The Casco Heights building nearest Ocean Ridge will afford its occupants a view down into the windows of their neighbors. This will encroach on their privacy and may reduce the value of their property. Furthermore, although the plan is to keep some existing trees, the extensive blasting and construction will likely damage the root structures of many of those trees. I recommend that the Board consider how to address protecting the buffer should some of those trees eventually die.

3. Parking and Traffic

The proposed amendment to the number of parking spots (less than one per bedroom on average) is inadequate. The lack of parking will push occupants to use both Ocean Avenue, which is not wide enough for parking in that area, and the overflow parking of Ocean Ridge, which is only a short walk away. Furthermore, automobiles for 94 units will dramatically increase the traffic on Ocean and Washington Avenues. I recommend that the Board require a traffic study to determine the effects of this increase in traffic volume as well as the noise and light pollution caused by surface parking for nearly 150 vehicles. The easement from Ocean Ridge to Casco Heights should not be used for routine traffic flow from one to the other given that the Ocean Ridge private road was never designed for that volume of cars and trucks.

4. Blasting

The amended project will require blasting in close proximity to Ocean Ridge. Given the dense rock formation underlying Graves Hill, vibrations will be transmitted into Ocean Ridge and the entire neighborhood. I recommend that the Board consider a substantial bond for blasting damage caused by the project to existing structures in the neighborhood. In addition, a mechanism for assessment of both internal and external damage to neighboring structures as well as their contents should be established.

5. Impact on Graves Hill

The proposed amendment includes a provision to blast the top of Graves Hill for one of the buildings and for surface parking. The hill is the third highest point in the City, and a United States Geological Survey marker is in place to mark that area. At the recent community meeting, a spokesperson for the developer stated that they plan to blast the peak and "move" the marker. I am troubled by this disdain for the site and neighborhood.

6. Property values

Given that the Casco Heights structures will be twice as tall as the Ocean Ridge units, they will cast shadows and allow their occupants to look down into the nearest Ocean Ridge buildings. This may adversely affect the property value of Ocean Ridge property.

In closing, I want to make clear that I am not opposed to development of this parcel on Ocean Avenue. However I have several concerns about the particular amendments requested by the developer with regard to its lack of appropriateness for the neighborhood, scale, proximity to existing buildings, inadequate buffer, traffic, parking, and blasting.

Thank you for your attention.

Sincerely,

Anthony C. Miller

Barbara Barhydt - Casco Heights Project Comments

From: "MarMan" <marman@maine.rr.com>
To: <bab@portlandmaine.gov>
Date: Sunday, May 04, 2014 6:55 AM
Subject: Casco Heights Project Comments

Dear Planning Board/City Council:

As the owner of a home in the Ocean Ridge Condominium Association, I am in dread of the potential massive housing project being proposed by Ridge Development LLC. It is quite evident that the developers have complete disregard for the surrounding neighborhood. Although they propose reductions in units (from 98 to 94), reductions in building height and parking ratio changes which on their face may seem positive, the proposed changes do nothing to mitigate the negative consequences of this project's scale and proximity to my home. The modifications are simply insufficient. The project's scale is too large given the surrounding neighborhood. Moreover, by moving the buildings closer to the Ocean Ridge property line, this project is much more detrimental to Ocean Ridge than the original 2004 proposal. Please do not allow this project to go through on the scale they are proposing. Also critical, please do not allow them to move the building so close to our property line!!! Our quality of life will suffer. Our home values will suffer. The neighborhood will suffer.

Thank you for listening.

Vincenzo Marotta
Ocean Ridge Condominium Owner

Barbara Barhydt - Public comment to Casco Heights Project

From: Jeff Degan <jrdegan@gmail.com>
To: <bab@portlandmaine.gov>
Date: Sunday, May 04, 2014 11:13 AM
Subject: Public comment to Casco Heights Project

Dear City of Portland Planning Board:

I am writing to express my opposition to the proposed Casco Heights Project.

I am very concerned that one of largest undeveloped tracts of land in the city will soon be the site of an over-sized development, a development which would be in glaring conflict with the existing neighborhood's character.

Furthermore, I am vigorously opposed to seeing Portland's third-highest elevation blasted away in order to accommodate the development's design. This is totally unacceptable. Please preserve this natural landmark.

I strongly encourage the Planning Board to utilize its power under the Code of Ordinances, Chapter 14, Sec. 14-62, which supports conditions and restrictions on the physical development and operation of the property. The scale and density of the proposed project alone is reason enough to reject it, given the neighborhood's characteristics. This project is too massive and tall given the surrounding area.

Sincerely,

Jeffrey Degan

Antoinette Mancusi
58 Ridge Road
Portland, Maine 04103

City of Portland, City Hall
389 Congress Street
Portland, Me. 04101

Attn: Barbara Barhydt, Development Review Services Manager

May 4, 2014

Via email: bab@portlandmaine.gov

RE: Public Comment to "Amendment to Conditional Rezoning Agreement; Casco Heights Condominiums (formerly Graves Hill Development)"

Dear Portland Planning Board/City Council:

As a resident of the Ocean Ridge Condominium Association (ORCA) I am extremely concerned about the proposed Casco Heights project. Clearly, the planning board/city council, by virtue of the City of Portland Code of Ordinances, Chapter 14, DIVISION 1.5. CONDITIONAL OR CONTRACT ZONING Sec. 14-60, has the authority to impose conditions and restrictions on such a project. I am hopeful that the board/council will reflect upon the negative consequences that this project will have on ORCA and the surrounding neighborhood and impose conditions/restrictions that will protect us.

First, it is vital to acknowledge the extraordinary difference in backdrop that exists between the original 2004 decision (granting the conditional contract zoning agreement) and TEN years later—2014. There are currently 46 family homes directly adjacent to the proposed project. We exist now. We did not then. The feasibility of this project must be analyzed under the current context—not the context that existed an entire decade ago.

Moreover, the developer's proposed amendments have moved the structures so close to our homes that there would be an enormous negative impact on ORCA. I urge the Planning Board and City Council to utilize their authority to set conditions and restrictions permissible under Sec. 14-62. The conditions and restrictions imposed must:

- 1) Restrict the scale and density of this development; it's a monolith. It is too large given the tract of buildable land and natural surroundings. The proposed height is still too tall — it is not compatible with ORCA nor is it compatible with our neighborhood.
- 2) Preserve our open space and buffers, and protect our natural areas and historic sites; the proposed project does not provide a sufficient buffer. It's too too close to ORCA. The current proposal would also require a magnitude of blasting that is of great concern to us. Moreover, Ms. Doyle, the developer/owner, specifically told us at the first neighborhood meeting that the USGS marker representing the 3rd highest point in our City would be blasted. She remarked it would just be moved! How could this be reasonable and consistent with the City's comprehensive plan?

Although I attended the first neighborhood meeting, very little information was provided by Ms. Doyle. As a result, I am unable to comment on other elements of this proposed project that will certainly come into play such as:

- Specifications for the design and layout of buildings and other improvements;
- Schedules for commencement and completion of construction;
- Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
- Contributions toward the provision of municipal services required by the development; and
- Provisions for enforcement and remedies for breach of any condition or restriction.

I reserve judgment/commentary on these elements until the time we have more information.

As an aside, on the matter of the neighborhood meeting, let me say that I was quite disappointed that Ms. Doyle felt it necessary to utilize scare tactics on the meeting's attendees. She, in essence, described our options as being threefold; the original 2004 building plan, the 2014 proposed plan (at issue currently) or, potential clear cutting to build a multitude of homes. I find all these options utterly unacceptable given the aforementioned reasons and implore the Planning Board/City Council to utilize its authority in controlling any such project on Graves Hill.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mancusi".

Antoinette Mancusi

Barbara Barhydt - Comments regarding proposed Casco Heights development

From: Jon Camire <jon_camire@yahoo.com>
To: "BAB@portlandmaine.gov" <BAB@portlandmaine.gov>
Date: Sunday, May 04, 2014 7:10 PM
Subject: Comments regarding proposed Casco Heights development

Dear Portland Planning Board Members:

My name is Jonathan Camire. I am a resident living at 173 Ridge Rd in the Ocean Ridge Condominiums, and I would like to express my concerns with the proposed Casco Heights development at 802 Ocean Avenue.

As proposed, this Casco Heights development presents the following major concerns:

The type, size and height of this development are completely inconsistent with the character of the surrounding area along Ocean Avenue. The area consists of many single family homes along with several condominium projects with multiple townhouse buildings containing a few units each with 2-3 floors. Construction of multiple 75-foot buildings containing 47 units comprising 70,000 square feet or more each cannot be considered consistent with the current or desired nature of this area of the Portland community.

[if !supportLists]-->2. Construction of the proposed Casco Heights project would require substantial geological blasting of the ledge that makes up Graves Hill and the surrounding area. Given the very close proximity of the Ocean Ridge condominiums of which I am a resident, I am very concerned about potential for damage to underground utilities, foundations or the skeletal structure of the existing buildings in the area.

[if !supportLists]-->3. The scale of the development will significantly increase traffic in the area. The section of pavement on Ocean Avenue from Presumpscot St. to Washington Ave. has historically shown to deteriorate very quickly, and is often in disrepair. The eventual addition of 150+ vehicles, not to mention the coming and goings of the construction equipment and the ledge blasting, will only serve to exacerbate the condition of this section of Ocean Avenue.

[if !supportLists]-->4. The area of Ocean Avenue adjacent to Graves Hill has no sidewalk and no easy ability to park on the street near the development. The number of parking spaces allocated to this project is woefully inadequate for residents, their visitors, and the potential public that will seek to use the trail system that is part of the development. This presents the potential of public safety issues along Ocean Avenue, but also presents the possibility that Casco Heights residents, visitors or the public trail users will seek to park in the Ocean Ridge condominiums or other surrounding developments, potentially disrupting the surrounding community.

These issues with the proposed Casco Heights development leave me very concerned about the potential impact to the nature, comfort and value of my neighborhood and personal residence. I trust you will take these concerns under advisement when considering the Casco Heights development.

Thank you for the opportunity to comment.

Sincerely,

Jonathan Camire

From: Pam <pamela630@gmail.com>
To: "bab@portlandmaine.gov" <bab@portlandmaine.gov>
Date: Monday, May 05, 2014 1:08 AM
Subject: Casco Heights project

Dear Board Members,

I'm very concerned and worried about this new project that is proposed on Ocean Ave close to my home at Oceanridge.

I understand the density and height of the proposed buildings is not what is considered acceptable use of that land.

My biggest issue is that the blasting is going to damage my home and endanger the natural habitat that exists there. My condo sits close to the edge and I want to be assured that my home won't be damaged.

I also expect that IF this project is approved that I should see my property taxes go down. This obviously devalues my home.

I await a thoughtful decision of the board.

Pam Anzelc

Sent from my iPhone

Jennifer Yeaton - Fwd: Public Comment re. Proposed Casco Heights Condo (Towers) Project

From: Barbara Barhydt

To: Yeaton, Jennifer

Date: 5/5/2014 11:56 AM

Subject: Fwd: Public Comment re. Proposed Casco Heights Condo (Towers) Project

PC11

public comment

>>> Jade Arn <jadearn@hotmail.com> Monday, May 05, 2014 11:18 AM >>>

Good Morning,

As a North Deering resident, I am submitting this public comment to express my concerns regarding the Casco Heights Development Project as proposed. The scale and nature of this project are not consistent with the area. The magnitude of the development will bring population density and all of its associated noise, traffic, etc. to an otherwise quiet residential area. The architecture, size, height and design is totally out of place off the peninsula. As a taxpayer, I feel that this project jeopardizes the desirable characteristics of the neighborhood and may have a negative impact on livability and property values as a result.

I urge the Planning Board to deny approval of this project as it is currently planned.

Thank you for your consideration.

Sincerely,

Jade Arn

Jennifer Yeaton - Fwd: Casco Heights Project - Urgent Appeal

From: Barbara Barhydt
To: Yeaton, Jennifer
Date: 5/5/2014 1:50 PM
Subject: Fwd: Casco Heights Project - Urgent Appeal

public comment

>>> <danielsmediaco@gmail.com> Monday, May 05, 2014 1:46 PM >>>
May 5, 2014

Dear Planning Board - City of Portland:

**It has been brought to my attention that a developer is trying to get a behemoth project passed in Portland which is most out of character with the charming neighborhood in which it would potentially be situated in. Please review this plan scrupulously and insist that the developer's plan remain consistent with it's neighbors and residents/families in the area.
A 95 unit high rise apartment complex is outrageous in this area!
Portland is a gem. Keep it that way!**

Please help keep the quality of life at its highest level in Casco Heights.

Sincerely,

Helen Daniels

May 6 2014

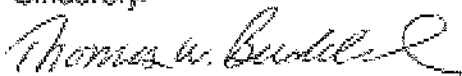
Thomas & Sheila Buckland
95 Ridge Road
Portland, ME 04103

To: Portland Planning Board,

As residents of Portland we oppose the Casco Heights development. The proposed project is out of character with the Neighborhood. The density of the project would effect neighborhood livability and negatively impact the traffic patterns and congestion of Ocean avenue and Washington Street. To build in the location would require tremendous blasting efforts and possibly endanger surrounding structures.

These are just some of the reasons we oppose the Casco Heights development project and do not support it.

Sincerely,



Thomas W. Buckland



Sheila E. Buckland

May 5, 2014

To: Portland Planning Board

From: Sabrina Nickerson, Randy Judkins Residents at Ocean Ridge Condominiums

Dear Planning Board,

As residents of Ocean Ridge Condominiums, we are speaking today because we truly want to protect what is good in our neighborhood. As much as possible we want to preserve our surrounding hardwood forest, vernal pools and the 3rd highest peak in the city of Portland. In addition, we seek to maintain the unique character and style of the architecture of our Ocean Avenue Neighborhood.

We certainly understand that the abutting property, the proposed Casco Heights Development is a candidate for construction. We'd like to ask then, "Is Casco Heights Project a good example of smart growth and responsible land use?"

In regards to the proposed Casco Heights project, we have some questions:

- 1) Given the proposed changes in the footprint of the two large buildings and adjoining parking lots, I would ask the planning board to consider the preservation of this unique hardwood forest, the vernal pools and the third highest peak known historically as 'Graves Hill'.
- 2) Will the board please consider that the current footprint and proposed height of the tower-like structure will create visual blight and most assuredly block much needed sunlight and solar gain for our Ocean Ridge homeowners.
- 3) How much damage to our existing homes will be realized with extended and prolonged amounts of blasting during Phase 1 and then during Phase 2 of this building project? Should any damage occur during or after this prolonged blasting, what kind of assurance do we have that the developers will take responsibility and fix any related damages?
- 4) How mindful and environmentally responsible will efforts be for habitat restoration after all the blasting, building and road construction?
- 5) Is the proposed development IN character with the surrounding architecture, the scale, density and livability?
- 6) We respectfully request that the Planning Board reconsider Casco Heights' original buffer zone of at least 100 ft which was adjusted to 80 feet when a new plan was proposed a few years later when Ocean Ridge Condominiums were not yet constructed.

Thank you for your consideration,
Respectfully submitted,

Sabrina T. Nickerson
and Randy Judkins
54 Ridge Road
Portland, Maine

Jennifer Yeaton - Fwd: May 6 Planning Board Workshop: Proposed Casco Heights Project at 802-828 Ocean Avenue

From: Barbara Barhydt
To: Yeaton, Jennifer
Date: 5/5/2014 3:49 PM
Subject: Fwd: May 6 Planning Board Workshop: Proposed Casco Heights Project at 802-828 Ocean Avenue

public comment

>>> Jean Mattimore <jeanmattimore@gmail.com> Monday, May 05, 2014 2:52 PM >>>
TO: Barbara Barhydt, Development Review Manager, Planning Division

Dear Ms. Barhydt,

As an owner in the Ocean Ridge condominium community, I'd like to express several concerns about the proposed development being considered. They also relate directly to the mission of the Planning Division as stated on your website:

"We plan Portland's future by building upon the City's distinct historic, cultural and natural assets to achieve a livable and sustainable built and natural environment, exemplified by dignified and engaging public spaces, a strong sense of community, and a diversity of healthy neighborhoods and business districts comprising a vibrant urban center."

- The proposed development will add significant traffic to the already heavily traveled Ocean Avenue and surrounding roads, challenging the safety and sense of community in the area.
- The addition of so many units in an already densely populated area can affect the livable quality of the neighborhood and some of its valuable natural environment.
- The design, scale and density of the proposed plan is inconsistent with the character of other buildings in the area, including other condominium communities such as Ocean Ridge.
- The blasting this project will require could materially affect the stone ridge we would share. That, in turn, could have a substantial impact on our homes.
- These factors could affect the value and sustainability of our property.

Thank you for including these comments as the Planning Board considers this proposal at its workshop.

Jean Mattimore

147 Ridge Road

Portland, ME 04103

Jennifer Yeaton - concerns

From: <Gfdb115@aol.com>
To: <bab@portlandmaine.gov>
Date: 5/5/2014 7:36 PM
Subject: concerns

I'm not certain I will be able to attend the Planning Board Meeting but I have similar concerns about the project that have already been expressed, namely:

1. The scope of the project
2. The environmental impact the project would have on populations density and traffic on Ocean and Washington Avenues.
3. Impact on property values at Ocean Ridge
4. The amount of blasting that would be required.

Gene DiBenedetto

Jennifer Yeaton - Fwd: Casco Heights Condominium project

From: Barbara Barhydt
To: Yeaton, Jennifer
Date: 5/6/2014 8:11 AM
Subject: Fwd: Casco Heights Condominium project

Public Comment

>>> "Richard, Judith" <Judy.Richard@astellas.com> Monday, May 05, 2014 9:39 PM >>>
My apologies for the late comments, I had a death in the family and couldn't respond sooner.

I would like to voice my concerns regarding the proposed Casco Heights Condominium project and request the planning board consider these concerns and make appropriate changes/recommendations to the proposed project.

1. The proposed Casco Heights Condominiums are totally out of character with anything in the neighborhood. It is out of scale for the neighborhood as there are no buildings that high anywhere near the proposed area and a development like this would stick out. It is just not consistent with the neighborhood as it is mainly single family living consisting of two or three levels. This would have a negative financial impact on property values in the area. The original plan was to have "luxury" condominiums and that has changed significantly by decreasing the amenities, etc.
2. The proposed project would consist of 94 or 98 units – 1 bedroom, 2 bedrooms and 3 bedrooms. That would bring a considerable amount of people to the area thus having an impact on traffic, which is already heavy enough without this additional load. The impacted areas would be Ocean Avenue, Presumpscott Street and Washington Avenue. There is already an overload of traffic in this area. Also, there are several schools in the area that children walk to and this development would significantly increase the traffic in the area.
3. The proposed condominium project would have a negative impact on quality of life by significantly creating density on that part of Ocean Avenue. There are already several condominium, apartment projects and Nursing Home/Rehab facility that create a lot of traffic. Air quality by the significant increase in vehicles would be diminished and the blasting necessary to develop the project would affect so many people.
4. The proposed entrance to Casco Heights is too close to the entrance to Ridge Road and this would create a danger to have two entrances so close together with people trying to enter and exit at the same time.
5. Can our existing municipal services handle the extra load on our schools, roads, water and sewer and garbage removal? Will the increase in tax revenue offset the costs to the school system? I doubt it. The original proposal was for luxury condominiums which would have brought in more tax revenues than the current proposal.
6. Lastly, but not of least importance, is the concern of one of the partners in this development. He was involved in Ocean Ridge Condominiums and we are still paying for his failure to complete the project and his cutting of corners. Ocean Ridge was not completed per his contractual obligations and per the specifications and this has cost the residents a lot of money for his failure to meet his obligations. What if this happens at Casco Heights? This will also negatively impact property values.

I don't object to the rights of a property owner to develop his or her land. However, I do object to the

suitability of the project for the neighborhood and recommend a different type of development that is more suitable to the neighborhood. I want to be assured that any blasting that is done does not result in any damage to surrounding properties. I also want to live in a neighborhood where I don't have to worry about entering and leaving my property and feel safe with where the entrance/exit is located.

Thank you for your consideration.

Regards,

Judy Richard

Senior Corporate Account Director

Astellas Pharma US, Inc.

(207) 879-7373 Office

(207) 712-3230 Cell



Jennifer Yeaton - Fwd: Casco Heights

From: Barbara Barhydt
To: Yeaton, Jennifer
Date: 5/6/2014 2:59 PM
Subject: Fwd: Casco Heights

public comment

>>> "Glenna Irvine" <gm Irvine2003@yahoo.com> Tuesday, May 06, 2014 1:31 PM >>>
I wanted to take a moment to share my views/concerns regarding the Casco Heights Project.

As the President of the Ocean Ridge Condo Association and an owner myself, I have heard from numerous owners. The main concerns are:

- Disruption of the natural habitat – frogs, birds, trees, deer, fox, etc.
- The escalated noise level from having a site so close to Ocean Ridge condo Association
- Based on the tape marking off the lot – the buildings appear to be extremely close – leaving no barrier between Ocean Ridge Condo Association and Casco Heights – having the appearance of clear cutting.
- Damage to our buildings as a result of the blasting
- Potential property devaluation. Ocean Ridge Condo Association was not in existence when Graves Hill/Casco Heights was approved to be built so owners purchased a very private, wooded scenic landscape. That will no longer exist as a result of this project.
- Developer – Tinsman – built Ocean Ridge and we are still making repairs from the poor workmanship and incomplete items.
- Additional traffic on both Ocean Avenue and Washington Avenue. Ocean Avenue is and has been in very poor condition for years. So additional traffic would certainly not improve that situation. Washington Avenue is a mess. It is literally bumper to bumper traffic day and night.

As a Real Estate Broker, I think the above concerns are valid. I have sold a number of condos in Ocean Ridge as well as other associations in Portland. The big draw for buyers looking at Ocean Ridge is the close proximity to downtown Portland and the very peaceful, quiet, natural setting. That would change if we don't have a significant barrier between the two communities. If a significant barrier with trees and natural habitat are left so that there is still an element of privacy, I don't think it will have as significant impact on the resale value.

Please feel free to contact me,

Glenna Irvine
91 ridge Rd
Portland, ME 04103
207-749-9098

Jennifer Yeaton - Fwd: FW: Wellstone Condominium Association

From: Barbara Barhydt
To: Yeaton, Jennifer
Date: 5/6/2014 3:03 PM
Subject: Fwd: FW: Wellstone Condominium Association

Public Comment

>>> Jeanette Haskell <jeanette@mpropertiesinc.com> Tuesday, May 06, 2014 2:05 PM >>>

Barbara

Per our conversation this morning regarding the meeting scheduled this evening for Ridge Development LLC the Board of Wellstone Condo Association would ask that the Planning Board take into consideration the following. After the prior blasting and development surrounding the Wellstone property the Association experienced leaks in the basements of 12+ units and they had to install battery backup sump pumps to keep the basements dry. The Association has also hired a contractor to repair many of these basement walls which were not a problem prior to the blasting. The Association did not experience water issues in these basements prior to the blasting. They continue to have issues today and are concerned that the blasting created a fissure in the ledge that has somehow changed the water flow. The Association just spent \$35,000 to do additional drainage work due to changes in ground water flow which they feel may have been caused by the blasting as well.

There are also some concerns about water flow from Ridge Development displacing water to the ditches (as engineers are designing). My understanding is that the plan is to direct the water to the Ocean Ave. ditch which then flows under Ocean Ave. just above the bus stop up the street from Wellstone. This would have an impact on increasing the level of the water table here as we are already experiencing this from the previous development. Presently, the water table is just under the slab of several buildings.

Please let me know if you have any questions.

Thank you

Jeanette

Jeanette Haskell, CMCA
Maine Properties, Inc.
207-883-3753
Fax: 207-883-2135
E-mail: jeanette@mpropertiesinc.com



Jennifer Yeaton - Fwd: Workshop of 5/6/2014

From: Barbara Barhydt
To: Yeaton, Jennifer
Date: 5/7/2014 8:18 AM
Subject: Fwd: Workshop of 5/6/2014

public comment

>>> Ocean Ridge <concerned.orca@gmail.com> Wednesday, May 07, 2014 8:15 AM >>>

To members of the Planning Board:

As an owner at Ocean Ridge I attended and spoke at the workshop on 5/7/14 on the Casco Heights project.

I offer these brief post-meeting comments:

1. Carol Morrisette characterized the potential decision, at first glance, as a "...no brainer..." given that the height of the buildings was reduced from a controversial 100' to 75'. I remind her that as the building came down 25', their footprints expanded by 100' so as to maintain essentially the same occupancy and infringe closer to the buildings of Ocean Ridge.
2. Several PB members characterized the Ammendment as having "...lesser impact..." I respectfully and forcefully disagree with this characterization. The density is unchanged, the adequacy of parking continues to be questionable, the buffer to adjacent properties is less and the water drainage to Ocean Avenue and down-the-hill residences is still problematic.
3. Bill Hall in his comments "...look at the big picture..." and "...appropriateness after a decade..." seems to be thinking correctly. Is the scope of this project good for the City of Portland generally and do we want to disrupt the neighborhood?
4. Eventual development of the acreage in question is inevitable and welcome. But please keep in mind the neighborhood, the environment and the City.

Respectfully,

Frank W. Pandolfo

Owner at 146 Ridge Road

Jennifer Yeaton - Fwd: Re: 5-6-2014 City Plan. Div.Meeting regarding Ridge 802....Ocean Ave

From: Barbara Barhydt
To: Yeaton, Jennifer
Date: 5/7/2014 8:03 AM
Subject: Fwd: Re: 5-6-2014 City Plan. Div.Meeting regarding Ridge 802....Ocean Ave

public comment

>>> Linda Belanger <lindaportlandmaine@yahoo.com> Wednesday, May 07, 2014 6:41 AM >>>
Dear Barbara,

Re: 5-6-2014 City Plan. Div.Meeting regarding Ridge 802....Ocean Ave.

I feel I must clarify something that was misinterpreted at last night's meeting.
The Chairman stated that everyone that voiced opinions and concerns from the public sector appeared to "not be in favor" of the Ridge project. I don't recall saying that I was not in favor. I would like to apologize if I misled the board without realizing it.
I began by saying that I was not going to say one way or the other about being in favor or not with regards to the general proposal, that I was there to mainly listen and learn about the process.
I went on to say that I had two major concerns (1. the blasting and 2. water flow)
I also stated that the Wellstone complex has experienced actual problems associated with this two issues over the last 28 years due to development that has taken place in the area.
Thank you.

Best Regards,
Linda Belanger, Wellstone Condominium Board member, Portland

**Questions for Workshop
Portland Planning Board
May 6th @ 6 PM**

Geology/Blasting/Environmental Survey/Site Plans

1. **Geology** – Graves Hill is a geologically unique place in Cumberland County and the State of Maine according to a Professor at USM. The whole area has been subjected to fault-type shearing that is reflected in the overall texture of the rock. The weaker rock in this case is the foliated metamorphic rocks that flank the mass of granite that makes up Graves Hill. You can see this in the steep grade of the entry drive into Ocean Ridge Condos. This is why the 13 buildings of Ocean Ridge were built on top of the mass of granite and not excavated in to the mass. My question to the Planning Board is whether the plans have taken this into account and how would it affect the stability of the granite mass known as Graves Hill?
2. **Blasting** – I would like to raise the issue of blasting, and potential issues resulting therefrom. What are the regulations in place to limit any adverse effects of Blasting? Does the Planning Board require a project bond (in an adequate amount) in light of the blasting/fault lines and other safety concerns?
3. **Environmental Survey and Site Plan** – Has there been an Environmental Survey done? Is there an up to date to the Site Plan? Has there been site consideration for the protection of the natural areas and historic sites.

Thank you,
Chuck Grossman
175 Ridge Road

>>> Lesli Rodgers <LRodgers@buxtonco.com> Wednesday, May 07, 2014 10:02 AM >>>
TO: Barbara Barhydt, Development Review Services Manager

Unfortunately, I could not attend last night's workshop due to a prior commitment. But I wanted to make sure I was letting you know of my concern regarding this proposed condominium project - Casco Heights.

As a resident of Ocean Ridge, this proposed project would be right next door. While I have no objections to neighbors, I am concerned that this project will considerably change and deteriorate the neighborhood already in existence.

None of the homes in this area are more than a few stories ... it is my understanding that Casco "Heights" is proposing to build two towers, up to or exceeding 75' in height. This will dramatically change the sky line here, especially as the proposed building site is already on a hill.

It is also my understanding that these towers are meant to include 94 units...in a relatively small footprint. None of the surrounding area tries to compact so many people into such a small space. The impact on the neighborhood of an additional 94 families in terms of traffic, garbage, noise, pollution, etc. is certainly something never anticipated when I purchased my home here 5 years ago.

I'm not sure of what the options here are for a private citizen...or how far along the road to inevitability this proposed project is. But I have to voice my concern...and I would very much appreciate it if you (or someone else on your team) could let me know what I can personally do to stop this project from moving forward.

I look forward to your response. Thank you.

Lesli Rodgers
145 Ridge Road
Portland, ME 04103

Jennifer Yeaton - Fwd: Casco Heights Development

From: Barbara Barhydt
To: Yeaton, Jennifer
Date: 6/4/2014 4:22 PM
Subject: Fwd: Casco Heights Development

public comment

>>> <Gfdb115@aol.com> Wednesday, June 04, 2014 3:38 PM >>>
To The Planning Board

I would like to express my concerns regarding the development of the Casco Heights Project on Graves Hill. My concerns are the following:

1. The proposed construction is out of character with the surrounding neighborhood. All surrounding buildings are 3 stories or less.
2. An environmental impact study should be conducted and the results made available to local residents. My chief concerns are traffic on Ocean and Washington Avenues, water, drainage, destruction of trees and shrubs and the negative effects on wildlife.
3. The scope of the project is too ambitious; namely 94 units in 75 foot buildings which will have a negative impact on the area.
4. An enormous amount of blasting will no doubt be required with potential damage to adjacent buildings. What financial provisions have been made by the developers to underwrite repairs to neighboring buildings, especially Ocean Ridge.
5. The project will have a negative impact on neighbors, namely livability, safety and a sense of community.
6. Another consideration is the potential negative effect the project will have on property values.

Thank you for your attention on this important matter.

Sincerely,
Gene DiBenedetto
17 Osprey Terrace

Richard L. Kessler
60 Ridge Road
Portland, ME 04103

Phone: 207-899-0066
Email: rkessler5@yahoo.com

To; Barbara Barhydt

The proposed development of 802-928 Ocean Avenue (aka Graves Hill) presented to the Portland Planning Board by Doyle Enterprises will have substantial consequences for neighbors of the property, impact traffic and livability in the community and is generally inappropriate for off-peninsula Portland.

1. Building height of 75' is inappropriate for off-peninsula location. All surrounding buildings are 3 stories or less. This includes private homes, Summer Place, Wellstone, Ocean Ridge, Ledgewood, Townhouses at Ocean East, Oceanwoods, The Cedars (even it latest addition of a nursing home facility). Alden's Walk and Martins Point.
2. The addition of 94 residential units and likely 200+ automobiles will impact traffic and safety. Ocean Avenue is narrow, offers no safe option for on-street parking and should have sidewalks and bike paths. A traffic study should be done.
3. Condos east of Ocean Avenue claim to have water seepage in basements. The problem will be exacerbated with Casco Heights development. A proper engineering study is requested.
4. Doyle Enterprises was advised by the Planning Board to consult with neighbors and interested parties prior to amending the site plan provided to the Board at the May 9, 2014 meeting. The revision was submitted; the offer to meet with neighbors arrived later. Concerned parties seem to be an afterthought.
5. The original 2004 proposal called for two 100' towers, 98 residential units, 2 levels of underground parking, amenities (office, exercise room, x-country ski room and community center). A smaller building footprint was posed further down Graves Hill and, importantly, offered a more reasonable buffer to adjacent properties. The 2014 proposal reduces the controversial 100' height to 75' but expands the footprint so as to maintain essentially the same residential density (98 vs. 94 units). Also, all amenities are eliminated, construction changed from steel/concrete to less expensive wood frame and buffers are reduced. Profit motive seems to be at play here.
6. The project will require enormous amounts of blasting in granite. Damage to adjacent buildings is a possibility. Engineers must determine the range of potential damage, all structure

“camera-ed” before blasting and an insurance bond on the order of \$20,000,000 should be in place.

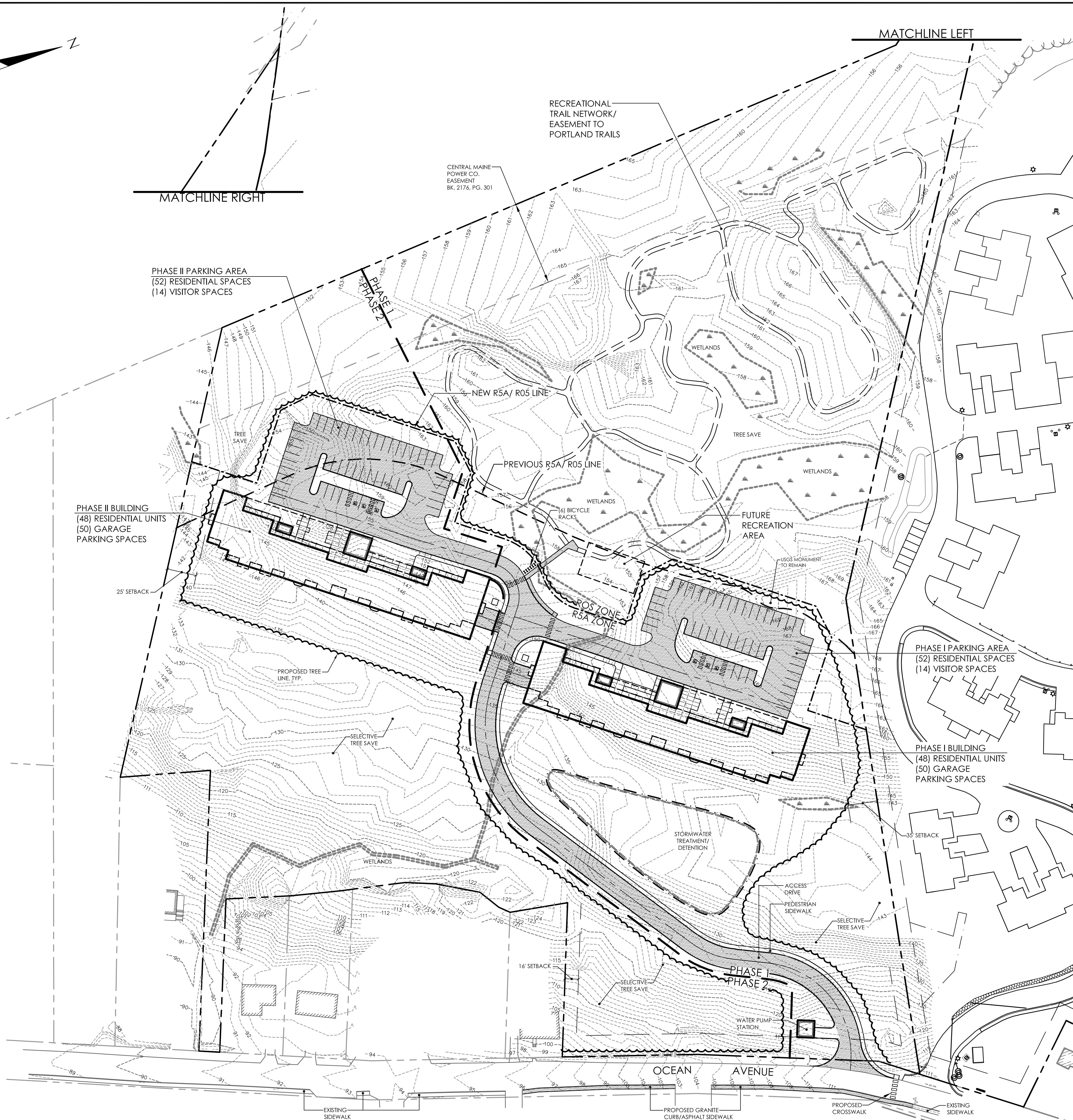
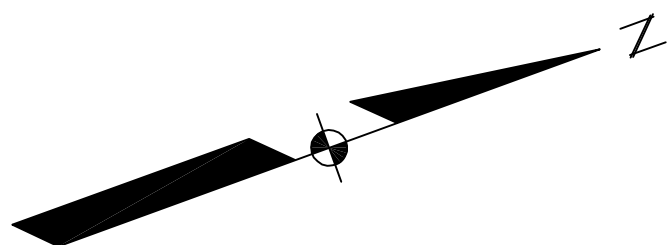
7. Development of Graves Hill is inevitable and should be welcomed by all Portlanders. However, reasonableness must prevail. Considerations must include scale, density, livability, community, safety and environment.

I was born and raised in Portland and have lived at 60 Ridge road for 10 years. Doyle Enterprises wants out from the property so they need to have changes made to sell a package. I get it but am not happy that it affects all abutting owners and my unit with such an impact. Directly behind, no privacy at all.

The City has a reputation for approving and then letting the plans be completely altered. The original foot print gave everyone plenty of privacy and was well laid out. Do the right thing and have them come up with a better plan so we can all be happy.

Thank you,

Richard L. Kessler

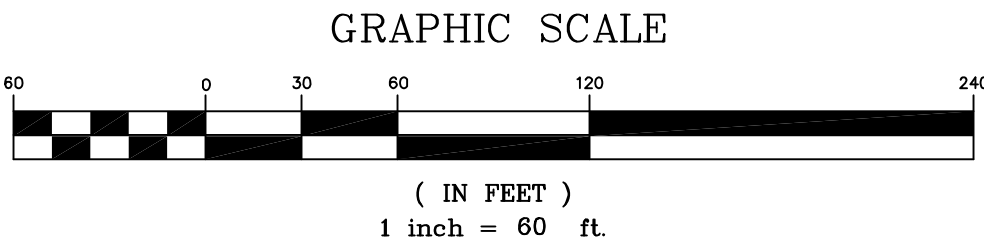


GENERAL NOTES

- OWNER/APPLICANT: RIDGE DEVELOPMENT, LLC
P.O. BOX 535
BUXTON, MAINE 04093
- ARCHITECT: ARCHETYPE, P.A.
48 UNION WHARF
PORTLAND, MAINE 04101
- SURVEYOR: DOW AND COULOMBE, INC.
13 PARK STREET
SACO, MAINE 04072
- ENGINEER: SEBAGO TECHNIQS, INC.
75 JOHN ROBERTS ROAD, SUITE 1A
SOUTH PORTLAND, MAINE 01046
- WETLANDS: ALBERT FRICK ASSOC., INC.
95A COUNTY ROAD
GORHAM, MAINE 04038
- DEED REFERENCE: BOOK 21500, PAGE 269
- TAX MAP REFERENCE: MAP 411, BLOCK A, LOT 7
MAP 416, BLOCK A, LOTS 6, 7 AND 21
- PROJECT AREA: 18.32 ACRES
- ZONING: R5A (10.18 ACRES)
R0S (8.14 ACRES)
- DIMENSIONAL REQUIREMENTS:
R5A ZONE: FRONT AND REAR YARD: 25 FT.
SIDE YARD: 16 FT.
35 FT.
SETBACK @ BUILDINGS > 100 FT:
- PROPOSED USE: 96 UNIT CONDOMINIUM
- SEWER SERVICE: PUBLIC
- WATER SERVICE: PUBLIC
- ELECTRIC/TELEPHONE: UNDERGROUND
- ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE EROSION PREVENTION PROVISIONS OUTLINED IN THE MAINE EROSION CONTROL AND SEDIMENTATION HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES, 2003.
- PARKING REQUIREMENTS:
(80) 2-BR; 3-BR UNITS AT 2 EA. = 160 SPACES
(16) 1-BR UNITS AT 1 EA. = 16 SPACES
(28) VISITOR SPACES AT 1 EA. = 28 SPACES
TOTAL REQUIRED = 204 SPACES
- THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
- ALL POWER LINE UTILITIES SHALL BE UNDERGROUND.
- ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES.
- PRIOR TO CONSTRUCTION, A PRE-CONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE SITE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRE-CONSTRUCTION MEETING.
- TRAIL LENGTH:
R5A ZONE = 900 L.F.
R0S ZONE = 2,307 L.F.
TOTAL = 3,207 L.F.
- TOTAL IMPERVIOUS AREA = 2.74 ACRES (14.9% RATIO)
- TOTAL DISTURBED AREA = 5.86 ACRES.
- PROPOSED BUILDINGS:
LEVEL 1 = 50 PARKING SPACES
LEVEL 2-5 = 48 RESIDENTIAL UNITS
PROPOSED HEIGHT = 60 FT. ABOVE AVERAGE FINISH GRADE

LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/R.O.W.	---
---	ABUTTER LINE/R.O.W.	---
---	SETBACK	---
---	EASEMENT	---
---	CENTERLINE	---
---	ZONE LINE	---
---	BUILDING	---
---	WETLANDS	---
---	EDGE WETLAND	---
---	EDGE PAVEMENT	---
---	PAVEMENT PAINT	---
---	TRAILS	---
---	CURBLINE	---
---	CONTOURS	---



Plan 1

REV.	DATE	STATUS
A	WTC	BY:

SEBAGO

TECHNIQS

WWW.SEBAGOTECHNIQS.COM

75 John Roberts Rd. - Suite 1A - 230 Goddard Rd. - Suite B
South Portland, ME 04106
Tel: 207-282-2100

PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
13450	-	WTC	WTC	MAL

OVERALL SITE PLAN

OF: CASO HEIGHTS
OCEAN AVENUE
PORTLAND, MAINE

FOR: RIDGE DEVELOPMENT, LLC
P.O. BOX 535
BUXTON, MAINE 04093

DATE	SCALE
05-20-14	1" = 60'

SHEET 1 OF 1

13450B.dwg, TAB: SITE-60



STORMWATER
TREATMENT/
DETENTION

WETLANDS

TREE
SAVE

Access Driveway

Sidewalk

Access Driveway

PEDESTRIAN
SIDEWALK

TREE
SAVE

Evergreen Screen Trees to Augment
Buffer to Residences

Illustrative Site Plan : Preliminary Grading and Landscape Design CASCO HEIGHTS

Ridge Development, LLC
Archetype, P.A.
Sebago Technics, Inc.

April 1, 2014

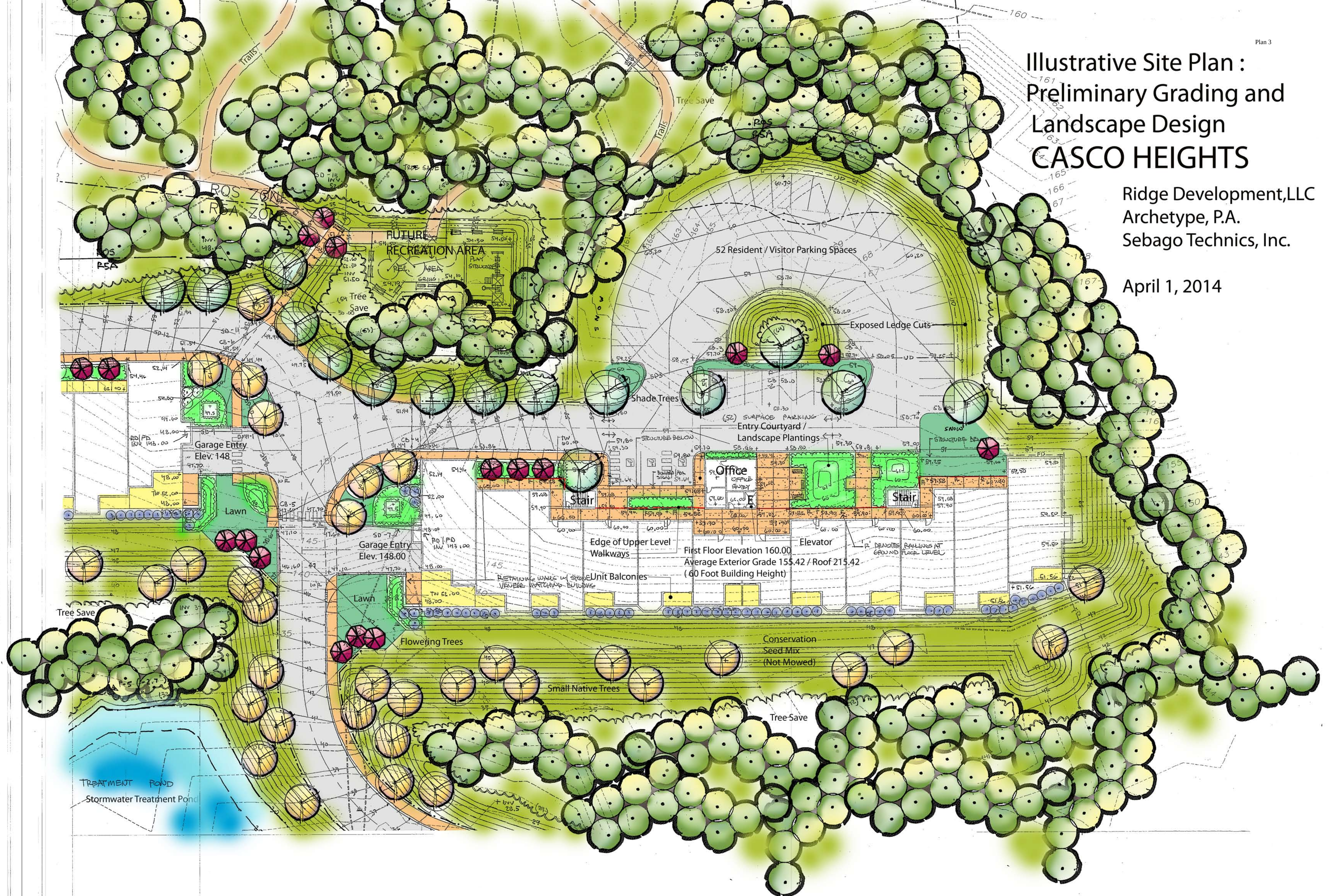
OCEAN AVENUE

Water Pump Station
Stone Retaining Wall
Project Sign

Illustrative Site Plan : Preliminary Grading and Landscape Design CASCO HEIGHTS

Ridge Development, LLC
Archetype, P.A.
Sebago Technics, Inc.

April 1, 2014



LINE

TRUE - SEE NOTE #3

N/F ANSPACH
BOOK 3513, PAGE 84
BOOK 3795, PAGE 278

<u>LEGEND :</u>	
•	SET IRON ROD WITH CAP
□	CATCH BASIN
⊙	DRAIN MANHOLE
⊕	HYDRANT
⊕ W	WATER VALVE
⊙	SEWER MANHOLE
⌒	SIGN
⌒	UTILITY POLE
⊕ N	HEDGE OR SHRUB
N/F	NOW OR FORMERLY
——— W ———	WATER MAIN
——— S ———	SANITARY SEWER MAIN
----- 90 -----	CONTOUR LINE
——— OU ———	OVERHEAD UTILITY LINES
○○○○○○○○○○	STONE WALL

N/F MARJEM MORTGAGE CORPORATION
BOOK 15443, PAGE 349
SEE PLAN REFERENCES #2 & #5

PLAN REFERENCES:

1. "CITY OF PORTLAND, MAINE DEPARTMENT OF PUBLIC WORKS OCEAN AVE. SANITARY SEWER FROM 700 FT. NORTHERLY OF GRAFTON ST. THEN 1100 FT. NORTHERLY", DATED JUNE 14, 1977 (AS-BUILT 7/13/77).
2. "PLAN OF PROPERTY 852 OCEAN AVENUE, PORTLAND, MAINE MADE FOR ERNEST M. & ARIEL A. PALMER, DATED FEBRUARY 3, 1983, BY ROBERT P. TITCOMB, INC., RECORDED AT GUMBERLAND COUNTY RECORDS OF DEEDS IN PLAN BOOK 138, PAGE 71.
3. "PORTLAND SEWER SYSTEM INFILTRATION-INFLOW ANALYSIS, SYSTEM BASE MAPING, STUDY AREA 3", DATED 1988, BY T. Y. LIN INTERNATIONAL.
4. "PLAN OF PROPERTY OCEAN AVENUE, PORTLAND, MAINE MADE FOR THE DARTMOUTH COMPANY", DATED MARCH 17, 1988, BY R. P. TITCOMB ASSOCIATES, INC.
5. "STANDARD BOUNDARY SURVEY, PLAN OF PROPERTY OCEAN AVENUE, PORTLAND, MAINE MADE FOR THE FINCH GROUP", DATED JULY 30, 1992, BY TITCOMB ASSOCIATES.

PLAN SHOWING A BOUNDARY SURVEY AND TOPOGRAPHIC SURVEY
MADE FOR
DIANE DOYLE
(MAILING ADDRESS : 16 TIFFANY LANE, SACO, ME 04072)
PARCEL LOCATED AT OCEAN AVENUE
PORTLAND MAINE

Dow & Coulombe, Inc.
Land Surveyors & Land Planners
13 Park Street, Saco, ME 04072
Telephone: 207-284-4521 • Fax: 207-284-4522

Date:	
JULY 8, 2002	
H. Scale:	Drawn by
1" = 40'	MJC
Chk'd by:	Appv'd by
PDD	MJC
SHEET 1 OF 2	

ZONE-MISC
DWGS2002\DD-PORT\TOPC

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

LOCUS DEED REFERENCES :

CRE I REAL ESTATE CORP.
TO
LEO J. DELICATA AND JEANNE B. DELICATA
AUGUST 14, 1992 BOOK 10228, PAGE 236

LINE TABLE:

LINE	DIRECTION	DISTANCE
L1	S 44-34-10° W	14.62'
L2	S 68-13-30° W	28.08'
L3	S 30-55-40° W	63.42'
L4	S 22-37-20° W	36.08'
L5	S 12-40-30° W	76.84'
L6	S 14-07-00° W	69.83'
L7	S 17-18-40° W	77.80'
L8	S 23-13-50° W	24.71'

1. THIS SURVEY CONFORMS TO STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS.
2. AREA = 18.323 ACRES.
3. BEARINGS REFER TO TRUE NORTH PER PLAN REFERENCES #4 & #5.
4. INFORMATION IN PARENTHESES COPIED FROM DEED AND PLAN REFERENCES.
5. THE LINE OF OCEAN AVENUE IS BASED ON RECORDS FURNISHED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT, AND EVIDENCED BY MONUMENTATION FOUND ALONG A 3.0' OFFSET LINE TO THE EASTERLY LINE OF SAID STREET.
6. ELEVATIONS ARE BASE ON A CLOSED LEVEL LOOP RUN FROM THE TOP OF THE HYDRANT LOCATED NEAR THE ANGLE POINT IN OCEAN AVENUE SOUTHERLY OF HOUSE #752 AS SHOWN ON PLAN REFERENCE #1 (ELEVATION 86.17), AND REFER TO NATIONAL GEODEIC VERTICAL DATUM OF 1929, ACCORDING TO THE CITY OF PORTLAND ENGINEERING DEPARTMENT.
7. FOR FURTHER INFORMATION ON UNDERGROUND UTILITIES LOCATED WITHIN OCEAN AVENUE, REFERENCE IS MADE TO PLAN REFERENCES #2 AND #4.

LEGEND :

•	SET IRON ROD WITH CAP
□	CATCH BASIN
○	DRAIN MANHOLE
⊕	HYDRANT
⊕	WATER VALVE
⊕	SEWER MANHOLE
⊕	SIGN
⊕	UTILITY POLE
⊕	HEDGE OR SHRUB
N/F	NOW OR FORMERLY
W	WATER MAIN
S	SANITARY SEWER MAIN
90	CONTOUR LINE
OU	OVERHEAD UTILITY LINES
=====	STONE WALL

NOTES :

1. THIS SURVEY CONFORMS TO STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS.
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LINE TABLE :

LINE	DIRECTION	DISTANCE
1	S 88° 14' 10" W	14.62
2	S 88° 14' 10" W	14.62
3	S 88° 14' 10" W	14.62
4	S 88° 14' 10" W	14.62
5	S 88° 14' 10" W	14.62
6	S 88° 14' 10" W	14.62
7	S 88° 14' 10" W	14.62
8	S 88° 14' 10" W	14.62
9	S 88° 14' 10" W	14.62
10	S 88° 14' 10" W	14.62
11	S 88° 14' 10" W	14.62
12	S 88° 14' 10" W	14.62
13	S 88° 14' 10" W	14.62
14	S 88° 14' 10" W	14.62
15	S 88° 14' 10" W	14.62

LOCUS DEED REFERENCES :

CRE I REAL ESTATE CORP.
TO
LEO J. DELICATA AND JEANNE B. DELICATA
AUGUST 14, 1992 BOOK 10226, PAGE 236

PLAN REFERENCES :

1. "CITY OF PORTLAND, MAINE DEPARTMENT OF PUBLIC WORKS OCEAN AVE. SANITARY SEWER FROM 700 FT. NORTHERLY OF GRAFTON ST. THEN 1100 FT. NORTHERLY", DATED JUNE 14, 1977 (AS-BUILT 7/13/77).
2. "PLAN OF PROPERTY 852 OCEAN AVENUE, PORTLAND, MAINE MADE FOR ERNEST M. & ARIEL A. PALMER", DATED FEBRUARY 3, 1983, BY ROBERT P. TITCOMB INC., RECORDED AT CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 136, PAGE 71.
3. "PORTLAND SEWER SYSTEM INFILTRATION-INFLOW ANALYSIS, SYSTEM BASE MAPPING, STUDY AREA 3", DATED 1988, BY T. Y. LIN INTERNATIONAL.
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SEE: "SURVEY PLAT, PHASE 1, ALDEN'S WALK A CONDOMINIUM, PHEASANT HILL DRIVE, PORTLAND, MAINE FOR THE DARTMOUTH COMPANY", DATED NOVEMBER 2, 1997, BY OWEN HASKELL, INC., RECORDED AT CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 166, PAGE 65

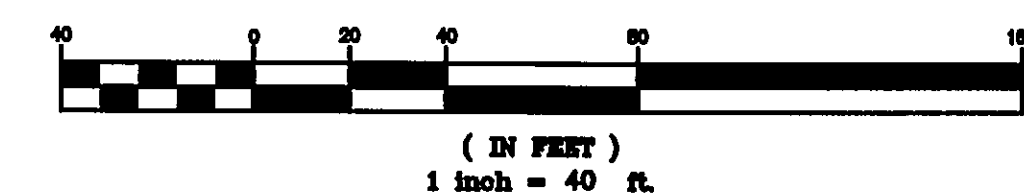
(N 16° 40' 30" E)
(N 17° 10' E)
(N 02° 44' 00" W)
(N 02° 44' 00" W)

CENTRAL MAINE POWER COMPANY EASEMENT
BOOK 2176, PAGE 301

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY EASEMENT
PER PLAN REFERENCE #2

N/F MARJEM MORTGAGE CORPORATION
BOOK 18443, PAGE 349
SEE PLAN REFERENCES #2 & #5

GRAPHIC SCALE



MATCH

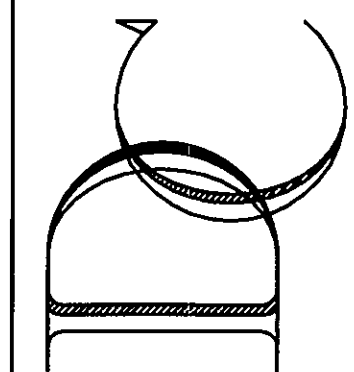
LINE

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Date:

JULY 8, 2002

H. Scale: Drawn by:

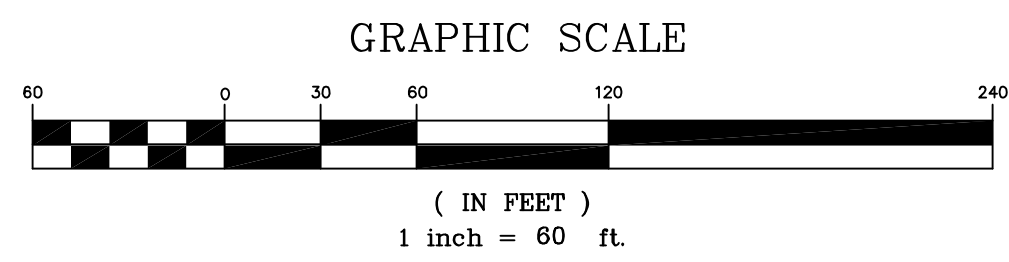
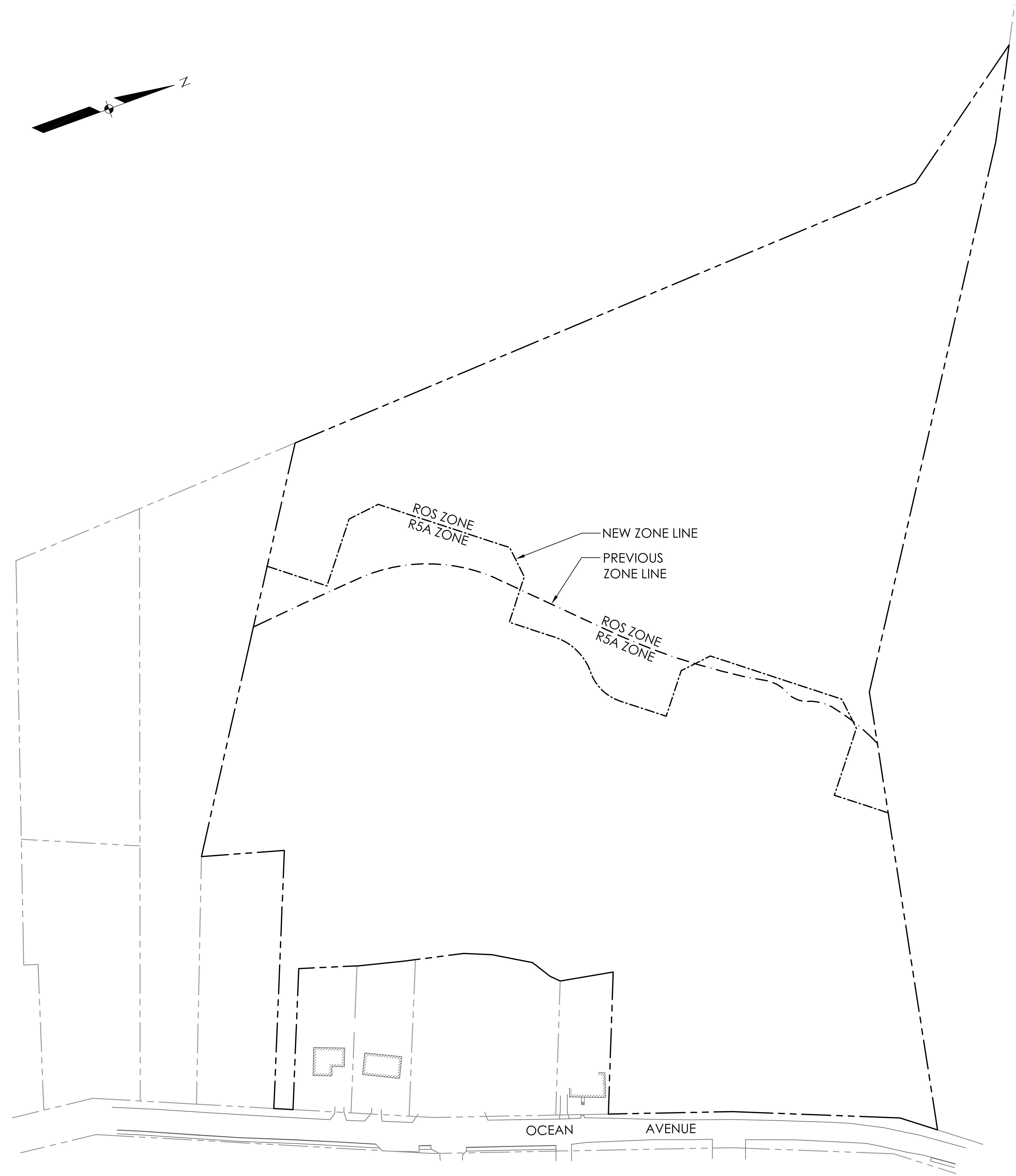
1" = 40' MJC

Chk'd by: Appv'd by:

PDD MJC

SHEET 2 OF 2

ZONE-MISC
DWGS2002\DD-PORT\TOPO

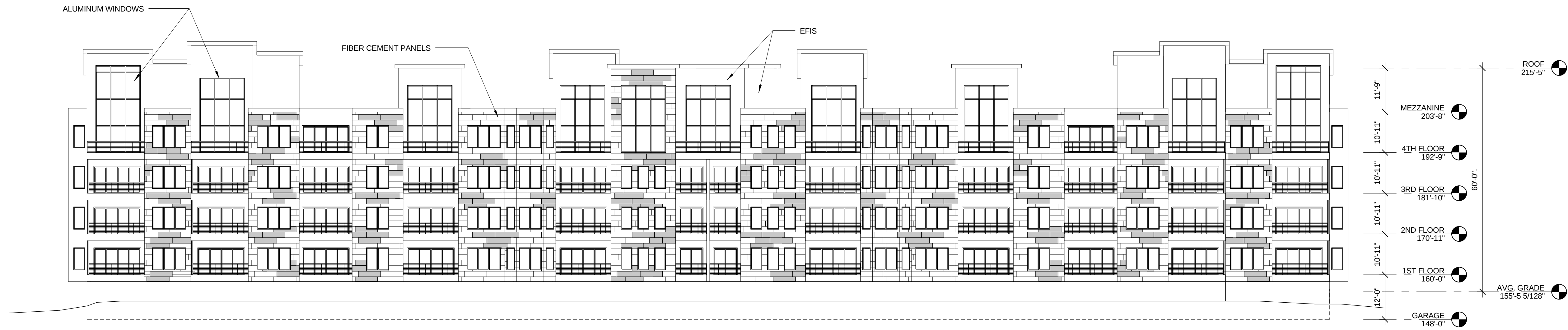


CASCO HEIGHTS ZONE REVISION

PREPARED BY:

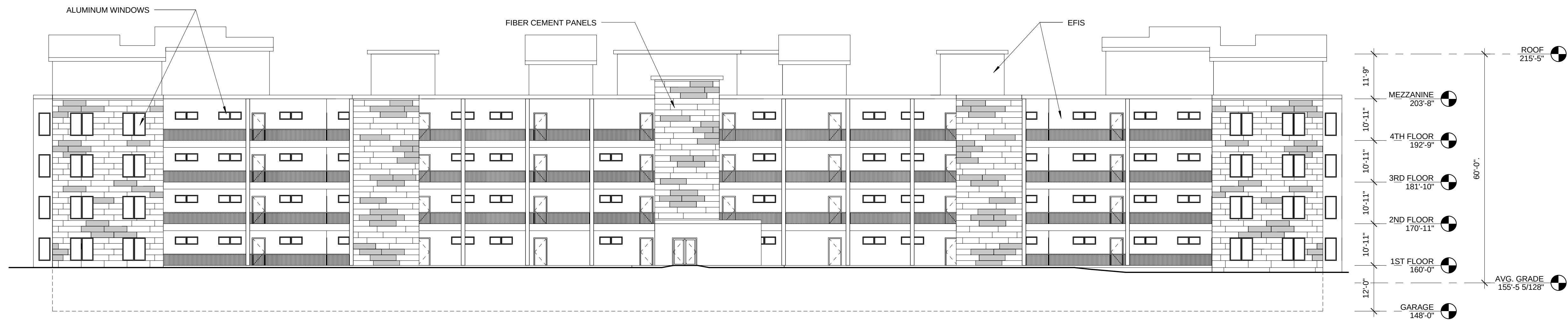


WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. - Suite 1A 250 Goddard Rd. - Suite B
South Portland, ME 04106 Lewiston, ME 04240
Tel. 207-200-2100 Tel. 207-783-5656



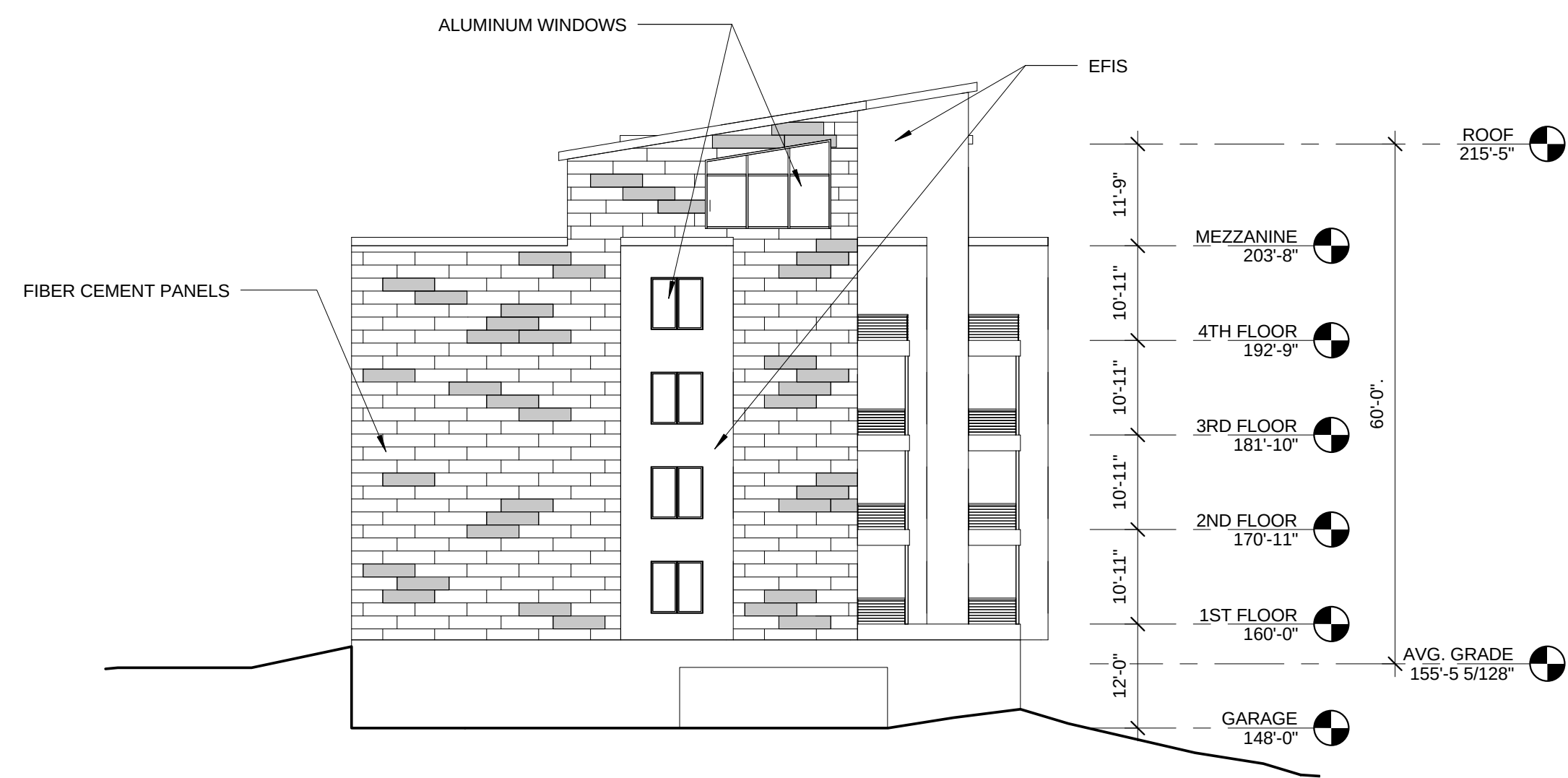
1 Front Elevation

1/16" = 1'-0"



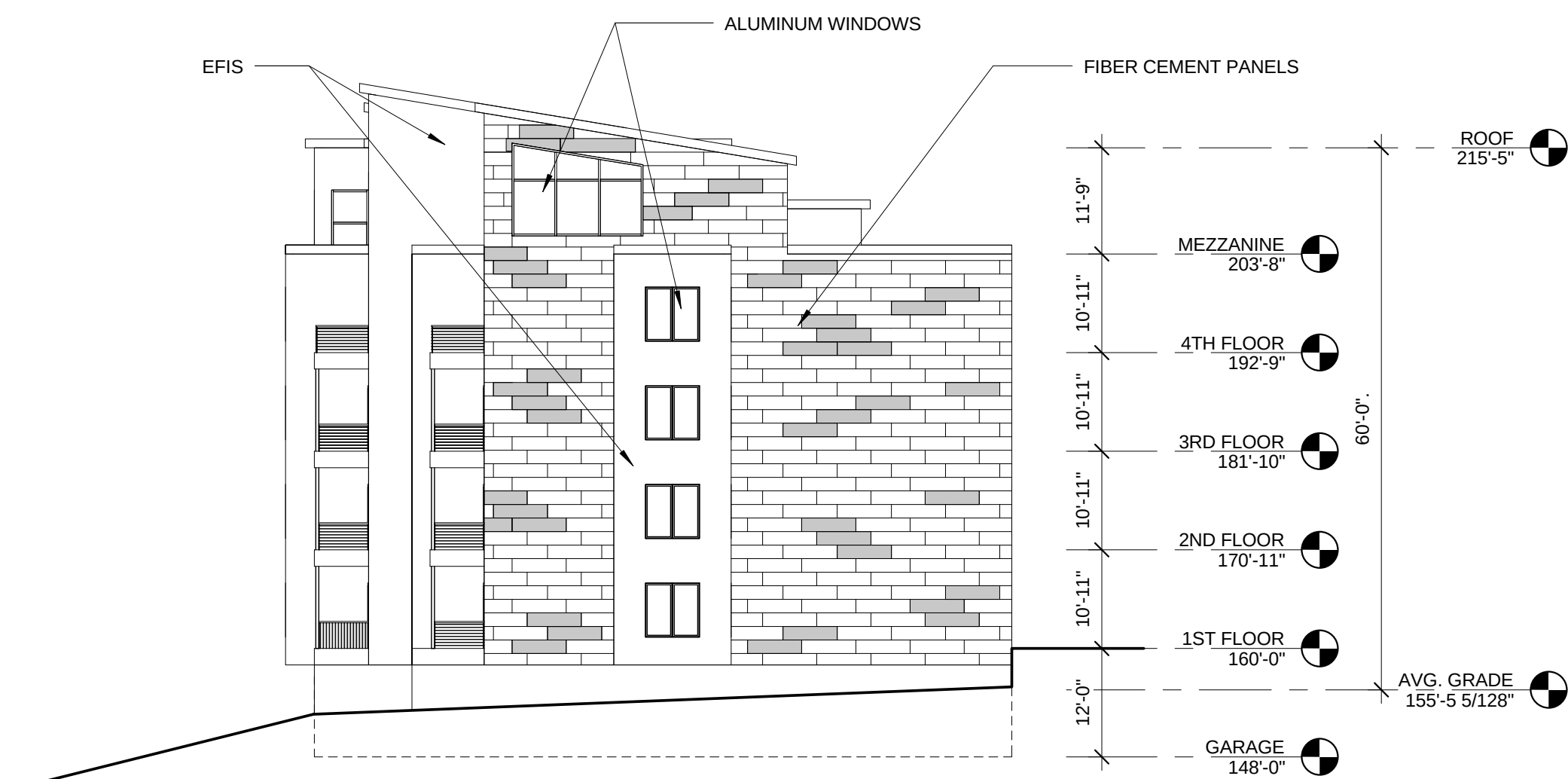
2 Back Elevation

1/16" = 1'-0"



3 Side Elevation

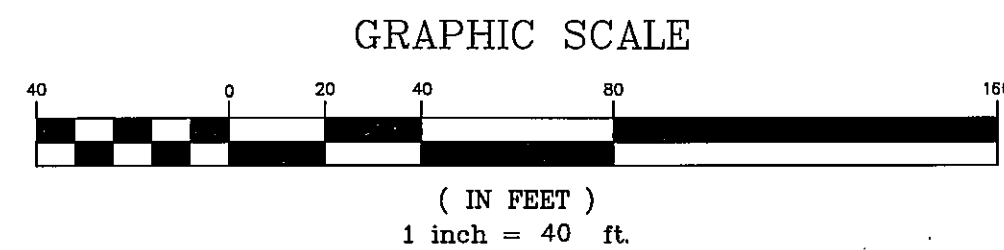
1/16" = 1'-0"



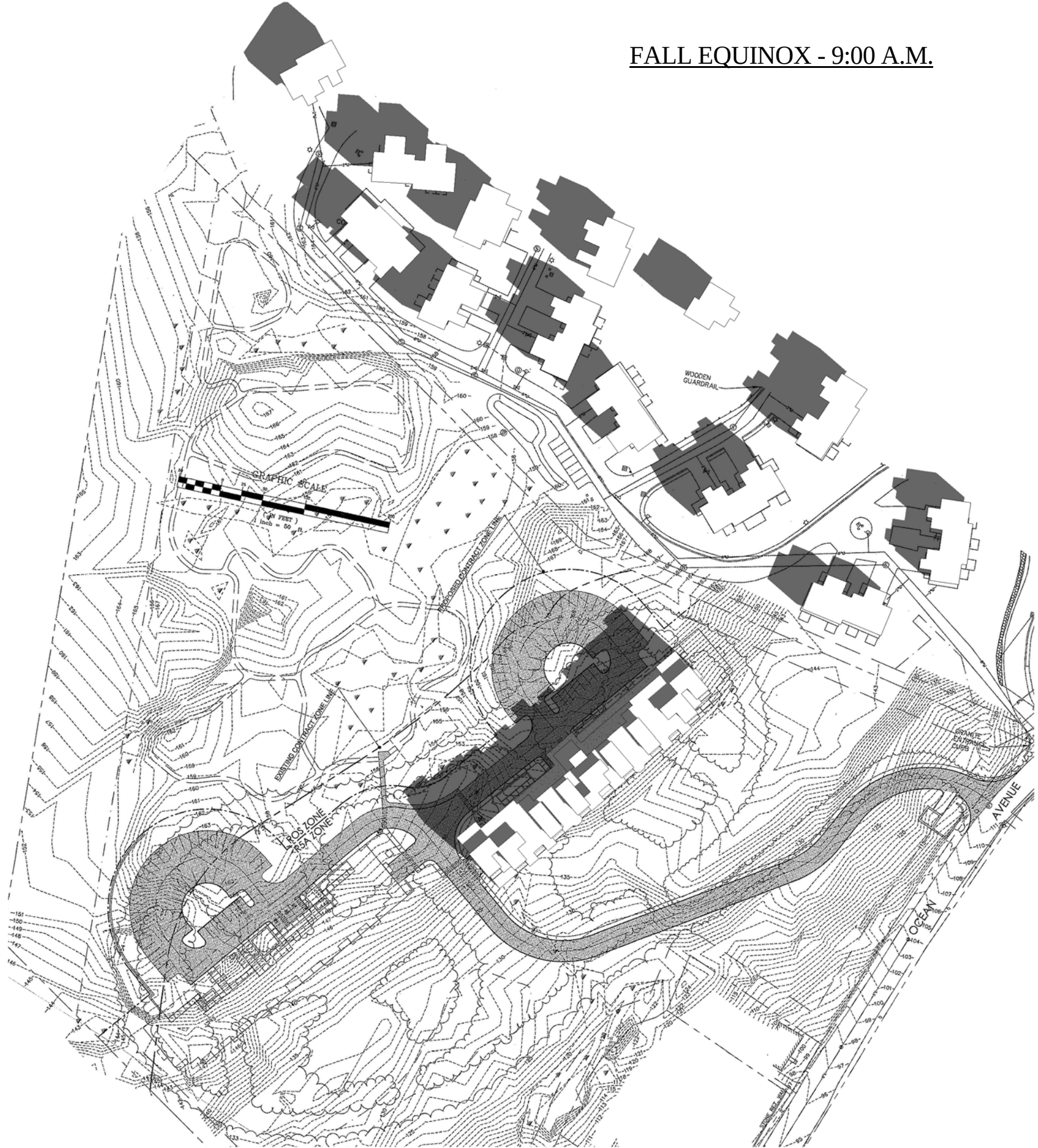
4 Side Elevation 2

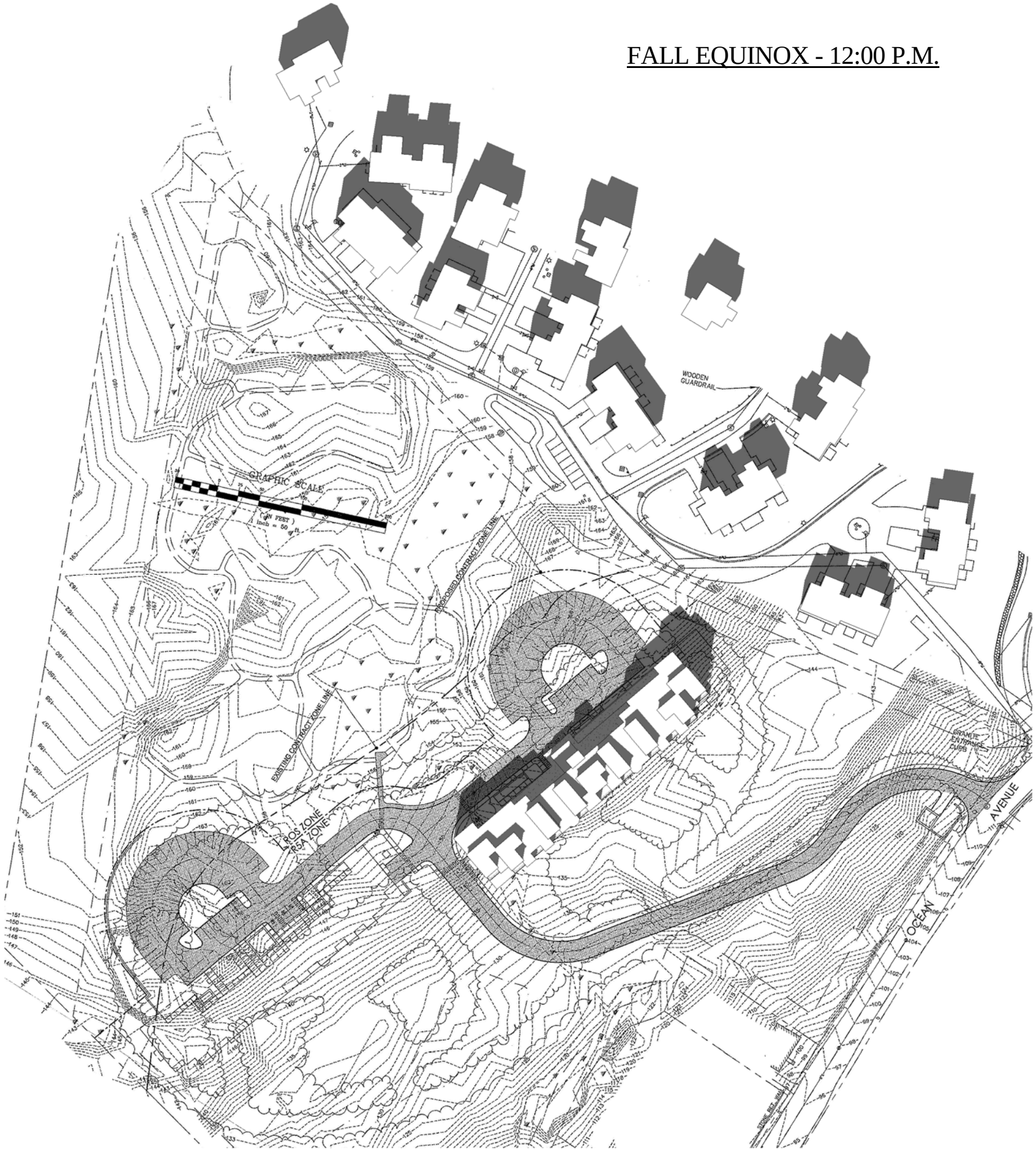
1/16" = 1'-0"

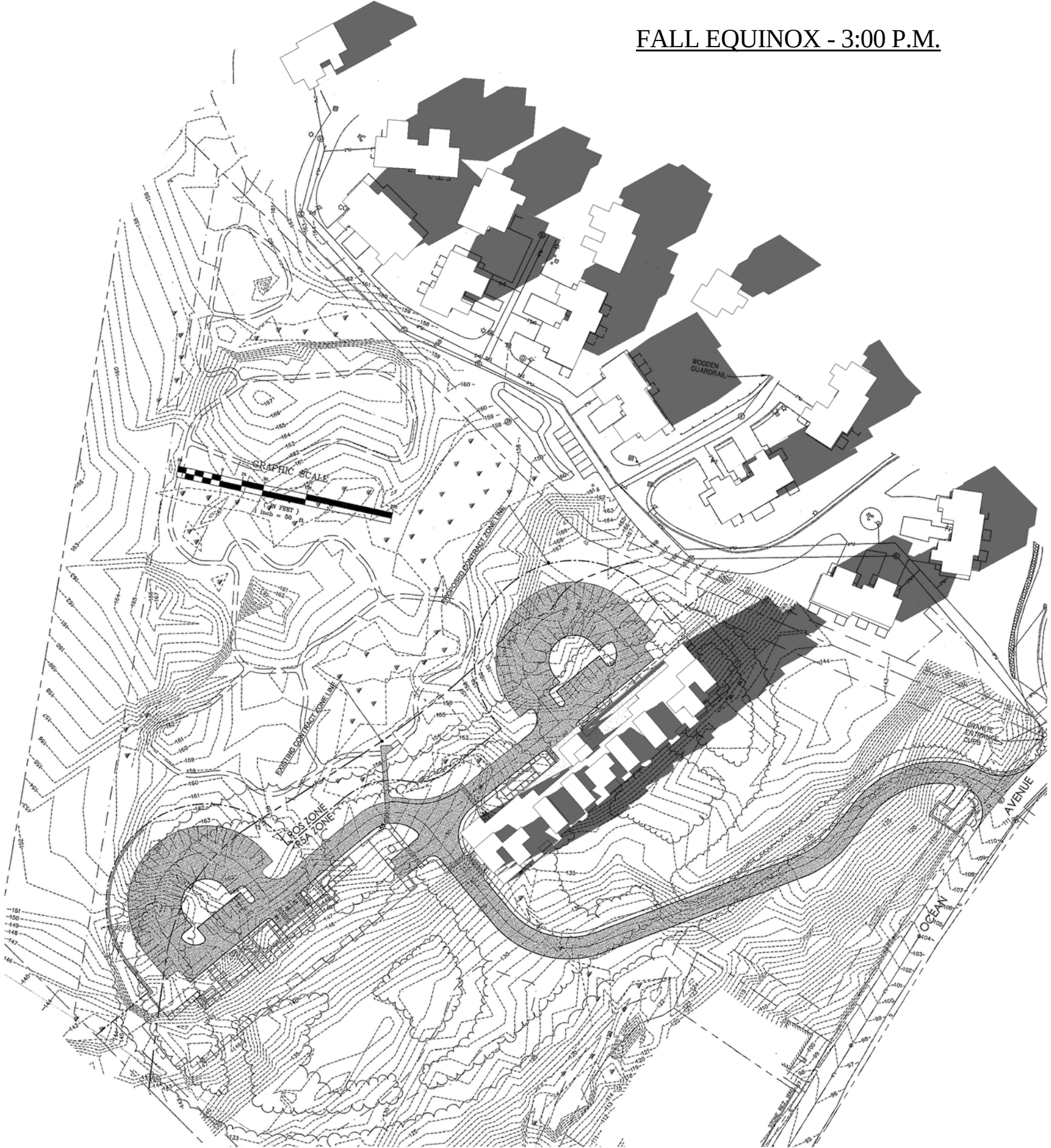


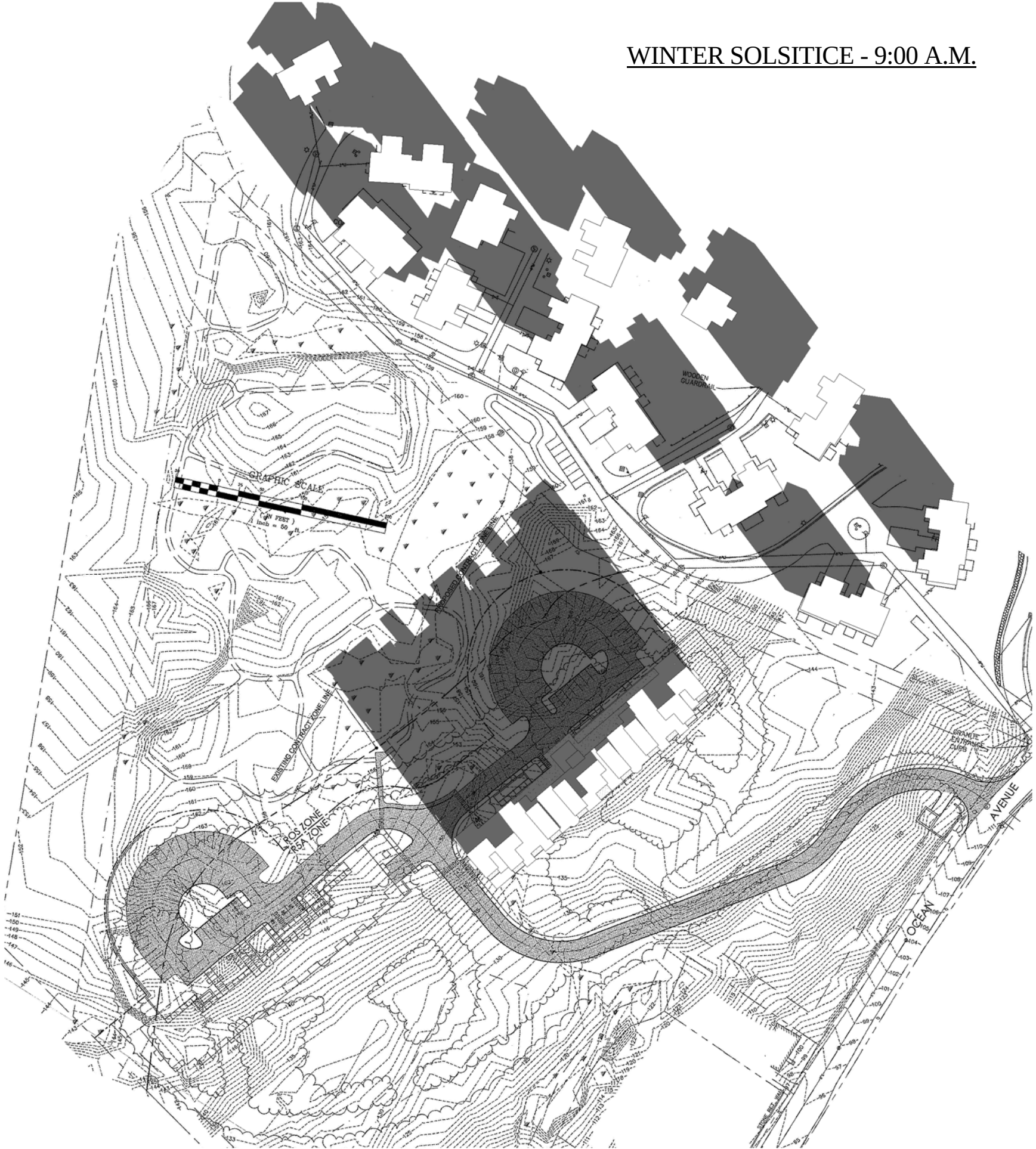


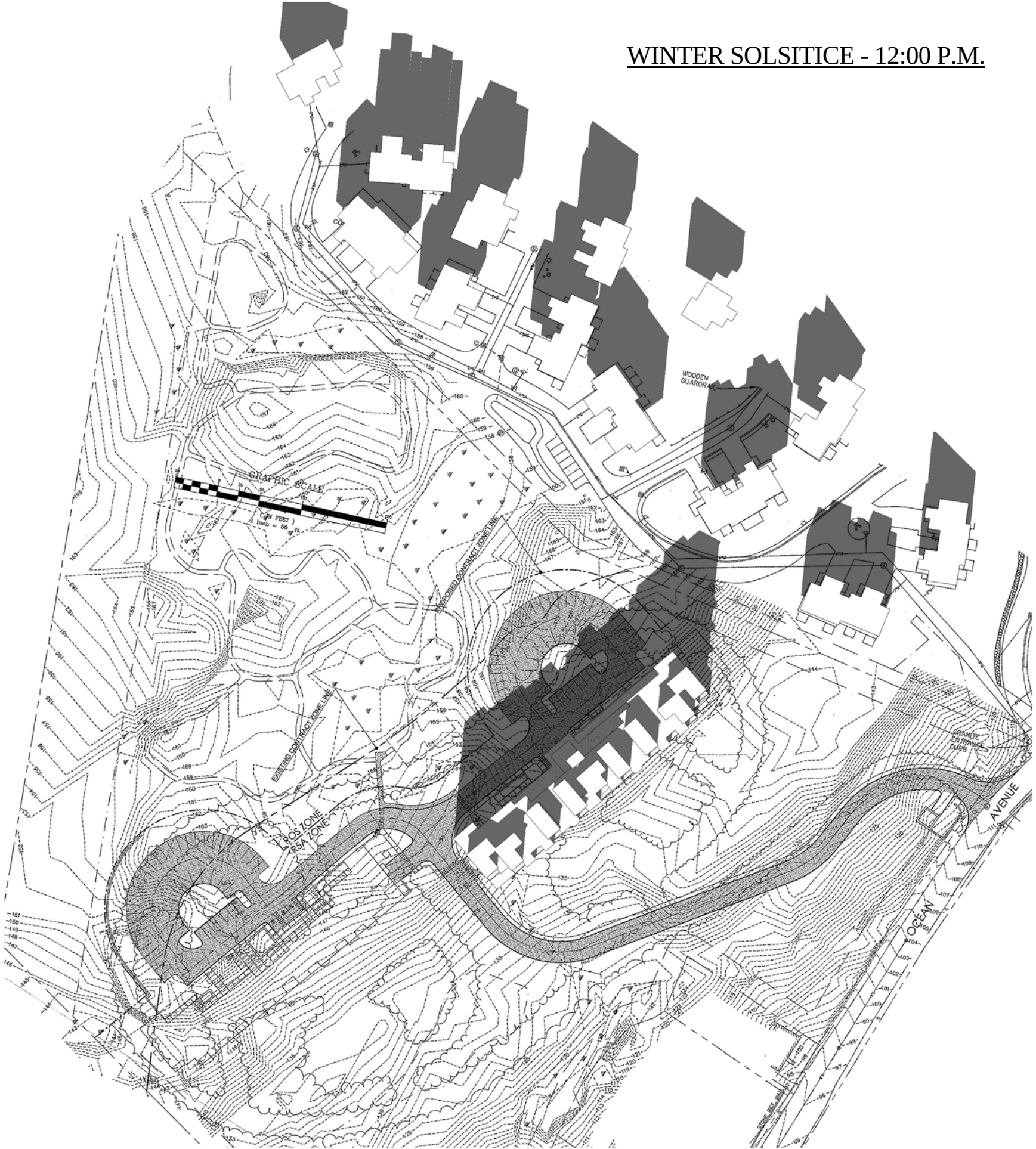
FALL EQUINOX - 9:00 A.M.



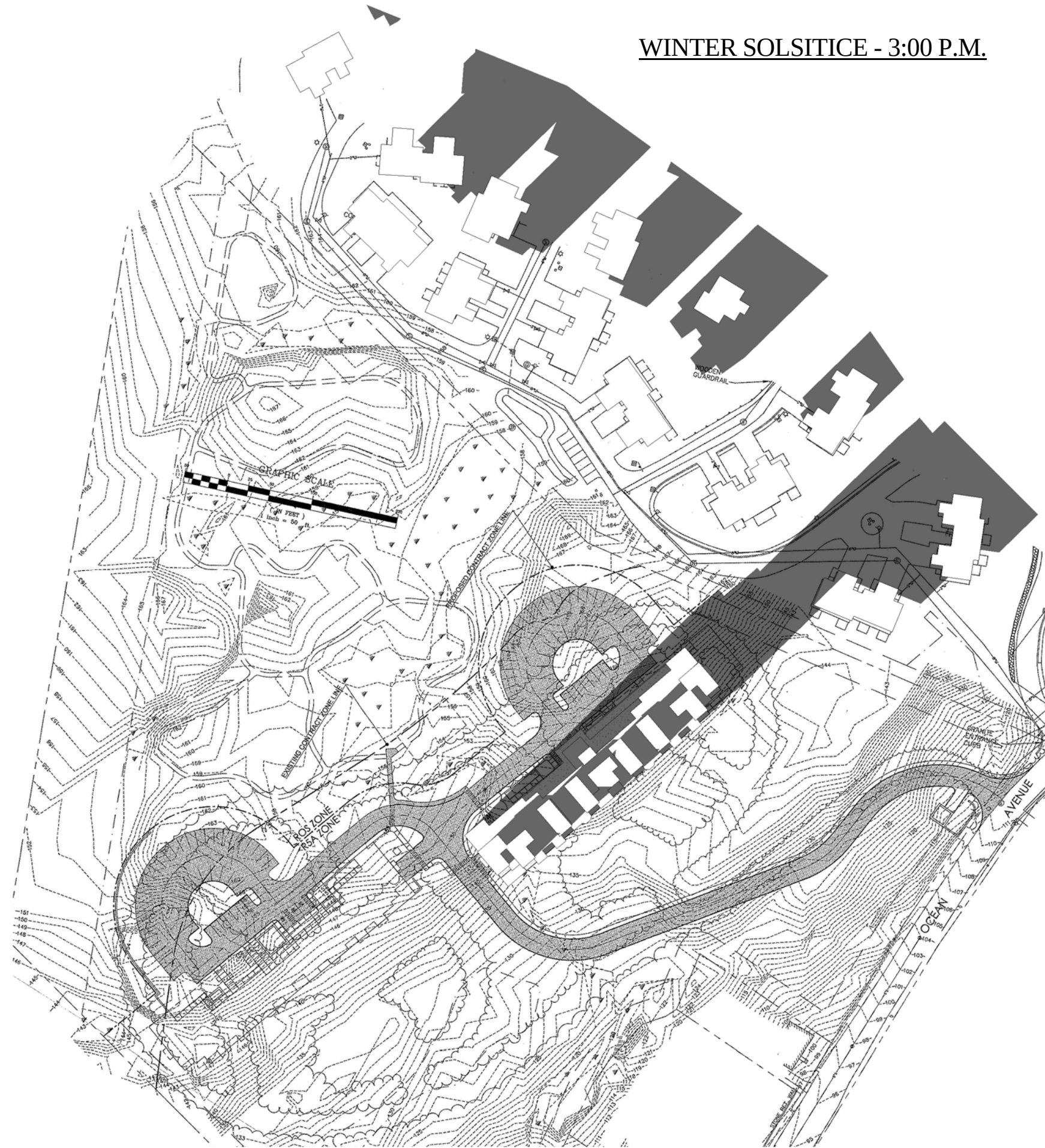


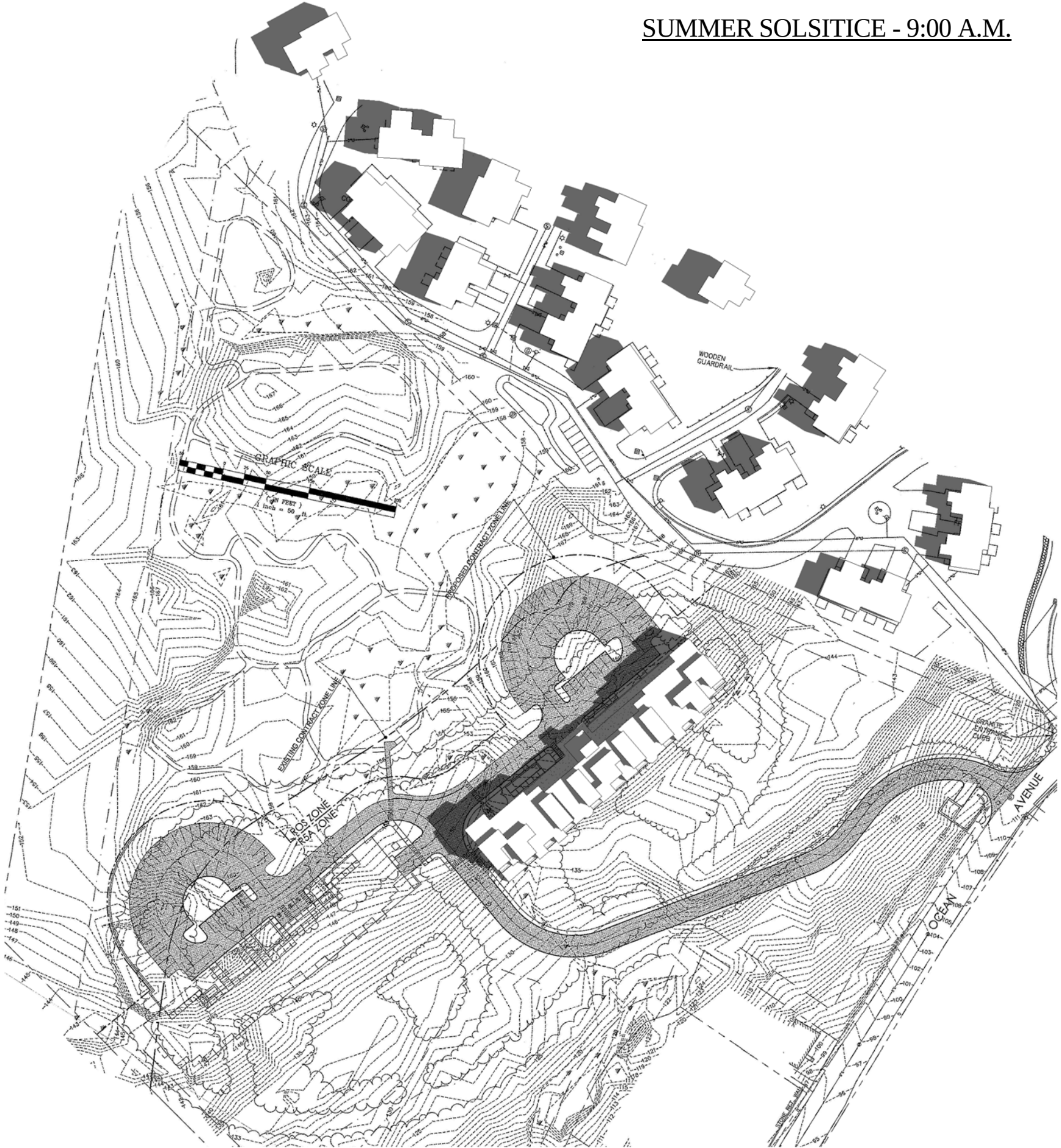


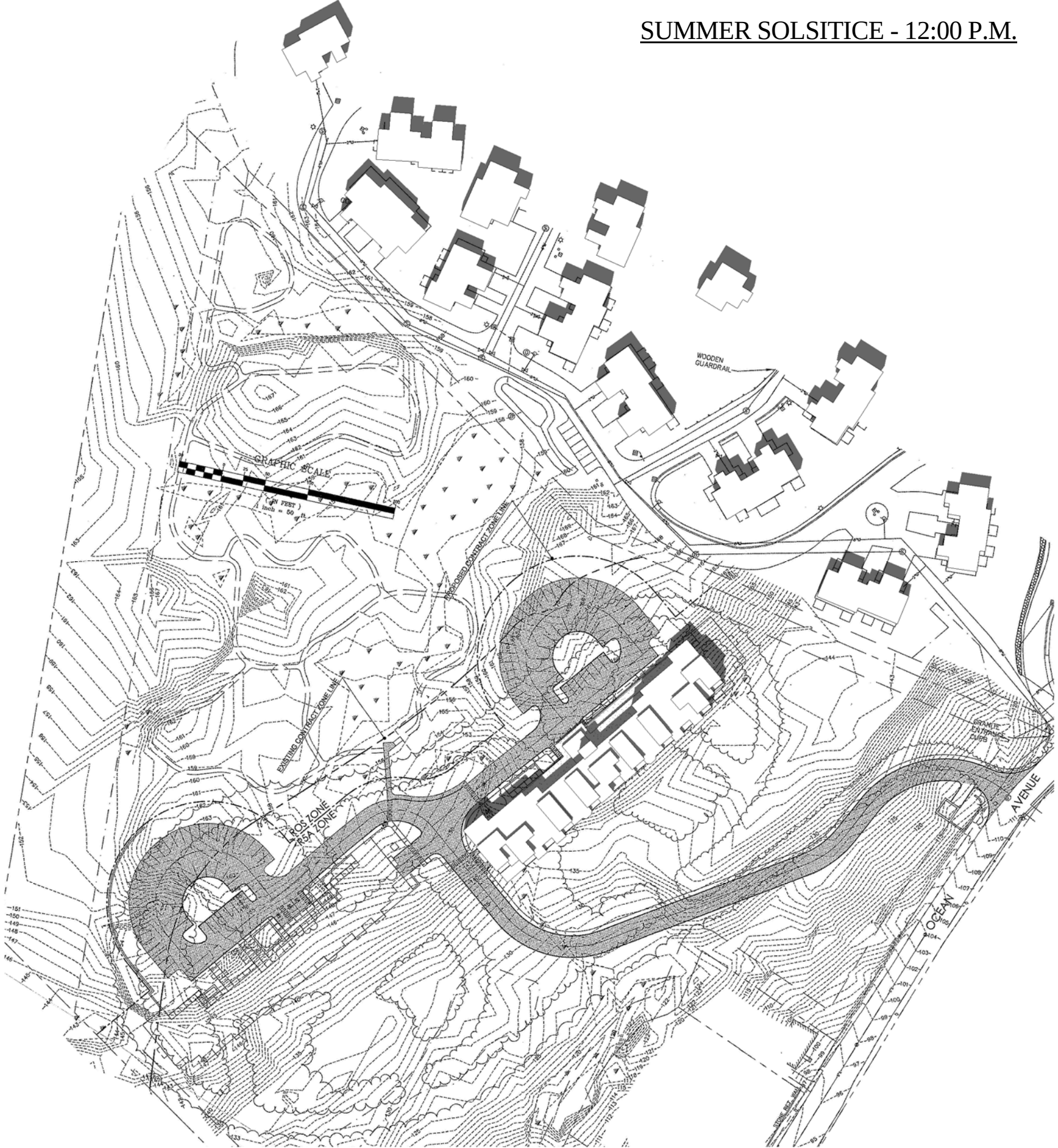


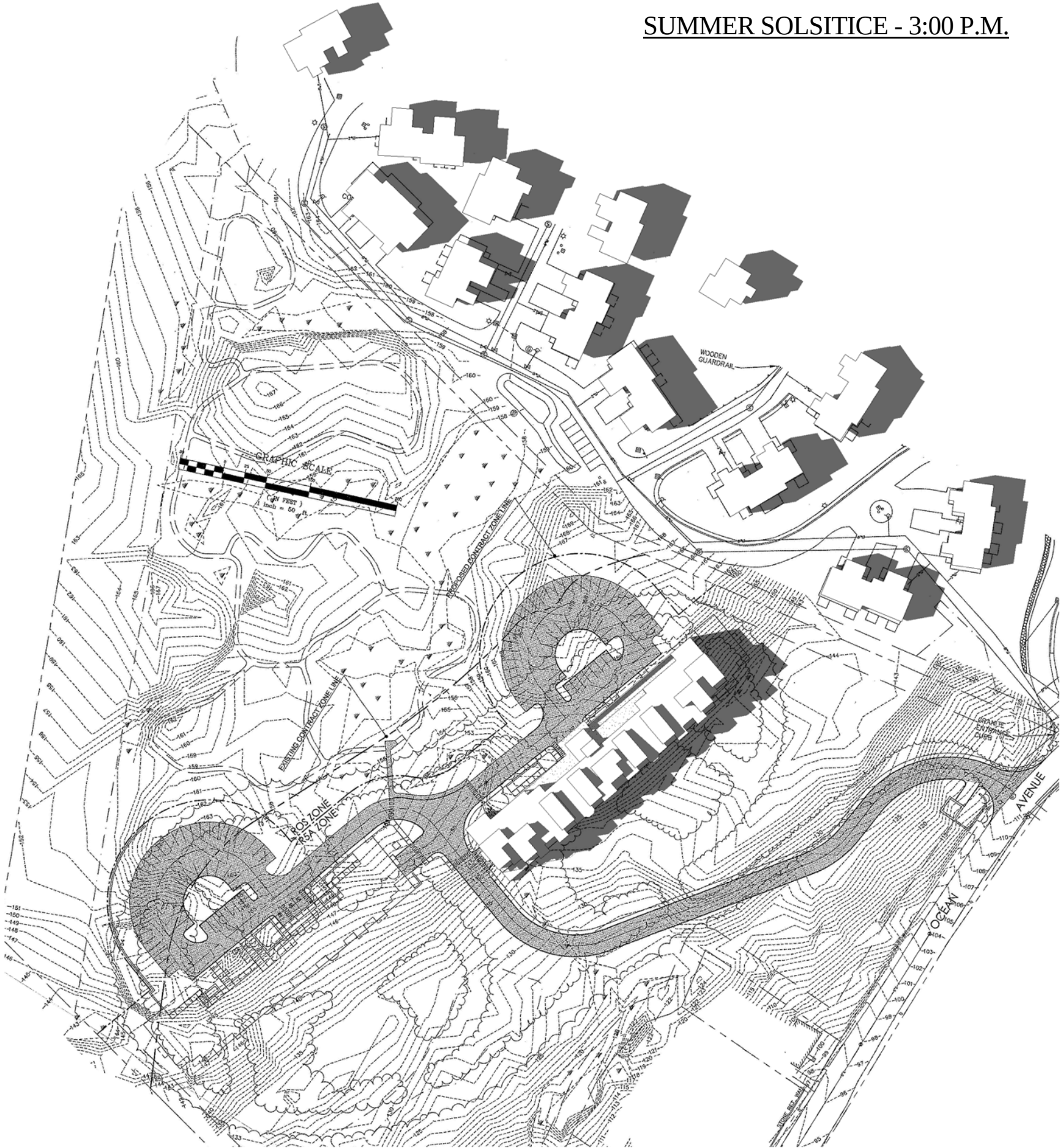


WINTER SOLSITICE - 3:00 P.M.





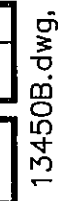




100

OVERALL SITE PLAN / LANDSCAPE BUFFER
OF:
CASO HEIGHTS
OCEAN AVENUE
PORTLAND, MAINE
FOR:
RIDGE DEVELOPMENT, LLC
P.O. BOX 535
BUXTON, MAINE 04093

SHEET 1 OF 1





PLANNING BOARD REPORT PORTLAND, MAINE

Pre-owned Automobile Dealership
Site Plan and Conditional Use Review
Changiz Fard, Applicant

Project No: #2014-025 & #2013-044

CBL: 137 C001 001

Submitted to: Portland Planning Board Public Hearing Date: June 10 th , 2014	Prepared by: Jean Fraser, Planner Date: June 6 th , 2014
REQUEST FOR TABLING TO DATE CERTAIN OF JUNE 24TH, 2014	

I. BACKGROUND

Changiz Fard, applicant, has requested Planning Board review of a Conditional Use and a Level I: Site Alteration site plan for the proposed car dealership selling pre-owned automobiles at 783 Forest Avenue. The 12,111 sq ft site was formerly a gas station. The gas tanks were removed and filled with sand in 2005 and the site is currently paved, with the former gas station building remaining on the rear part of the site (recently refurbished by the applicant). The applicant has a lease for the site.

The site has a 134 foot long frontage onto the east side of Forest Avenue almost opposite the intersection with Hartley Street, and backs onto the railway line. It is located in the B-2 Community Business Zone, where automobile dealerships are listed as a conditional use and therefore are reviewed by the Planning Board.

Staff have recommended this be brought directly to a Planning Board hearing in view of the small scale of the proposed exterior improvements, which include a landscape buffer, curbstops, striping of parking spaces and narrowing of the two curb cuts, and the fact that the proposals generally meet the applicable conditional use requirements.



2012 GIS Aerial Photo

II. REQUEST AND RECOMMENDATION FOR TABLING TO DATE CERTAIN OF JUNE 24TH, 2014

During the final stages of review the applicant, together with staff, agreed to revise the original proposed layout. The applicant realized that by closing one of the curb cuts he would have a better layout for the display of vehicles for sale, and this would also improve traffic and pedestrian safety in this area. The applicant has also agreed to build a new sidewalk across the closed curb cut and improve most of the remaining sidewalk and apron along the site frontage as it is in poor condition.

Although these revisions were very welcome, there was not enough time to prepare final revised plans and obtain final staff review comments on those plans for inclusion in a Hearing Report for consideration on June 10th, 2014. Staff therefore suggested that the Hearing be tabled from June 10th, 2014 to allow more time to document and present the proposals to the Planning Board.

The applicant was reluctant to delay the PB Hearing because his license from the State (license to sell cars) is being with-held until the City gives site plan/conditional use approval, and the review time is a critical factor in this small start-up business venture. He has agreed to the delay subject to it being tabled to a date certain of June 24th, 2014 (Applicants letter of 6.5.2014 in Attachment 1).

III. MOTION FOR THE BOARD TO CONSIDER

- A. That the Planning Board agrees to table the Site Plan/Conditional Use Hearing, for a proposed car dealership at 783 Forest Avenue (#2014- 025 & #2013-044), to the date certain of June 24th, 2014, at 7:00 PM.

ATTACHMENT: Letter from applicant dated 6.5.2014

Attachment 1

To the planning office my name is
Cheng-zu Lard. I am applicant
for the car dealership at 783
Forest Ave. I agree tabling planning
board hearing from June 10 to June 24
Thank you. Cheng-zu Lard
6-5-2014



PLANNING BOARD REPORT PORTLAND, MAINE

Pre-owned Automobile Dealership
Site Plan and Conditional Use Review
Changiz Fard, Applicant

Project No: #2014-025 & #2013-044

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