1. **Legal Ad**

   Documents: PB LGL AD 8-12-14.PDF

2. **Agenda**

   Documents: PB AGENDA 8-12-14.PDF

3. 72 Bishop Street

   3.I. Memo

   Documents: BISHOP STREET - 72 (MEMO)PDF.PDF

   3.II. Applicants Submittal

   Documents: BISHOP STREET - 72 (APPLICANTS SUBMITTAL).PDF

   3.III. Public Comment

   Documents: BISHOP STREET - 72 (PUBLIC COMMENT).PDF

   3.IV. Plans

   Documents: BISHOP STREET - 72 (PLANS).PDF

4. 899 Riverside Street

   4.I. Memo

   Documents: RIVERSIDE STREET - 899 (MEMO).PDF

   4.II. Report Attachments

   Documents: RIVERSIDE STREET - 899 (REPORT ATTACHMENTS).PDF

   4.III. Applicants Submittal

   Documents: RIVERSIDE STREET - 899 (APPLICANTS SUBMITTAL).PDF

5. 777 Stevens Avenue

   5.I. Memo

   Documents: STEVENS AVENUE - 777 (MEMO).PDF

   5.II. Staff Comments

   Documents: STEVENS AVENUE - 777 (STAFF COMMENTS).PDF

   5.III. Applicants Submittal

   Documents: STEVENS AVENUE - 777 (APPLICANTS SUBMITTAL).PDF

   5.IV. Plans

   Documents: STEVENS AVENUE - 777 (PLANS).PDF

6. 671 Forest Avenue

   6.I. Report

   Documents: FOREST AVENUE - 671 (REPORT).PDF

   6.II. Report Attachments

   Documents: FOREST AVENUE - 671 (REPORT ATTACHMENTS).PDF

   6.III. Applicants Submittal

   Documents: FOREST AVENUE - 671 (APPLICANTS SUBMITTAL).PDF

   6.IV. Plans

   Documents: FOREST AVENUE - 671 (PLANS).PDF

7. 94 West Commercial Street

   7.I. Report

Documents: WEST COMMERCIAL ST. - 94 (REPORT).PDF

7.II. Applicants Submittal

Documents: WEST COMMERCIAL ST. - 94 (APPLICANT SUBMISSIONS).PDF

7.III. Staff Attachments

Documents: WEST COMMERCIAL ST. - 94 (STAFF ATTACHMENTS).PDF

7.IV. Zoning Comment

Documents: ZONING COMMENTS DATED 7-30-14.PDF

7.V. Plans

Documents: WEST COMMERCIAL ST. - 94 (PLANS).PDF

8. 14-139(B) Text Amendment Re Small Residential Lot Development

Documents: MEMO WITH ATTACHMENTS.PDF

LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING

The Portland Planning Board will hold a meeting on August 12, 2014, Room 209, 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 – 4:30 p.m.

i. 72 Bishop Street, B-2 Map Amendment; Avesta Housing, Applicant. The Board will consider a zoning map amendment by Avesta Housing to rezone the site to B-2 in order to develop 30 efficiency apartments. The 52,383 sq. ft. parcel is located within 3 zoning designations of Industrial I-M, Residential R-5 and Residential R-3. The Board will consider zoning options and whether to advertise a broader area for the map amendment.

ii. 899 Riverside Street; Text Amendment; Spurwink, Applicant. The Board will consider a zoning text amendment by Spurwink in order to allow Intermediate Care facilities with up to 26 persons plus staff in the Industrial I-M zone and to clarify the zoning definition of intermediate care facilities to align with current state definitions. The Board will consider zoning options for this request.

iii. 777 Stevens Avenue; Map and Text Amendment; Park Danforth; The Park Danforth, Applicant. The Board will consider a zoning map and text amendment by Park Danforth in order to expand their elderly housing programs and construct a building addition. The proposed map amendment is to rezone R-5 and B-2 portions of the block along Forest Avenue and Arbor Street to Residential R-6. The text amendments include but are not limited to, defining elderly housing, setting a maximum building height at 55 feet for off-peninsula R-6 zones, and allow one parking space per unit in all R-6 zones. The Board will consider zoning text and map options for this request and whether to advertise a broader area for the map amendment.

Public Hearing – 7:00 p.m.

i. 671 Forest Avenue; Level III Site Plan/Subdivision Application; Saad Dahham, Applicant. The Board will consider a plan by Saad Dahham who is proposing the conversion of the second (2nd) floor of 671 Forest Avenue into five (5) residential units. The first (1st) floor will remain as two (2) retail spaces. The site is located in the B-2b zone at Woodford's Corner.

ii. 94 West Commercial Street, Amended Level III Site Plan for New Yard Boat Yard, New Yard, LLC, and Canal Landing LLC, Applicant. The Board will consider an amended application for the New Yard Boat Yard at 94 West Commercial Street. The revised plan is for a 28,800 square foot metal building and shows temporary access and utilities across the IMT property and permanent rail crossings and utility easements at 94 West Commercial Street to serve the boat yard.

Evening Workshop (immediately following the public hearing)

i. 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.

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 Morrissette
Jack Soley

AGENDA
PORTLAND PLANNING BOARD

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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 JULY 22, 2014:
Workshop: O'Brien, Boepple, Hall, Morrissette, and Soley present. Dean and Dundon absent.
Public Hearing: O'Brien, Boepple, Hall, Morrissette, and Soley present. Dean and Dundon absent.

4. REPORT OF DECISIONS AT THE MEETING HELD ON JULY 22, 2014:

i. 81 East Oxford Street; Level III Site Plan and Subdivision; Bayside Anchor; Portland Housing Authority, Applicant. Morrissette moved and Boepple seconded a motion to waive the street tree requirements subject to the applicant paying $4,800 into the street tree fund and working with the City to locate trees on public ways in the PHA campus. Vote: 5-0, Dean and Dundon absent. Morrissette moved and Boepple seconded a motion to approve the site plan with 8 conditions of approval. Vote: 5-0, Dean and Dundon absent. Morrissette moved and Boepple seconded a motion to approve the subdivision with 2 conditions of approval. Vote: 5-0, Dean and Dundon absent

ii. 50 Industrial Way; Level III Site Plan; Allagash Brewery Expansion; 50 Industrial Way; Allagash Brewing, Applicant. Morrissette moved and Boepple seconded a waiver of the maximum number of curb cuts to allow 4 curb cuts. Vote: 5-0, Dean and Dundon absent. Morrissette moved and Boepple seconded a waiver of a sidewalk along Industrial Way. Vote: 5-0, Dean and Dundon absent. Morrissette moved and Boepple seconded a waiver of granite curbing along Industrial Way. Vote: 5-0, Dean and Dundon absent. Morrissette moved and Boepple seconded a motion to approve the site plan subject to 4 conditions of approval. Vote: 5-0, Dean and Dundon absent.

iii. 921 Riverside Street; Level III Site Plan; Trampoline Park; Kowabunga, LLC., Applicant. Morrissette moved and Boepple seconded a motion to approve the site plan subject to 2 conditions of approval. Vote: 5-0, Dean and Dundon absent.

5. NEW BUSINESS

i. 671 Forest Avenue; Level III Site Plan/Subdivision Application; Saad Dahham, Applicant. The Board will consider a plan by Saad Dahham who is proposing the conversion of the second (2nd) floor of 671 Forest Avenue into five (5) residential units. The first (1st) floor will remain as two (2) retail spaces. The site is located in the B-2b zone at Woodford's Corner.

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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: Nell Donaldson, Planner, and Barbara Barhydt, Development Review Services Manager

Date: August 8, 2014

Re: Map Amendment for 72 Bishop Street, Bishop Street Apartments, Avesta Housing

Project #: 2014-110 CBL: 293 C002001

Meeting Date: August 12, 2014

I. INTRODUCTION

In mid-June, Avesta Housing submitted a zone change request for a 1.16 acre property at 72-78 Bishop Street. The lot is currently zoned Moderate Impact Industrial I-M, Residential R-3, and Residential R-5, and is developed with a single family home. Avesta proposed a change to Business B-2, arguing that this designation would best allow them to develop 30 efficiency units for chronically homeless individuals, using the Housing First approach employed for Logan Place and Florence House, on the site.

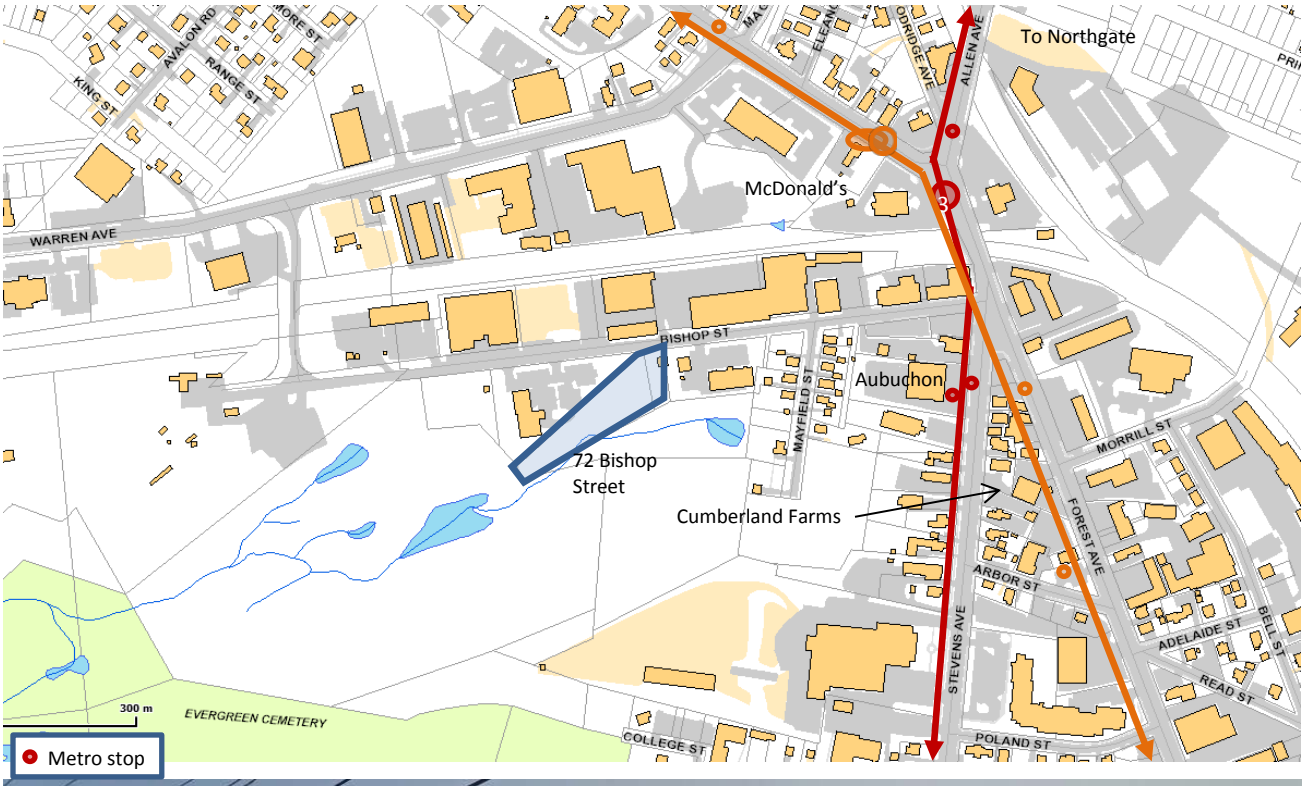
At a previous Planning Board workshop on the proposal, held on July 8, the Board considered the proposal in a preliminary form. At that workshop, numerous questions arose regarding the suitability of the site, the proposed zoning designation, the geography of the proposed zone change, and the relationship of the site to its surrounding neighbors. In the intervening time, the applicant and staff have conducted additional research into the existing context and potential zoning designations. This memo is intended to provide the Board with new information for use in considering the zone change request. Public notice of the workshop appeared in the Portland Press Herald on August 4 and 5, 2014, was posted on the web site, and was sent by mail or e-mail to 156 property owners and interested citizens.

Applicant: Avesta Housing, Greg Payne
Property Owner: Hed Way Development
Consultant: Mitchell & Associates, Bob Metcalf

II. EXISTING CONDITIONS & SITE SELECTION

A. Existing Conditions

Bishop Street extends from Forest Avenue at Morrill's Corner to Warren Avenue to the west *(Figure 1)*. 72-78 Bishop Street lies on the south side of the street near its center. The site is currently occupied by a single-family home, with forested wetlands at the rear. 72-78 Bishop Street is one of few single-family homes on the street; the other single-family residences are currently located at the intersection of Mayfield Street to the east. In addition, there is a mixed use building with a residential program for children on the second floor owned by Spurwink, which lies on the eastern end of Bishop Street near Morrill's Corner proper. The rest of Bishop Street hosts a variety of uses ranging from auto body shops to a dog grooming business, an investment advisor, a Masonic Hall, an a taxi company. The majority of the street is occupied by commercial and industrial uses.



Figures 1 & 2: 72 Bishop Street context (top) and site as it exists today (bottom)

The University of New England owns the Bishop Street Parking Lot at the west end of the street, as well as all of the undeveloped land south of Bishop Street. Existing uses, determined through a windshield survey, are shown in Figure 3, coded by assumed land use. Note that these land use determinations have not been verified with the Zoning Administrator.

1924 tax records indicate that Bishop Street housed a mix of uses as far back as the early 20th century. While Mayfield Street was flush with single-family homes in 1924, Bishop Street provided the address for only a few; the remainder of the street was occupied by a paint shop, a canning company, and buildings associated with the Portland Terminal Company's rail activity – an engine house, a store house, a sand house, a switch house, a fuel station, and an office.

As noted in staff's prior memo to the Board, the site is within the watershed of the Capisic Brook, an urban impaired stream. According to Doug Roncarati, Stormwater Coordinator at DPS, there is a stream tributary of the Capisic that is located just south of the site. This segment of the Capisic is the only portion of stream in the city currently meeting DEP water quality standards. The land area held by University of New England and in Evergreen Cemetery in the vicinity of the site has been considered an environmentally sensitive area. (UNE proposed developing their adjoining property for a parking lot, which was not supported by the Planning Board due to the environmental impacts.) Since the workshop, a wetland assessment has been conducted for the site that has located the limits of the wetland. As stated in Mr. Metcalf's memo (Applicant's submission Attachment E), a stream segment has been located and the status of the stream under state regulations is being evaluated. Further, meeting the City's requirements for storm water management and urban impaired stream standards for the Capisic Brook watershed will be addressed during development review. Mr. Metcalf does note due to updated information, an internal trash room will replace the exterior dumpster shown at the last workshop.

B. Site Selection

At the Board's July workshop on the proposal, questions arose regarding the suitability of this location for supportive housing. The applicant has provided additional materials supplementing their proposal (refer to Applicant's submission Attachment E,, G, and H, from Robert Metcalf, dated August 1). At the workshop, questions were raised regarding access to public transportation and services available in the area. Mr. Metcalf identifies the public transit stops for the #2 and #3 Metro that are located within a 10 minute walk on Forest and Steven Avenues. The route maps are included in the material and are depicted on Figure 1 above. Figure 1 identifies some of the businesses that are in the area and Figure 2 shows the current site

Related to the access to public transportation, the Planning Board raised the question of sidewalks and safe access to the public transportation stops. There is a sidewalk near 844 Bishop Street, but the remainder of Bishop Street lacks sidewalks. As stated in Mr. Metcalf's memo, "Avesta understands the concern and will be willing to address this during the site plan review process." The applicant concurs that there are difficulties for pedestrians to cross at Morrill's Corner within the time frame allotted by the traffic signal and due to the configuration of the intersection. Mr. Metcalf notes that safer access is available for the inbound and outbound #2 bus at Poland Street (at Park Danforth), which has a crosswalk over Stevens Avenue.

The applicant has stated that Preble Street will provide 24-hour on-site support services, Portland Housing Authority will provide project-based rental assistance, and Avesta will partner with a health care provider to offer on-site health and personal care services. Residents will be provided with transportation to services such as groceries and off-site medical appointments. The applicant has provided additional materials supplementing their proposal (refer to Applicant's submission Attachment E from Robert Metcalf, dated August 1 and which includes a memo, Attachment F, outlining services from Mark Swann, dated August 1). Mr. Metcalf's summary of services is as follows:

- Preble street staffing will be provided on a 24/7 basis, shifts are 8 AM to 8 PM with a minimum of 2 staff upwards of 4 during the day, 8 PM to 8 AM [corrected] with 2 staff.
- Outside service providers, Logan Place averages one to two per day, Bishop Street may be slightly higher due the population.
- Transportation services will be provided by case managers from several partner organizations and Preble Street.
- Services provided by Preble Street include helping individuals transition from chronic homelessness to permanent housing; independent living skills such as cooking, budgeting, meeting vocational or school goals, begin treatment for mental illness. Coordination provided with outside service providers.

- Avesta will be the landlord and provide maintenance for the facility. Security will be provided around the clock by on-site staff monitoring and provide support to deal with any crisis that may occur, visitors must sign in and out at the main desk. Security cameras will be strategically located and staff will monitor activity. Access by visitors and service providers will be restricted to the front entry.

Lastly, the Board requested more information on the applicant's process for the site selection, which will be addressed by Avesta at the workshop.

III. EXISTING ZONING

In keeping with the mix of existing uses, Bishop Street hosts a mix of zoning designations *(Figure 3)*. The majority of Bishop Street is zoned Industrial I-M (Moderate Impact) with an Industrial I-H (High Impact) zone that encompasses the former Pike Industry site at the westerly end of Bishop Street. The I-M zone abuts the railroad line north of Bishop Street and extends approximately 100 feet off Bishop Street to the south. The Warren Avenue corridor, which is on the northerly side of the rail line, is zoned B-4 Commercial Corridor Zone. Residential R-3 and R-5 zones are located to the south of the I-M zone. The majority of Mayfield Street is within the R-5 zone, but the residential buildings within approximately 100 feet of Bishop Street are within the I-M zone.

The existing zoning condition appears to have pre-dated the city's Industry and Commerce Plan, which shows I-2 zoning along all of Bishop Street, with the R-3 and R-5 designations south of the street exactly as they appear today. As a product of the Industry and Commerce Plan, the I-2 zoning classification was eliminated and much of the city's existing I-2 was reclassified as I-M, or Moderate Impact Industrial. Such was the case along Bishop Street. Along with the new I-M zoning designation came a new set of permitted and prohibited uses, as well as a set of performance standards designed to control the impacts of any permitted use.

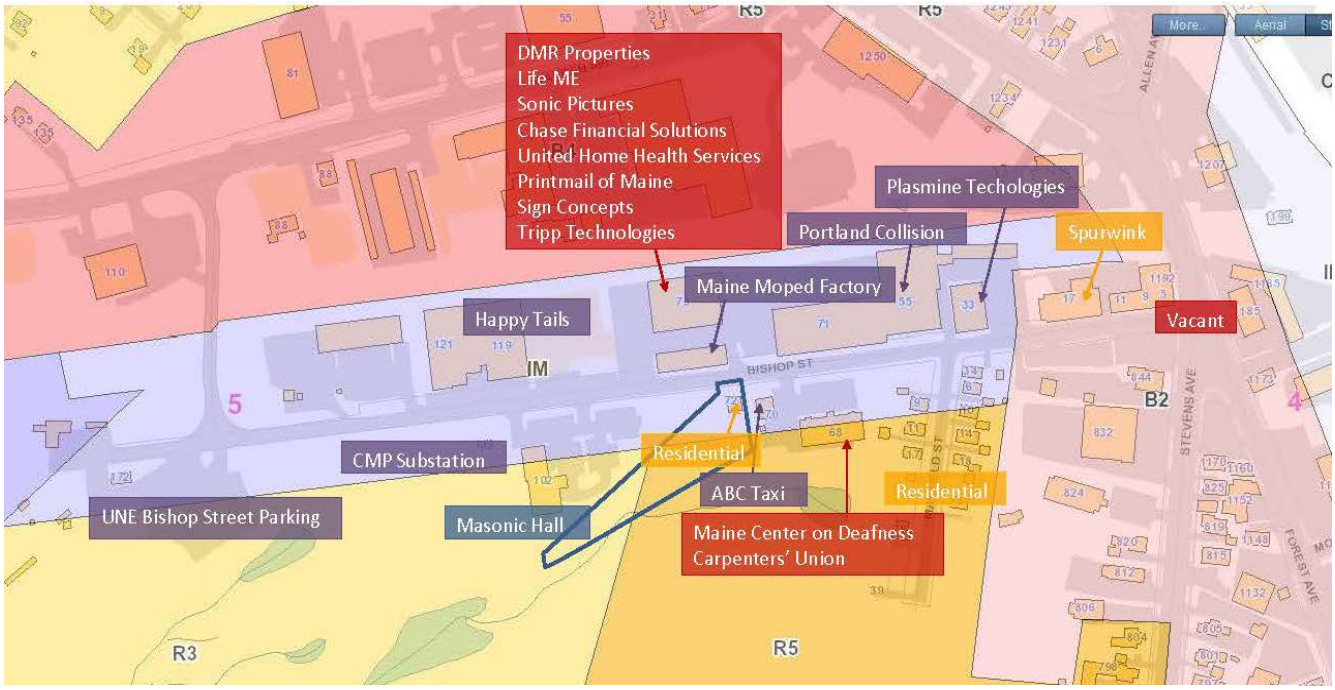


Figure 3: Existing Bishop Street uses and underlying zoning

IV. APPLICANT'S PROPOSAL

The applicant has requested a zone change to Business B-2 in order to allow them to develop 30 efficiency units in three stories for chronically homeless individuals, using the Housing First approach, on the 72 Bishop Street site. This is the same housing approach that was employed for Logan Place on Frederick Street and Florence House on Valley Street, two similar Avesta projects, both of which are subject to conditional zoning agreements.

The original application suggested that the whole site might be rezoned as B-2. Due to the environmental constraints in the vicinity and concerns by some board members regarding extending the business zone into the residential area, the staff requested further analysis on how much land area and configuration on the lot is needed to support the project. The applicant has conducted a zoning analysis to determine the percentage of lot area which would require rezoning in order to allow the total number of desired units, assuming a rezoning to B-2 as requested.

Under the recent amendments to the B-2 zone, a density of 1 unit/1,500 SF is allowed by right. However, an increased density of 1 unit/435 SF of lot area is permitted so long as the first floor is occupied by a use with "active street frontage" per *Section 14-188*. The applicable provisions from the Land Use Code are as follows:

a) Excerpts from the B-2 Zone Sec. 14-185. Dimensional requirements

   Front Yard Maximum: No more than 10 feet, except that the Planning Board or Planning Authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet provided this standard is met to the maximum extent practicable.[1]
   Minimum lot Area per Dwelling Unit:
   a. Off-peninsula locations, as defined in Section 14-47: 1,600 square feet, except as provided for in (b) below.
   b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188 below; 435 square feet.

b) Excerpt from B-2 Zone Section 14-188.
   Active street frontages: A building will be determined to have an active street frontage upon meeting the following guidelines to the greatest extent practicable as determined by the Planning Board or Planning Authority: the primary building façade shall be within ten feet of the front street line; there shall be no parking on the lot within 35 feet of the front street line; no more than 25% of the first floor primary façade shall consist of access to garages, unutilized space, service entrances, storage or mechanicals, and the remaining minimum 75% shall have an average depth of a minimum of 20 feet for residential or commercial uses; all primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots.

In the preliminary drawings, the proposed residential building is shown fronting Bishop Street, with a reception area, six units, laundry, staff rooms, and mechanical and electrical on the first floor. Conceptual

[1] If lot has less than 40 feet of frontage and is more than 100 feet deep then no maximum setback is required. If existing structures are within 20 feet of the street or meet the front yard maximum, and remainder of lot has less than 40 feet of frontage, then no maximum setback is required. Where setbacks exceed 10 feet, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street trees spaced at no more than 15 feet on center, approved by City arborist, and a combinations of landscaping no less than 4 feet deep, ornamental brick or stone walls or ornamental fencing.

plans show an outdoor terrace area in the building's front yard and 12 parking spaces behind the building. The building was shown at 23.45 feet back from the property line due to the irregular lot configuration and to accommodate a 24 foot wide driveway within the 50 feet of street frontage. The applicant has indicated their intent to design a building which qualifies as an active street frontage; however, their conceptual plans show that the building will not be within 10 feet of the street line. The applicant has stated that, given the limited frontage of the site and the need for a driveway, siting the building within 10 feet of the property line is not physically possible. The revised plan shows a reduced driveway width of 20 feet, which allows the building to be shifted forward to 20.62 feet from the property line. As noted in Mr. Metcalf's memo (Applicant's submission Attachment E) Avesta is seeking the Board's guidance on whether this concept meets the standard to the maximum extent practicable. In addition, the applicant is seeking the Board's guidance on whether the first floor uses (reception area (also referred to as the Great Room), six residential units, laundry room, staff rooms and mechanical rooms) meet the criteria for an active street frontage. Mr. Metcalf's memo (Attachment E) describes the building and uses and the first floor plan is below. One of the objectives of the recent B-2 amendments for active street frontage was to discourage first floor parking, which is achieved with this proposal. Staff is comfortable with the configuration as meeting the intent of the active street frontage to the extent practicable; however that determination will be made at time of site plan review. Board preliminary consideration of this is useful at this time, as it is an underlying premise of this development proposal.

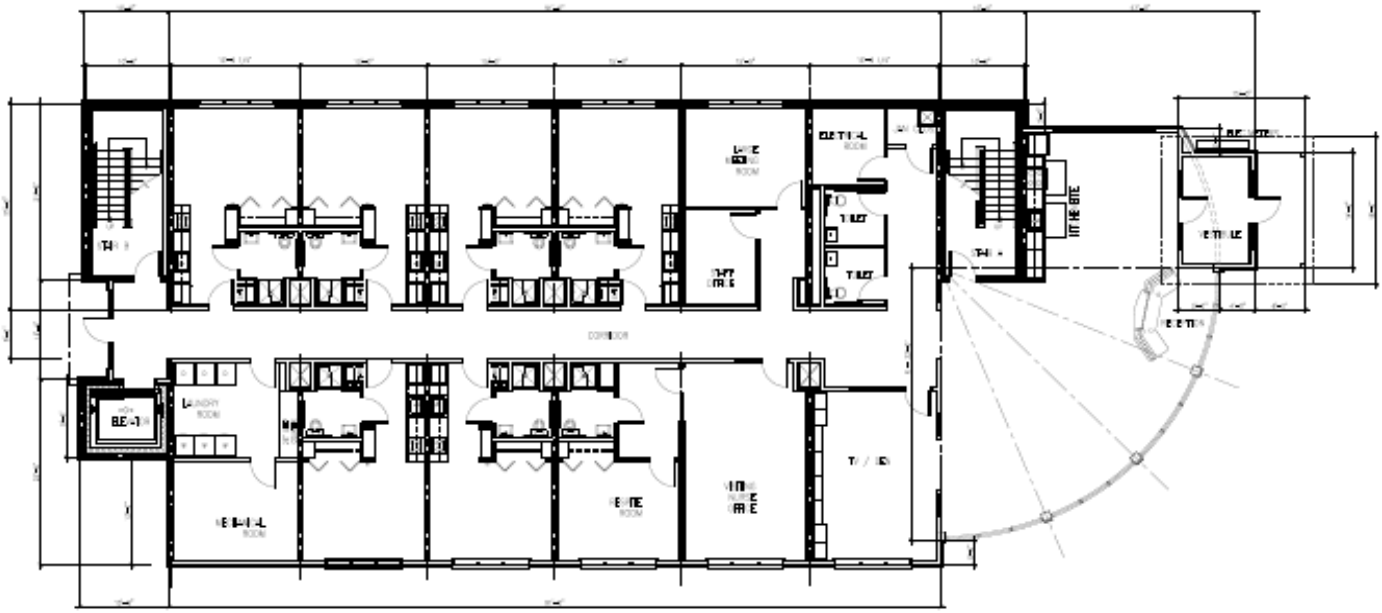


Figure 4: First Floor Plan

Two zoning concepts from the applicant are presented for the Board's consideration (refer to Applicant's submission, Attachment XXX for written analysis and Plan XXX for concepts),which are dependent upon how the Board interprets the B-2 maximum street setback regulations and the consideration of active street frontages for the density calculations. If this development concept appears to be consistent with the two B-2 standards, then the land area requirement of 435 square feet per unit could apply. Option A (Plan 5) shows the potential zone line encompassing 30,000 square feet of B-2 area on the concept site plan (Plan 5). If the concept for the development is not meeting the standards, then 1,500 square feet of land per dwelling unit is required. Option B depicts the zone line location to include 45,000 sf of B-2 zoned land (see figure 5).

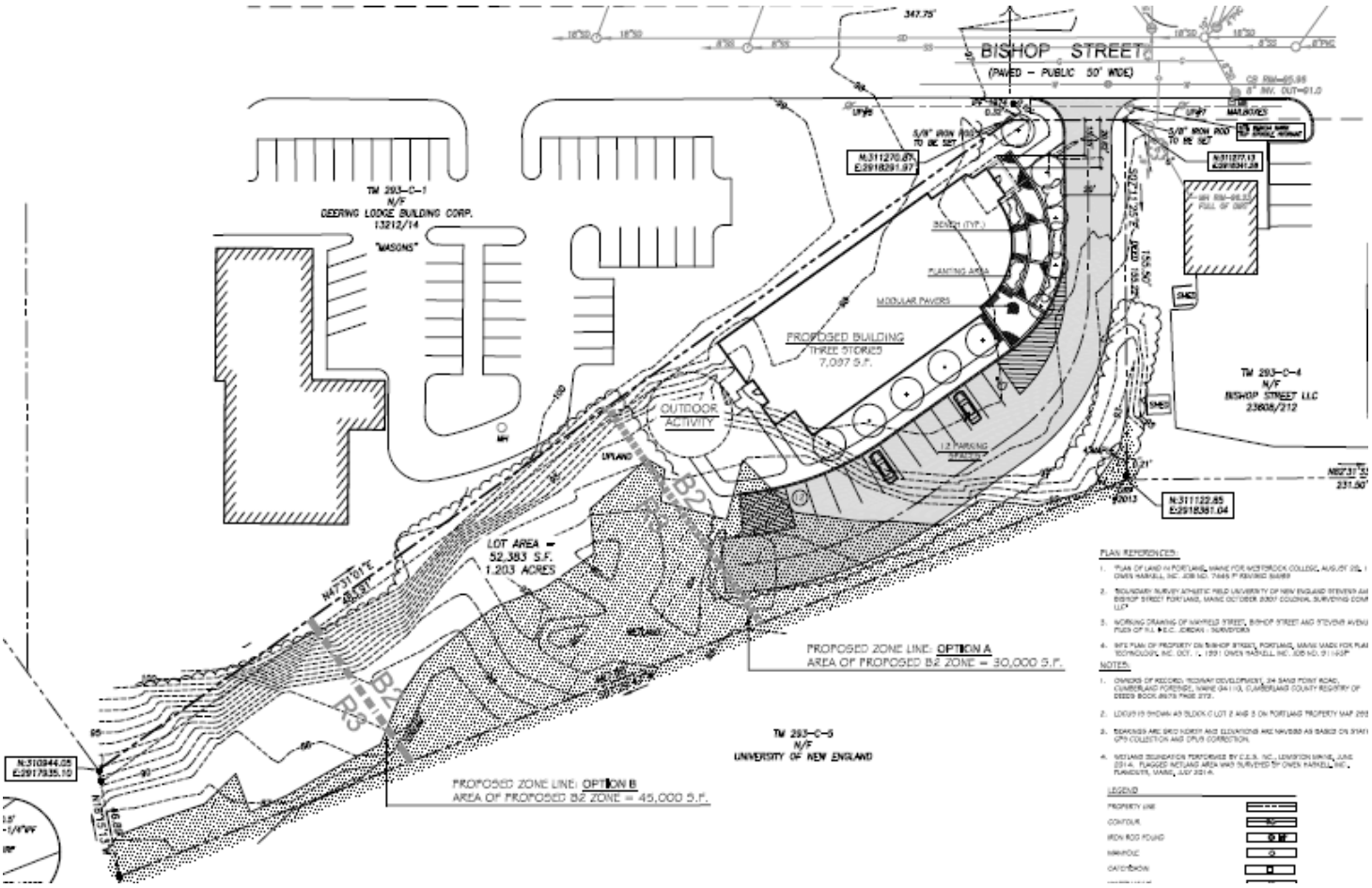


Figure 5: Concept Site Plan with Potential B-2 Zone Lines

Ben Walter, Architect, submitted massing models of the proposed development for consideration of the proposed zoning amendments. The concepts are presented below and in Applicant's submission, Attachment I.

Aerial View

Aerial View

Eye Level Entry View

Aerial Entry View

V. ZONING COMPARISON

Following the Board's initial workshop, staff assessed several alternatives to the B-2 zone and considered the geography of the proposed zone change, with the aim of rationalizing the existing zoning pattern both for the site, which is divided into three zones, and the neighboring parcels, which exhibit the same fragmented zoning scheme. The staff evaluated the residential zones of R-3, R-5 and R-6, the business zones of B-1 and B-2, and the current industrial I-M zone. The comparison charts of purpose statements, permitted uses and dimensional standards are below.

A. Permitted Uses

As could be expected, the uses in the I-M zone are generally industrial in nature, and the uses of the Residential R-3, R-5, and R-6 zones are entirely residential in nature. There are no residential uses permitted in the I-M zone, and there are no industrial or business uses permitted in the residential zones. The B-1 zone permits a relatively confined list of business and other uses. The B-2 allows more flexibility in terms of uses than the industrial, residential, or B-1 zones, allowing a wide range of residential, office,

and business uses. The B-2 permits restaurants, drinking establishments, veterinary hospitals, theaters, hotels, and dairies and bakeries. Charts with the purpose statements and permitted uses of the zones considered for this request are below.

Most of the existing uses on the south side of Bishop Street, including the residential, the office uses, the place of assembly, and the utility substation, are technically permitted by right in the B-1 and the B-2. The zoning classification of the existing taxi service south of the site has yet to be determined, and as such, it is not immediately clear whether it would fit under a business zone designation. Utility substations and places of assembly are conditional uses in the residential zones; offices are generally not permitted. Many of the uses on the north side of Bishop Street, including the auto repair and low impact industrial uses, are not permitted in either the residential or the B-1 or B-2 zones.

Table 1: Purposes

Zone	Purpose
IM (Industrial – Moderate Impact)	To provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist. The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic. The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure. Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.
R-3	To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
R-5	To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
R-6	To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses. In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.
B-1 (Neighborhood Business)	The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure. The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations. Suitable locations for this zone may include street intersections and arterial

	streets with existing or proposed traditional neighborhood retail and service uses.
B-2 (Community Business)	To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.

Table 2: Permitted & Conditional Uses

Uses			I-M	R-3	R-5	R-6	B-1/B-1b[1]	B-2/B-2b/B-2c
Permitted	Residential	Single-family and two-family dwellings		•	•	•	Any use permitted in abutting (or nearest) residential zone; if commercial first floor multi-family permitted by right	•
		Multi-family dwellings				•		•
		Handicapped family units		•	•	•		•
		Single-family single- or multiple-component manufactured housing		•	•	•		
		Combined living/working spaces						•
		Lodging houses				•		•
		PRUDs		•	•			
		Multiplex development			•			
	Institutional	Schools					•	•
		Clinics					•	•
		Places of assembly					•	•
		Long term, extended and intermediate care facilities						•
		Governmental buildings and uses/municipal uses		•	•	•	•	•
		College, university or trade schools						•
		Nursery schools, kindergartens					•	
		Day care facilities	•				•	•
	Business	General, business, & professional offices	•				•	•
		Personal services					•	•
		Business services					•	
		Offices of building tradespeople					•	•
		Retail establishments					•	•
		Restaurants						•
		Drinking establishments						•[4]
		Billiard parlors						•
		Mortuaries or funeral homes						•
		Miscellaneous repair services	•					•[5]
		Communication studios or broadcast and receiving facilities						•

		Health clubs and gymnasiums						•
		Veterinary hospitals						•[6]
		Theaters						•
		Hotels						•[7]
		Dairies and bakeries	•					•
		Drive-throughs when accessory to a principal use on the same lot						•[8]
		Registered medical marijuana dispensaries						•
		Indoor recreation and family amusement establishments	•					
		Intermodal transportation facilities	•					
Permitted (continued)	**Other**	Accessory uses	•	•	•	•	•	•
		Cemeteries				•		
		Parks		•	•	•		
		Home occupation		•	•	•		
		Studios for artists and craftspeople					•	•
		Special needs independent living units			•	•		
		Bed and breakfasts					•	•
		Conversion into bed and breakfast				•		
		Hostels				•	•	•
		Wind energy systems	•	•	•	•	•	•
		Utility substations	•				•	•
		Warehousing and wholesaling	•					
		Low impact industrial uses	•					
		R&D and back office uses	•					
		Building contractors and construction/engineering services	•					
		Nurseries	•					
		Lumber yards	•					
		Commercial kitchens or other food preparation	•					
		Recycling & solid waste disposal facilities	•					
		Food processing	•					
		Correctional pre-release facilities	•					
		Tow lots	•					
		Beverage dealers					•	
Conditional	**Residential**	Sheltered care group homes		•	•	•		
		Additional accessory dwelling units		•	•			
		Alteration of non-residential structure to 3+ dwelling units			•			
		Conversion of multi-family structure to lodging house			•			
	nstitu tional	Schools		•	•	•		
		Long-term and extended care facilities		•	•	•		

		Intermediate care facility		•	•	•		
		Places of assembly		•	•	•		
		Hospitals		•	•	•		
		Nursery schools and kindergartens				•		
		Day care facilities		•	•	•		
		College, university, trade schools			•	•		
	Business	Major and minor auto service stations existing as of 1999						•[9]
		Car washes						•
		Drive-throughs adjacent to residential uses or zones						•[10]
		Automobile dealerships						•
		Restaurants					•[3]	
		Conversion into bed and breakfast (over 5 rooms)				•		
	Other	Utility substations		•	•	•		
		Professional offices				•		
		Chancellery				•		
		Off-street parking		•	•	•[2]		
		Temporary wind anemometer towers	•	•	•	•	•	•
		Hostels				•		
		Wind energy systems	•	•	•	•	•	•
		Printing and publishing establishments						•
		Wholesale distribution establishments						•
		Research and development and related production establishments						•

1 Permitted on ground floor of B-1b; above ground floor, residential uses of 14-162(a), bed and breakfasts, hostels permitted
2Ffor passenger cars for uses permitted in the R-6 zone.
3 Restaurants conditionally permitted, provided they have a max. floor area for use by public of 1,000 SF; hours limited to 6 am to 11 pm; food service and consumption is primary function; no drive-throughs
4 Except in B-2c
5 Excluding motor vehicle repair
6 Excluding outdoor kennels
7 Of less than 150 rooms
8 Permitted in B-2 or B-2b if not adjacent to residential use or zone
9 Permitted in B-2, & permitted in the B-2b if in existence since 1999
10 Permitted in B-2, & permitted in the B-2b if accessory

B. Dimensional Standards

The dimensional standards of the various zones under consideration here also vary broadly. The I-M is understandably geared toward large buildings on large lots; the minimum street frontage is greater than other zones and the maximum structure height is quite liberal at 75 feet. The residential zones, and particularly the R-3 and R-5, in contrast, are oriented toward the smaller scale, small lot development characteristic of the city's off-peninsula neighborhoods. The business zones promote a third, distinct development pattern, a more urban form characterized by greater building height than the residential zones, greater residential density, smaller setbacks (and, in fact, build-to lines), and less open space.

Table 3: Dimensional Standards

	I-M	R-3*	*R-5****	R-6	B-1	B-2
Min. Lot Area per D.U.	N/A	6,500 SF	3,000 SF, except 3,600 – 4,800 SF for special needs independent living units	1,000 SF; 1,200 SF after first three units	Minimum lot area of nearest zone, except 1,000 SF for multi-family dwellings above 1st floor	1,500 SF 435 SF in projects with active street frontages
Street Frontage	60 feet	50 feet	50 feet	40 ft.	50 ft., or average of lots w/in 200 ft.	25 feet
Min. Lot Width	N/A		60 feet, except 90 feet for multiplex	40 ft.	None	
Min. Front Yard	1 foot for each foot of building height	25 feet	20 feet, except where average depth of adjacent front yards is less	10 ft., except where average depth of adjacent front yards is less		N/A
Max. Front yard	N/A	N/A	N/A		10 ft., or average depth of nearest developed lots	10 feet, except for irregularly shaped lots or lots with < 40 feet of frontage
Min. Rear Yard	1 foot for each foot of building height up to 25 feet 35 feet when abutting residential zone	25 feet	20 feet	Principal > 100 SF footprint: 20 ft. Detached accessory < 144 SF footprint: 5 ft.	None, except 20 ft. if abutting residential	10 feet
Min. Side Yard	1 foot for each foot of building height up to 25 feet 35 feet when abutting residential zone	8-20 feet, depending on height/location	8-15 feet, depending on height/location	10-15 feet, depending on height/location	None, except 10 ft. if abutting residential	N/A
Structure Height	75 feet	35 feet	35 feet	45 ft.	35 ft.	45 ft., except 50 feet if first floor is occupied by a commercial use 65 feet on lots > 5 ac.
Max. Lot Coverage	N/A	35 %	40%	>20 units: 40% <20 units: 50%		N/A
Max. Impervious Surface	75%	N/A	N/A		90%	Residential: N/A Business and non-residential uses: 80%

*Additional restrictions on total number of dwelling units, setbacks, and lot coverage apply for PRUDs in the R-3 and R-5 zones
** Separate requirements apply for small residential lot development

VI. ZONING ANALYSIS

A. Industrial I-M Zone

Bishop Street was zoned industrial and in the mid-1990's after Portland's Industrial and Commerce Plan (adopted in 1994) the area was zoned as Industrial I-M zone. At that time some of the industrial areas were rezoned for commercial use, such as the Warren Avenue corridor that was rezoned to B-4. Conversions of industrial zones to other designations has been limited (refer to Nelle Hanig's memo regarding the Spurwink text amendment); however, the I-M zone along the southerly edge of Bishop Street is not developed nor functioning as an industrial area. The size of lots , the proximity of the residential neighborhood, and the environmental factors in the vicinity limit the potential for industrial uses. On the other hand, the northerly side of Bishop Street does have established industrial uses in operation.

At the workshop, the question was raised about the University of New England's plan for the property they acquired from Pike Industries, which is zoned I-H. Currently it is being used for parking for the university. At the last review of the dental school for UNE, the Planning Board recommended that UNE prepare a master plan and then consider a more comprehensive zoning approach for the campus, such as the USM overlay zone. At this time, there are no plans or zoning proposals for the University property.

B. Residential Zones

Following the Board's initial workshop, staff assessed several alternatives to the B-2 zone and considered the geography of the proposed zone change, with the aim of rationalizing the existing zoning pattern both for the site, which is divided into three zones, and the neighboring parcels, which exhibit the same fragmented zoning scheme. Given the proposed residential use, staff considered residential zone changes for the site first and foremost. The R-5 zone, while appealing based on its proximity, does not accommodate the density nor the building height envisioned for the proposal. Staff also considered a residential zone such as the R-6, which would provide both the desired density and heights. However, the R-6 is generally located on the peninsula with only a few R-6 zones off-peninsula that are larger in scale (sites with over 4 acres). The R-6 would not be compatible with the existing office uses east of the site, so it would make those uses non-conforming or it would be a single parcel rezone if limited to the subject parcel.

Almost all of the residential homes on Mayfield Street were built between 1903 and 1930, thus the use was established prior to the City's zoning ordinance. At some point, the homes along Bishop Street were zoned industrial. As the residential use is well-established and the lots are small, the current I-M zone is an anomaly and rezoning to B-2 is counter to comprehensive plan policies to preserve residential areas. Instead, the Board may wish consider rezoning the lots on Mayfield to R-5. This would create a break between the existing and proposed B-2 zones, but would provide cohesive zoning along the length of Mayfield Street.

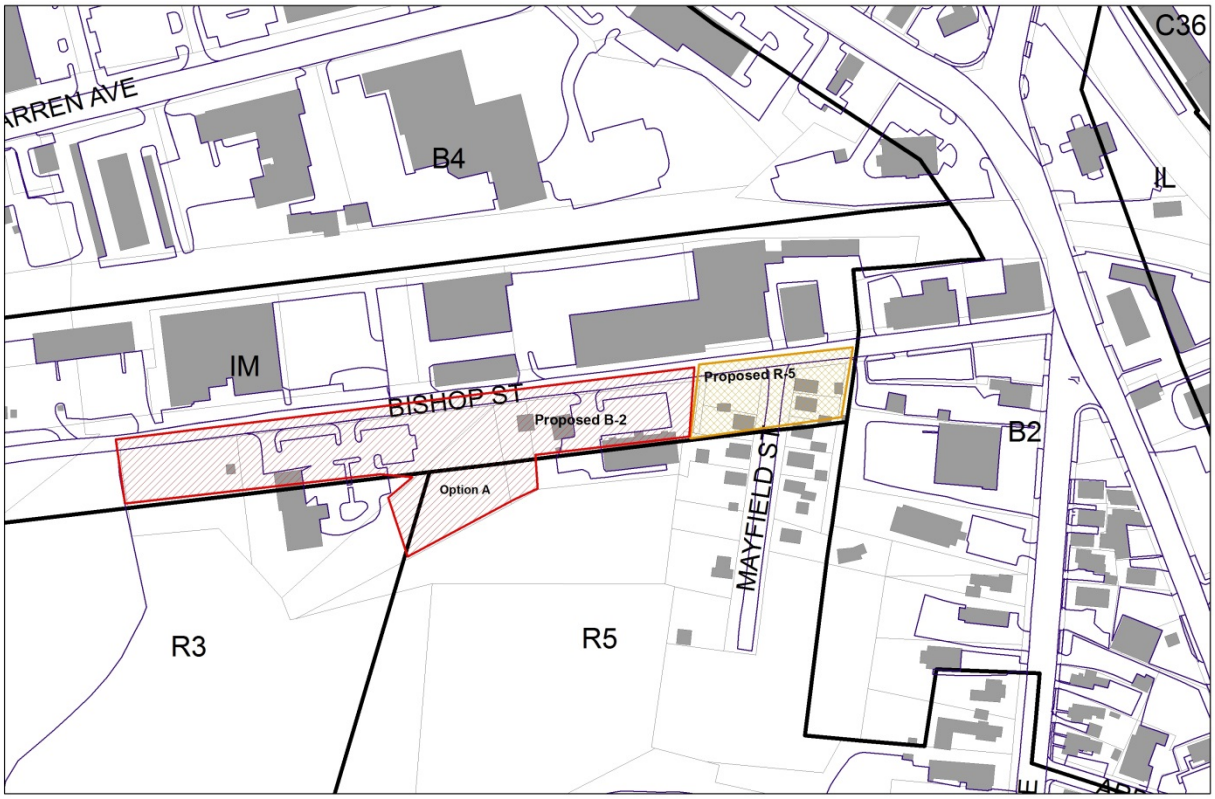
C. Business Zones

In order to achieve the housing density envisioned, staff also considered other business zones for the site. The B-1, while allowing the proposed use, is clearly designed for neighborhood-scaled mixed use buildings in corner conditions. It has a maximum building height of 35 feet and has no setbacks unless the use is next to a residential zone or use. In addition, for a completely residential building, the permitted density is based upon the nearest residential zone, which in this case would be the R-5. The R-5 density does not accommodate this development. The B-1 zone does permit residential units above first floor commercial at a density of 1,000 sf per unit. The applicant is not proposing any first floor commercial uses.

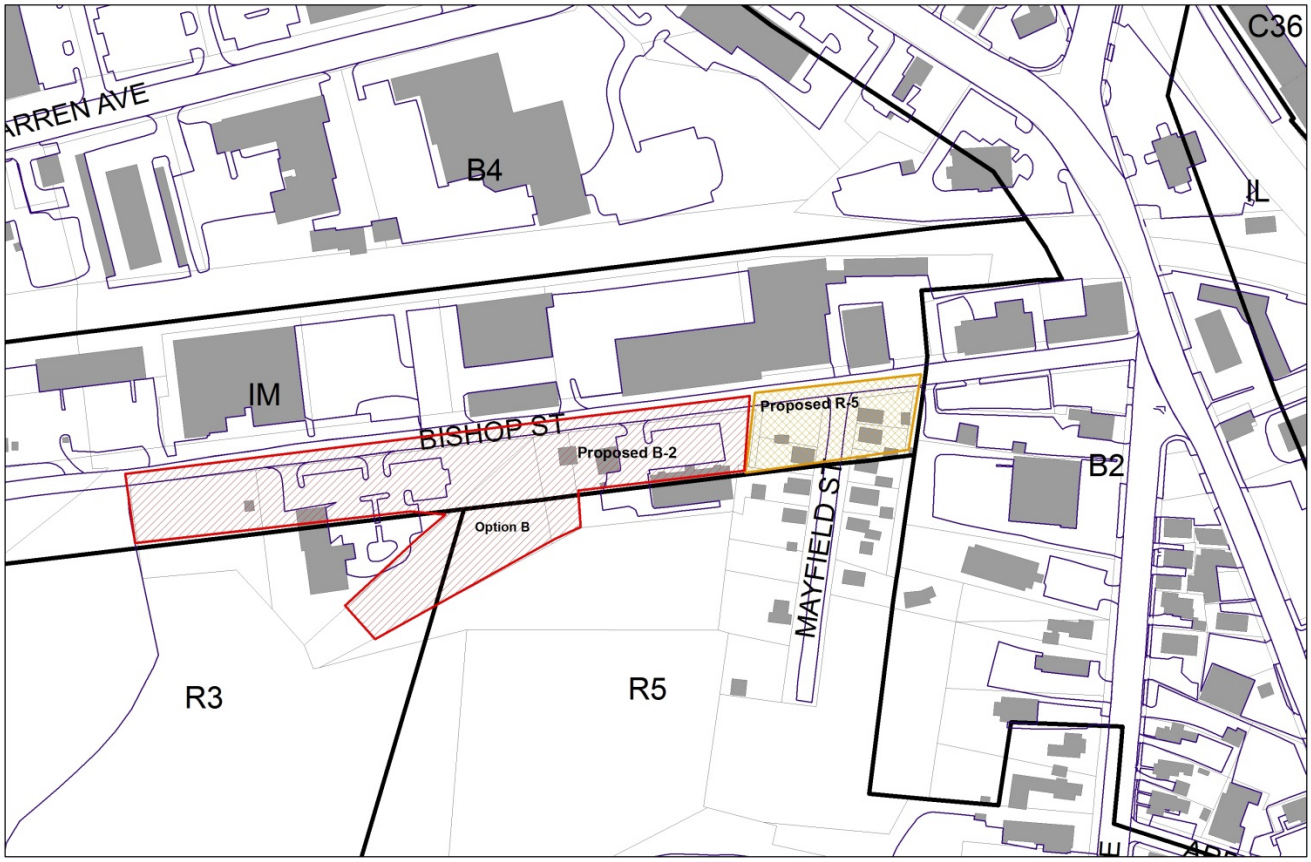
Ultimately, the B-2 emerged again as the lowest intensity business zone, which would allow both the residential density and height sought for the subject site. In many ways, the purpose of the B-2 zone fits as well, in that it should " provide locations for moderate to high density housing in urban neighborhoods along arterials." The B-2 zone encompasses Morrill's Corner and Forest Avenue. It also includes the easterly end of Bishop Street, thus the B-2 zone is in close proximity to the site. The B-2 zone has the additional benefit

of accommodating the existing office uses and providing some consistency with the nearby B-2 zone on the east end of Bishop Street at Morrill's Corner. Staff notes that there is a B-2C zone along a portion of Forest Avenue near Woodford's Corner, which has all of the same requirements of the B-2 zone, except that drinking establishments are not allowed. The B-2c zone could be appropriate here as well, as we do not envision drinking establishments as an especially appropriate use in this location.

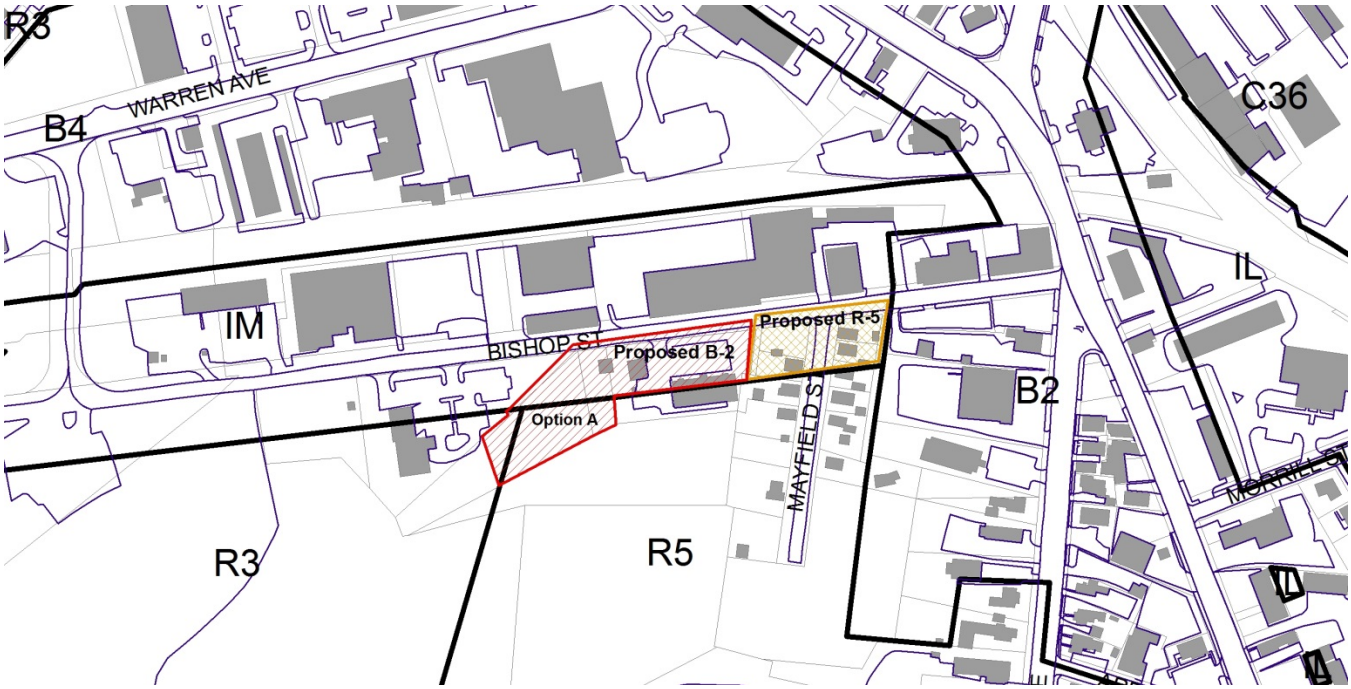
The Planning Board may choose to advertise a larger area than the applicant's site. Three potential areas for rezoning are presented for the Board's consideration (Concept #1, #2, and #3). In all three options, the staff has shown rezoning the residentially developed parcels at the end of Mayfield Street to R-5, which are currently zoned I-M. Again, in all three options the B-2 zone is proposed including the industrially zoned parcels along Bishop Street from the vicinity of Mayfield Street and including the applicant's property. The most conservative approach presented as #3 proposes the B-2 zone extending along the southerly edge of Bishop from the vicinity of Mayfield Street to the applicant's site. The other two concepts (#1 and #2) have the B-2 zone extend farther along the southerly side of Bishop Street to include the Masonic Hall and the CMP substation. The uses on the northerly side of Bishop Street are more consistently industrial uses, thus the proposed staff concept does not incorporate that side of the street into a proposed map amendment. Nor is any of the property owned by the University of New England included within the proposed map amendments. The proposed B-2 zone follows the existing line of the I-M, except for a portion of the applicant's site in order to obtain the required density. The applicant's Option A and Option B as shown on the concepts below for rezoning a portion of the Avesta site, depending upon the Board's guidance regarding whether the proposal meets the active street frontage criteria and the maximum front yard setback to the greatest extent practicable.



Potential B-2 and R-5 Map Amendment – Concept #1 (Applicant's Option A for the site)



Potential B-2 and R-5 Map Amendment – Concept #2 (Applicant's Option B for the site)



Potential B-2 and R-5 Map Amendment – Concept #3 (Applicant's Option A for the site)

In general terms, the zones considered here vary widely in terms of purpose, permitted uses, and dimensional standards. The existing industrial zoning is designed to permit industrial uses which rely on regional transportation infrastructure. The residential zones, in contrast, are oriented more toward neighborhood-scale single- and multi-family housing characteristic of Deering Center and North Deering. While the B-1 Business zone is designed to encourage mixed-use development with multi-family housing components, it does not support the development as proposed. The B- 2's purpose is to promote the development of commercial and housing designed for both neighborhoods and the larger community. As noted above, the B-2 zone emerges as the lowest intensity zone which would allow the development as proposed on site. With the B-2 zone, the B-2c is also an option for the Board to consider.

VII. COMPREHENSIVE PLAN ANALYSIS

The Planning Board will be asked to make a determination of whether the proposed map amendment is consistent with the Comprehensive Plan and make a recommendation to the City Council. A full analysis will be prepared for a public hearing. In general terms, the housing element of the Comprehensive Plan includes many policies to support increasing the range of housing types in the city to serve all income levels. *Housing: Sustaining Portland's Future* highlights the need for supportive housing with a goal particularly targeted towards this housing type: "ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing, which offer appropriate supportive services." The Comprehensive Plan also includes policies that support commercial nodes near residential areas and seeks to limit business expansion into residential zones. In addition, the policies that pertain to protecting environmentally sensitive areas, such as the tributary of the Capisic Brook, are relevant to this proposal.

VIII. PUBLIC COMMENT

The applicant provided notes from a neighborhood meeting on the proposed zone change, held on July 14 *(Attachment 2)*. Neighbors at that meeting raised concerns regarding the proposed use as supportive housing, the compatibility between the proposed use and immediate neighbors, safety, design, access to services and the suitability of the site for housing, and trip generation and traffic. In addition, staff received one public comment, which expressed concerns about the integrity and future of the residential neighborhood on Mayfield Street, given the surrounding development pattern *(Attachment 3).*

IX. NEXT STEPS

- Provide Guidance on whether the proposal meets the criteria for an active street frontage
- Determine area to be advertised for a map amendment
- Schedule next meeting

X. ATTACHMENTS

Applicant's Submittal

A. Cover Letter
B. Application
C. Letter of Authorization
D. Purchase and Sale Agreement
E. Applicant's Letter dated 8-1-14
F. Memo from Mark Swan dated 8-1-14
G. List of Businesses within Walking Distance of 72 Bishop Street
H. Metro Bus Routes
I. Letter from CWS Architects dated 8-4-14
J. Neighborhood meeting materials

Public Comment

PC1 Janet Parker – email

Plans

P1 Existing Conditions
P2 Site Plan
P3 Aerial Context Map
P4 Existing Conditions
P5 Concept Site Plan

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June 17, 2014

Ms. Barbara Barhydt
Development Review Services Manager
City of Portland
389 Congress Street, 4th Floor
Portland, Maine 04101

Re: Bishop Street Apartments
72 & 78 Bishop Street
Request for Zoning Map Amendment

Dear Barbara:

On behalf of Avesta Housing, we are pleased to submit the enclosed Zone Map Amendment application for the property located at 72 & 78 Bishop Street, Map 293, Block C Lots 2 & 3. The applicant is proposing to amend the current zoning designation (a combination of IM, R-3 and R-5) of the property to a B-2 zone with the intent to develop a 30 unit efficiency apartment building.

Housing Objective of the Project

Avesta Housing proposes to develop the combined lots of 72 & 78 Bishop Street to create 30 efficiency units at 72 Bishop Street in Portland for chronically homeless individuals, using a "housing first" approach. As was the case at Logan Place and Florence House, Avesta's two prior 'housing first' projects, Avesta anticipates partnering with Preble Street for the provision of 24-hour, on-site support services and Portland Housing Authority for project-based rental assistance. In addition to the 30 apartments, the property will include common space for residents as well as office space for Avesta and Preble Street staff. Bishop Street Apartments will provide housing and support services for those chronically homeless individuals who are currently most vulnerable due to their significant medical conditions. The project will likely include a partnership with a health care provider, to both address specific health concerns and ensure that residents have access to the health and/or personal care services that medically compromised individuals typically benefit from in their homes.

The proposed facility is in close proximity to employment opportunities, public transportation services, retail and amenities, yet beyond the high paced downtown urban environment. Avesta's vision for the property is to create a high quality housing resource for the neediest population within the City of Portland that combines the best features of affordable housing and quality design.

The Site

72 & 78 Bishop Street consists of a single family residence (lot 3) and a vacant lot (lot 2). Lot 3 has 50 feet of frontage on Bishop Street and is 8,125 SF; Lot 2 is a 42,419 SF vacant lot with no road frontage and lawn and mixed primary and secondary growth vegetation. The combined property is 52,383 SF (1.203 acres) and are zoned a combination of I-M (Industrial-Moderate Impact), R-3 and R-5 zones. Abutting properties include a single story 3 unit professional office building to the east at 68 Bishop Street and a Masonic Hall to the west. A car repair garage (Portland Collision) is located across the street. To the south, the parcel abuts property owned by the University of New England. Bishop Street has many large industrial, metal clad buildings with varied businesses including a dog kennel, printing services and home healthcare services.

Professional Office Building **72 Bishop Street** **Masonic Hall**

Bishop Street Businesses

Residences on Mayfield Street

Bishop Street connects to Riverside Street to the west and Forest Avenue at Morrill's Corner to the east. While there are no residential properties on Bishop Street besides 72 Bishop, approximately ten single family residences are located towards the Forest Avenue end of Bishop Street on a small dead end street (Mayfield Street) that bisects Bishop Street.

Building Program

Bishop Street Apartments will consist of a single, new, 3 story building. The main entrance vestibule and reception is accessed from the first floor with building services including community rooms and offices. In addition, six efficiency units are located on the first level along with laundry, staff rooms and mechanical and electrical facilities. The remaining 24 efficiency units are located on the upper second and third levels. The complex will contain 30 total efficiency units.

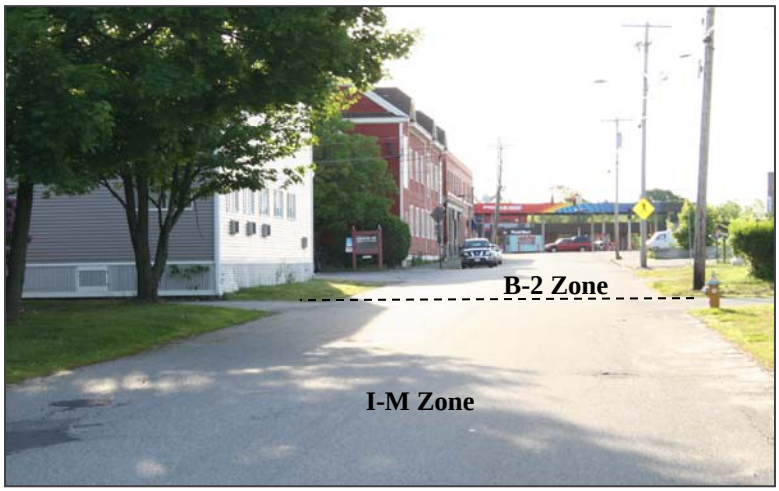
The site will accommodate a 12 space surface parking lot and dumpster pad. Outdoor recreation space will be located on the west side of the building and a landscaped seating area will be located on the eastern side of the building near the main entrance.

Zoning

The combined lots 2 and 3 (72 & 78 Bishop Street) fall within the I-M, R-3 and R-5 zones. The portion of the property along Bishop Street is defined as Industrial-Moderate Impact (IM) while the southern /rear portion of the properties are defined as Residential-3 (R-3) and Residential-5 (R-5). Avesta Housing is requesting a Zone Map Amendment to change the entire parcel created by the combined lots 2 & 3 to the B-2 Zone.

The proposed project intends to align with the city's desire to have a greater density of housing along the Forest Avenue corridor. The current zoning within the I-M zone prohibits residential uses while the R-3 and R-6 zones are primarily for medium density residential. The B-2 zone is located approximately 500 feet

from the property towards Forest Avenue. The B-2 zone supports moderate to high density residential development close to arterials.



View from 72 Bishop St towards Forest Avenue- Zoning

We believe that affording this property B-2 zoning status will provide desirable residential opportunities and support services for a population that is in great need of assistance. The location of the facility will provide residents with easy access to public transit with numerous entry level employment opportunities within walking distance.

Implementing Portland's Vision

Bishop Street Apartments supports many of Portland's goals as stated in the Land Use Ordinance and *Housing: Sustaining Portland's Future.* The purpose of the B-2 zones (sec 14-181) states to provide moderate to high density housing in urban neighborhoods along arterials. Avesta Housing has developed numerous highly successful housing projects throughout Portland and will continue, with this project, to provide excellent housing options for our community.

Housing Replacement Ordinance

The 30 housing units proposed at Bishop Street Apartments will replace the housing units lost as a result of the demolition of the single family residence.

This submission includes the following information:

1. Zoning Map Amendment Application Fee
2. Application Booklet
3. Plan Set: Sheet L1.0 Existing Conditions
   Sheet L1.1 - Concept Site Plan

We look forward to the opportunity to meet with the Planning Board to review this request. Should you have any comments and or questions, please do not hesitate to call me.

Sincerely,
Mitchell & Associates

Robert Metcalf, Principal
Maine Licensed Landscape Architect

Enclosure

cc. Greg Payne, Avesta Housing
Ben Walter, CWS Architects

Zoning Map/Text Amendment Application
Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

Portland's Planning and Urban Development Department coordinates the development review process for requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. The **Application Process for a Zone Change** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices and Guarantees,** and are listed on the fee structure sheet.

I. APPLICATON SUBMITTAL

Pre-application meeting

Prior to submitting a zoning amendment application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the review process and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

Zoning Amendment Application

All plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

- Submit one (1) complete paper set of the zoning amendment application with a concept plan and a written narrative. Contract and conditional rezoning applications must include 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. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

Zoning Application Fees

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rates: Planning services, $40.00/ hour and Legal services: $75.00/hour.

Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Zoning map amendments for Industrial zones require notices to be sent to property owners within 1,000 feet.
- In advance of a Planning Board workshop or public hearing, public notices for projects must be sent to property owners and are posted in a legal ad in the Portland Press Herald and on the City's web site.
- In addition, zoning map amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.
- The applicant is required to hold a neighborhood meeting under the City's regulations for zone change requests. The mailing labels must be purchased from the Planning Division for the neighborhood meeting invitation. A request for labels requires a minimum of two business days to generate the mailing labels and a charge of $1.00 per sheet will be payable upon receipt of the labels.

Third Party Review Fees

- Engineer and Third Party Review Fees - The fees are assessed by the Consulting Engineers and Third Party Reviewers.
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with $300.00 being the minimum.

Noticing/Advertisements Planning Board/City Council Review

- Legal Advertisement: Percent of total bill
- Notices: .75 cents 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)

Planning Division	**Office Hours**
Fourth Floor, City Hall	Monday thru Friday
389 Congress Street	8:00 a.m. – 4:30 p.m.
(207) 874-8721 or 874-8719	

PROJECT ADDRESS: 72 & 78 Bishop Street, Portland

CHART/BLOCK/LOT: 293-C-2 & 3

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Requesting a zone map amendment reflective of attached plans. Project to construct 30 apartment units with 12 parking spaces.

CONTACT INFORMATION:

	Applicant's Contact for electronic plans Name: Mitchell Associates e-mail Address smisner@mitchellassociates.biz work # 207.774.4427
Applicant – **must be owner, Lessee or Buyer** Name: Avesta 72 Bishop L.P. Business Name, if applicable: Address: 307 Cumberland Avenue City/State : Portland, ME Zip Code: 04101	**Applicant Contact Information** Work # 207.553.7780 Home# Cell # Fax# e-mail: gpayne@avestahousing.org
Owner – (if different from Applicant) Name: HED/WAY Development Address: 24 Sand Point Road City/State : Cumberland Foreside, ME Zip Code: 04110	**Owner Contact Information** Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Bob Metcalf/ Mitchell & Assoc. Address: 70 Center Street City/State : Portland, ME Zip Code: 04101	**Agent/Representative Contact information** Work # 207.774.4427 Cell # e-mail: rmetcalf@mitchellassociates.biz
Billing Information Name: Avesta 72 Bishop L.P. Address: 307 Cumberland Avenue City/State : Portland, ME Zip Code: 04101	**Billing Information** Work # 207.553.7780 Cell # Fax# e-mail: gpayne@avestahousing.org
Engineer Name: Address: City/State : Zip Code:	**Engineer Contact Information** Work # Cell # Fax# e-mail:

Surveyor	Surveyor Contact Information
Name: Owen Haskell Surveyors, Inc. Address: 390 U.S. Rt 1,Unit 10 City/State : Falmouth, ME Zip Code: 04105	Work # 207.774.0424 Cell # Fax# e-mail: www.owenhaskell.com
Architect	**Architect Contact Information**
Name: CWS Architects/ Ben Walters Address: 434 Cumberland Ave City/State : Portland, ME Zip Code: 04101	Work # 207.774.4441 Cell # Fax# e-mail: bwalter@cwsarch.com
Attorney	**Attorney Contact Information**
Name: Cito Sellinger/Maurice Thaxter Address: 1 Canal Plaza Suite 1000 City/State : Portland Zip Code: 04101	Work # 207.774.9000 Cell # 207.233-1029 Fax# e-mail: mselinger@curticthaxter.com

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

See attached Purchase & Sale Agreement.

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:

The site is currently a single family residence and vegetated vacant lot.

Current Zoning Designation(s):

Industrial-Moderate Impact (I-M), Residential (R-5) & Residential (R-3)

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 project narrative.

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.

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 _X_ $2,000.00 (from R6 zone to B3 zone) **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 (~~example~~) and language to be added is depicted as underline (example) **Combination Zoning Text Amendment and Zoning Map Amendment** ___ $3,000.00 **Conditional or Contract Zone** ___ $3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	**Fees Paid** (office use) ___ ___ ___ ___	The City invoices separately for the following: • Notices ($.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.

Signature of Applic	**Date:** June 17, 2014

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.

A Guide to Holding Neighborhood Meetings
Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

In order to improve communication between development applicants and neighbors, the City of Portland requires applicants, proposing certain types of projects, to hold a neighborhood meeting.

What type of development proposal requires a neighborhood meeting?
Neighborhood meetings, organized and hosted by the applicant, are required for the following development proposals:

- Proposed zone changes, contract zones and zoning text amendments that would result in major development;
- Subdivisions of five or more units or lots; and
- Level III site plan proposals for preliminary or final site plans:
    - Portland's new site plan ordinance went into effect in August, 2010. It now includes provisions for preliminary and final plans. Neighborhood meetings are to be held three weeks after submitting a preliminary plan or within two weeks of submitting a final plan, if a preliminary plan was not submitted.

Who must be invited to a neighborhood meeting?
Property owners within 500 feet of the proposed development (1000 feet for proposed industrial subdivisions and zone changes) as well as those people on a list of interested citizens and neighborhood groups must be invited to the planned neighborhood meeting.

The Planning Division provides the mailing labels for the neighborhood meeting invitation. We require at least 48 hours notice to generate the mailing labels and a charge of $1.00 per sheet will be payable upon receipt of the labels.

When and where must the neighborhood meeting be held?
The neighborhood meeting must be held within three weeks of submitting a preliminary site plan. If an applicant chooses only to submit a final site plan, then the neighborhood meeting must be held within two weeks of submitting the final plan and not less than seven days prior to the Planning Board public hearing.

The meeting should be held in the evening, during the week, at a convenient location within the Portland neighborhood surrounding the proposed site. Community meeting spaces at libraries, schools or other places of assembly are recommended. Neighborhood schools are usually available for evening meetings.

Meetings should not be held on the same day as scheduled Planning Board or City Council meetings. The City Council generally meets on the first and third Monday of each month and the Planning Board generally meets on the second and fourth Tuesday of each month; however additional meetings may be scheduled. An updated schedule may be found on the City's website: www.portlandmaine.gov

When must invitations be sent?
Invitations to a neighborhood meeting must be sent no less than ten days (to include weekends) prior to the neighborhood meeting. If the notice is for a final site plan, then the neighborhood meeting must be held no less than seven days (to include weekends) prior to the public hearing. Notices may be sent by regular mail and do not need to be sent by certified mail.

What information should the invitation include?
A recommended invitation format is included in this packet of material.

Sign-up Sheets and Meeting Minutes
At the meeting, the applicant must circulate a sign-up sheet for those in attendance. The applicant must also keep accurate minutes of the meeting.

After holding the neighborhood meeting, the applicant must submit the sign-up sheet and meeting minutes to the Planning Division. The meeting minutes and sign-up sheet will be attached to the Planning Board report. A public hearing will not be scheduled until the meeting minutes and sign-up sheet are submitted to the Planning Division.

Certification
Included with this packet is a Certification to be completed and signed by the applicant. The applicant is required to certify when the invitations were sent out.

Please call the Planning Division at 874-8721 or 874-8719 if you have any questions.

Attachments
1. Neighborhood Meeting Invitation Format
2. Neighborhood Meeting Certification

~Applicant/Consultant: Please include all of the information listed below in the notice sent to neighbors~

Neighborhood Meeting Invitation Format

Applicant/Consultant
Letterhead

(Date)

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a (development proposal) located at (location/number and street address).

Meeting Location: _____
Meeting Date: _____
Meeting Time: _____

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 (telephone number of applicant or consultant).

Sincerely,

(Applicant)

Note:
Under Section 14-32(C) and 14-525 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 three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plans was not submit. 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

Neighborhood Meeting Certification

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

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

Signed,

_____ _____ (date)

Attached to this certification are:

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

AVESTA HOUSING

LETTER OF AUTHORIZATION

June 17, 2014

To: City of Portland Planning Department

This letter authorizes Robert Metcalf, Michael King and/or Sashie Misner of Mitchell & Associates and Ben Walter of CWS Architects to act as agents on behalf of Avesta Housing Development Corporation in public meetings and the submission of any and all application materials that relate to our proposed development of Bishop Street Apartments on Bishop Street in Portland.

Sincerely,

Greg Payne
Development Officer

307 Cumberland Avenue • Portland, Maine 04101
207-553-7777 • 1-800-339-6516 Voice/TTY
207-553-7778 Fax • www.avestahousing.org

NeighborWorks® CHARTERED MEMBER

Att. D

Individual Member
Individual Membership

CBRE | The Boulos Company

CONTRACT
FOR THE SALE OF REAL ESTATE

Date: 2.20.14

One Canal Plaza, Portland, ME 04101
(207) 772-1333

RECEIVED OF: Avesta Housing and/or assigns whose mailing address is 307 Cumberland Av, Portland, ME 04101, hereinafter called the Purchaser(s), the sum of Five Thousand Dollars ($5,000) as earnest money deposit and in part payment of the purchase price of the following described real estate, situated in the municipality of Portland, County of Cumberland, State of Maine and located at 72 Bishop Street being all the property owned by the Seller(s) at the above address, and described at said County's Registry of Deeds Book 8575, Page 272 and further described as: a 1.16+/- acre parcel improved with a 1,134+/- sf wood frame house, upon the terms and conditions indicated below:

1. PERSONAL PROPERTY: The following items of personal property are included in this sale (if applicable): appliances
2. PURCHASE PRICE: The TOTAL purchase price being One Hundred Seventy Five Thousand Dollars ($175,000) to be paid as follows: $5,000 earnest money deposit within one business day of the execution of said contract and the balance to be paid in cash or wired funds at time of closing.
3. EARNEST MONEY/ACCEPTANCE: Malone Commercial Brokers shall hold said earnest money in a non-interest bearing account and act as Escrow Agent until closing; this offer shall be valid until February 26, 2014 at 4:00 PM; and, in the event of the Seller's non-acceptance, this earnest money shall be returned promptly to the Purchaser(s).
4. TITLE: That a deed, conveying good and merchantable title in accordance with standards adopted by the Maine Bar Association shall be delivered to the Purchaser(s) and this transaction shall be closed and the Purchaser(s) shall pay the balance due and execute all necessary papers within 45 days of receipt of zone change referenced in Paragraph 10.1. If Seller(s) is unable to convey in accordance with the provisions of this paragraph, then the Seller(s) shall have a reasonable time period, not to exceed thirty (30) days, from the time the Seller(s) receives written notice of the defect, unless otherwise agreed to by both parties, to remedy the title, after which time, if such defect is not corrected so that there is merchantable title, the Purchaser(s) may, within fifteen (15) days thereafter, at Purchaser's option, declare the contract null and void and any earnest money shall be returned to the Purchaser(s) and neither party shall have any further obligation hereunder. If the Purchaser(s) does not declare the contract void within the period set forth above, the Purchaser(s) shall have waived the right to object to title. The Seller(s) hereby agrees to make a good-faith effort to cure any title defect during such period.
5. DEED: That the property shall be conveyed by a quitclaim with covenant deed, and shall be free and clear of all encumbrances except building and zoning restrictions of record, restrictive covenants and conditions of record and usual public utilities servicing the property and shall be subject to applicable land use and building laws and regulations.
6. POSSESSION /OCCUPANCY: Possession/occupancy of premises shall be given to Purchaser(s) immediately at closing, subject to any leases, unless otherwise agreed by both parties in writing.
7. LEASES/TENANT SECURITY DEPOSITS: Seller(s) agrees to transfer at closing to Purchaser(s) all Seller(s)' rights under the current leases to the property and all security deposits held by Seller(s) pursuant to said leases.
8. RISK OF LOSS: Until the transfer of title, the risk of loss or damage to said premises by fire or otherwise, is assumed by the Seller(s) unless otherwise agreed in writing. Said premises shall then be in substantially the same condition as at present, excepting reasonable use and wear.
9. PRORATIONS: The following items shall be prorated as of the date of closing:
   a. Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
   b. Fuel
   c. N/A
   d. Rents
   e. Metered utilities, such as water and sewer, shall be paid by Seller(s) through the date of closing.
   f. Purchaser(s) and Seller(s) shall each pay its transfer tax as required by the State of Maine.
10. INSPECTIONS: The Purchaser(s) is encouraged to seek information from professionals regarding any specific issue of concern. Purchaser(s) acknowledges receipt of disclosure form attached hereto. The Agent makes no warranties regarding the condition, permitted use or value of the Seller's real or personal property. This Contract is subject to the following inspections, with the results being satisfactory to the Purchaser(s):

Seen and agreed to:

Rev. 3/2001

TYPE OF INSPECTION	YES	NO	RESULTS REPORTED	TYPE OF INSPECTION	Seller(s) YES	Seller(s) NO	Purchaser(s) RESULTS REPORTED
a. General Building	☒	☐	Within 21 days	g. Lead Paint	☐	☐	Within _____ days
b. Sewage Disposal	☐	☐	Within _____ days	h. Pests	☐	☐	Within _____ days
c. Water Quality	☐	☐	Within _____ days	i. ADA	☐	☐	Within _____ days
d. Radon Air Quality	☐	☐	Within _____ days	j. Wetlands	☒	☐	Within 30 days
e. Radon Water Quality	☐	☐	Within _____ days	k. Environmental Scan	☒	☐	Within 30 days
f. Asbestos Air Quality	☐	☐	Within _____ days	l. Zone Change	☒	☐	Within 90 days

The use of days is intended to mean from the effective date of this Contract. All inspections will be done by inspectors chosen and paid for by the Purchaser(s). If the result of any inspection or other condition specified herein is unsatisfactory to the Purchaser(s), in Purchaser(s) sole discretion, Purchaser(s) may declare the Contract null and void by notifying Seller(s) in writing within the specified number of days, and any earnest money shall be returned to the Purchaser(s). If the Purchaser(s) does not notify the Seller(s) that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by the Purchaser(s). In the absence of inspection(s) mentioned above, the Purchaser(s) is relying completely upon Purchaser's own opinion as to the condition of the property.

11. FINANCING: Intentionally Deleted
12. AGENCY DISCLOSURE: The Purchaser(s) and Seller(s) acknowledge that they have been informed that the Selling Licensee is acting as a Buyer's agent in this transaction and is representing the Buyer and that the Listing Licensee is acting as a Seller's agent in this transaction and is representing the Seller.
13. DEFAULT: If Purchaser(s) fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Seller shall have the option of either retaining the earnest money as full and complete liquidated damages or employing all available legal and equitable remedies. Notwithstanding any other provision of this agreement, Escrow Agent shall have the right to require written releases from both parties prior to releasing the earnest money to either party. If a dispute arises between Purchaser(s) and Seller as to the existence of a default hereunder and/or the release of the earnest money and said dispute is not resolved by the parties within (30) days, Escrow Agent may elect to file an action in interpleader and deposit the earnest money in the court to resolve said dispute, or otherwise disburse the earnest money pursuant to Maine Real Estate Commission regulations. Purchaser(s) and Seller, jointly and severally, shall indemnify Escrow Agent for all costs, losses, expenses, and damages, including reasonable attorneys' fees, incurred by Escrow Agent in connection with said action and/or in connection with any dispute relating to this Contract and/or the Deposit.
14. MEDIATION: Any dispute or claim arising out of or relating to this Contract or the premises addressed in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the closing of this transaction.
15. PRIOR STATEMENTS: Any verbal representations, statements and agreements are not valid unless contained herein. This Contract completely expresses the obligations of the parties. This is a Maine contract and shall be construed according to the laws of Maine.
16. HEIRS/ASSIGNS: This Contract is assignable ☒ Yes ☐ No. This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns (if assignment is allowed by the terms of this Contract), of the respective parties.
17. COUNTERPARTS: This Contract may be signed on any number of identical counterparts, including telefacsimile copies, with the same binding effect as if the signatures were on one instrument. Original or telefacsimilied signatures are binding.
18. BINDING CONTRACT: This Contract is a binding contract when signed by both Seller(s) and Purchaser(s) and when that fact has been communicated to all parties or to their agents. The Effective Date of the Contract is noted below. Time is of the essence of this Contract.
19. REVIEW OF LEASES AND INCOME AND EXPENSE INFORMATION: Purchaser shall have 21 days from the effective date of the Contract to review leases of the property and income and expense information regarding the property, which leases and information Seller shall make available to Purchaser at a convenient time and location. If the result of the review is unsatisfactory to Purchaser, Purchaser may declare the Contract null and void by notifying the Seller in writing within the specified number of days set forth herein, and the earnest money shall be returned to Purchaser. If Purchaser does not notify Seller that the review is unsatisfactory within the time period set forth herein, this contingency is waived by Purchaser.
20. Seller(s) and Purchaser(s) acknowledge receipt of the Maine Real Estate Commission Disclosure of Agency Relationship Form (Form #2), *if the property is, or has a component of, one to four residential dwelling units.*
21. ADDENDA: This Contract has addenda containing additional terms and conditions: YES ☐ NO ☒
22. Per the reference in Paragraph 10.1, this contract is subject to purchaser's ability to get a zone change to Residential which is satisfactory to the Purchaser for its intended use, within 90 days of the effective date of this contract.

Seen and agreed to: _____ Seller(s) _____ Purchaser(s)

A COPY OF THIS CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED. IF NOT FULLY UNDERSTOOD CONSULT AN ATTORNEY.

Seller(s) acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2 1/2% of the consideration unless the Seller(s) furnishes to the Buyer(s) a certificate by the Seller(s) stating, under penalty of perjury, that Seller(s) is/are a resident of Maine or the transfer is otherwise exempt from withholding.

Dana Potter - for — 2-20-14

Purchaser — *Date*

Avesta Housing — 01-0315296

Name/Title President — *Soc. Sec. # or Tax I.D. #*

Purchaser — *Date*

Name/Title — *Soc. Sec. # or Tax I.D. #*

The Seller(s) accepts the offer and agrees to deliver the above-mentioned property at the price and upon the terms and conditions set forth above and agrees to pay the Broker the commission for services herein according to the Listing Agreement or if there is no Listing Agreement the sum of: **10% of Sale Price.** The obligation to pay said commission or sum shall survive the closing of this transaction. Seller agrees that Broker may apply any deposit(s) received in connection with the sale of the Property toward commissions due and payable under this Agreement. If the earnest money is forfeited by Purchaser(s), it shall be evenly distributed between the Broker and the Seller(s), provided, however, that Broker's portion shall not exceed the full amount of the commission specified. In the event the Seller(s) defaults on its obligations hereunder, CBRE | The Boulos Company shall be entitled to costs of collection, including reasonable attorneys' fees.

Signed this _____ day of _____, _____. Effective date of Contract: _____, _____.

The Listing Licensee is **Mark Malone** of **Malone Commercial Brokers** (Company).
The Selling Licensee is **Dan Greenstein** of **CBRE/The Boulos Company** (Company).

Frank Dixon — 2/20/14

Seller — *Date*

Partner — 01-0428120

Name/Title — *Soc. Sec. # or Tax I.D. #*

Seller — *Date*

Name/Title — *Soc. Sec. # or Tax I.D. #*

Offer reviewed and refused on _____, _____. _____, Seller

Seen and agreed to: _____ Seller(s) _____ Purchaser(s)

telefacsimiled signatures are binding.

18. BINDING CONTRACT: This Contract is a binding contract when signed by both Seller(s) and Purchaser(s) and when that fact has been communicated to all parties or to their agents. The Effective Date of the Contract is noted below. Time is of the essence of this Contract.

19. REVIEW OF LEASES AND INCOME AND EXPENSE INFORMATION: Purchaser shall have 21 days from the effective date of the Contract to review leases of the property and income and expense information regarding the property, which leases and information Seller shall make available to Purchaser at a convenient time and location. If the result of the review is unsatisfactory to Purchaser, Purchaser may declare the Contract null and void by notifying the Seller in writing within the specified number of days set forth herein, and the earnest money shall be returned to Purchaser. If Purchaser does not notify Seller that the review is unsatisfactory within the time period set forth herein, this contingency is waived by Purchaser.

20. Seller(s) and Purchaser(s) acknowledge receipt of the Maine Real Estate Commission Disclosure of Agency Relationship Form (Form 82). *If the property is, or has a component of, one to four residential dwelling units.*

21. ADDENDA: This Contract has addenda containing additional terms and conditions: YES NO

22. For the reference in Paragraph 10.1, this contract is subject to purchaser's ability to get a zone change to Residential which is satisfactory to the Purchaser for its intended use, within 90 days of the effective date of this contract.

Seen and agreed to:

Rev
1/2001

Seller(s) Purchaser(s)

A COPY OF THIS CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED. IF NOT FULLY UNDERSTOOD CONSULT AN ATTORNEY.

Seller(s) acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2 1/2% of the consideration unless the Seller(s) furnishes to the Buyer(s) a certificate by the Seller(s) stating, under penalty of perjury, that Seller(s) is/are a resident of Maine or the transfer is otherwise exempt from withholding.

Avesta Housing

Purchaser Date

Name/Title Soc. Sec. # or Tax I.D. #

The Seller(s) accepts the offer and agrees to deliver the above-mentioned property at the price and upon the terms and conditions set forth above and agrees to pay the Broker the commission for services herein according to the Listing Agreement or if there is no Listing Agreement the sum of: 10% of Sale Price. The obligation to pay said commission or sum shall survive the closing of this transaction. Seller agrees that Broker may apply any deposit(s) received in connection with the sale of the Property toward commissions due and payable under this Agreement. If the earnest money is forfeited by Purchaser(s), it shall be evenly distributed between the Broker and the Seller(s), provided, however, that Broker's portion shall not exceed the full amount of the commission specified. In the event the Seller(s) defaults on its obligations hereunder, CBRE | The Boulos Company shall be entitled to costs of collection, including reasonable attorney's fees.

Signed this _____ day of _____, _____. Effective date of Contract: _____, _____.

The Listing Licensee is Mark Malone of Malone Commercial Brokers (Company).
The Selling Licensee is Dan Greenstein of CBRE|The Boulos Company (Company).

- Partner

Seller Date

First AMENDMENT
TO CONTRACT
For Sale of Real Estate
March 12, 2014

The Contract For Sale Of Real Estate for property located at 72 Bishop St. Portland, Maine, between William F. Dixon & Wesley Wright Jr., (Known as Seller) and Advesta Housing and/or assigns (known as Purchaser), dated 2/20/14, for valuable consideration, is amended as follows:

1. Paragraph 10 item a – General Building inspection shall be extended to expire on March 18, 2014 at 5:00 pm.

This Amendment may be signed on any number of identical counterparts, including telefax copies, with the same binding effect as if all of the signatures were on one instrument

All other terms and conditions of the Contract will remain in full force and effect.

Seen and agreed to by:

SELLER: _____ DATE 3/12/14
BY:
ITS:

_____ DATE 3/13/14
PURCHASER:
BY:
ITS:

Amendment A
To the Purchase and Sale Agreement
For Property Located at 72 Bishop Street, Portland, Maine
Purchaser: Avesta Housing and/or assigns
Dated: February 20, 2014

1. The time frame referenced in Paragraph 10 (l.) of the Purchase and Sale Agreement is hereby extended through July 21, 2014.

2. All other terms and conditions shall remain in full force and effect.

SEEN AND AGREED TO:

Purchaser — Date: 3-7-14

Seller — Date: 5/12/2014

Mitchell
&Associates
LANDSCAPE ARCHITECTS

The Staples School
70 Center Street
Portland, Maine 04101
P: 207.774.4427
F: 207.874.2460
www.mitchellassociates.biz

August 1, 2014

Ms. Helen Donaldson, Planner
and Planning Board Members
City of Portland Planning Department
389 Congress Street, 4th Floor
Portland, Maine 04101

Re: Bishop Street Apartments
72 – 78 Bishop Street
Request for Zoning Map Amendment

Dear Nell and Planning Board Members:

The following responses and supporting documentation has been prepared in response to Planning Board and staff review comments and subsequent discussions with staff. A neighborhood meeting was held on July 14, 2014 at Deering High School, required documentation was submitted under separate cover. Since our last meeting with the Board, we have had the environmental assessment and topographic survey completed. This information has been added to the concept site plan. The following are points that we understood the Board wanted further understanding of in order to assess the proposed use and map amendment request.

Preble Street Resource Services

The following is a brief summary of points that address questions raised by the Board and several neighbors during the neighborhood meeting. These include how Preble Street will manage the property, type of services provided, including outside support services. A more detailed memo prepared by Preble Street is enclosed.

- Preble Street staffing will be provided on a 24/7 basis, shifts are 8 AM to 8 PM with a minimum of 2 staff upwards of 4 during the day, 8 PM to X AM with 2 staff.

- Outside service providers, Logan Place averages one to two per day, Bishop Street may be slightly higher due the population.

- Transportation services will be provided by case managers from several partner organizations and Preble Street.

- Services provided by Preble Street include helping individuals to transition from chronic homelessness to permanent housing; independent living skills such as cooking, budgeting, meeting vocational or school goals, begin treatment for mental illness. Coordination provided with outside service providers.

- Avesta will be the landlord and provide maintenance for the facility. Security will be will be provided around the clock by on-site staff monitoring and provide support to deal with any crisis that may occur, visitors must sign in and out at the main desk. Security cameras will be strategically located and staff will monitor activity Access by visitors and service providers will be restricted to the front entry.

Proposed B2 Zone Limits

Staff requested that we evaluate the limit of the site area of 72 & 78 Bishop Street necessary to achieve the density for 30 Apartment Units and retain the balance of the parcel as R3. As we discussed, the revised B2 Zoning Standards require a new use to have an active street frontage and have a front set *back "no more than 10 feet, except that the planning board or planning authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet, provided this standard is met to the maximum extent practicable."*

This is an irregular shaped lot with 50 feet of frontage. Due to the lot configuration and access 24 wide drive requirements, the original submission placed the closest point of the building to the property line at 23.45 feet. As suggested, we looked at narrowing the access drive, where there is no parking, from 24 feet to 20 feet. This allowed shifting of the building approximately 2.83 feet toward the property line or 20.62 feet.

Of concern to Avesta is the planning board's determination of meeting the standards *"to the maximum extent practicable."* If the location will satisfy this requirement the density can be based upon 435 SF/dwelling unit or 13,050 SF of lot area. If the determination is not favorable then density is based upon 1,500 SF/dwelling unit or 45,000 SF.

The determination is important to identifying where the limit of the B2 Zone is located. We have shown both options on the concept plan for discussion with the planning board. Note: The zoning line for Option 1, based on 435 SF/dwelling unit, the zone line has been located to include the area necessary for the building program, parking and circulation or 30,000 SF +/-. The remaining area to be retained as R3 would 22,383 SF +/-. Option 2, based on the 1,500 SF/dwelling unit would require 45,000 SF retaining 7,383 SF as R3.

The Building

72 Bishop Street is designed to accommodate the permanent housing needs of 30 formerly homeless elderly individuals in a modern, multi-unit apartment structure. Each apartment designed as an efficiency type single room occupancy unit where all living, dining and sleeping accommodations are provided in a single, large living space. A large "Great Room" is provided as a shared space for all residents of the program and will include multiple areas such as sitting, living, game and small kitchen area for staff and resident interaction, which is both popular and socially engaging among this population. The Great Room is designed with a tall ceiling and extensive transparency between the indoor and outdoor social patio area. Additionally the first floor will include a semi-private TV/Den area, toilet rooms, staff office and meeting spaces, laundry room, building system support spaces, a space for visiting service providers including councilors and nurses, and a respite room to accommodate residents who need short term medical assistants. A prominent and transparent access point is provided between the end of the first floor hallway and the rear outdoor social area. The facility included six residential units on the first floor and 12 units on each of the second and third floors.

Based upon the intended first floor active space and exterior public space we believe we address the active street frontage. The constraints created by the limited frontage and shape of the lot and access requirements limit the ability to place the building closer to the street frontage. The proposed outdoor open space/seating area, pedestrian and vehicular circulation support an active functional street presence.

To finalize the location of the B2 zone line is dependent upon a positive finding that the current concept plan as shown meets the setback provision *"standard is met to the maximum extent practicable."*

Public Transit

We have identified the location of Metro bus stops within a 10 +/- minute walk of the site. The Morrill's Corner area is served by the number 2 and 3 metro bus routes. The number 2 travels along Forest Avenue and the number 3 travels along Allen and Stevens Avenue. The closest bus stop locations for the number 2 are located on either side of Forest near the Subway store. There also are inbound an out bound stops at Forest Avenue and Poland Street in front of The Park Danforth. The number 3 bus has two stops within a 5 min + walk along Stevens Avenue, The first is located in front of Aubuchon Hardware and on the opposite side of the street in front of Bogusha's Polish restaurant. The next stops occur in front of The Park Danforth and the UNE School of Dentistry. All of these stops are within a 5-10 min. walk of 72 Bishop Street.

Public safety concerns were raised along Bishop Street due to lack of public sidewalk. The proposed apartments are within 500 feet of existing public sidewalk that exist along the Bishop Street side of 844 Stevens Avenue. Avesta understands the concern and will be willing to address this during the site plan review process.

Crosswalks do exist in the Morrill's Corner intersection and we concur due to the configuration of the intersection that there are safety concerns negotiating these crosswalks within the time frame allotted by the traffic signal. That said, the inbound and outbound #2 bus at Poland Streetis easily accessible and within a 5-10 minute walk and is a safer route. This bus stop location may also be accessed via Stevens Avenue and Poland Street (The Park Danforth). There is a Stevens Avenue crosswalk located at Poland Street.

Site Selection

At the workshop meeting the planning board re\quested more detail regarding the selection of this property. Avesta will be prepared to provide more in depth discussion and information with the planning board at the scheduled August 12, 2014 workshop meeting.

Environmental Assessment

CES, Inc.; Environmental Scientist completed a wetland delineation for the property, locating limits by GPS. This information was incorporated on the boundary and topographic survey completed by Owen Haskell, Inc. A short segment of stream was identified along the south westerly property line. This segment of stream does not meet the city definition of a stream. CES is in the process of coordinating a meeting with MDEP to make a determination if it meets the MDEP definition.

We understand this area, inclusive of on-site and off-site wetlands are located in the head waters of the Capisic Brook that has been classified as an impaired watershed. Based on our discussions with you and Doug Roncarati, we understand that the Citys' MS4 storm water requirements include addressing the water quality of this watershed. Storm water management will require meeting the Chapter 500 Standards address water quality treatment. These requirements will be addressed during the Site Plan permitting process.

Based upon the updated information, the concept plan has been modified to eliminate the dumpster by incorporating a trash room within the building and relocating the outdoor activity area at the rear of the building.

Enclosed for your review:

- Preble Street Memo, prepared by Mark R. Swann
- Existing businesses and aerial map exhibit
- Metro bus service schedules, bus routes #2 & #3
- Updated Existing Conditions Plan
- Revised Concept Plan
- Concept Architectural Massing prepared by CWS Architects (Under separate cover)

Should you have any questions or have additional comments, please do not hesitate to call me. We look forward to meeting with you and the Planning Board at the August 12, 2014 workshop meeting.

Sincerely,

Mitchell & Associates

BOB METCALF

Robert B. Metcalf, Principal

Maine Licensed Landscape Architect

Enclosure

Cc Greg Payne

Ben Walter

Jon Bradley

Preble Street

Turning Hunger and Homelessness into Opportunity and Hope

Anti-Trafficking Coalition
Clinical Intervention Program
First Place
Florence House
Food Programs
Joe Kreisler Teen Shelter
Logan Place
Maine Hunger Initiative & Advocacy
Resource Center
Teen Center
Veterans Housing Services

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Mark R. Swann
Executive Director

38 Preble Street
Portland, ME 04101
207.775.0026 Phone
info@preblestreet.org
www.preblestreet.org

United Way
United Way of Greater Portland

Memo to: City of Portland Planning Board
From: Mark R. Swann
Date: August 1, 2014
Re: Zoning Changing for 72 Bishop Street

Thank you for your consideration of this important addition to the Portland community. We look forward to being a valuable and contributing neighbor on Bishop Street. We hope the information below will assist in your assessment.

We remain available to answer any questions you may have.

Staffing Requirements on site at any one time:
A minimum of two staff members will be on duty at all times, with as many as four on-site between the hours of 8 a.m. and 8 p.m. We expect to have 10 full time employees: one coordinator, one supervisor, and one team leader managing seven housing support workers. Full-time staff will be supplemented by as-needed staff to cover vacations and sick days. Management personnel will be onsite during daytime hours, and overnight shifts will have a team leader on site. Preble Street's Chief Program Officer will oversee the program, and Preble Street provides a 24-hour on-call system, staffed by a clinical manager, to address clinically challenging situations. Additional staffing will include social work, counseling, and occupational therapy interns, as well as trained volunteers.

Staff/service traffic volume:
The staff/service traffic volume at Logan Place, the first housing development of this kind in Portland, varies greatly from day to day. Service and healthcare providers make individual appointments with tenants, and there may be a dozen individuals coming to provide case management or assistance with activities of daily living or a follow up to a medical appointment in a given day. Over a two month period from May 1, 2014, through June 30, 2014, Logan Place had an average of four service workers visiting clients each day. This number is slightly inflated due to one tenant being seriously ill and requiring daily hospice visits. A typical service appointment usually lasts 60 minutes or less. These visits are spread throughout the day, sometimes into the evening. The volume at any one time of day is typically one or two, maximum. It is rare for there to be more than five cars in the Logan Place parking lot at any one time. Non-service guest visits total approximately six per day.

Potential number of outside medical providers that would visit residents, including frequency:
As noted above, the average number of outside medical visits at Logan Place, is one or two a day. At the Bishop Street facility, because the target population is individuals who are medically compromised, we anticipate this number will be slightly higher. However, we anticipate being able to mitigate this factor by engaging with a healthcare partner and having medically credentialed staff as part of the program. This will lead to increased efficiency due to coordination of visits.

Transportation options provided to residents:
Transportation is a critical part of service planning for each tenant. Case managers from several organizations including Maine Health, Catholic Charities, and Preble Street can transport individuals for shopping and assist individuals in learning to be comfortable

with available public transportation. All tenants can get bus passes. Preble Street has an account with Elite Taxi service for emergency use. Additionally, most clients in the Bishop Street building will qualify for Medicaid assistance for rides to appointments. Preble Street is working closely with Maine's new Mainecare ride contractor, Logisticare, to transport clients to scheduled medical, case management, mental health, substance abuse counseling or treatment appointments. Tenants and Preble Street staff make these arrangements, which include pick up and return after any appointment. Many tenants who are mobile will be able to walk to local convenience stores and grocers.

Services provided by Preble Street and other partners:
Preble Street provides case management services to all tenants to ensure that individuals succeed in making the transition from chronic homelessness to permanent housing. A key role of Preble Street staff is working alongside tenants to develop service plans for improving independent living skills such as cooking or budgeting, meeting vocational or school goals, or beginning treatment for mental illnesses. Preble Street staff collaborate with tenants to reach goals, and establish new ones over time, making referrals to other providers and organizations as needed to assist tenant in achieving those goals and maintaining health and stability. Outside agencies are welcome at any time to visit and work with tenants, at tenants' discretion. Many tenants routinely receive services ranging from behavioral health to personal care attendants to housekeeping assistance.

Because many long term homeless individuals need assistance with household responsibilities, such as cleaning and cooking, staff often focus on these issues, and for disabled tenants, will find resources from the community to assist with these tasks.

How the facility will be managed:
Avesta Housing provides building maintenance and is the landlord for all tenants. Preble Street staff work closely with the building manager, facilitating communication and supporting clients with maintaining stable housing.

Preble Street takes building management and security very seriously. Staff provide on-site monitoring and support to deal with any crisis that emerges and to ensure tenant safety. Each residential site has a front desk that is staffed 24 hours a day. The doors to each building are locked and visitors are required to check in at the front desk and produce identification which is copied and filed by staff. The staff member at the front desk monitors the building exterior through strategically placed cameras. The front desk is also the place where can tenants seek assistance if they have a question or concern. An intercom in each room allows tenants to contact the desk, and makes it easy for staff to check in with tenants regarding visitors.

Tenants are allowed a maximum of five overnight visits per month in accordance with public housing leases, and staff maintains a visitor log noting every guest entry and exit. Staff members do regular rounds, ensuring the security of the building and monitoring living spaces. Preble Street offers 24-hour clinical support through an on-call system staffed by managers, and staff are trained to call for medical or law enforcement support in the case of any disturbance.

Tenants at Logan Place have created a strong community, supported by staff and volunteers. Tenants at Logan Place prepare communal dinners, participate in regular house meetings to address their concerns and issues, and enjoy activities and outings such as hikes, cooking contests, and game tournaments.

BISHOP STREET APARTMENTS

72-78 Bishop Street

The following is a list of businesses located within a fifteen minute walking distance of 72 Bishop Street (see enclosed anotated aerial plan):

Stevens Avenue

- Aubuchon Hardware
- Bogusha's Polish Restaurant
- Pat's Meat Market Café
- Siano's
- The Quality Shop
- Veterans Center

Forest Avenue

- McDonald's
- Subway
- Susan's Fish & Chips
- Sunoco Food Mart
- Banadir Halal Market
- Morrill's Corner Pub
- PO Boy's & Pickles
- Starbucks Coffee
- Ginza Town
- Cumberland Farms
- Papa Johns
- African Supermarket

Allen Avenue

- Bruno's Restaurant

Warren Avenue

- Salvation Army Thrift Shop

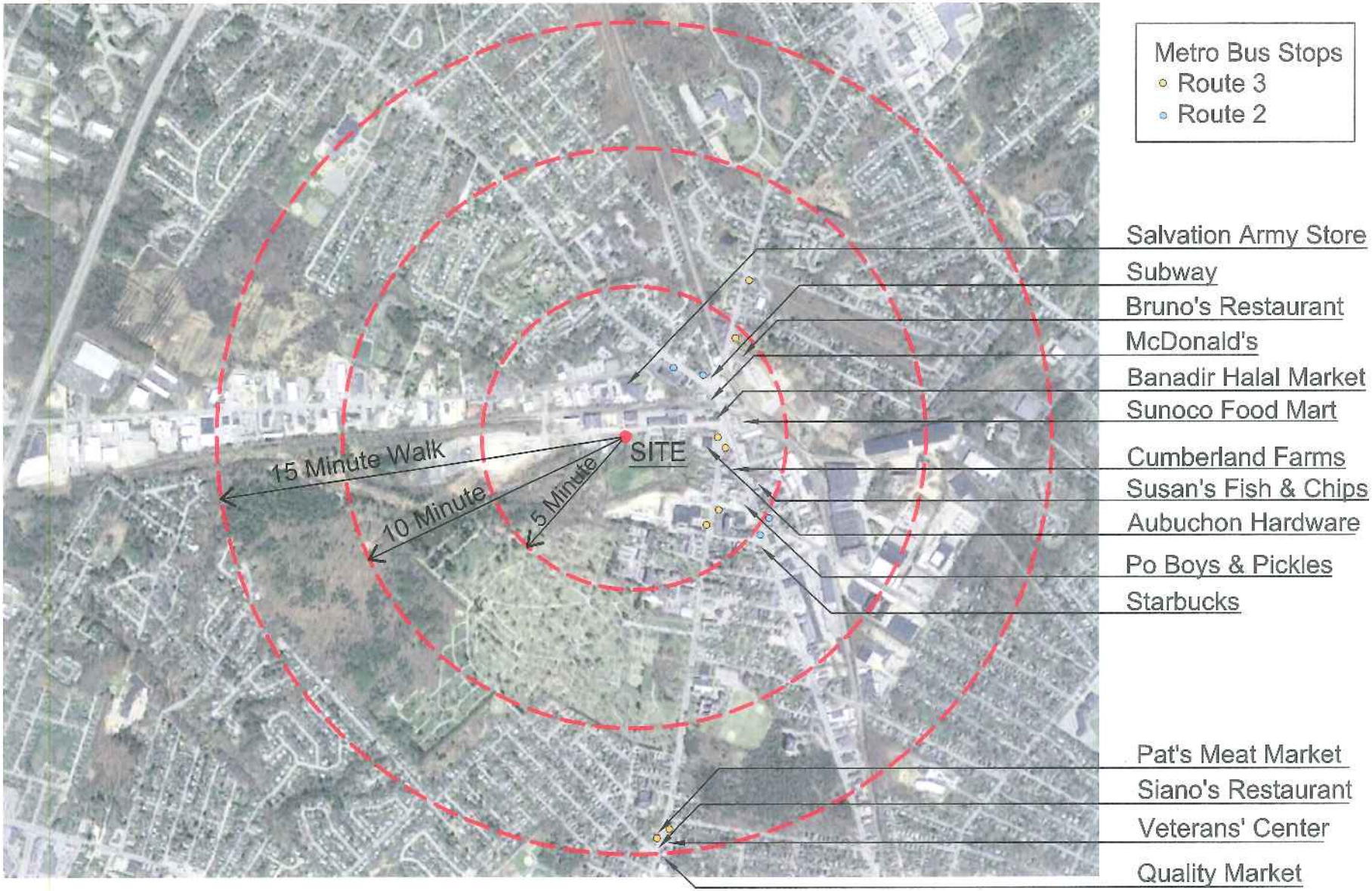
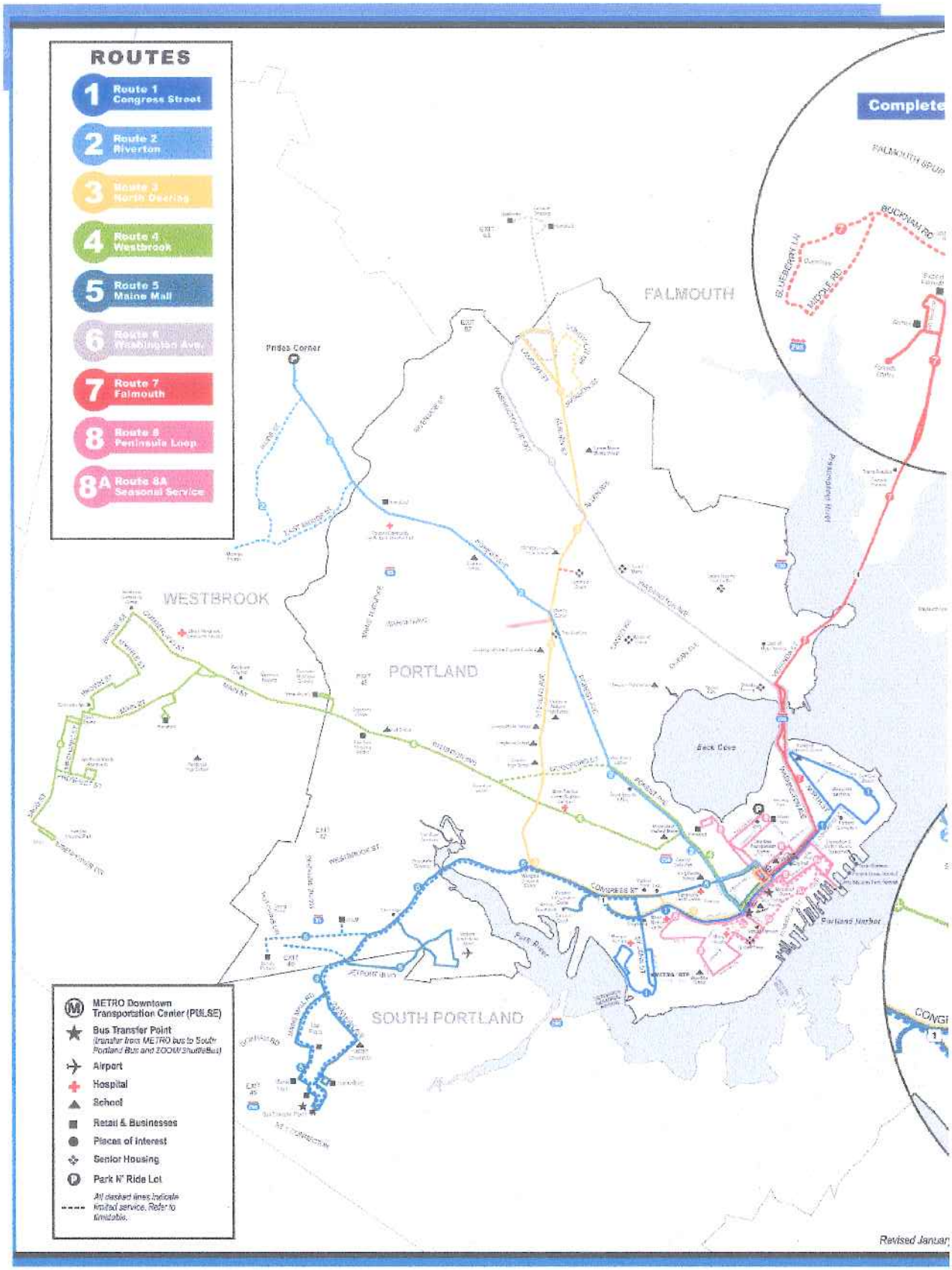


EXHIBIT A: Business Establishments and Bus Stops

July, 2014

Mitchell & Associates
LANDSCAPE ARCHITECTS

Att. H



Wednesday the 9th. 114 Valley Street Portland, ME 04102 (207) 774-0351

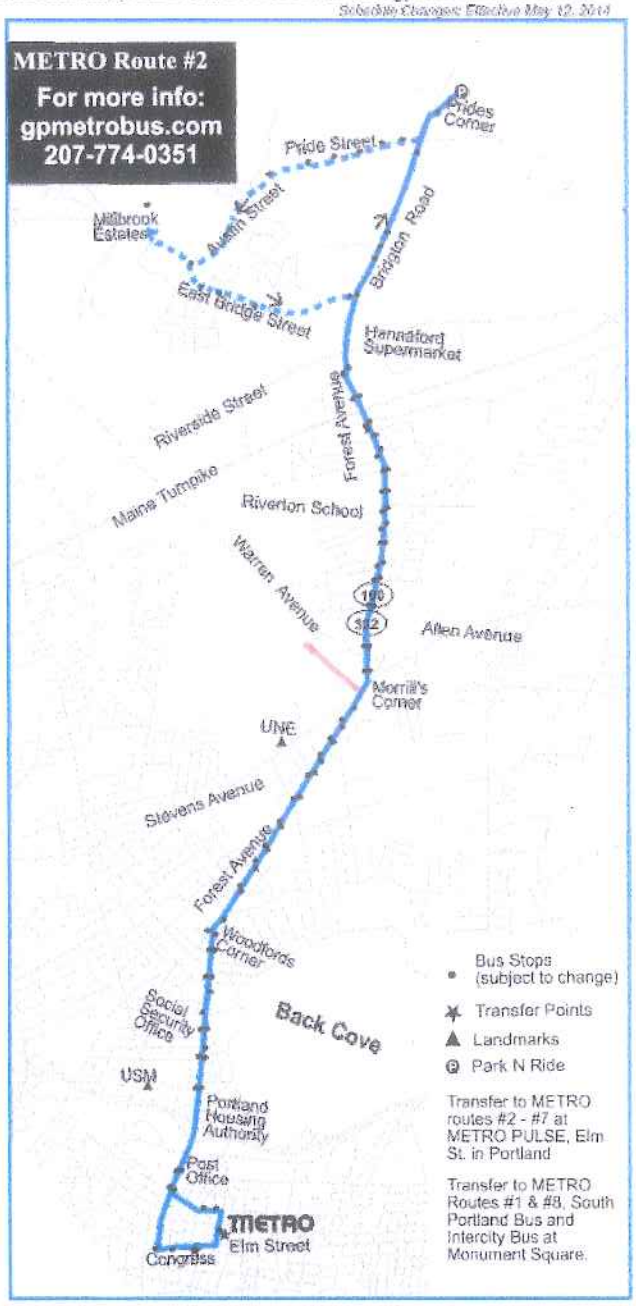
METRO Map Large

Service to Millbrook Estates on request only. (Call 774-0351).

METRO Bus travels throughout Portland, Westbrook, Falmouth and the Maine Mall area of South Portland.

Regional Monthly Passes & TenRide Tickets available along this route at METRO Pulse & Hannaford (Riverside). For fare information, please call 774-0351 or visit gpmetrobus.com

Schedule Changes: Effective May 12, 2014



Outbound Route #2 departs the METRO PULSE at Elm Street and travels to Forest Avenue, via Portland Street, with stops near USM, Portland Housing Authority, the Social Security Office and Riverton School -- heading toward the Park and Ride at Prides Corner.

Inbound METRO #2 leaves Pride's Corner and heads back to Forest Avenue, via Pride and East Bridge Street (service to Millbrook Estates by request) except where noted on schedule (F), and Congress and Elm Streets.

METRO Greater Portland Transit District

Route Maps & Schedules

Main Map

Route 1 - Congress Street (May 2014 Update)

Route 2 - Forest Ave. - Riverton (May 2014 Update)

Route 3 - North Deering

Route 4 - Westbrook

Route 5 - Maine Mall - PTC (May 2014 Update)

Route 6 - North Deering

Route 7 - Falmouth

Route 8 - Peninsula Loop

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Date

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Route 2 - Riverton (New Schedule - 5.11.14)

Click here for new schedule effective May 11, 2014.

METRO

Greater Portland Transit District

gpmetrobus.com • 207-774-0351

Schedule Changes: Effective Beginning May 12, 2014

2 Riverton

Forest Avenue

M2

MONDAY - FRIDAY

OUTBOUND Departs			INBOUND Arrives/Departs				Arrives
METRO PULSE (Elm St.)	Woodford's Corner	Morrill's Corner	Pride's Corner	Forest & Riverside	Morrill's Corner	Woodford's Corner (Dunkin' Donuts)	METRO PULSE (Elm St.)
			6:05	6:10	6:15	6:20	6:40
6:20	6:25	6:30	6:45	6:50	6:55	7:00	7:20
6:40	6:45	6:50	7:05	7:10	7:15	7:20	7:40
7:00	7:05	7:10	7:25	7:30	7:35	7:40	8:00
7:20	7:25	7:30	7:45	7:50	7:55	8:00	8:20
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11:20	11:25	11:30	11:45	11:50	11:55	12:00	12:20
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1:00	1:08	1:13	1:30	1:35	1:40	1:45	2:05
1:20	1:28	1:33	1:55	2:00	2:05	2:10	2:30
1:40	1:48	1:53	2:20	2:25	2:30	2:35	2:55
2:05	2:13	2:18	2:45	2:50	2:55	3:00	3:20
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2:55	3:03	3:08	3:35	3:40	3:45	3:50	4:10
3:20	3:28	3:33	4:00	4:05	4:10	4:15	4:35
3:45	3:53	3:58	4:25	4:30	4:35	4:40	5:00
4:10	4:18	4:23	4:50	4:55	5:00	5:05	5:25
4:35	4:43	4:48	5:15	5:20	5:25	5:30	5:50
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7:20	7:25	7:30	7:45	7:50	7:55	8:00	8:20
8:25	8:30	8:35R		8:45R	8:50	8:55	9:05
9:30**		10:00	10:08F	10:11	10:15*		10:40

SATURDAY

6:15	6:20	6:25	6:40	6:45	6:50	6:55	7:15
7:15	7:20	7:25	7:40	7:45	7:50	7:55	8:15
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7:20	7:25	7:30	7:45	7:50	7:55	8:00	8:20
8:25	8:30	8:35R		8:45R	8:50	8:55	9:05
9:30**		10:00	10:08F	10:11	10:15*		10:40

NO SUNDAY SERVICE

** - The 10:15pm bus at Morrill's Corner runs Inbound via Stevens Avenue.*

*** - Use bus 6 / 3 North Deering.*

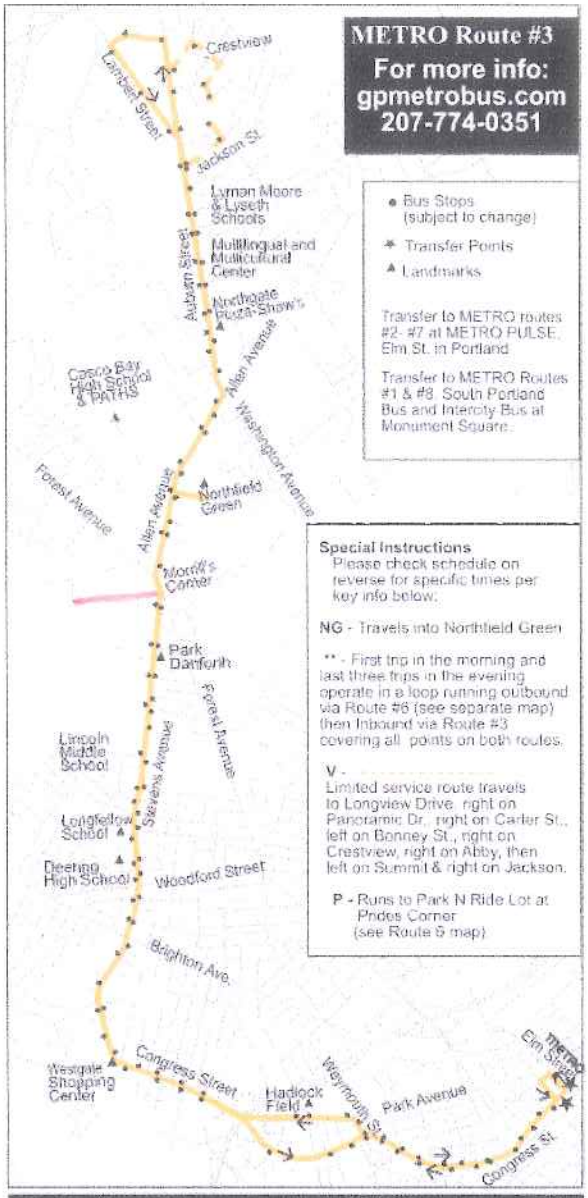
F - Return via Forest Avenue

R - Route ends at Riverside and does not service Westbrook (Prides Corner)

Check one-way section of route Inbound. Passenger will need to board Outbound bus.

South Portland Bus Service) & TenRide Tickets available along this route at: METRO PULSE, at Elm Street in Portland, Shaw's at Westgate Shopping Center and Northgate Plaza. See reverse side for Route #3 map.

Revised January 12, 2014 - schedule subject to change



A Quick Glimpse at METRO Route #3

Outbound Route #3 departs the METRO PULSE at Elm Street and travels along Congress St. via Preble Street to Weymouth and Park Avenue and Congress to Stevens Ave. to Morrill's Corner, then bears right on Allen Ave., left on Auburn St. to Washington Ave. Ext. **Inbound** Route #3 travels back to Congress Street and the METRO Pulse via Lambert St., Auburn Street, Allen Avenue and Stevens Avenue.

METRO Greater Portland Transit District

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Route Maps & Schedules

- Main Map
- Route 1 - Congress Street (May 2014 Update)
- Route 2 - Forest Ave. - Riverton (May 2014 Update)
- Route 3 - North Deering
- Route 4 - Westbrook
- Route 5 - Maine Mall - PTC (May 2014 Update)
- Route 6 - North Deering
- Route 7 - Falmouth
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Route 3 - North Deering

Click here for Route #3 schedule (to print and zoom on mobile devices.)

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Schedule Changes: Effective Beginning January 12, 2014

3 North Deering

Stevens Avenue

M3

MONDAY - FRIDAY

OUTBOUND Departs			INBOUND Arrives/Departs			Arrives
METRO PULSE (Elm St.)	Westgate	Morrill's Corner	Washington & Lambert	Morrill's Corner	Westgate	METRO PULSE (Elm St.)
5:45 **			6:15	6:20	6:30	6:45
6:20	6:35	6:40	6:55	7:00	7:10	7:30
6:55 V	7:10	7:15	7:30 V	7:35	7:45	8:10
7:30	7:45	7:50	8:06	8:10	8:20	8:45
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10:35	10:50	10:55	11:10	11:15	11:25	11:45
11:10	11:25	11:30	11:46	11:50	12:00	12:20
12:20 V	12:35	12:40	12:55 V	1:00	1:10	1:35
1:35	1:50	1:55	2:10	2:15	2:25	2:45
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5:50	6:05	6:10	6:25	6:30	6:40	7:00
6:15 **			6:45 **	6:50	7:00	7:20
7:20 **			7:50 **	7:55	8:05	8:25
8:25 **			8:55 **	9:00	9:10	9:30
9:30 **			9:50 **	10:00 P	10:20	

SATURDAY

8:15 V	8:25	8:30	8:45 V	8:50	8:55	9:20
9:15	9:25	9:30	9:45	9:50	9:55	10:20
10:15	10:25	10:30	10:45 NG	10:50	10:55	11:20
11:15	11:25	11:30	11:45	11:50	11:55	12:20
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6:15 **			6:45 **	6:50	7:00	7:20
7:20 **			7:50 **	7:55	8:05	8:25
8:25 **			8:55 **	9:00	9:10	9:30
9:30 **			9:50 **	10:00 P	10:20	

NO SUNDAY SERVICE

NG - *Via Northfield Green*

** - *Trips operate in a loop running outbound via Route 6 then inbound via Route 3 covering all points on both routes.*

V - *Runs via Crestview Acres*

P - *Runs to Park 'n Ride Lot at Prides Corner.*

(See Map for Route 6/3)

METRO Bus travels throughout Portland, Westbrook, Falmouth and the Maine Mall area of South Portland, with connections to South Portland Bus Service, Intercity ShuttleBus (with service to Biddeford, Saco and OOB), Casco Bay Lines Ferry Terminal (METRO Route #8), PTC (Amtrack/DownEaster) and Portland Jetport (METRO Route #5).

Regional Monthly Passes (for travel on METRO and

CWS ARCHITECTS

August 4, 2014

Ms. Helen Donaldson, Planner
And Planning Board Members
City of Portland Planning Department
389 Congress Street, 4th Floor
Portland, Maine 04101

Re: Bishop Street Apartments
72-78 Bishop Street
Building Mass Study Model

Dear Nell and Planning Board Members,

Per your request, CWS Architects has prepared a preliminary massing model for consideration by the planning authority during the review of the B2 zone change request.

While the general building mass and fundamental placement of the building footprint and the relationship of major components are not expected to change much, please note that this model is NOT the proposed final design with respect to details, fenestration and character. Rather it is an earl study depicting one alternative that the design and development team will use for discussions, analysis and comments and we welcome yours.

The intent of providing this model is to illustrate the following:

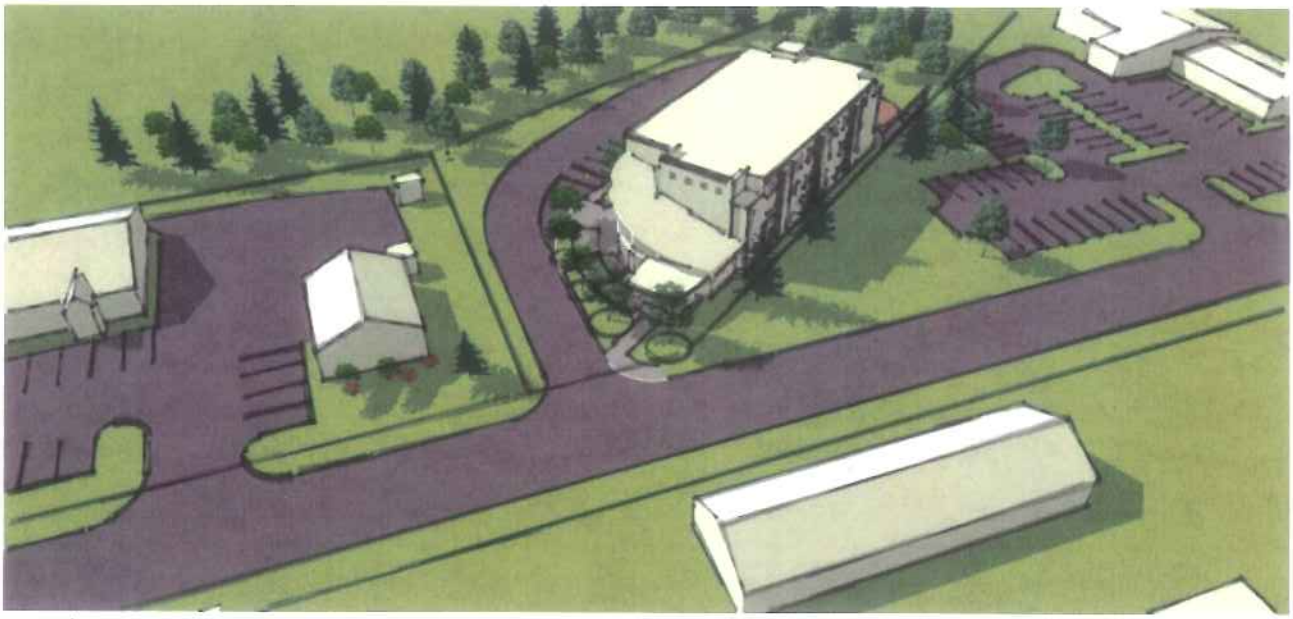
- Overall massing of the building in context of the surrounding development.
- Relationship and adjacency of the proposed entrance and common spades to the streetscape.
- Visibility and screening of the parking area from the streetscape.
- Adequacy, transparency and screening of various indoor and outdoor common spaces.

Please feel free to provide design feedback during the zone change process.

Sincerely yours,

CWS ARCHITECTS

Benedict B. Walter, AIA
President
Licensed Architect ME NH GA
bwalter@cwsarch.com

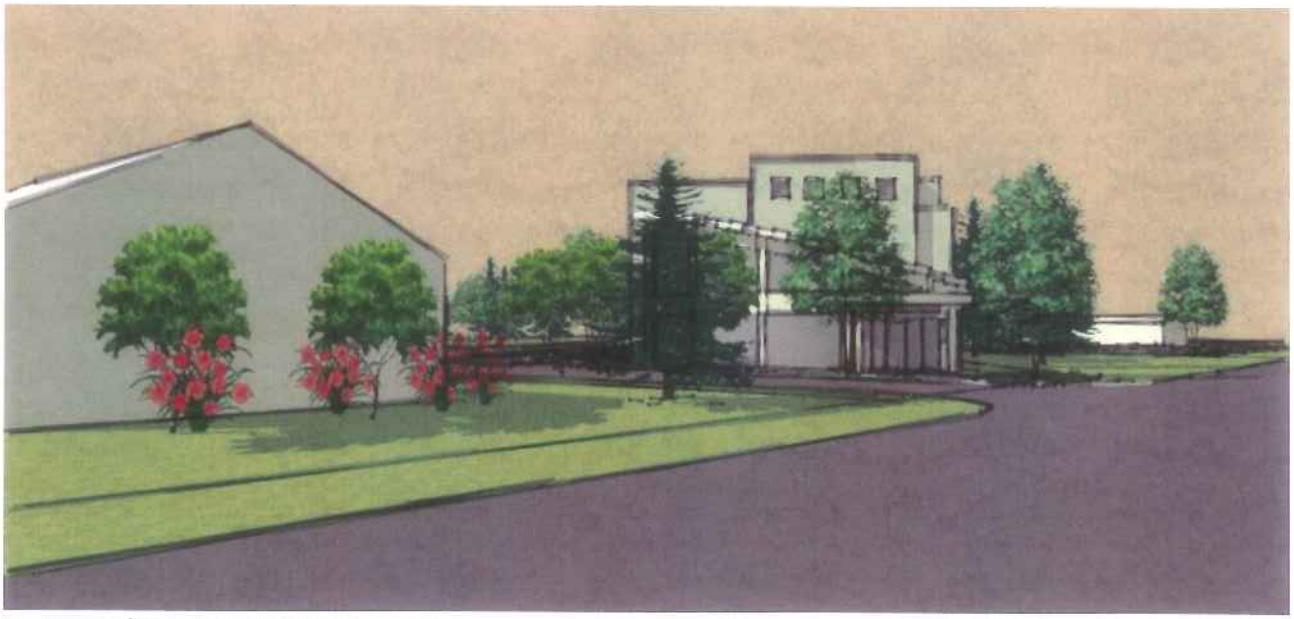


Aerial View

Aerial View

Eye Level Entry View

Aerial Entry View



Entrance from Bishop Street

Rear View

AVESTA HOUSING

July 1, 2014

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for the creation of 30 affordable apartments at 72 Bishop Street.

Meeting Location: Deering High School

Meeting Date: Monday, July 14th

Meeting Time: 5:30pm

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 Greg Payne, Avesta Housing 553-7780 x 211.

Sincerely,

Greg Payne, Development Officer
Avesta Housing

Note:

Under Section 14-32(C) and 14-524(a)d 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 plan 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

307 Cumberland Avenue • Portland, Maine 04101
207-553-7777 • 1-800-339-6516 Voice/TTY
207-553-7778 Fax • www.avestahousing.org

NeighborWorks® CHARTERED MEMBER
EQUAL HOUSING OPPORTUNITY

72 Bishop Street Neighborhood Meeting
July 14, 2014

Name	Street Address	Email Address
Janet Parker	9 Mayfield	
Joan & John Vance	393 Warren Ave	the maple@maine.rr.com
Jeff Small	29 Mayfield	Jffsmall@yahoo.com
Hutton	24 Mayfield	MHUTTON@MECA.EDU
KATHLEEN VANCE	393 WARREN AVE	THEMAPLE@MAINE.RR.COM

Neighborhood Meeting Notes
Bishop Street Apartments
Monday, July 14, 2014

Presenters: Greg Payne, Avesta Housing
Bob Metcalf, Mitchell & Associates
Jon Bradley, Preble Street
Ben Walter, CWS Architects

Also in attendance: Mindy Woerter, Avesta Housing
Mark Swann, Preble Street
Jaime McLeod, Preble Street
Six neighbors – see sign-in sheet

Meeting overview:

1. Greg Payne gave an overview of the project as including 30 efficiency apartments for chronically homeless folks with health issues, and explained the Housing First model as demonstrated at Logan Place and Florence House. He explained the need for a zoning change to accommodate the project, and that the Planning Board would make a recommendation to the City Council on that request.
2. Bob Metcalf provided an overview of the current zoning at the site and the request to change it to a B2 zone instead of the mix of zoning that is currently in place
3. Jon Bradley explained the programming and the demographics of the people to be served at Bishop Street

Questions and concerns raised by neighbors:

1. Question: Will this be a homeless shelter, like the shelter beds at Florence House?
    a. Answer: No
2. Question: If this is a residential building, why do you need a business zone?
    a. Answer: R5 does not allow the density we want, while B2 does. B2 is a mixed-use zone that includes commercial and residential, designed to integrate small business with residential.
3. Question: Did the city request the zoning change or did Avesta?
    a. Answer: Avesta is requesting the zoning change for the parcel under our control; the Planning Board staff report suggested consideration of a larger zoning change for that area
4. Question: Will this project be for UNE students?
    a. No – full-time students are not eligible for LIHTC housing
5. Question: Is this project compatible with the businesses across the street, and does it match well (will there be complaints about noise, activity)?
    a. Answer: The immediate neighbors aren't industrial businesses and shouldn't be incompatible
6. Question: Bishop Street becomes like a one-lane road as business owners park on one side of the street. What will this project do to add traffic?

    a. Answer: At Logan Place, in nine years, only one resident has had a car and staff traffic will be quite light
7. Question: How will the existing zoning change uses in the area?
    a. Answer: The city is re-evaluating the Bishop Street zoning and identifying what existing uses would be impacted by a change from an IM to a B2 zone. We're looking at changing the zoning at just the parcel currently under our control.
8. Question: Is the city looking at the zoning because of your application?
    a. The city has been examining the zoning there since Stop & Shop left and have had discussions about zone changes, and is reconsidering that issue because of this application.
9. Question: What's stopping you from building more than what you're proposing here? Could you buy more land and add 100 more apartments?
    a. Answer: Density requirements at the site, as well as our own goal of keeping the project manageable for staff, are keeping the project to under 38-40 units. It's more efficient from a program standpoint to locate several similar projects in Greater Portland.
10. Question: How many projects like this do you already have?
    a. Answer: 2
11. Question: How is this different from public housing, and how can we be sure it won't become like public housing?
    a. Answer: Public housing authorities build public housing, and we use different funding and develop different kinds of buildings.
12. Question: Is there a possibility this building will fail and you'll have to sell it in five years? Has that already happened in your business?
    a. Answer: Any housing we sell goes to other owners who will preserve it as affordable housing. Government restrictions require this project remain affordable for 45 years. But none of our LIHTC projects have failed.
13. Statement: There aren't many services located near here. It doesn't make sense to have 30 units here for people who may have mobility issues
    a. Answer: Many services will be received on site, and Preble Street staff are responsible for arranging transportation to ensure residents access off-site services they need
14. Question: How long is the residents' lease?
    a. Answer: 1 year
15. How do they pay for their housing?
    a. The housing is subsidized, so residents pay 30% of their income, and the government covers the rest
16. Is this guaranteed to stay housing, or could you turn it into something like a teen center?
    a. No, we can't do that, as it would mean evicting residents, and we're confident that our model is successful
17. Question: How does your staff handle security?
    a. Staff are there 24 hours to monitor the building and the area, and any visitors are required to sign in

18. Do tenants have to remain sober and clean? Will there be recovering alcoholics there, or people with mental illness
    a. No, they must be good tenants. If they have problems with sobriety, it becomes a tenancy issue, and we monitor them closely. Yes, there will be people dealing with alcoholism and mental illness, but we've been doing this very successfully, and we work closely with neighbors and the police to ensure there's no impact on the neighborhood.
19. Question: What about when they're out on the street – how do you monitor them?
    a. Answer: We work with the neighbors and respond to any complaints; however, we generally do not receive complaints at our other properties from neighbors. The Police Department has written a letter stating these projects have no negative impact on the neighborhood, and we don't house people unless we feel they can be safe in the neighborhood. We also run background checks and criminal checks.
20. Question: Will there be smoking in the building, or a place to smoke outside?
    a. Answer: No smoking is allowed in the building, and there will be a place outside for smokers
21. A concern was stated about safety, whether the project would lead to drug-related incidents, and about the project's compatibility with the neighborhood in consideration of the mixed results of the Spurwink facility for teens
    a. Answer: Presenters stated we work with neighbors to ensure a safe neighborhood, and that our residents tend to stay inside and won't be out on the street to cause issues. Additionally, Spurwink's program works with a very different population from ours
22. Question: How do you monitor visitors?
    a. Answer: Everyone has to be buzzed in and sign in and out. No one who has been using or is drunk is allowed in. Residents are responsible for guests, and tend to hold their guests accountable for their actions as they are invested in their home and want to remain. We're strict with guest violations and will bar them from returning if they commit offenses. Residents are only allowed a certain number of overnight guests a month.
23. Question: Does the project require DOT accommodation for transportation, or considerations for bus routes?
    a. Answer: No, however based on previous feedback we are exploring two options: adding or moving a Metro stop, or adding a sidewalk on the street.
24. Neighbors stated they'd prefer a sidewalk over a bus stop on Bishop Street, and suggested encouraging service providers not to turn left onto Bishop because of traffic issues, but rather take Warren Avenue.
25. Question: What are your landscaping requirements?
    a. Answer: We have to include trees and shrubs, as well as lighting as required by the city.
26. Question: Are pets allowed?
    a. Answer: Avesta allows cats; however, Preble Street staff work closely with residents to determine if they can handle the responsibility.

27. Question: What happens if the zoning change is approved but your project isn't built? Does the zoning revert?
    a. Answer: No
28. Why did you choose this site?
    a. Answer: The need for this kind of housing is growing, and a task force suggested building several more projects that are scattered throughout the city. We reviewed several sites, evaluated price and location, and talked to city staff, and in the end this site rose above other options. The city sees this area as changing to become more residential and agreed with us that this site is the best option available.
29. Question: How tall will the building be?
    a. Answer: Three stories
30. A statement was made that traffic concerns are the primary problem. Presenters said if the project goes through, we'll be an ally in addressing those problems
31. Concerns were raised about lighting being too bright and additional noise on the street. Presenters said most residents will be inside and won't be causing noise problems outside.
32. Question: When will elevation drawings be available?
    a. Answer: After the zoning change is approved, if it is approved.
33. Question: What will the design be like, and how much will it change?
    a. Answer: It will be good quality design that will fit with the context of the neighborhood and will last for the long term. We'll accommodate the Planning Board suggestions on design, but the footprint will not change much.
34. Question: Is there a shared kitchen?
    a. Answer: No
35. Question: Will the project devalue my property?
    a. We have no reason to believe that the project will have a negative impact on property values.
36. Question: Will there be fencing? And can it be green/natural?
    a. There will likely be some fencing, and we're happy to provide natural fencing if it's desired
37. A concern was raised about Bishop Street being a congested street, and that people on wheelchairs could be hit by cars

Neighborhood Meeting Certification

for

72 Bishop Street

I, Greg Payne, hereby certify that a neighborhood meeting relative to the above-referenced property was held on July 14, 2014 at Deering High School at 5:30pm.

I also certify that on July 2, 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 Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,

Greg Payne July 15, 2014

Attached to this certification are:

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

Hello Barbara,
I attended a neighborhood meeting last evening concerning the Avesta Housing development proposed on Bishop Street. At this meeting the presenters said there has been a study of the Morrills Corner area. They stated that this study was conducted for the development on Allen Avenue behind Bruno's restaurant which did not go forward. I would like more information about this.

I am concerned that there is a study of our neighborhood area and none of the residents are aware of it. Were the Mayfield Street residents and neighborhood part of this study? I would like a copy of this study and additional information about any planning efforts in this area.

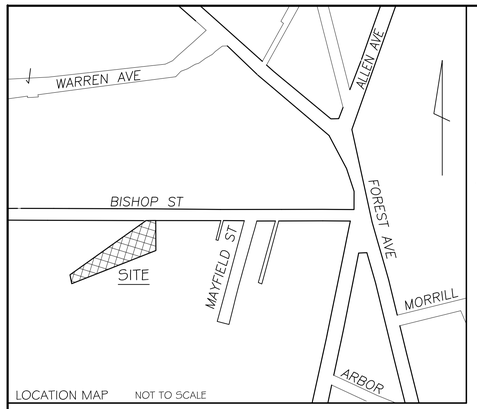
I feel like our residential neighborhood is being isolated by commercial, business and industrial uses with no concern for the history and current use as a family-friendly neighborhood. I feel that the City of Portland Planning Division and Portland Planning Board are making plans for our neighborhood without the input of and respect for those who live there. Several of us have discussed the changes on Bishop Street and the adverse effect on our residential street. My personal concerns are with the Taxi business which is very loud with unsafe driving associated with it, the Spurwink children with many concerns, and the industrial zoning applied over our residential neighborhood (Mayfield Street should be a residential zone all the way from Bishop Street to the dead end).

How do we go about assuring that our voice is heard concerning the future of our neighborhood? Do we need to create a Neighborhood Association for formal recognition? How do we go about that? Who is our City Councilor and are they the proper person to work with? I am unsure as to how to proceed with my concerns.

Please send me information about any planning efforts for our area or the surrounding areas: reports, studies, workshops, plans, etc. Also, please include us in any planning meetings, workshops, etc. Information can be sent to my home: 9 Mayfield Street, Portland, 04103, or e-mail at this address or my home e-mail of jpparker2011@gmail.com.

I appreciate the opportunity to work with the City to create a more livable environment for all residents.
Thank you very much,
Janet

Janet Parker, CFM
Maine Floodplain Management Program
Maine Department of Agriculture, Conservation and Forestry
17 Elkins Lane, Williams Building
93 State House Station
Augusta, Maine, 04333-0038
207-287-9981 office phone
janet.parker@maine.gov



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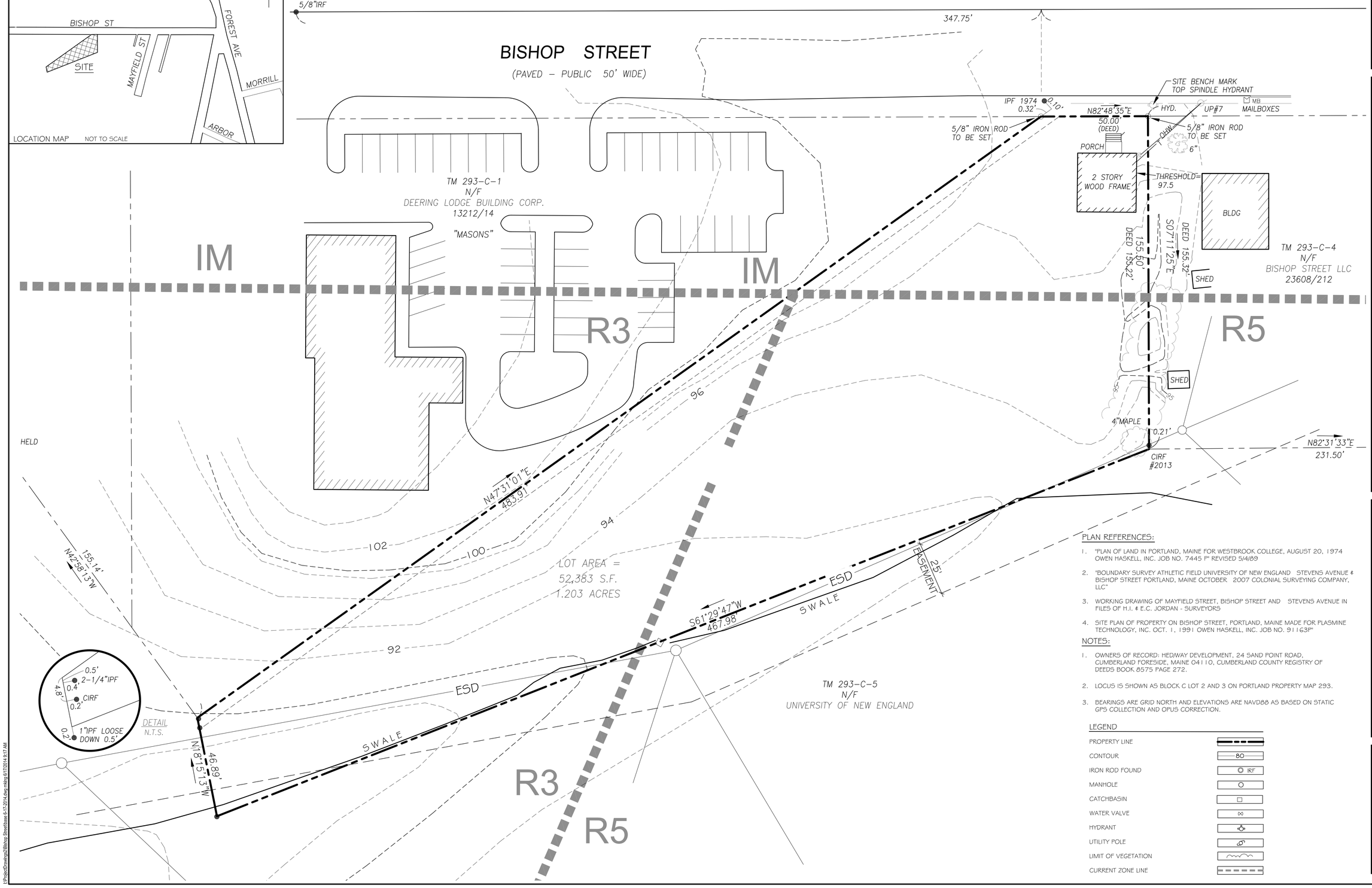

PLAN REFERENCES:

1. "PLAN OF LAND IN PORTLAND, MAINE FOR WESTBROOK COLLEGE, AUGUST 20, 1974 OWEN HASKELL, INC. JOB NO. 7445 F" REVISED 5/4/89
2. "BOUNDARY SURVEY ATHLETIC FIELD UNIVERSITY OF NEW ENGLAND STEVENS AVENUE & BISHOP STREET PORTLAND, MAINE OCTOBER 2007 COLONIAL SURVEYING COMPANY, LLC"
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NOTES:

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3. BEARINGS ARE GRID NORTH AND ELEVATIONS ARE NAVD88 AS BASED ON STATIC GPS COLLECTION AND OPUS CORRECTION.

LEGEND

PROPERTY LINE	
CONTOUR	80
IRON ROD FOUND	IRF
MANHOLE	
CATCHBASIN	
WATER VALVE	
HYDRANT	
UTILITY POLE	
LIMIT OF VEGETATION	
CURRENT ZONE LINE	

Prepared For:

Owner/Applicant:

AVESTA BISHOP STREET LP
307 Cumberland Avenue
Portland, Maine 04101
Tel.: 207-553-7777

Prepared By:

MITCHELL & ASSOCIATES
Landscape Architects
The Staples School
70 Center Street
Portland, Maine 04101
Tel.: 207-774-4427

72 BISHOP STREET

Bishop Street — Portland, Maine

Date: June 17, 2014

Issued For:

Revisions:

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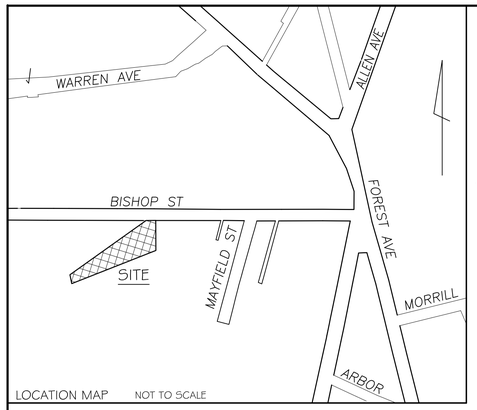

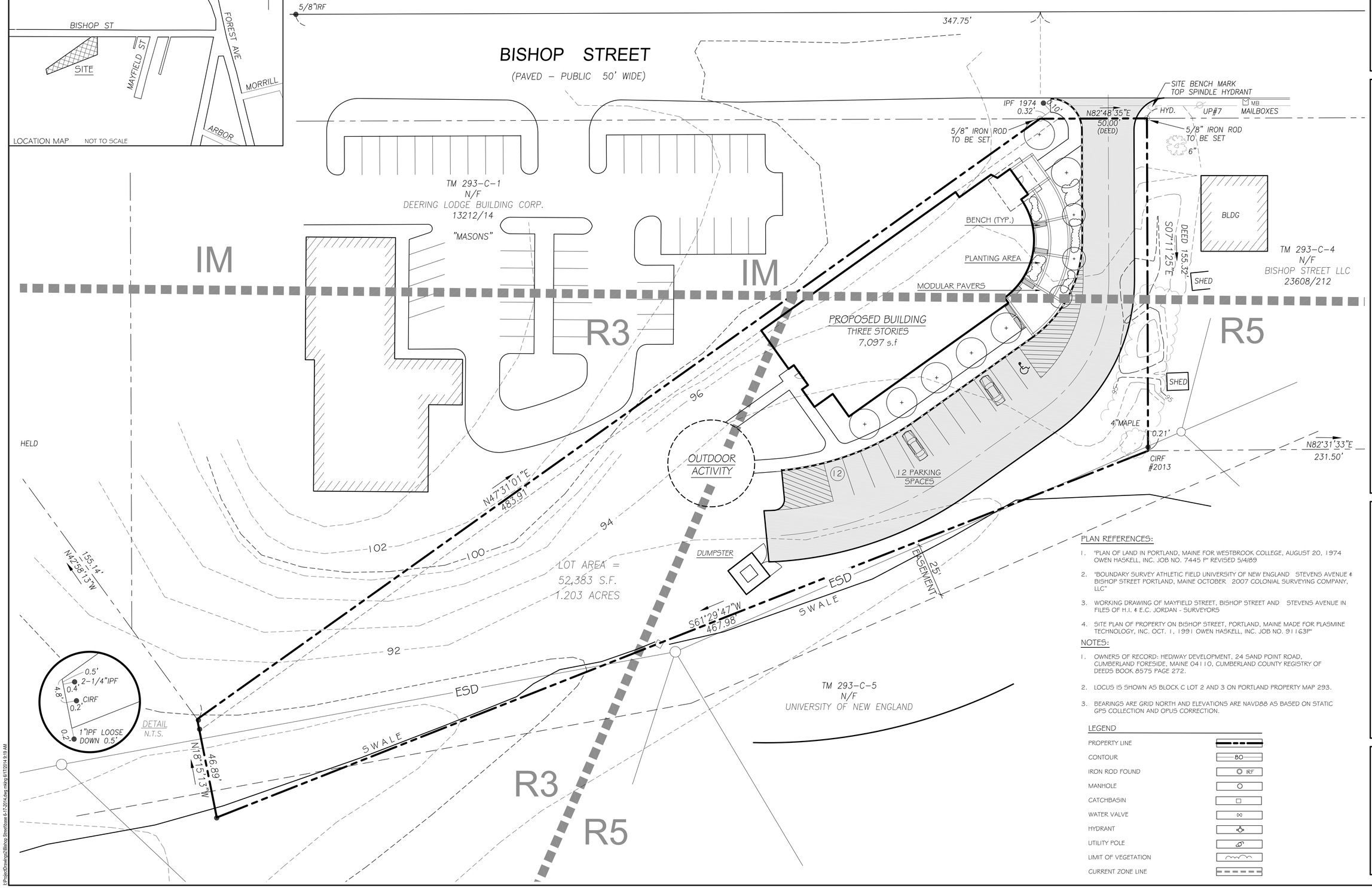

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IRON ROD FOUND	IRF
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UTILITY POLE	
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BISHOP STREET CONTEXT MAP

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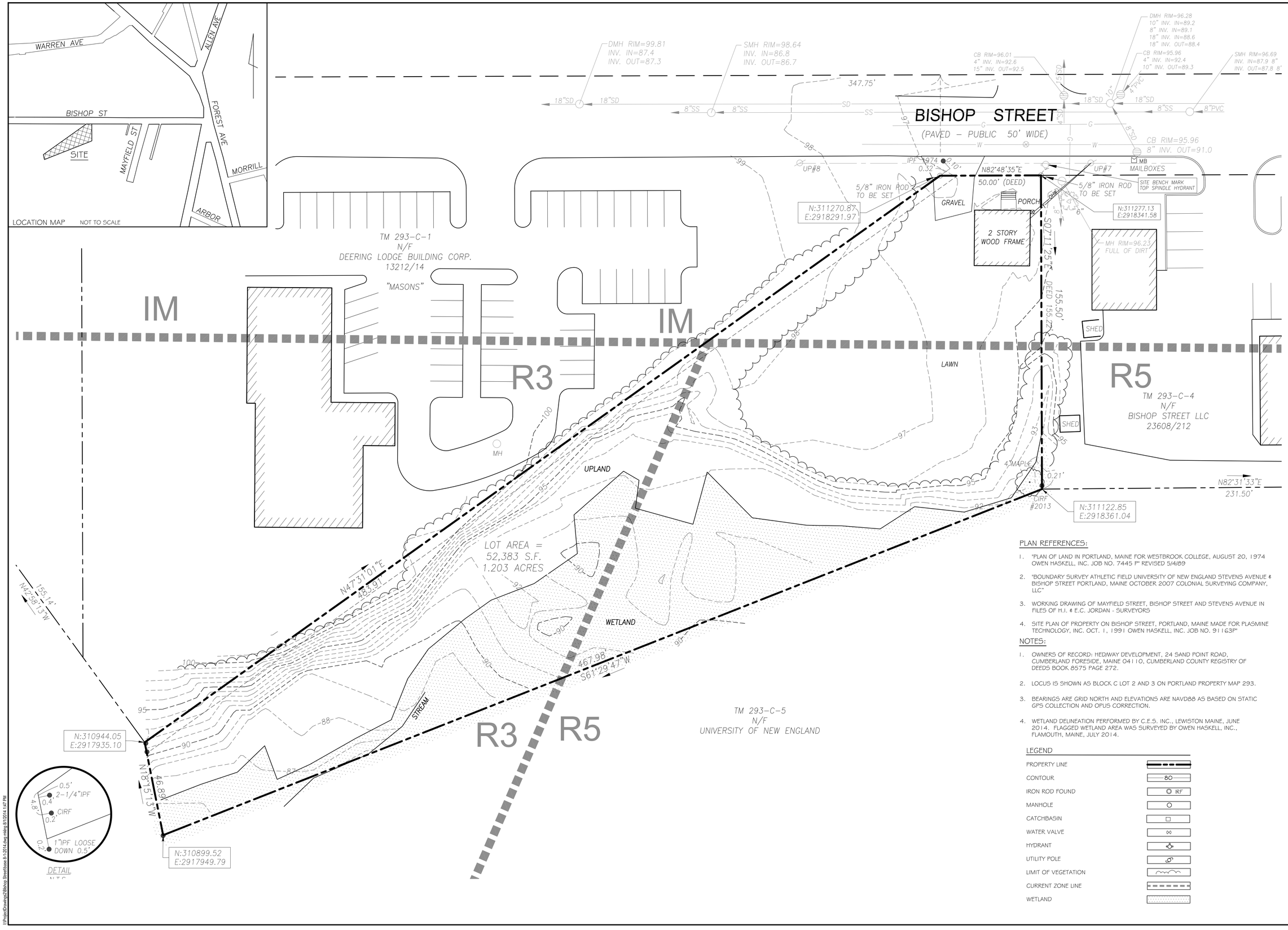

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3. BEARINGS ARE GRID NORTH AND ELEVATIONS ARE NAVD88 AS BASED ON STATIC GPS COLLECTION AND OPUS CORRECTION.
4. WETLAND DELINEATION PERFORMED BY C.E.S. INC., LEWISTON MAINE, JUNE 2014. FLAGGED WETLAND AREA WAS SURVEYED BY OWEN HASKELL, INC., FLAMOUTH, MAINE, JULY 2014.

LEGEND

- PROPERTY LINE
- CONTOUR
- IRON ROD FOUND
- MANHOLE
- CATCHBASIN
- WATER VALVE
- HYDRANT
- UTILITY POLE
- LIMIT OF VEGETATION
- CURRENT ZONE LINE
- WETLAND

Date: June 17, 2014

Issued For: Map Amendment

Revisions:
8-1-2014: Map Amendment Application

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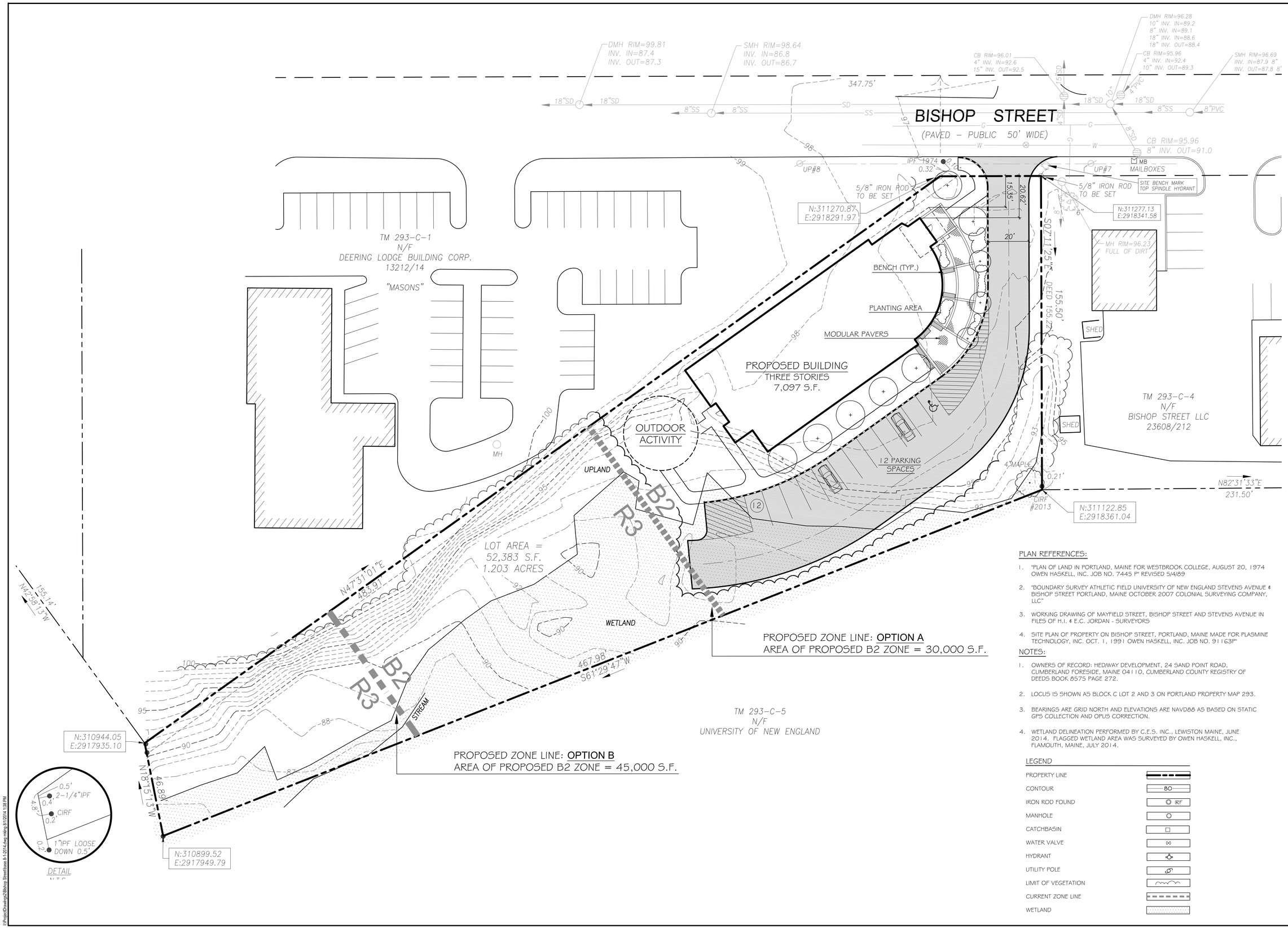

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72 BISHOP STREET

Bishop Street

Portland, Maine

Date:
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Map Amendment

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8-1-2014: Map Amendment Application

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Memorandum
Planning and Urban Development Department
Planning Division

To: Stuart O'Brien, Chair and Members of the Portland Planning Board
From: Shukria Wiar, Planner
Date: Thursday, August 7, 2014
Re: Text Amendment; 899 Riverside Street; City of Portland
Project #: 2012-108 CBL: 326 B004002
Meeting Date: August 12, 2014

I. INTRODUCTION

Spurwink Services has requested a text change to the City Ordinance to allow intermediate care facility as an allowable use in the moderate impact Industrial Zones (IM, I-Ma and I-Mb). The amendment requested is to section *14-247 Permitted Uses* (IM, I-Ma and I-Mb Zones) and they request that "Intermediate care-facility for not more than twenty-six (26) persons plus staff" be added to the list of permitted uses as a new section *(y)* (Attachment A). The applicant is also proposing a text amendment to *Section 14-47 Definitions* to clarify the definition of intermediate care facility in the City Ordinance.

The applicant seeks the amendment as it would allow Spurwink Services to use one of the existing buildings on the campus at 899 Riverside Street to be renovated for the use as an intermediate care facility. This building has been identified by the applicant as suitable for conversion from office space to intermediate care facility home.

Intermediate care facilities are not permitted in the industrial zones. They are permitted uses in the B-2, B2-b and B-2c zones and conditional use in R-1, R-2, R-3, R-5 and R-6 zones.

This is the second Planning Board workshop for this project; the first meeting was held on July 22, 2014. At the first workshop, the Board expressed concerns with adding the use of intermediate care facility in the IM zone. The Board questioned whether this text amendment would remove land available for the industrial uses in the zone. The Board expressed the importance of having land area in Portland specific for industrial uses and requested more information on potential impacts. It was also understood that Spurwink Services is an establishment that has been there since the 1950's and before the current zoning. With the Planning Board concerns in mind, the planning staff proposed a revised text amendment language that is more narrowly crafted to suit the unique circumstances of this property and similarly situated properties without promoting larger conversions from industrial to institutional use in this zone.

II. PROJECT DATA

Current Zoning: Moderate Impact Industrial (I-M)

Current Uses: There are three separate structures on the property: one is used as eight-bed residence and two are originally built as residences currently used for Spurwink office spaces.

Proposed Uses: The overall mix of uses to stay the same but intent is to permit the conversion of a formerly residential building now used as administrative offices to a residential accommodation meeting the definition of intermediate care facility with a larger number of clients (up to 26 clients plus staff) for the site.

Land Area: 3.28 acres

III. BACKGROUND AND EXISTING INFORMATION

Spurwink Services is a social service agency that serves the needs of children and adults with mental health concerns. They provide day-to-day services, education, as well as residential treatment in many locations and settings.

Spurwink Services campus is located at 899 Riverside Street in the I-M zone. The campus consists of three building structures. Two of the structures, Smith House and Kaufman House, house the offices for the professional staff including senior management, finance, and development functions. The third building on the campus, Sue Wright House, is currently used as an eight-bed residence for students (plus staff) at the Baxter School for the Deaf. This is a lawful, non-conforming use of the building.

The offices that are housed on campus will be relocating to the converted office space within the former Rainbow Mall building on Washington Avenue. The applicant intends to convert one of the buildings used for office space to the proposed intermediate care facility use; thus the applicant is requesting the text amendment.

Spurwick Services bought the Riverside Street parcel in the 1950's after Scarborough rejected them. The property was the first home for boys in Maine. It was licensed for eight clients. The bowling alley property was part of the original parcel. This property was the recreation facilities for the entity. In the late 1960's, the Kaufman House became the residence for the Director. Smith House was also a residence at the time. It was later when both of the Houses were converted to office spaces for the organization. These structures are still used as management office spaces, while Sue Wright House is used as resident treatment.

According to the applicant, this site is the prime location for the intermediate care facility

> *Because Spurwink Services supports families from the larger Cumberland County community, this location, its proximity to primary arterials and connector streets will provide greater accessibility to families, caregivers and State agency representatives that will travel to see clients cared for at the facility.*

Please refer to the applicant's cover letter (Attachment A) for the reasons they are seeking to convert this site for an intermediate care facility for their clients.

IV. EXISTING ZONING

A zoning chart that contains the purpose statement and permitted uses of the I-M Zone is included as Attachment 4. The residential zones and the B-2 zone, which allow intermediate care facilities as either a permitted or conditional use under the institutional use category are listed in the chart as well (Attachment 4). Please note that at the last workshop the staff indicated that the intermediate care facilities were limited to 13 persons in the residential zones, but in fact, the provisions is for intermediate care facilities with 13 or more persons.

V. ZONING TEXT AMENDMENT PROPOSAL

a. Policy Background

In researching this and other proposed changes to the industrial zones, we have come across an article from the APA Journal, *Making Room for Manufacturing: Understanding Industrial Land Conversion in Cities* (Attachment 1) that assesses the vulnerability of urban industrial land to conversion by higher value uses, and the need to balance land use policy to strategically reserve appropriate industrial land for future enterprises based on the economic development priorities and plans for the community. Further, a recent report by The Dunham Group, *Greater Portland: Industrial Market Review & 2014 Forecast* (Attachment 2) reveals a relatively low regional and local vacancy rate for industrial buildings (5.3% region, 8.2% Portland). Conversations with our Economic Development Department reinforce that the absorption rate for industrial properties is slow in Portland, that our existing building stock is in need of upgrade investment to bring it to modern standards, and that one or two large and difficult to reuse vacant structures has skewed the local vacancy rate upward. The recommendation of the Economic Development Department is in support of the Spurwink reuse proposal with the caveat that any amendment to the IM zone be crafted to avoid a large scale conversion of industrially suitable land and buildings to institutional or other non-industrial use. Nelle Hanig, Economic Development, has submitted a memo presenting the department's position, which is included as Attachment 3.

b. Adding Intermediate Care Facility in the I-M Zone

Due to the above considerations and Planning Board concerns expressed in the first workshop, the planning staff is recommending a more narrow definition that is specific to the property and limits the impact of the proposed Spurwink Services amendment on the availability of industrial property in the IM zone. Two options have been drafted. Both the Planning staff and the applicant find the either option to be acceptable, but prefer the first version for its clarity. The staff is seeking the Board's guidance on the proposal. The first option is to amend the paragraph Section 14-247 Permitted Uses of the IM zone to add subparagraph y, intermediate care facility as follows:

Staff and Applicant Recommended Version

> (y) Intermediate care facilities on any property with existing structures provided they were not designed constructed or used for any amusement, industrial, warehouse or manufacturing use on [date of enactment] or thereafter. Properties with such structures may be reused and expanded to establish an intermediate care facility for no more than 30 persons plus staff.

Another approach considered in preparing for this workshop would further limit the applicability of the amendment to reflect the fact that this property has a long history of use by Spurwink, and that their occupancy and use should be acknowledged and allowed to respond to changes and trends in the service programs they administer. This approach is reflected in the following alternative text amendment:

Alternate Version

> (y) Intermediate Care Facilities, if located within an existing property occupied by an entity which provides such services in existence as of [date of enactment]. Such property may be reused or expanded to establish an intermediate care facility housing no more than 30 persons plus staff.

After considering both versions, the staff and applicant are recommending the first amendment pertaining to use of non-industrial properties. That version could apply to properties other than Spurwink's, but is still carefully limited to avoid significant loss of usable industrial properties to institutional uses.

Please note that the proposed amendments retain a cap on the number of persons, but it is now raised to 30. At the last workshop, the Board did explore whether a numerical cap is needed. The applicant has indicated that they would not exceed the proposed number and again it is retained to avoid a significant loss of industrial properties.

c. Definition of Intermediate Care Facility
The applicant is also proposing to clarify the definition of intermediate care facility in Section 14-47 Definitions to be consistent with State's definition. The underline text is the language that the applicant is adding to the existing definition and it includes the staff recommendation to add the phrase or equivalent in order to adapt to possible future changes in terminology at the state level:

> Intermediate care facility*:* A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and services above the level of room and board. Said facility must be licensed as a board care, Residential Care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

VI. ZONING POLICY ANALYSIS

The purpose of the I-M modest impact industrial zone (Section 14-26) is as follows:

> *The moderate impact industrial zones are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist.*
>
> *The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.*
>
> *The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure.*

Some of the permitted uses in the zones that are similar to the proposed use are day care facilities, correctional prerelease facilities, and general, business and professional offices. The moderate impact industrial zones are located on or near arterial ways and therefore protecting residential neighborhoods from drive through traffic and noise. According the applicant, one of the reasons that the intermediate care facility will work in these zones, is that the such facilities requires a staff set-up that demand 24-hour care. Due to this demand, the shift changes that bring in traffic at all times, the facility is brightly lit for security reasons, and there is a consistent volume of traffic from the families, friend, medical professionals and state agency staff. The placement of the facility on an arterial is important due to these frequent visitations and the fact that the facility serves the larger region. Existing residential neighborhoods will not be impacted significantly by siting this facility in this IM location.

.Intermediate care facilities are currently not permitted in the industrial zones. They are permitted uses in the B-2, B2-b and B-2c zones and conditional use in R-1, R-2, R-3, R-5 and R-6 zones. In the business zones, there is number of clients stated and in the residential zones it states that the intermediate care facilities are for 13 or more persons. The proposal for IM suggests capping the clients at thirty (30) plus staff.

Planning staff has considered whether this text amendment should also be applied to the I-L zones. After research, there are very limited areas of I-L zones in the City which are located along arterials and have large lots, and the locations are of a smaller scale. There are more extensive areas zoned I-M.

The proposed text amendment for the definition of intermediate care facility aligns the City's definition with the State definition.

VII. COMPREHENSIVE PLAN ANALYSIS

Matthew Winch, Principal Architect with Garrison Consulting, provided the applicant's assessment of the proposed text amendments and consistency with Portland's Comprehensive Plan (Attachment C). Mr. Winch cites relevant goals and polices from the following components of Portland Comprehensive Plan:

Housing: Sustaining Portland's Future; and
Portland Industry and Commerce Plan

In addition to the analysis provided by the applicant, the staff cites additional applicable policies below and the Economic Development Department has submitted comments that are contained in Attachment 3. Volume 1 of the Portland Comprehensive Plan includes references to all Portland strategic plans compiled as components of the comprehensive plan and how each addressees the state Growth Management Goals. Goals and policies of both the state and the city, as described in the strategic plans that comprise the Portland Comprehensive Plan, which are relevant to the proposed map amendment have been included below:

STATE GOAL C. To promote an economic climate that increases job opportunities and overall economic well-being;

The introduction to this goal cites the *Portland Neighborhood Economic Development Study*, among other plans. Specific strategies to achieve the above goal that pertain to this text amendment proposal include the following:

PORTLAND INDUSTRIAL AND COMMERCE PLAN - 1944

Goals

- *Strengthen and Diversify the Economic Base*
  - *create a variety of job opportunities for the full spectrum of the labor pool which:*
    - *are appropriate to our current and potential skills*
    - *provide good pay and benefits- a living wage*
    - *are rewarding/ satisfying*
  - *create a strong industrial base which is beneficial to the community*
- *Revise Zoning*
  - *protect neighboring residential zones*
  - *adopt clear, predictable, and enforceable regulations*
  - *promote compatible development within industrial districts*
  - *create thoughtful flexibility for emerging industries*

STATE GOAL D. To encourage and promote affordable, decent housing opportunities for all Maine citizens:

The introduction to this goal cites the *Housing, Sustaining Portland's Future*, among other plans. Specific strategies to achieve the above goal that may pertain to this text amendment proposal include the following:

Goals

- *Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.*

- *Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.*

Policies

- *Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.*

- *While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.*

The introduction to this goal cites the *Regulation of Institutional Uses in the Residential Zones - 1983*, among other plans. Specific strategies to achieve the above goal that may pertain to this text amendment proposal include the following:

Goals

- *Reasonable expansion of existing institutions should be accommodated, but effective use of existing lot area should be required.*

- *For both new development and expansion of existing institutions, the displacement or conversion of existing dwelling should be avoided, and an institutional development proposal that causes significant residential displacement should be cause for denial of conditional use approval.*

Housing is not a permitted use in the City's industrial zones; however, intermediate care facilities are considered institutional use. Permitting this text amendment will allow this intuitional use to operate in the I-M zone district, which is centrally located for the region and along major arterials. This in turn will preserve the residential neighborhoods from institutional encroachment and traffic impacts. The Comprehensive Plan encourages institutional development in non-residential zones within the City, as seem in the above goals. This proposed development is effective use of the existing lot area. The site in question is a compatible location for this type of institutional residence.

VIII. PUBLIC COMMENT

No public comment has been submitted to the Planning Authority concerning this proposal.

IX. NEXT STEPS

- The applicant is not required to hold a Neighborhood Meeting in respect of the text amendment.

- The applicant will need to address the Planning Board comments and return to the Board for Hearing. The request would then proceed to the City Council with the Planning Board's recommendation.

ATTACHMENTS:

1. *Making Room for Manufacturing: Understanding Industrial Land Conversion in Cities*; Journal of the American Planning Association; Volume 79, Number 4, Autumn 2013;
2. *Greater Portland: Industrial Market Review & 2014 Forecast;* Lamontagne, Justin; NAI The Dunham Group; Presentation Outline (not dated)
3. Greg Mitchell, Economic Development Director, dated 08.07.2014
4. Zoning Chart

Public comments (none at the time PB Memo completed)

Applicant's Submittal

A. Planning Board Narrative/ Coverletter
B. Application
C. Text Amendment Narrative/ Comprehensive Plan Assessment
D. Right, Title and Interest
E. Zoning Map

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Making Room for Manufacturing

Understanding Industrial Land Conversion in Cities

Thomas W. Lester, Nikhil Kaza, and Sarah Kirk

Problem, research strategy, and findings: Planners face tension when dealing with the stock of urban industrial land: Should they enact industrial land preservation policies to protect viable manufacturers that provide good jobs even if it exacerbates the problem of affordable housing and causes cities to forgo growth in other sectors? Planners need better information on the underlying forces that lead to conversion of industrial land and an assessment of the effectiveness of preservation policies. We develop here an index of vulnerability of industrial land that is based on location factors, neighborhood dynamics, detailed industrial trends, environmental hazards, and local regulations. We show how these factors can explain the probability of the conversion of industrial land to other uses in Cook County (IL) and Mecklenburg County (NC) and describe how various industrial preservation polices are effective in limiting conversion.

Takeaway for practice: Cities can use this index to strategically plan for industries to target and sites to preserve as industrial uses. Traditional planning and regulatory tools such as industrial zone designations do reduce conversion risk, while factors such as transit accessibility increase the probability of conversion. We argue that local governments should be strategic about which manufacturing industries can be preserved at what locations using these tools. We also develop and demonstrate an open source, interactive, web-based tool that demonstrates some of the key concepts that can be replicated in other places.

Keywords: industrial land preservation, manufacturing, land use policy, economic development

The restructuring of urban economies away from manufacturing and toward services results in highly bifurcated labor markets that generate few moderate-income jobs for blue-collar workers. In addition, the growth of high technology and skilled service sector jobs in cities has generated new demand for urban living, driving up housing prices. Thus there is pressure to convert scarce urban land from industrial uses for either new housing or commercial uses. In some cities, planners have attempted to slow this transition by promoting industrial preservation policies that aim to retain a small but vital stock of blue-collar jobs in manufacturing. However, industrial preservation generates clear tradeoffs for local jurisdictions in the form of potentially forgone taxes and less space for housing. As the dual problems of labor market inequality and rising housing prices grow—especially in strong market cities like San Francisco, Portland (OR), and New York—the question of how much industrial land should be preserved will continue to vex planners. While the zoning tools for industrial preservation have been used since the late 1980s, we still know little about their effectiveness, nor much about the factors that drive conversion of industrial land in the first place.

We developed a model to predict the probability of land use change away from industrial uses. We find that industrial zone designations in plans and regulations do reduce the probability of conversion. We also offer an example of how such a model can be used to develop smart industrial preservation policies that target only the land that is most competitive for current industry needs.

Motivation and Research Questions

While the debate about industrial land preservation has waxed and waned over the past 30 years, several recent trends have put the issue back on planners' agendas. First, there is growing discussion nationally of the return of

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manufacturing as higher labor costs abroad, a weak dollar, and strong demand have improved the competitiveness of the United States as a production location. Indeed, manufacturing employment has grown by 729,000 jobs since the start of the recovery and exports of manufactured products have increased by 47% since 2009.[1] What is also surprising is the geographic imprint of this growth, with former Rust Belt states such as Michigan, Illinois, and Wisconsin taking part in this recovery along with growing states like North Carolina. While researchers continue to debate the magnitude and potential of the resurgence of U.S. manufacturing (Florida, 2013), some economic development planners are placing renewed emphasis on manufacturing and wondering if urban areas have enough available industrial land to gain from this turnaround (e.g., City of San Francisco Planning Commission, 2014).

The second trend that makes industrial land preservation a controversial issue is the increased demand for urban living. During the 1990s and 2000s, many large central cities experienced a resurgence of population and jobs based primarily on the growth of high technology and skilled service sector jobs that in turn generated a high number of entertainment and consumption-based jobs in and around industrial neighborhoods (Wyly & Hammel, 1999). The gentrification of urban neighborhoods that began in the 1980s and continued during the 2000s created pressure to convert industrial land to residential or commercial uses (Zukin, 1982).

One example from practice illustrates the tension cities face in attempting to preserve industrial land while also attempting to encourage expansion of space for growing sectors of the economy such as the high technology office. San Francisco's planning commission is currently debating a proposal to modify the strict zoning requirements for production, distribution, and repair (PDR) activities established in the Eastern Neighborhoods Plan in 2008. Originally, all office and retail developments were banned in core PDR districts to protect manufacturing and related enterprises from rapidly rising rents. In March of 2014, the commission considered a proposal to allow vacant and marginally occupied buildings in PDR districts to be redeveloped into properties that contained up to 66% non-PDR commercial space. This change would explicitly create an internal cross-subsidy between higher-rent office and retail spaces and lower-rent PDR space meant to house existing PDR companies. Specifically, according to the planning staff:

> The need for the legislation is based on the strong growth witnessed in the PDR sector over the last few years, and the desire to see this sector continue to expand and thrive. This growth is due, in part, to the demand created by our strong technology and tourism economies, which drive the need for services provided by businesses involved in distribution and repair. This growth is also due to the growth of our local manufacturing sector, which has increased in size over the past two years, after decades of decline. This growth has been spurred by the rise in artisanal manufacturing—a phenomenon being witnessed across the country, and which shows no signs of slowing down. The result of this growth is that PDR space is in high demand, vacancy is exceedingly low, and we are now seeing PDR companies leaving San Francisco because they cannot find space to expand. (City of San Francisco Planning Commission, 2014)

This brief example illustrates the choices that planners must balance when considering policies to protect industrial land. One the one hand, the potential for growth in manufacturing nationally is attractive. However, it is possible that cities may be at a disadvantage in attracting these relatively high-paying jobs since available industrial land has been shrinking in cities. Despite declines in manufacturing employment in North Carolina, the Charlotte Chamber of Commerce explicitly lists manufacturing as one of its targeted industries along with new economic engines such as energy and life sciences (Charlotte Chamber of Commerce, n.d.). The state of Oregon explicitly claims vested interest in discouraging conversion of prime industrial land because some of these sites have location characteristics that are not easily replicable (Industrial Conversion Study Committee & Department of Land Conservation and Development, 2004). In this case, planners seeking to make room for manufacturing might seek to enact land use policies aimed at preserving industrial land and promoting manufacturing.

On the other hand, it is important to remember that urban areas have been losing manufacturing jobs for decades and that some land may not be suitable for the specific industrial sectors that are projected to grow. As Howland's (2010) careful cost-benefit analysis shows, some cities may already have enough industrial land, so redevelopment to other uses may be highly beneficial from a fiscal point of view. Before enacting policies that preserve industrial land homogeneously, it is critical that planners better understand the factors that lead to conversion and the effectiveness of policies to preserve industrial land.

Therefore, we address the following two broad research questions. First, what factors drive the conversion of existing industrial land to other uses? Second, are industrial land preservation policies, such as restrictive zoning in industrial corridors, effective in limiting conversion? Specifically, we analyze the process of industrial land conversion at the parcel level and develop a method for planners to assess the vulnerability of existing industrial areas. We conduct our analysis

on two central urban counties: Mecklenburg County (NC) and Cook County (IL). Unlike previous studies of industrial displacement, we have developed a multifactor model that takes into account each parcel's location characteristics and neighborhood real estate dynamics as well as the regional competitiveness of manufacturing firms located within each parcel. Although our findings differ across the cases, we can conclude that real estate speculation in areas surrounding industrial land increases the risk of conversion and that industrial preservation policies, such as Chicago's Industrial Corridor (IC) program, are effective in stemming the loss of industrial land.

Background and Literature Review

The State of Urban Manufacturing

As planners weigh the potential costs and benefits of preserving industrial land, it is important to understand the current role that the manufacturing sector plays within urban economies. Despite the long-term deindustrialization of urban areas, central cities still maintain a large number of manufacturing firms and a large inventory of industrial land. Although large-scale heavy manufacturing declined significantly in the 1980s and 1990s, central cities remain competitive locations for small and midsized manufacturing companies. Mistry and Byron (2011) estimate that approximately one-third of the nation's small manufacturing establishments (fewer than 20 employees) are located in the 10 largest cities. Urban areas remain competitive locations for goods-producing firms for many of the same reasons that first brought industry to the city, including traditional location factors such as access to large markets, key transportation infrastructure, and pools of skilled labor and specialized suppliers (Alonso, 1995; Losch, 1995).

However, changes in the nature of competition in goods-producing sectors may also favor urban areas that can offer dense networks of competing and complementary firms. Research on the competitiveness of regional industrial systems (Piore & Sabel, 1984; Scott, 1988) suggests that as transportation costs fell rapidly and global markets opened in the late 20th century, firm competitiveness was increasingly dependent on flexibility. For goods-producing firms, this meant an emphasis on just-in-time (JIT) production methods, which are, in turn, reliant on access to modern transportation nodes. Thus, while globalization and falling transportation costs have freed some large manufacturing plants from central cities, location factors such as the distance to rail, multimodal depots, highway interchanges, and airports and ports—and, more important, competitive clusters of complementary establishments—are still important factors that affect the competitiveness of land for industrial use. In addition, dense networks of small firms are also associated with greater innovation, as research indicates that knowledge spillovers play an increasingly important role in regional competitiveness (Cooke & Morgan, 1998; Saxenian, 1994).

Other scholars have emphasized the indirect role of manufacturing firms and the industrial land they occupy in enhancing the health of the overall urban economy. Chapple (in press) analyzes employment dynamics and job creation in four Bay Area cities and finds that the availability of affordable industrial space is essential in business expansions, which are a key component of overall job growth. Scholars have also pointed out that manufacturers and other users of industrial land—broadly defined as PDR—produce key goods and services that are critical inputs to other sectors of the urban economy, including the construction and commercial sectors (Chapple, in press; Howland, 2010).

Attracting and retaining manufacturing firms in cities is also attractive from the standpoint of job quality and equity. Despite recent accounts of the reshoring of manufacturing amid significant wage reductions and two-tier union contracting, manufacturing continues to offer average annual wages that are 22.9% higher than the average private sector job.[2] Furthermore, jobs in manufacturing typically offer such wages without requiring an advanced degree, making these jobs an attractive match for urban areas with high unemployment among lower-skilled workers. In addition, as Howland (2010) points out, there may be other important reasons for industrial preservation, including protecting healthy manufacturing firms from encroachment and preventing housing redevelopment on environmentally degraded land.

Industrial Land Conversion

Despite the factors that make urban areas attractive locations for manufacturing and planning efforts to preserve industrial land, the amount of land zoned for industrial uses continues to shrink. For example, industrial land shrank in San Francisco from 14% of total land area in 1948 to 4.5% in 2012 (Chapple, in press). Although much of this decline is understandable given the long-term sectoral decline of manufacturing, even viable industrial firms are sometimes threatened by displacement due to real estate pressures. The literature on industrial displacement dates back to the late 1980s and finds strong links between the conversion of industrial land—especially older multistory loft buildings—and residential gentrification. Giloth and Betancur (1988) document the displacement of viable manufacturing firms in the River North area in Chicago, which is immediately adjacent to the central business

district and high-end residential communities. They highlight the role of selective rezoning of individual properties by local aldermen. Curran (2007) documents a similar process of industrial displacement caused by residential gentrification in the Williamsburg area of Brooklyn. Also, Lester and Hartley (2014) conduct a quantitative analysis of 20 large cities and find that residential gentrification plays a catalytic role in speeding up the loss of manufacturing jobs relative to nongentrifying areas. As such, we expect that land price appreciation in the neighborhoods surrounding industrial parcels, as well as the distance of each parcel from the central business district (CBD), will be key drivers of conversion (Dingle & O'Hanlon, 2009).

Planning Responses and Industrial Preservation Policy

The issue of industrial displacement has spawned a variety of planning responses to preserve industrial land. Debate over the extent to which land use policies can alter the economic structure of a given place has waxed and waned over the past several decades. Rast (1999) makes perhaps the strongest causal argument in his analysis of the anti-industry biases in Mayor Richard J. Daley's Central Area Plan of 1955, which he argues led to the displacement of thousands of viable jobs in light manufacturing in and around the Loop. Paralleling this research was a policy agenda that began in the 1980s to save healthy manufacturing firms from displacement by real estate speculation and conversion to residential or commercial uses.

The Center for Community Innovation at the University of California, Berkeley, cataloged more than 30 cities and states that have conducted industrial land use studies in recent years, suggesting that matching the supply and the demand for industrial land uses is a concern in practice.[3] Some cities, such as Chicago, developed planned manufacturing districts (passed in 1988), which entirely outlawed residential conversions and sought to buffer heavier manufacturing uses from residential with large-scale commercial development (Fitzgerald & Leigh, 2002; Leigh & Hoelzel, 2012). Chicago also created a set of designated ICs in 1992 that covered a larger portion of the city. IC designation requires that a developer seeking a zoning variance for a nonindustrial use must secure approval from the plan commission instead of gaining simple aldermanic support. This is quite similar to the "industrial sanctuaries" policy adopted by the City of Portland (OR). The Bloomberg administration in New York created industrial business zones (IBZs), where residential uses are prohibited and relocation incentives for manufacturing firms are given. Hillsborough (OR) uses lot size minimums to protect large industrial sites while creating flex zones that allow for nonindustrial uses such as call centers in industrial zones.

However, not all efforts by cities are conducive to preserving manufacturing in the city. Some of the dominant paradigms of regenerative city building such as attracting the creative class or smart growth see little need for industrial uses within cities (e.g. Bronstein, 2009; Florida, 2013). It is also unclear if these industrial preservation policies and regulations within cities are entirely beneficial and efficacious. Howland (2010) finds that there is a regulatory oversupply of parcels zoned for industrial use in Prince George's County in Maryland; in many cases, the demand does not spatially match the supply. Howland argues for a more surgical approach to identifying and targeting those areas that merit preservation as well as those that should be left to undergo their natural transformations. In some cases, these preservation policies are met with skepticism by local stakeholders aiming to reshape the waterfronts and downtowns into commercial, residential, and recreational hubs (e.g., CBRE Consulting, 2007).

Research Strategy, Methods, and Data

Based on our review of the literature on urban manufacturing, industrial displacement, and land use policies, we use the following conceptual framework to guide our empirical analysis of industrial land conversion. This framework includes five factors (parcel location characteristics, neighborhood real estate dynamics, industry trends, location-specific protection policies, and environmental hazards) that are either theoretically or empirically linked in the literature on industrial land conversion.

- *Location characteristics* includes a set of variables that capture the accessibility and spatial competitiveness of each parcel, such as the distance to various transportation infrastructure including airports, highway ramps, rail, and multimodal transfer sites (Miron, 2010). We also include a measure of the distance of each parcel from the CBD to capture a parcel's centrality vis-à-vis the region, and also because so much of the literature links industrial displacement with the expansion of downtowns for residential and commercial uses. We expect that industrial parcels with good accessibility to transportation nodes will be less likely to convert, while parcels located near the CBD are more likely. We also include the distance to the nearest transit station; the siting of these stations has accelerated the industrial displacement in the cities in favor of mixed-use commercial and residential developments nearby.
- *Neighborhood real estate dynamics* refers to the degree of land value increases in the areas surrounding each

parcel as well as subdivision activity. We expect that higher neighboring price increases, especially of residential parcels, will exacerbate the risk of conversion (Curran, 2007; Walks, 2001).

- *Establishment and industry dynamics* captures a set of variables that measures the economic competitiveness of the companies located within industrial parcels. We expect that parcels that are home to firms that operate in relatively high-growth industries nationally would be able to withstand industrial displacement. Also, manufacturing firms that are expanding and adding employment are more likely to be profitable and are likely to keep the properties in industrial use (Koritz, 1991; Troske, 1996).
- *Industrial protection policies* is an indicator of local land use policies that have been enacted to encourage industrial development in certain areas, or to slow the pace of industrial land conversion with special zoning requirements. Thus, if a parcel falls within a designated industrial zone, such as Chicago's IC or Mecklenburg's designation as a future industrial zone, we expect that that the parcel is likely to stay on as an industrial parcel (Leigh & Hoelzel, 2012).
- *Environmental hazards*, such as nearby brownfield sites or abandoned environmentally compromised parcels, are expected to dampen the risk of conversion to residential uses (Howland, 2004; McGrath, 2000).

Although all these factors have been identified separately in the literature, to our knowledge, no other study has used them together empirically at a parcel level.

Explaining Industrial Land Conversions: Empirical Analysis

In selecting our proposed cases, we took into account two distinct factors. First, we wanted to vary our cases based on their relationship to the traditional U.S. manufacturing Rust Belt. We argue that having one case within this traditional core and one case in a newly industrializing region in the southern United States would ensure that our method was valid across multiple contexts. Second, we wanted to choose regions that were large enough and diverse enough that our proposed datasets would offer sufficient sample sizes. Ultimately, we chose Mecklenburg County (NC)—which is home to Charlotte—and Cook County (IL), where Chicago is located. Both counties are at the center of their respective metropolitan regions and are home to most regional manufacturing jobs.

The primary task in both counties was to identify parcels that had been converted from industrial uses. We defined a converted parcel as one which had formerly had an industrial business, and for which current land use was not industrial. We modeled the risk of conversion as a logit model at the parcel level. The explanatory variables include locational factors that are specific to the parcel such as distances to multimodal facilities and ports, and real estate dynamics factors that include neighborhood changes in prices for the parcel: variables that provide indicators of the health of the firm and the industry in the region. To model the effect of public policies, we included an indicator variable that specifies whether or not a parcel is in a designated industrial corridor or empowerment zone. For a more detailed discussion of individual explanatory variables, data sources, and construction steps, see the Technical Appendix.

The Extent and Geography of Conversion

The resulting datasets used for the analysis contained 6,702 and 2,698 industrial or formerly industrial parcels with fully available values for all the independent variables that we use to predict conversion for Cook and Mecklenburg counties, respectively. In the Technical Appendix, we provide a detailed description of all the variables in the dataset and visually describe their distribution for converted and nonconverted parcels separately. Correlations between independent variables are practically nonexistent in the case of Cook County and pose some concerns in the case of Mecklenburg County. We also discuss the caveats to interpretations.

Before turning to our main results, it is important to describe the context and extent of industrial land conversion in each case. As Figure 1 shows, in Mecklenburg County, approximately 3,650 acres of industrial land have been converted into nonindustrial uses since 1990. Of this area, about 30% of the land area converted to residential uses; however, more than 54% of the converted parcels converted to residential. In Mecklenburg County, 45% of the parcels that housed apparel-manufacturing firms experienced conversion. Between 1990 and 2010, the number of jobs in this sector fell by more than half. Similarly, computer and electronic equipment manufacturing also decreased by more than half, and one-third of the parcels that housed firms in that industry converted to other uses. Although chemical manufacturing increased between 1990 and 2000, the industry suffered a dramatic decline between 2000 and 2010. Nevertheless, only 24% of the parcels with those firms experienced conversion, suggesting that cleanup costs associated with these industries have an impact on conversion rates.

In Cook County, the extent of industrial conversion was much greater, given the relative size of the county. Approximately 4,750 acres of land that was previously industrial is no longer in such use. This represents 11.4% of the total stock of industrial land in Cook County in

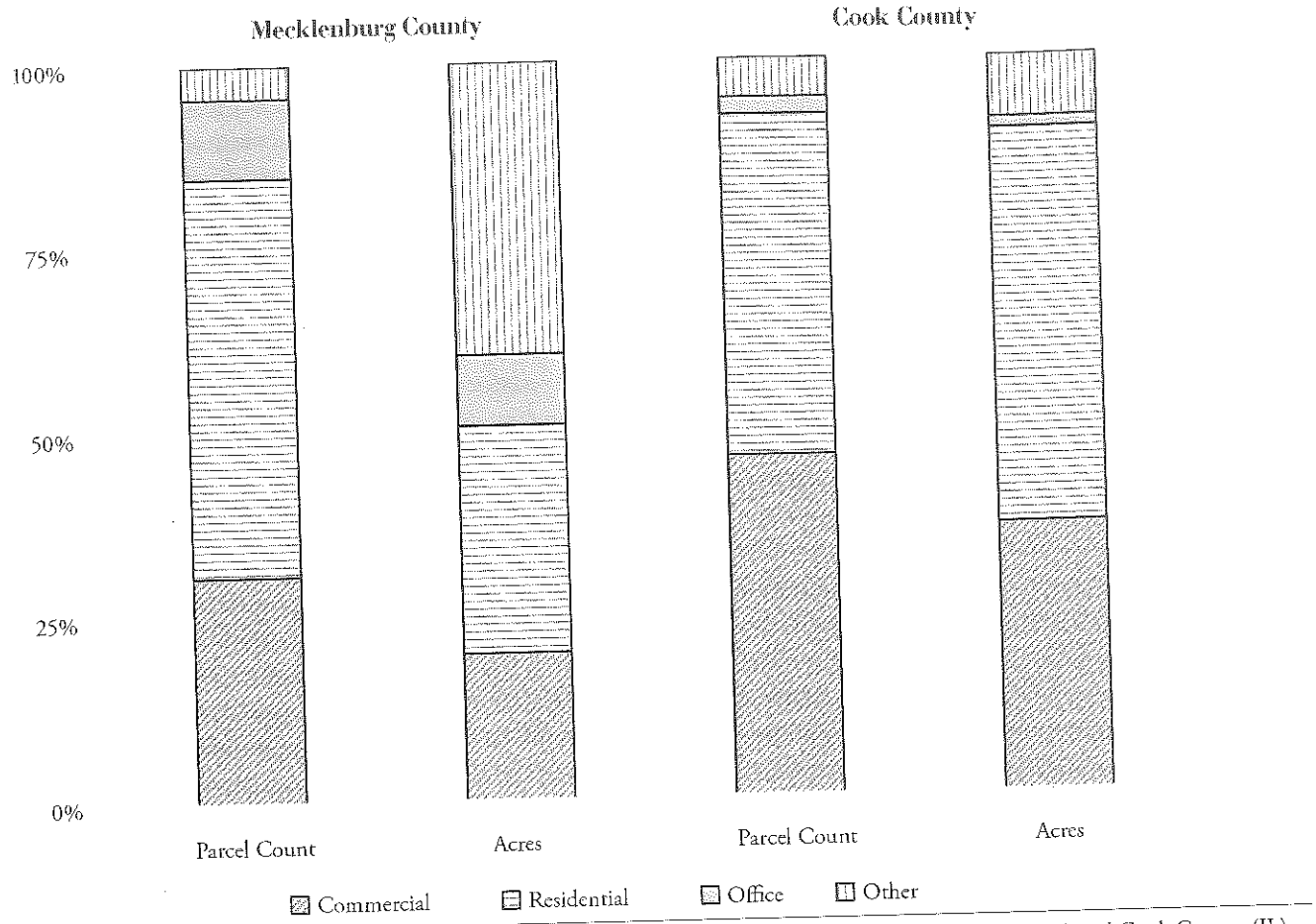

Figure 1. Proportion of current uses of converted industrial parcels by parcel count and acreage in Mecklenburg County (NC) and Cook County (IL). Source: Authors' analysis of Mecklenburg County parcel data and National Establishment Time Series (NETS).

(Color figure available online.)

2011 (approximately 41,000 acres). A large number of these conversions were for residential use (46.2%) and accounted for 53.6% of the area. Parcels with firms in printing and fabricated metal products were more likely to convert into nonindustrial uses. These industries are consistently declining both regionally and nationally, and the statistics are consistent with the literature on industrial displacement (Giloth & Betancur, 1988).

Along with the extent of conversion, what is also striking is the geography of conversion. In Cook County, most of the conversion is centered around areas just north of the Loop and following big transportation corridors such as I-94 and east of I-294 (i.e., in areas that are relatively affluent and in more central locations). On the other hand, conversion in Mecklenburg County is seen inside the business district (bounded by I-277) as well as in areas that are relatively far from the center. While the conversion to residential is more geographically even, construction of the new LYNX light-rail line is likely to contribute to the significant conversions into office and commercial uses along the South Boulevard corridor.

Substantive Findings

Factors Affecting the Probability of Industrial Conversion

We examine the impact of two land use and economic development policies on the probability of industrial land conversion (see the full set of results in Technical Appendix Table A-2). For Cook County, parcels located within a designated IC (City of Chicago, 2011) were significantly less likely to convert. In fact, this variable was the single most important factor in our model of conversion risk. This is a strong indicator that such industrial preservation policies are in fact effective land use tools. Because the program was enacted in 1992, we are confident in concluding that the policy is effective, as our window of conversions begins at approximately the same time (1990–2010). There were 12,368 parcels located within Chicago's industrial districts, of which only 79 were converted over the sample period (0.6%). Location inside a federal empowerment zone was also negatively associated with industrial conversion. This makes sense because empowerment zone incentives consist

mainly of employment tax credits to business owners rather than redevelopment subsidies to developers. The Chicago Empowerment Zone is located in two nonadjacent areas on the south and west sides that have not generally participated in the residential gentrification processes that are prevalent in the north and northwest sides of the city.

In Mecklenburg County, the Centers and Corridors framework was introduced in 1994 and refined and adopted in 2010 to guide the development in the region (Charlotte-Mecklenburg Planning Department, 2010). We used the "industrial centers" designation from this framework as a proxy for where the county is targeting industrial activity. While this policy is not as strong as Chicago's IC program, it is significantly associated with a reduction in conversion risk. This framework is responsible for aligning the subarea plans and zoning designation and changes such as the "urban industrial" designation in the zoning code. This suggests that careful land use planning can affect the probability of industrial land conversion. Of the 253 parcels in the industrial center designation in Mecklenburg County, only 13 converted into nonindustrial uses, whereas more than 3,000 parcels are not under this designation, suggesting a much larger scale of potential conversions.

In Cook County, the location factors generally behave as theory predicts. Parcels that are farther away from the CBD are less likely to convert because they become unattractive to other kinds of redevelopment. The further the parcel is from rail depots, the more likely it is to convert. A similar relationship is observed for distance to freeway ramps, although the coefficient is not significant for Mecklenburg County. For Mecklenburg, the proximity to an airport has no effect on conversion even when it is likely to increase the likelihood of commercial conversion and decrease that of residential conversion. This is partly offset by the protection of industrial land close to the airport. In Chicago, proximity to an airport seems to weakly (yet significantly) induce conversion of industrial parcels. Access to multimodal transfer points are predicted to be critical for manufacturing firms in Chicago, and we find that parcels closer to them are less likely to convert.

While the location factors generally behave as predicted by theory, two factors expected to be critical were not significant in Mecklenburg County. Interestingly, we find no statistically significant relationship between the relative performance of a parcel occupant's industry sector nationally (i.e., the industry mix) and conversion. Likewise, neighborhood real estate values largely have no effect. It is possible that real estate dynamics may simply be different in Charlotte, which does not have a long legacy of gentrification of areas near the CBD. While distance to transit station is an important predictor of conversion in Cook County, it is not in Mecklenburg County, despite the cluster of conversion activity near the newly developed LYNX line.

The results for Cook County are similar in some ways to those of Mecklenburg County, yet differ in key ways as well. In general, all of the five factors that we use in our conceptual model of industrial conversion risk are significant, and all but one have the impact we expected. There are several potential reasons why the models estimated for Cook County are more robust. First, since Cook County is much larger and contains a larger number of conversions, there is simply more statistical power. Second, Cook County—and Chicago in particular—is in many ways an archetypical case of industrial restructuring. The parcels that are closer to key logistical access points such as rail depots, highway interchanges, and multimodal transfer points seem to be competitive in terms of remaining industrial, while parcels closer to airports (O'Hare and Midway) are more likely to convert. Consistent with the literature and with anecdotal evidence, we find a statistically significant negative effect for the distance to the CBD, indicating that parcels located closer to downtown are more likely to convert.

In Cook County, our measures of industry and firm competitiveness are negative and significant. We find a negative and significant relationship between the net change in employment at the establishment level and conversion risk. This indicates that relatively healthy manufacturing companies that are adding jobs are able to meet potentially rising rents and withstand pressure to convert. Similarly, the impact of the industry mix is negative and significant, indicating that conversion is more common among parcels that are home to establishments in declining industries. Although the estimates were insignificant for Mecklenburg County, we interpret these findings as providing support for the argument that industrial trends are an important factor in the conversion risk calculus.

Unlike the findings for Mecklenburg County, we find that neighborhood real estate dynamics do play a role in the conversion of industrial land. Specifically, we find a positive and significant effect of nearby home price appreciation on conversion risk. This indicates that parcels located in tracts that experience a greater change in average sales price are more likely to convert. This is consistent with the scenario described in the literature on industrial displacement, whereby land owners seek zoning variances to redevelop their industrial properties as condominiums or loft properties to take advantage of rising residential land prices.

Interestingly, our findings on the impact of environmental hazards are the opposite of what theory predicts.

Specifically, we find that parcels closer to brownfield sites were *more* likely to convert. Rather than evidence of residential developers seeking out contaminated properties, we interpret this finding as indicative of the relative concentration of conversions near the CBD, which is also home to more of the older industrial properties that may contain more environmental hazards. It may very well be that this finding is driven by inadequate capture of environmental hazard by brownfield location in the U.S. Environmental Protection Agency databases (which is an indication of existing redevelopment interest). There are better and more localized sources of environmental hazards, but they are difficult to obtain and cannot really be generalized to a method that can be replicated at a national scale. Other reasons for brownfield development or lack thereof, such as inadequate infrastructure, are detailed in the literature (De Sousa, 2008; Howland, 2004).

Visualizing Industrial Land Conversion Risk

One of the key outputs of this analysis is the development of an index of industrial land vulnerability. We use the predicted values that result from the regression analysis as the index since they represent the estimated probability of conversion based on the independent variables included in the regression. In Figures 2 and 3, we present the spatially aggregated index of industrial vulnerability, even though the index is calculated at a parcel level. We use an area-weighted index for block group for display purposes.

Areas closer to the higher-income neighborhoods in Charlotte have a high risk of conversion (darker colors). In general, while the probability of conversion is low for parcels in the outskirts of the county, they appear as higher-risk areas because of the small number problem and larger block group size (i.e., an artifact of choropleth maps). The geography of conversion and risk in Cook County is broadly consistent with the results of the regression analysis (Figure 3). Industrial conversions are concentrated on the north side of Chicago and in the suburban areas just north of the city. A significant number of conversions have taken place in the areas immediately surrounding the Loop area, and there are some individual parcels that remain and are under a high risk of conversion. Throughout the county, there are concentrations of higher-risk parcels around both O'Hare and Midway airports.

To demonstrate the use of this index of vulnerability, we created a prototype interactive web-based tool (available at http://www.makingroomformanufacturing.org) that can help planners identify vulnerable parcels. Using open source software, the website displays parcels that have been converted between 1990 and 2010 along with the vulnerability index of the current industrial parcels. The user also has the ability to display information about specific parcel and neighborhood characteristics, including the distribution of the vulnerability index, the number of people in different occupations within a five-mile radius, and the proportion of population in different racial categories. These characteristics are chosen only for demonstration purposes.

We argue that planning tools such as the prototype demonstrated here could be a crucial tool for planners who are attempting to craft a smart industrial preservation policy that accounts for broader industrial trends as well as neighborhood and location characteristics. For example, an economic development planner can select all the parcels of a target sector and examine the conversion probability while examining the national and regional trends in the industry. A land use planner can examine the clusters of high conversion probability parcels in a neighborhood and can propose to enact preservation policies or think proactively about alternative uses in relation to other infrastructure investments and regulatory changes. A real estate developer might use the vulnerability assessment to identify parcel assemblage possibilities for different kinds of redevelopment activities. A community group might use the tool to understand the potential changes in their neighborhood based on broad economic trends as well as to identify environmental justice implications of vulnerable parcels. Because the index accounts for multiple factors, different groups can use it for different purposes in their own planning.

Conclusion

Economic developers and political leaders are excited by the potential for a manufacturing renaissance in the United States. After facing decades of declining industrial jobs and large inventories of industrial land, many cities are now at a critical juncture point. One the one hand, vacant industrial properties are an economic drag in that they do not generate revenue and may limit the potential for the type of high-density residential and commercial development that creates vibrant urban places. One the other hand, if cities do not maintain their industrial lands, they may be overlooked by manufacturing companies seeking to relocate to the United States. In addition, if cities do not maintain viable clusters of manufacturing firms and related industrial businesses, critical agglomerative forces may be eroded, further undermining the chances of manufacturing's return.

Recognizing this tension, this study is the first multifactor analysis of industrial land conversion. The purpose of this analysis is to provide a tool that can help planners better understand the trends that influence the conversion of industrial land within their jurisdictions.

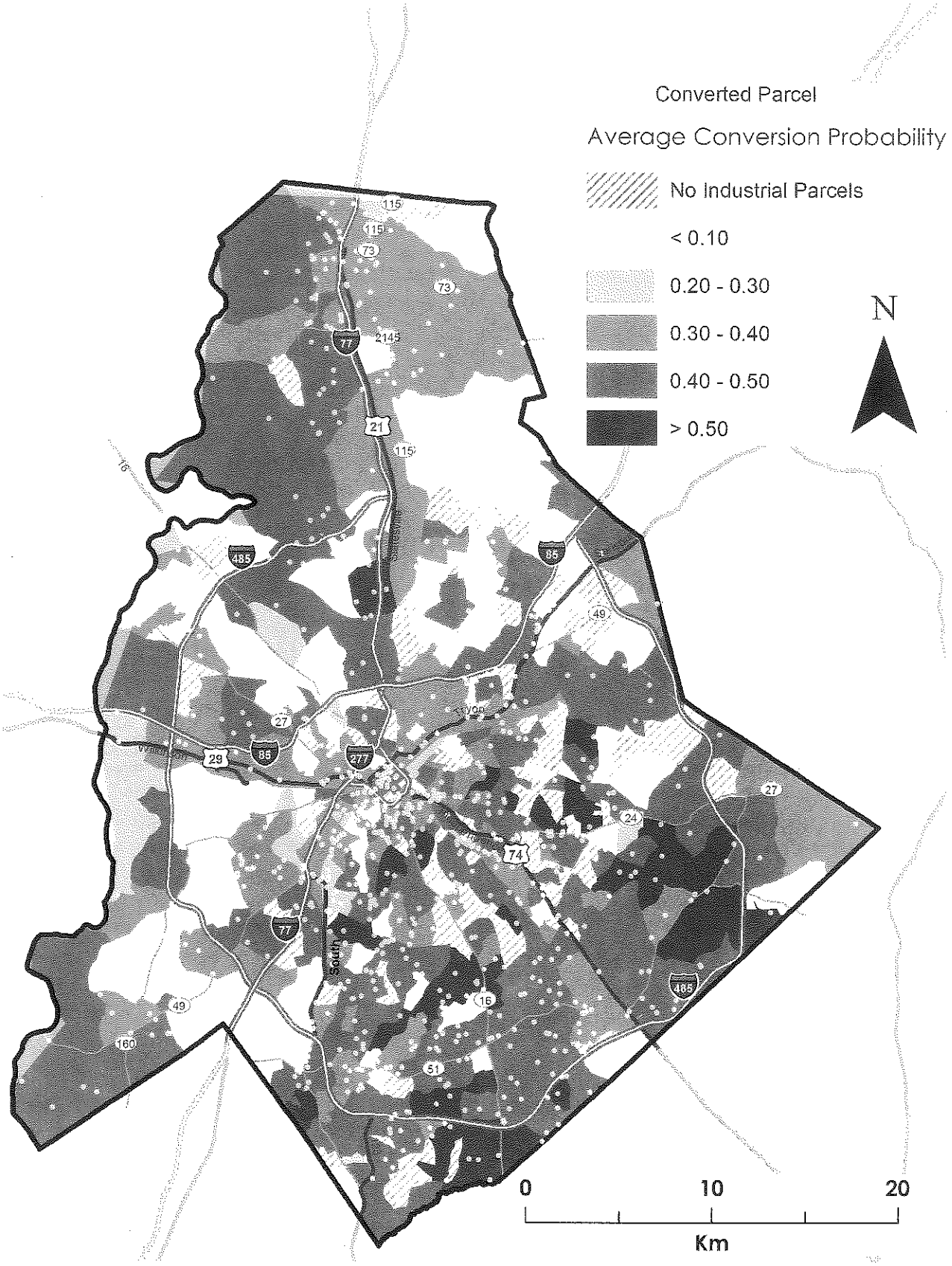

Figure 2. Industrial conversion and parcel vulnerability index in Mecklenburg County.
Note: Although the vulnerability index is calculated at the parcel level, we display only the area-weighted average of the index for each census block group for visual clarity.

(Color figure available online.)

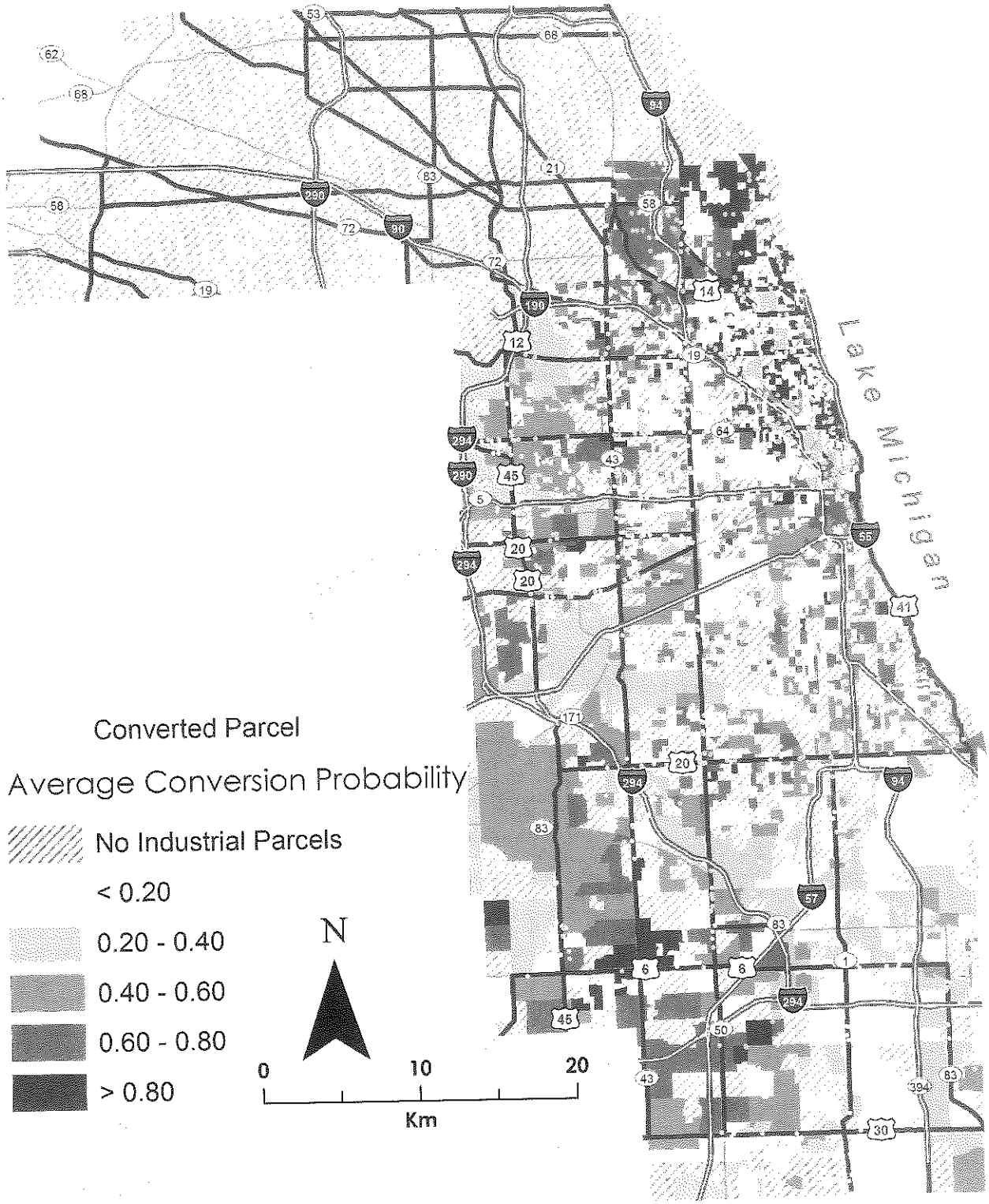

Figure 3. Industrial conversion and parcel vulnerability index in Cook County.
Note: Although the vulnerability index is calculated at the parcel level, we display only the area-weighted average of the index for each census block group for visual clarity.

(Color figure available online.)

While many of our findings are consistent across our two illustrative cases—including the importance of freight accessibility, parcel size, and proximity to the CBD—the differences between the cases suggests that the dynamics of industrial land conversion are also driven by factors that are unique to each area. For example, we found that industrial conversion in Cook County was much more sensitive to neighboring residential real estate appreciation compared with Mecklenburg County. This could indicate a fundamental difference in the nature of residential real estate markets, whereby Charlotte does not face the same pressure to gentrify inner-city neighborhoods that Chicago does. In addition, we found that national industry trends seemed to matter more for Chicago than for Charlotte. This is likely due to the fact that the overall industrial structure is different across the cases. Ultimately, this finding suggests that differential industrial trends and the historical competitive advantages of each region's industrial legacy are important for planners to consider.

Ultimately, this analysis suggests that planners need a more nuanced approach to industrial land preservation. Cities need to be strategic about their industrial land inventory and match the supply of industrial land to the strategic economic goals of the region. To do so, plans and planners have to identify strategic industries for the region, craft land use policies that take into account the needs of each industry, and look for ways to meld alternative uses together with industrial ones. Furthermore, any provisioning of public infrastructure such as multimodal facilities and transportation investments should be strategically coordinated with industry locations. To that end, our index of conversion probability would be useful in this analysis. This tool helps identify which parcels are likely to convert based on multiple factors. However, in the end, planners need to use this tool to strategically assess whether such conversions are in the best interest of the region and craft housing, commercial, and industrial land policies and plans accordingly.

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Notes

1. Total U.S. manufacturing employment grew by 729,668 from 11.3 million in January 2010 to 12.1 million in June 2013 based on data from the Quarterly Census of Employment and Wages (QCEW; U.S. Department of Labor, Bureau of Labor Statistics, 2012). Manufacturing exports grew by $429 billion from $918 billion in 2009 to $1.35 trillion in 2012, according to data from the International Trade Administration, U.S. Department of Commerce (n.d.).

2. Average annual earnings per worker in manufacturing was 22.9% higher than the overall average earnings across all private sector industries ($60,496 versus $49,200) in 2012. Source: QCEW (U.S. Department of Labor, Bureau of Labor Statistics, 2012).

3. Various industrial land reports can be found at http://communityinnovation.berkeley.edu/industrial-land-report.html

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Technical Appendix

In this appendix, we present more details about the data preparation and the full set of statistical results. For more information, readers are referred to www.makingroomformanufacturing.org.

Measuring Conversion

To define the dependent variable in our analysis (i.e., industrial conversion at the parcel level), we combined two distinct data sources using ESRI ArcGIS software. First, we gathered parcel boundaries from the County Tax Assessor's offices in Mecklenburg and Cook counties, which comprised approximately 1.44 million records for Cook County and 0.37 million records for Mecklenburg County for years 2000, 2005, and 2010. Second, we used establishment-level data from the National Establishment Time Series (NETS), which provided information about the location and annual employment for all former and current manufacturing business establishments. The NETS database is a privately produced establishment-level longitudinal database (1990–2010) built from the Dun and Bradstreet (D&B) business credit rating service. The database is a near universe of private-sector businesses in the United States; one of its chief benefits for economic development researchers is the ability to track establishment-level births, deaths, and relocations over time at a detailed geographic scale. The NETS datasets include 35,557 and 6,339 records for Cook and Mecklenburg counties, respectively. The universe of records includes any establishment that was located within the county—alive or dead—between 1990 and 2010 and had a primary NAICS classification within the 31–33 NAICS supersector.

For each county, we geocoded all NETS records that ever had a NAICS classification with manufacturing (31–33) using the latitude and longitude listed by year from 1990 to 2010. The NETS was joined to the parcels to identify the universe of parcels with manufacturing land uses. Of these, converted parcels are identified by absence of establishment in 2010 and if the land use is nonindustrial. Based on this definition of conversion, we identified 989 parcels that converted in Mecklenburg County and 3,748 parcels that converted in Cook County.

Data Construction/Sources for Key Independent Variables

We measured location characteristics by calculating each parcel's proximity to various amenities in the county that affect the accessibility and ultimately the suitability of the land for competing uses. For each location factor, the "near" tool in ArcGIS was used to calculate the distance from each parcel to the nearest location factor. Location factors were the central business district (CBD), airports, multimodal freight transfer facilities, highway on-ramps and interchanges, transit stations, and rail facilities. For

Mecklenburg County, the CBD polygon was defined as the area inside the I-277 loop in Charlotte. For Cook County, the CBD polygon was downloaded from data.cityofchicago.org. Freight facility shapefiles were accessed using the National Transportation Atlas Database 2011 from the Bureau of Transportation Statistics. Public use airports, multimodal terminal facilities, railway network (nodes only), and highway on-ramps were extracted from the "U.S. Major Roads 2008" file from the ESRI Data & Maps 9.3 dataset. Specifically, we used the feature class codes A60 (Special road feature, Name = "ramp") and A63 (Access ramp or limited access interchange). Transit station locations are from the Center for Transit Oriented Development's TOD database of existing stations.

To capture the real estate dynamics in the neighborhoods surrounding each parcel, we attempted to assess changing property values over a 10-year period, from approximately 2000 to 2010. For Mecklenburg County, since tax assessor's data was available, we could measure the changes in value of all parcels (not just sales) between 2001 and 2011. We calculated the change in value over this period as our primary measure of land price appreciation for all parcels within a quarter-mile buffer zone of each parcel. For Cook County, we used data from Record Information Services, a private data provider that gathered all public residential sales from 2000 through 2010 at the address level. We calculated the change in average sales price at the census tract level and applied this value to each parcel based on which tract contained the centroid of the parcel. To calculate buffers around each parcel for Cook County would have exhausted our computational power. As an additional measure of real estate activity, we identified parcels that were subdivided between 2000 and 2011 (2001 and 2011 for Mecklenburg) by comparing two sets of parcel boundary maps, because identifying information (such as parcel identification numbers) changes over time.

To assess the establishment and industry competitiveness at the parcel level, we constructed two different variables. First, we conducted a shift-share analysis for each county's manufacturing industries relative to the United States for the broad period from 1990 to 2008 (pre-recession) using data from the Quarterly Census of Employment and Wages (QCEW) from the U.S. Bureau of Labor Statistics. The shift-share analysis was conducted only for all four-digit NAICS industries within the manufacturing supersector. The purpose of shift-share analysis is to identify sectors that are competitive locally, accounting for broad national trends in manufacturing overall ("national shift") and the relative performance of each industry nationally (i.e., the "industry mix"). We used the industry mix variable as a measure for the industry's expected performance nationally. We then matched the industry mix variable to the parcel level based on the NAICS code of the last industrial establishment listed in the NETS. While we expect parcels that are home to industries outpacing the national average to be less likely to convert, there may be some individual establishments that are growing or declining for idiosyncratic reasons. For this reason, we also calculated the net change in jobs at the establishment level.

To assess the impact of land use policies and regulations, we generated a simple dummy variable that indicates whether a parcel is included in a designated industrial area. For Cook County, we used a shapefile of the City of Chicago's Industrial Corridors obtained from the City's GIS portal (see https://data.cityofchicago.org/Community-Economic-Development/Boundaries-Industrial-Corridors/vdsr-p25b). These areas were designated beginning in 1992 and offer strong protection against speculative conversions by requiring that any zoning change obtain approval from a full vote of the Plan Commission. For Mecklenburg County, we used information obtained from the 2008 Comprehensive Plan and coded the areas where industrial development was encouraged. Thus, the variable for Mecklenburg County represents a weaker policy compared with Chicago's Industrial Corridor program. As an additional policy variable, we also created an indicator for whether a parcel fell within one of Chicago's Federal Empowerment Zones (none were found in Mecklenburg County).

The primary variable that proxies for our environmental hazard factor is the location of each parcel in relation to officially designated brownfield sites. Location data on brownfields was derived from the U.S. Environmental Protection Agency's Facility Registration System. We limited our analysis to sites that were coded specifically as brownfields rather than every entry in the registry (see http://www.epa.gov/enviro/html/frs_demo/geospatial_data/geo_data_state_single.html). For descriptive statistics, see Table A-1.

Data Limitations and Caveats

Data preparation required significant effort because of changes to parcel boundaries over time and changing definitions of land uses and errors in data. While care has been taken to assure data quality, systematic but undiagnosed errors might still remain (especially with regards to geocoding, NAICS codes, etc.). Furthermore, we only consider manufacturing uses, whereas industrial land uses might include a more expansive definition of production, distribution, and repair. These ancillary uses are complementary to manufacturing, and any comprehensive examination of industrial land should include these uses. Furthermore, because of agglomerative effects and spatial spillovers, industrial parcels are also usually clustered; the spatial

Table A-1. Descriptive statistics.

Variable	Cook County		Mecklenburg County	
	M	*SD*	*M*	*SD*
Distance to airport	11,226.10	5,436.40	44,014.33	18,347.70
Distance to multimodal facility	13,627.70	12,498.40	17,191.97	14,585.80
Distance to rail	3,296.10	3,413.30	8,119.09	7,076.03
Distance to highway ramp	2,877.00	2,137.80	3,239.43	2,856.88
Distance to CBD	61,568.00	39,091.10	33,261.53	22,862.26
Change in neighborhood residential price (2000–2010)[a]	–6,524.40	211,574.90	–29,294.03	125,418.40
Net employment change in industry (jobs)	–6,550.40	7,201.00	–5,342.57	13,330.75
Industry mix	0.04	0.2	0.016	0.218
Parcel size (acres)	1.4	2.3	4.038	22.17
Distance to nearest subdivided parcel	8,476.80	39,832.10	19,438.02	46,329.63
Distance to nearest transit station	6,224.40	5,295.20	26,793.74	23,909.75
Distance to nearest brownfield	7,211.10	6,501.50	3,410.38	3,413.34
N	6,702		2,698	
Parcels in empowerment zone	4.80%		—	
Parcels in industrial corridor/center	10.98%		8.33%	

Notes: All distances are in feet.
a. Calculated differently for Cook and Mecklenburg counties due to data limitations. In Mecklenburg County, a quarter-mile is used as a neighborhood; in Cook County, the census tract is used as a neighborhood.

clustering is not taken into account in the statistical model.

Although this research focuses on industrial parcels that are likely to convert, we did not focus on the implications of such conversion on the socioeconomic landscape of the city. For lack of space and time, we did not exhaustively explore the environmental as well as environmental justice aspects of industrial conversion. Another caveat is the endogeneity issue that might potentially bias the importance of certain variables in predicting the vulnerability index. The methodology described here should be considered an input into deliberating what areas of the city need to be preserved as industrial land and what are the opportunity costs of such preservation.

Another potential limitation of the study is the lack of depth of the real estate processes such as parcel assembly and subdivisions included in the analyses. Large industrial sites in the central cities should be more competitive for residential and mixed-use redevelopment than assembling parcels from fragmented commercial owners. Such parcel assembly might suffer from holdout problems and make industrial parcels more appealing for redevelopment. However, our analyses suggest that size of the lot is not associated with the risk of conversion, suggesting other mitigating factors or inadequate specification of the model. All these areas are ripe for further research and can only help make our index more robust.

Statistical Analysis

Correlations between categorical variables and real variables are not statistically correct; therefore, we show the distributional similarities and differences of various explanatory variables between converted and nonconverted parcels. In Cook County, although airport distance variable has similar distribution between converted and nonconverted parcels, there is a significant difference in the distance to the CBD variable (Figure A-1). Furthermore, the transit distance is also skewed to the left (although with a long right tail) for converted parcels, suggesting that parcels closer to the transit stations are likely to convert. On the other hand, transit distance variable has roughly the same distribution between converted and nonconverted parcels in Mecklenburg County (Figure A-2). The correlation matrices suggest that multicollinearity is not a major issue in Cook county (Figure A-3), whereas there is worrisome correlation between CBD and transit distance variables mostly because the proximity of transit stations to CBD (Figure A-4). However, we included these variables in the model for cross-case comparison and because the purpose of the model is to have predictive power to construct the index rather than isolating the effect of individual variables.

Once the variables are constructed, we scaled the variables based on their standard deviation; a logit model is used to predict the risk of conversion. The results of the model are documented in Table A-2.

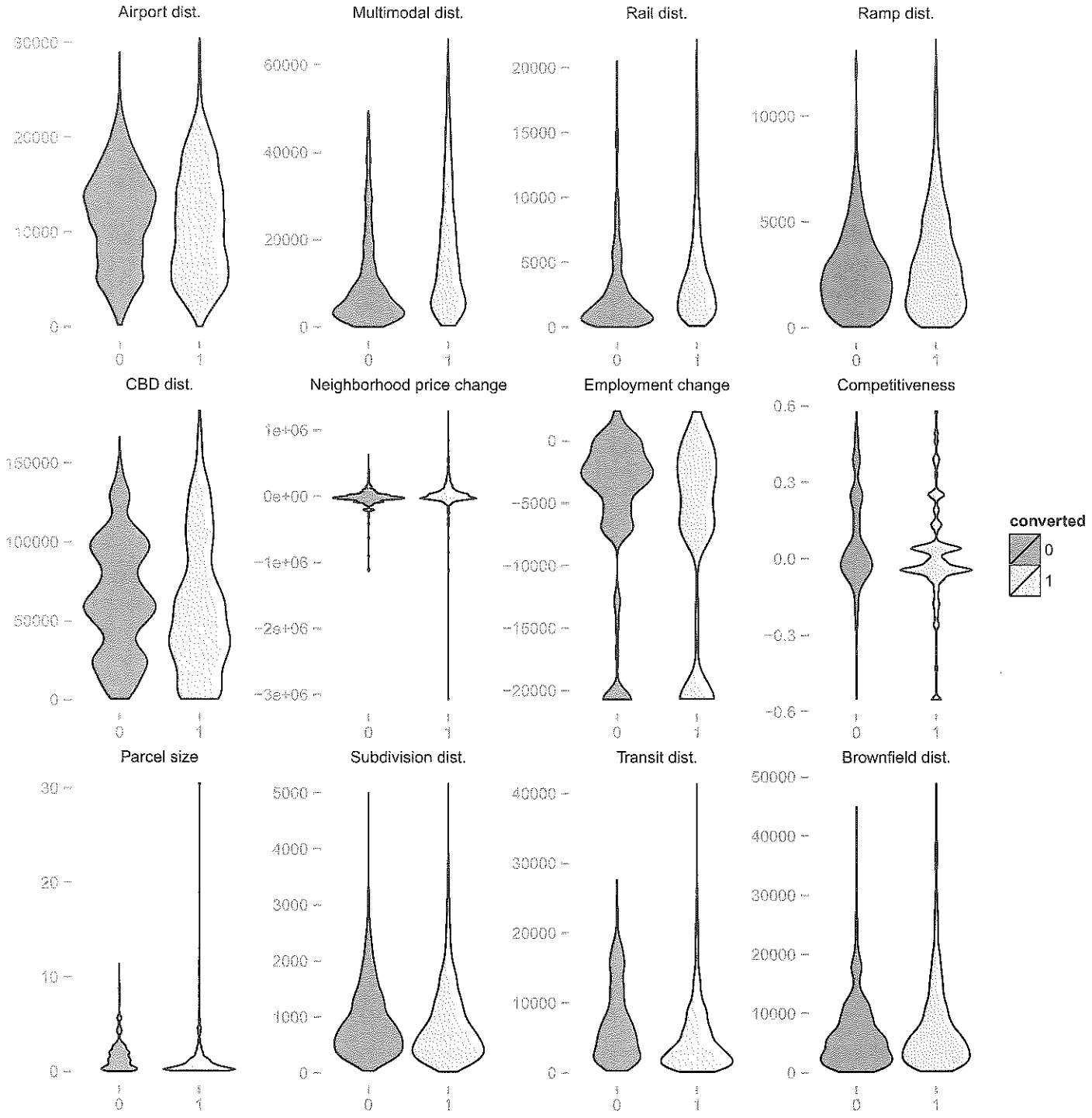

Figure A-1. Distributional differences of explanatory variables in Cook County based on the conversion status.

(Color figure available online.)

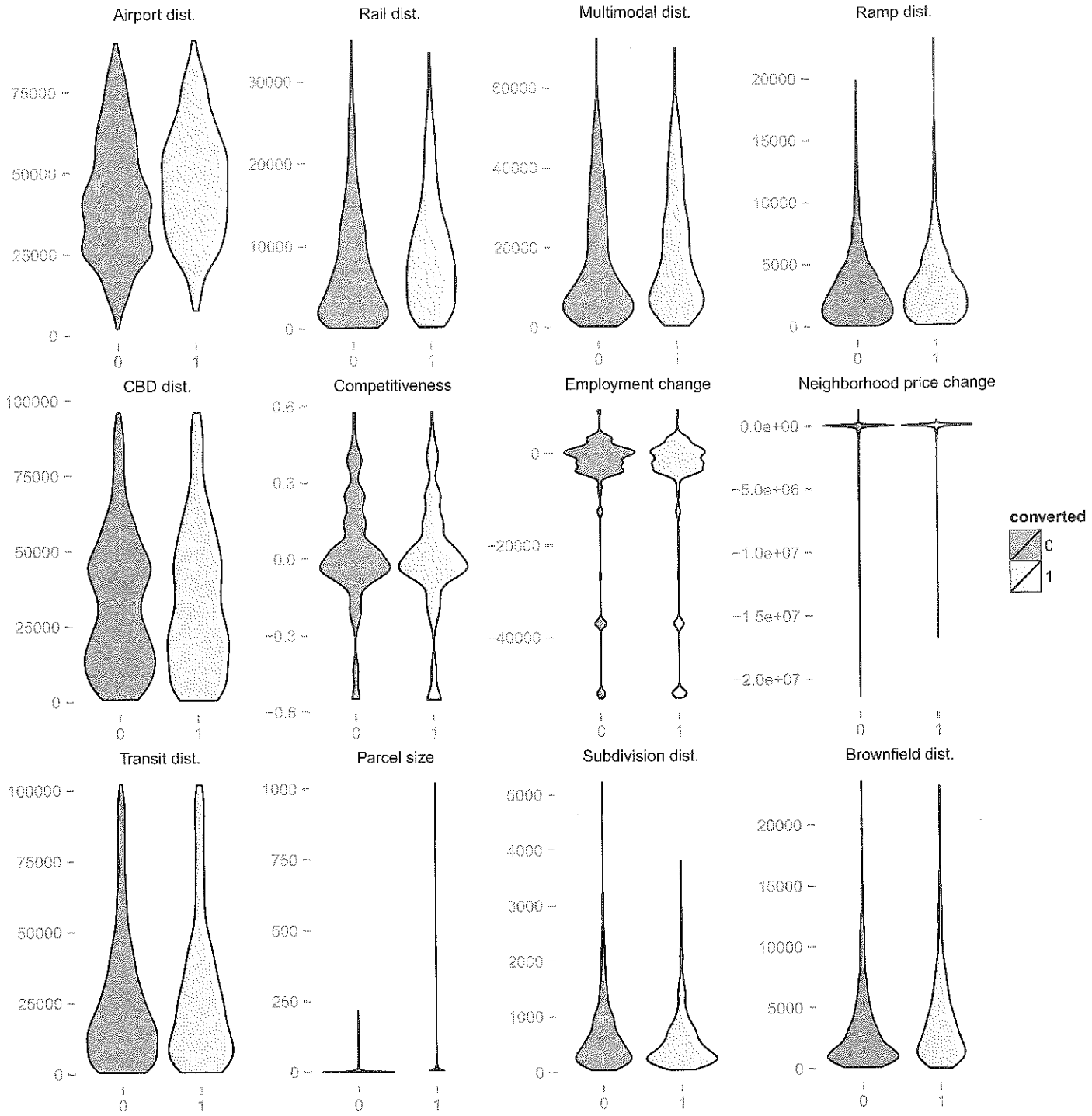

Figure A-2. Distributional differences in the explanatory variables based in Mecklenburg County based on the conversion status.

(Color figure available online.)

	Airport dist.	Multimodal dist.	Rail dist.	Ramp dist.	CBD dist.	Neighborhood price change	Employment change	Competitiveness	Parcel size	Subdivision dist.	Transit dist.	Brownfield dist.
Airport dist.												
Multimodal dist.	0.16											
Rail dist.	−0.01	0.28										
Ramp dist.	0.19	0.17	0.09									
CBD dist.	0.13	0.17	0.45	0.06								
Neighborhood price change	−0.05	0.21	0.1	0.08	0.05							
Employment change	−0.03	−0.08	−0.07	−0.02	−0.03	0.01						
Competitiveness	−0.03	−0.1	−0.04	−0.03	0.01	−0.02	0.36					
Parcel size	0.07	0.06	0.16	0.04	0.52	0.03	0.01	0.01				
Subdivision dist.	−0.01	0	0	0.01	0.08	−0.02	0.02	−0.05	0.07			
Transit dist.	0.11	0	0.4	0.05	0.62	−0.03	0	0.02	0.45	0.09		
Brownfield dist.	0.15	0.39	0.45	0.13	0.54	0.09	−0.05	−0.03	0.39	−0.01	0.18	

Figure A-3. Correlation matrix among explanatory variables in Cook County.

(Color figure available online.)

	Airport dist.	Rail dist.	Multimodal dist.	Ramp dist.	CBD dist.	Competitiveness	Employment change	Neighborhood price change	Transit dist.	Parcel size	Subdivision dist.	Brownfield dist.
Airport dist.												
Rail dist.	0.6											
Multimodal dist.	0.79	0.56										
Ramp dist.	0.34	0.44	0.42									
CBD dist.	0.58	0.41	0.8	0.4								
Competitiveness	−0.08	−0.06	−0.05	0	−0.01							
Employment change	−0.06	−0.04	−0.04	0	0	0.66						
Neighborhood price change	0.07	0.02	0.1	0.08	0.12	0.05	0.04					
Transit dist.	0.54	0.34	0.8	0.42	0.83	−0.02	−0.03	0.11				
Parcel size	−0.01	−0.05	0	−0.06	0.05	0.02	0.02	0	0.03			
Subdivision dist.	0.05	0.02	0.07	0.02	0.07	−0.02	−0.01	−0.03	0.05	−0.01		
Brownfield dist.	0.46	0.6	0.6	0.5	0.56	−0.03	−0.03	0.04	0.53	−0.01	0.04	

Figure A-4. Correlation matrix among explanatory variables in Mecklenburg County.

(Color figure available online.)

Table A-2. Full set of logistical regression model results of industrial land conversions in Mecklenburg County (NC) and Cook County (IL) 1990–2010.

	Cook County	Mecklenburg County
Location factors		
Distance to airport	−0.152***	0.059
	(0.031)	(0.074)
Distance to multimodal facility	0.452***	0.037
	(0.029)	(0.112)
Distance to rail	0.576***	0.152*
	(0.031)	(0.060)
Distance to highway ramp	0.182***	−0.020
	(0.030)	(0.055)
Distance to CBD	−0.413***	−0.242**
	(0.045)	(0.093)
Distance to Transit station	−0.743***	0.136
	(0.045)	(0.089)
Industry/firm competitiveness		
Net employment change	−0.333***	−0.072
	(0.032)	(0.055)
Competitiveness of industry	−0.121***	−0.055
	(0.034)	(0.058)
Neighborhood price dynamics		
Change in neighborhood residential price	0.079***	−0.008
	(0.026)	(0.041)
Distance to nearest subdivision	0.079*	−0.035
	(0.041)	(0.044)
Environmental hazards		
Distance to brownfield	−0.105***	0.068
	(0.034)	(0.060)
Policy variables		
Empowerment zone (yes)	−0.739***	—
	(0.177)	
Industrial corridor/center (yes)	−2.969***	−1.864***
	(0.162)	(0.324)
Controls		
Parcel size	−0.016	0.045
	(0.030)	(0.046)

Notes: All estimates are standardized based on the standard deviation of each variable. Standard errors are in parentheses. The number of observations (N) was 6,702 for Cook County and 2,698 for Mecklenburg County. Intercepts were negative and significant for both models but are not listed. McFadden R^2 was 0.67 for Cook County and 0.22 for Mecklenburg County.
$*p < .10$; $**p < .05$; $***p < .01$.

GREATER PORTLAND : INDUSTRIAL MARKET REVIEW & 2014 FORECAST

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NAI The Dunham Group

Commercial Real Estate Services, Worldwide.

Welcome & Thanks

Presentation Outline

- **A Look Back at 2013**
  - Trends & Anecdotes
  - Significant Transactions
- **Current Conditions**
  - 2014 Industrial Market Survey
  - National & Regional Report
  - Report Card: 2013 Forecast
- **Forecast 2014**
  - Significant Vacancies
  - Predictions & Analysis of Data

A Look Back at 2013

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A Look Back at 2013…

Local Trends & Anecdotes

- **Owner/User's Thrive**
  - The Blake Group
  - Tallus Corporation
  - Coffee By Design
  - Maine Historical Society/Portland Public Library
- **Increased motivation lead to smooth negotiations**
- **Growing Industries – Brewing & Medical Marijuana**
  - Allagash Brewing, Bissell Bros., Banded Horn, New England Distillery, Austin Street Brewing, Foundation Brewing, Baxter Brewing

ALLAGASH BREWING COMPANY

BISSELL BROTHERS BREWING CO.

BANDED HORN BREWING CO.
Est. 2013
WE SHALL BAND TOGETHER

BAXTER Brewing Co.

NEW ENGLAND Distilling

foundation brewing company

AUSTIN STREET BREWERY

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A Look Back at 2013…

Local Trends & Anecdotes

- **Owner/User's Thrive**
  - The Blake Group
  - Tallus Corporation
  - Coffee By Design
  - Maine Historical Society/Portland Public Library
- **Increased motivation lead to smooth negotiations**
- **Growing Industries – Brewing & Medical Marijuana**
  - Allagash Brewing, Bissell Bros., Banded Horn, New England Distillery, Austin Street Brewing, Foundation Brewing, Baxter Brewing
  - Medical Marijuana cultivation centers: Yarmouth, Gorham, Biddeford, Saco, Windham, Westbrook

A Look Back at 2013…

Local Trends & Anecdotes

- **Increased interest in smaller properties**
  - 5 Laurence Drive, Gorham – 4,200 SF
  - 412 Route One, Yarmouth – 7,000 SF
  - 160 Pleasant Hill Road, Scarborough – 11,800 SF
  - 15 Washington Avenue, Scarborough – 6,400 SF
  - 1025 Ocean Avenue, Portland – 8,800 SF
- **Investment market is strong**
  - 97 Pine Tree Industrial, Portland
  - 28 Sanford Drive, Gorham
  - 167 Rumery Road, South Portland
  - 190 Rand Road, Portland

A Look Back at 2013…

Significant Transactions

SALES

167 Rumery Road, South Portland – $2,640,000
105,600 SF - Purchased by 167 Rumery Road, LLC
Investor

130 Breakwater & 1 Madison Street, South Portland – $2,300,000
62,000 SF – Purchased by HHH1, LLC
Investor

410 Riverside Street, Portland – $2,225,000
60,000 SF - Purchased by McCuda, LLC
Owner/User

A Look Back at 2013...

Significant Transactions

SALES (continued)

28 Sanford Drive, Gorham – $2,000,000
36,950 SF - Purchased by 28 Sanford Drive, LLC
Investor

2112 Broadway, South Portland – $1,515,000
21,875 SF - Purchased by 2112 Broadway, LLC
Owner/User

1000 Riverside Street, Portland – $1,500,000
35,500 SF - Purchased by Maine Historical & Portland Public Library
Owner/User

A Look Back at 2013…

Significant Transactions

SALES (continued)

299 Presumpscot Street, Portland – $1,490,000
39,614 SF - Purchased by Topspin, LLC
Owner/User

1 Diamond Street, Portland – $1,400,000
44,722 SF - Purchased by Bartlett Island, LLC
Owner/User

25 Rice Street, Portland – $1,075,000
26,474 SF - Purchased by REDE, LLC
Owner/User

A Look Back at 2013…

Significant Transactions

LEASES

765 Warren Avenue, Portland – 70,132 SF
Leased by Allagash Brewing

371 Marginal Way, Portland – 25,580 SF
Leased by Wesco Distribution, Inc.

167 Rumery Road, South Portland – 21,600 SF
Leased by Bedderrest

111 Pine Tree Industrial Parkway, Portland – 20,000 SF
Leased by Carrier Enterprise Northeast , LLC

Current Conditions

The 2014 Industrial Market Survey

Report Logistics

- Geographic Locations
  - Portland, South Portland, Westbrook, Gorham, Scarborough & Saco
- Qualifying Properties
  - 496 properties were inventoried
  - 50% or more industrial to office ratio
  - All properties in defined Industrial/Business Parks
  - All properties over 5,000 SF in non-parks (clusters or misc.)
  - Owner/occupied = 100% full (unless marketed for lease)
  - No retail/industrial buildings (Advance Auto, BJ's, Home Depot, etc.)
- Industrial Parks / Clusters / Miscellaneous Properties

The 2014 Industrial Market Survey

- Vacancy Rate & Asking Lease Rate Calculations
  - All vacancy totals as of December 2013 per NECPE
  - All lease rates based solely on listed properties per NECPE
  - Broke down all lease rates to a Triple Net number

    (Gross/MG rate less $1.75/SF for CAM's)
  - All square footages based solely on Town Tax Assessor cards

Greater Portland Industrial Market Summary

(see Appendix for detailed breakdown)

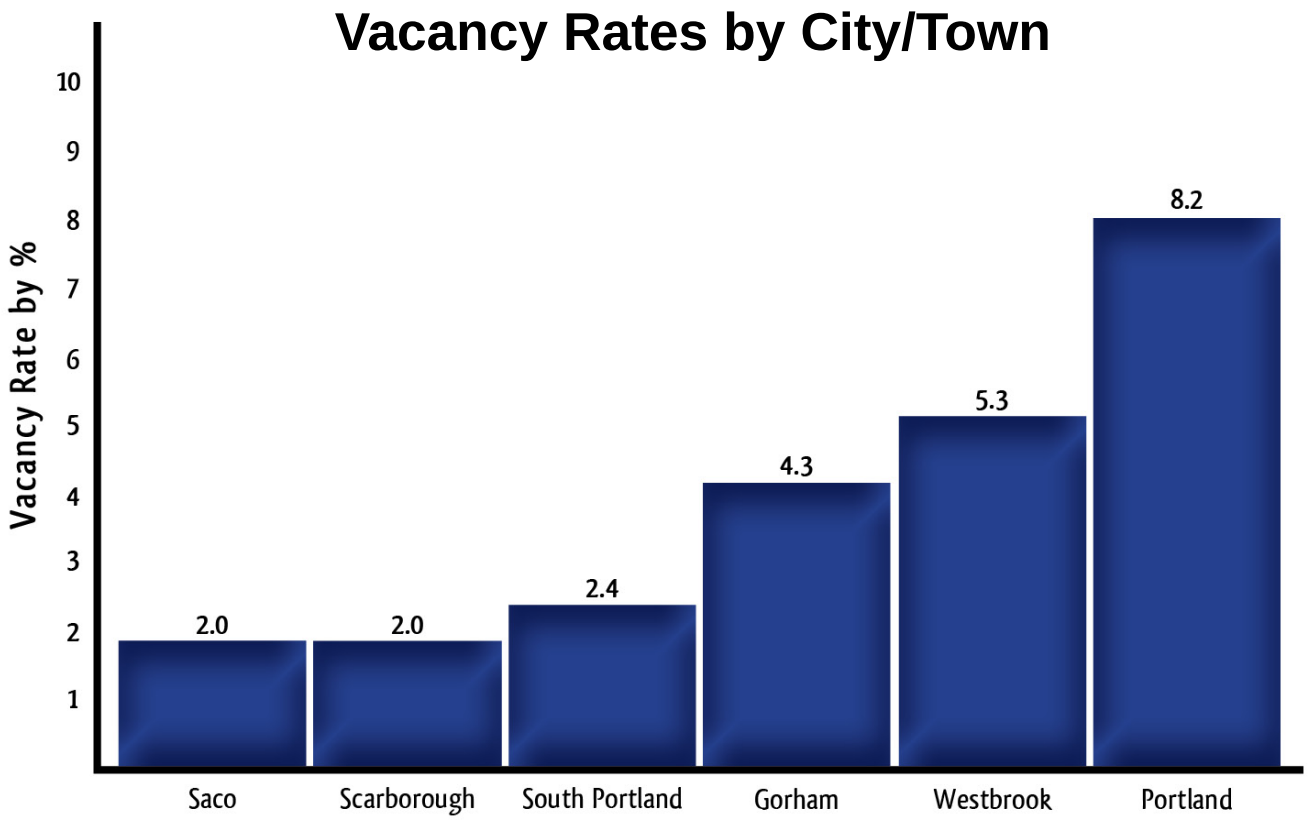
Total Number of Buildings:	**496**
Total Market Size:	**15,970,454± SF[1]**
Direct Vacancy:	**842,887± SF[2]**
Total Vacancy Rate:	**5.27%**

[1] Totals as of December 2013 per NAI The Dunham Group Industrial Market Survey

[2] Totals as of December 2013 per New England Commercial Property Exchange

The 2014 Industrial Market Survey

Greater Portland



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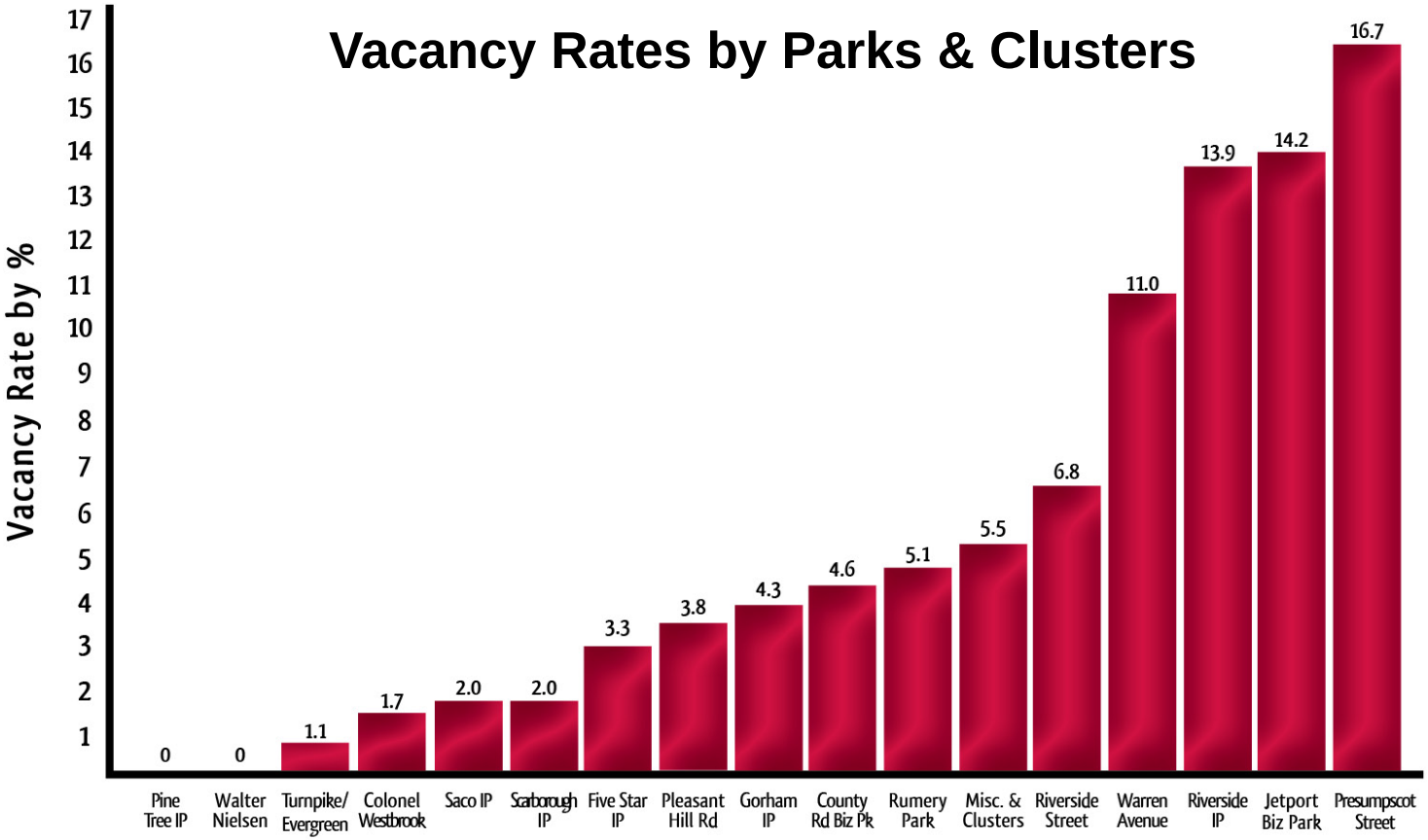
The 2014 Industrial Market Survey

Greater Portland



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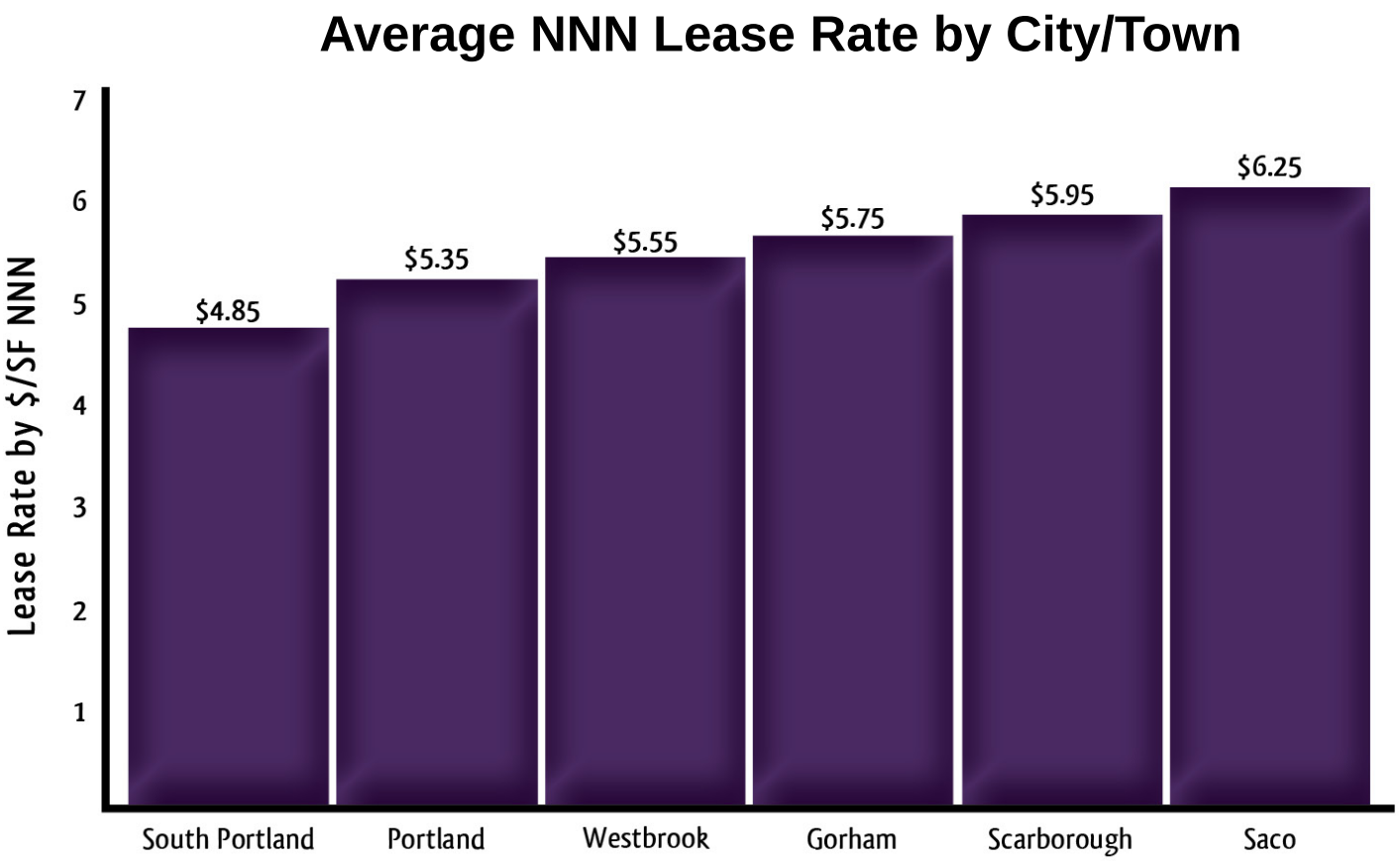
The 2014 Industrial Market Survey

Greater Portland



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Market Trajectory

2011 - 2013

	VACANCY RATE	LEASE RATE	CAP RATE*
2011	7.86%	$5.47/SF	10 - 11%
2012	6.97% ↓	$5.22/SF ↓	9 - 10% ↓
2013	5.27% ↓	$5.56/SF ↑	8.5 - 9.5% ↓

*Estimate based on available data/anecdotal evidence

National & Regional Data

	NATIONAL	NORTHEAST	BOSTON	GREATER PORTLAND
Cap Rates	7.75%	7.32%	7.1%	9.0±%
Vacancy Rates	8.0%	8.8%	9.2%	5.27%
Lease Rates	$5.79/SF	$5.66/SF	$5.31/SF	$5.56/SF

***Per data collected from NAI Global, Jones Lang LaSalle, NREI, Realtor.com and CoStar**

Report Card: 2013

Grading My Forecast Predictions from January 2013 Conference

- "Vacancy rates plateau and tick-up" – **Grade F**
- "Economic concerns slow momentum from 2012" – **Grade F**
- "1031-tax deferred exchanges increase in popularity" – **Grade B**
- "Owner/users continue to thrive in 2013" – **Grade A**

Forecast 2014

NAI The Dunham Group

Commercial Real Estate Services, Worldwide.

Forecast 2014

Significant Vacancies

765 Warren Avenue, Portland
89,974 SF

400 Riverside Industrial Parkway, Portland
60,000 SF

216 Riverside Industrial Parkway, Portland
34,904 SF

167 Rumery Road, South Portland
33,400 SF

921 Riverside Street, Portland
25,000 SF

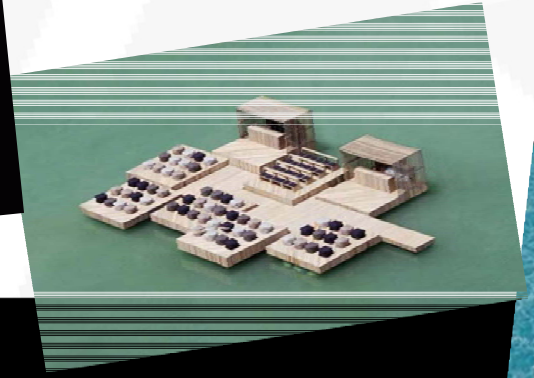
Predictions & Analysis

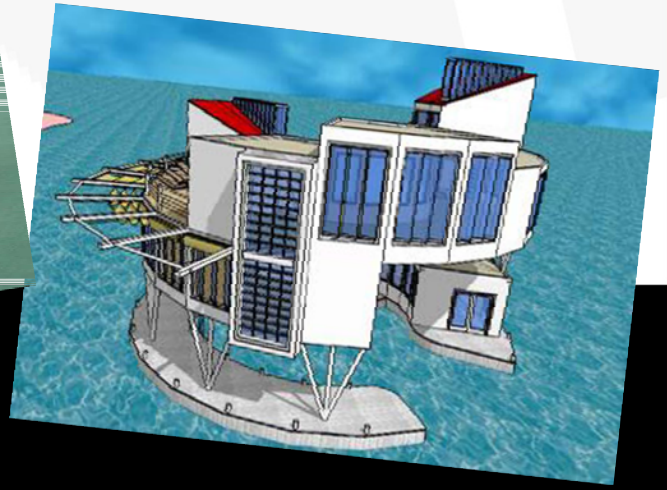
- Landlord's regain leverage
- Interest in land increases
- Speculative building likely
- Reasonable expectations lead to smooth negotiations

Predictions & Analysis

- Lease rates continue to rise
- Vacancy rates stabilize and will increase
- Owner/users continue to thrive
- Secondary markets take advantage

Predictions for 2034





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Predictions for 2034

- Online sales drive the need for more distribution space?
- Floating warehouses?
- Direct trade with Asia?
- More likely… a very familiar industrial landscape.

Conclusion

- Transactions were up and negotiations went smoothly
- Stunning drop in vacancy drives up lease rates
- Inventory poised to grow
- Bullish owner/users continue to benefit from historically rare opportunities

THANK YOU

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APPENDIX : INVENTORY RESULTS

Parks/Clusters	Total Bldgs.	Building SF	Available SF	Vacancy Rate	Avg. Lease Rate
Colonel Westbrook	17	558,902	9,787	1.7	$7.50
County Road business Park	8	216,578	10,000	4.6	$5.75
Five Star Industrial Park	27	1,312,297	43,467	3.3	$5.25
Gorham Industrial Park	38	937,906	40,737	4.3	$5.75
Jetport Business Park	3	56,266	8,000	14.2	$6.75
Miscellaneous Clusters	90	4,325,476	238,932	5.5	$4.85
Pinetree Industrial Park	7	238,948	0	0	N/A
Pleasant Hill	51	1,248,940	47,330	3.8	$5.43
Presumpscot Street	21	426,449	71,488	16.7	$3.95
Riverside Industrial Park	27	801,886	111,572	13.9	$4.20
Riverside Street	38	880,357	59,959	6.8	$5.25
Rumery Park	18	1,074,994	55,200	5.1	$3.75
Saco Industrial Park	52	1,328,025	27,125	2.0	$6.25
Scarborough Industrial Park	35	811,119	16,942	2.0	$5.95
Turnpike Industrial/Evergreen	23	403,655	4,500	1.1	$5.00
Walter Neilsen	7	538,920	0	0	N/A
Warren Avenue	34	885,376	97,848	11.0	$5.65

City/Town	Total Bldgs.	Building SF	Available SF	Vacancy Rate	Avg. Lease Rate
Gorham	38	937,906	40,737	4.3	$5.75
Portland	210	6,188,620	509,908	8.2	$5.35
Saco	52	1,328,025	27,125	2.0	$6.25
Scarborough	87	2,209,720	62,672	2.0	$5.95
South Portland	43	2,720,572	64,704	2.4	$4.85
Westbrook	66	2,585,611	137,741	5.3	$5.55

GRAND TOTAL:	Total Bldgs.	Total Market Size	Total Available SF	Greater Portland Vacancy Rate	Average Lease Rate
	496	15,970,454	842,887	5.27%	$5.56

Portland, Maine Yes. Life's good here.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

To: Alex Jaegerman, Planning Division Director
From: Greg Mitchell, Economic Development Director
Date: August 7, 2014
RE: Importance of Retaining Portland's Industrial-Zoned Real Estate

---

OVERVIEW

The purpose of this memo is to discuss the importance of retaining industrial-zoned property in the City of Portland. This resource is finite as the majority of developable real estate in the City has been built out, and it will be difficult to rezone property to expand Portland's industrial base.

Over time, Portland has seen its total industrial property reduced. Pressure from market forces and societal needs, particularly on the Peninsula, have driven the reduction and replacement of industrial zones with business zones to accommodate mixed use neighborhoods. Certainly, these neighborhoods are filling a vital need, providing increased housing as well as businesses that serve the City's residents and its burgeoning tourism markets.

In this current environment, retaining Portland's remaining industrial-zoned real estate for industrial uses is crucial to continue to grow and strengthen the City's economy. As you know, industrial-zoned property supports a variety of businesses, many of which are manufacturers that are a vital source of quality jobs that pay good wages. Their employee base often represents a range of educational levels, providing jobs for those with limited education as well as those with advanced degrees.

INDUSTRIAL SPACE CHALLENGES

Over the past few years, the City's Economic Development Department has been receiving increasing requests from companies seeking vacant industrial space or undeveloped industrial acreage for new construction. Some of these requests simply cannot be accommodated given the City's finite industrial property. When the expansion needs of existing Portland-based industrial companies cannot be accommodated locally and/or new industrial opportunities cannot be accommodated, this represents a loss to Portland's tax base and associated employment.

Justin Lamontagne, a real estate broker in Portland with NAI The Dunham Group, has experienced similar challenges, along with his colleagues, in searching for manufacturing space for companies wanting to expand in the Portland area. He explained that the Dunham Group is currently representing two successful manufacturers in the Greater Portland area. They each require 30,000-

40,000 SF of space and there are no options for them at this time. Both are now considering other markets in southern Maine.

TRENDS IN INDUSTRIAL SPACE DEMAND

Portland's industrial-zoned areas include Riverside Street, Riverside Industrial Parkway, Warren Avenue, Presumpscot Street, Bishop Street, Pine Tree Industrial Parkway, Canco Road, Outer Congress, sections of East Bayside and a few others. It is important to maintain the acreage in these zones.

The 2013 Greater Portland Maine Region Industrial Market Survey, presented at the January 2013 Maine Real Estate Developers Association Conference reported a decrease in industrial vacancies in Greater Portland, with a vacancy rates of 5.2%, substantially lower relative to Boston (9.2%), the Northeast (8.8%) and Nationally (8.0%). While inventory in the Portland area has essentially remained the same, demand has been increasing. Some of the conditions contributing to this trend include a strengthening national economy and a growing movement of product manufacturing back to the United States from overseas.

Eimskip has established its U.S. port presence in the City of Portland at the International Marine Terminal on Commercial Street. The access to international markets that this is generating is expected to attract cold storage and other investment opportunities.

Portland recently received federal designation to be part of the Investing in Manufacturing Communities Partnership. Specifically, Portland is one of 12 areas in the country to receive a 2-year federal assistance preference intended to support the growth of Portland's food production sector. This has the potential to expand food manufacturing in the City and, therefore, contribute further to the demand for industrial space.

Additional information from the 2013 Greater Portland Market Survey indicates that the overall industrial vacancy rate in the City of Portland is higher than in other neighboring communities. However, Portland's rate is skewed due to areas like Presumpscot Street and Warren Avenue where the building stock is older, making it more costly to renovate and thereby more challenging to attract tenants. It is worth noting that Riverside Street has among the lowest industrial vacancy rates in the City, per the Market Survey.

RECOMMENDATIONS

To summarize, Portland's industrial space is limited and should be preserved to the maximum extent possible.

Regarding the request from Spurwink to add Intermediate Care Facilities in the I-M zone, this seems to represent a unique set of circumstances that will not be displacing industrial uses. However, allowing for this use should be addressed in a site specific fashion.

In conclusion, I would not recommend amendments to permitted uses throughout the City's industrial zones that would reduce the opportunity for industrial business attraction and growth on Portland's remaining industrial real estate.

Table 1: Purposes

Zone			Purpose
IM (Industrial – Moderate Impact)			To provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist. The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic. The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure. Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.
R-1 and R-2			To provide for lower density residential development characterized by single-family homes on individual lots in outlying areas of the city and along traffic corridors with limited additional traffic capacity.
R-3			To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
R-5			To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
R-6			To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses. In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.
B-2 (Community Business)			To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.

Uses			I-M	R-1	R-2	R-3	R-5	R-6	B-2/B-2b/B-2c
Permitted	Residential	Single-family and two-family dwellings		•	•	•	•	•	•
		Multi-family dwellings						•	•
		Handicapped family units		•	•	•	•	•	•
		Single-family single- or multiple-component manufactured housing		•	•	•	•	•	
		Combined living/working spaces							•
		Lodging houses						•	•
		PRUDs				•	•		
		Multiplex development					•		
	Institutional	Schools							•
		Clinics							•
		Places of assembly							•
		Long term, extended and intermediate care facilities							•
		Governmental buildings and uses/municipal uses				•	•	•	•
		College, university or trade schools							•
		Nursery schools, kindergartens							
		Day care facilities	•						•
	Business	General, business, & professional offices	•						•
		Personal services							•
		Business services							
		Offices of building tradespeople							•
		Retail establishments							•
		Restaurants							•
		Drinking establishments							•[4]
		Billiard parlors							•
		Mortuaries or funeral homes							•
		Miscellaneous repair services	•						•[5]
		Communication studios or broadcast and receiving facilities							•
		Health clubs and gymnasiums							•
		Veterinary hospitals							•[6]
		Theaters							•
		Hotels							•[7]
		Dairies and bakeries	•						•
		Drive-throughs when accessory to a principal use on the same lot							•[8]
		Registered medical marijuana dispensaries							•
		Indoor recreation and family amusement establishments	•						
		Intermodal transportation facilities	•						
C	he r	Accessory uses	•	•	•	•	•	•	•

		Agricultural uses, as defined		•	•				
		Cemeteries						•	
		Parks		•	•	•	•	•	
		Home occupation		•	•	•	•	•	
		Studios for artists and craftspeople							•
		Special needs independent living units					•	•	
		Bed and breakfasts							•
		Conversion into bed and breakfast						•	
		Hostels						•	•
		Wind energy systems	•	•	•	•	•	•	•
		Utility substations	•						•
		Warehousing and wholesaling	•						
		Low impact industrial uses	•						
		R&D and back office uses	•						
		Building contractors and construction/engineering services	•						
		Nurseries	•						
		Lumber yards	•						
		Commercial kitchens or other food preparation	•						
		Recycling & solid waste disposal facilities	•						
		Food processing	•						
		Correctional pre-release facilities	•						
		Tow lots	•						
		Beverage dealers							
		Municipal Uses		•	•				
Conditional	**Residential**	Sheltered care group homes		•	•	•	•	•	
		Additional accessory dwelling units		•	•	•	•		
		Alteration of non-residential structure to 3+ dwelling units					•		
		Conversion of multi-family structure to lodging house					•		
	Institutional	Schools		•	•	•	•	•	
		Long-term and extended care facilities		•	•	•	•	•	
		Intermediate care facility for 13 or more persons		•	•	•	•	•	
		Places of assembly		•	•	•	•	•	
		Hospitals				•	•	•	
		Nursery schools and kindergartens						•	
		Day care facilities				•	•	•	
		College, university, trade schools			•		•	•	
	Business	Major and minor auto service stations existing as of 1999							•[9]
		Car washes							•
		Drive-throughs adjacent to residential uses or zones							•[10]

		Automobile dealerships							•
		Restaurants							
		Conversion into bed and breakfast (over 5 rooms)						•	
	Other	Utility substations		•	•	•	•	•	
		Professional offices						•	
		Chancellery						•	
		Off-street parking				•	•	•[2]	
		Temporary wind anemometer towers	•	•	•	•	•	•	•
		Hostels						•	
		Wind energy systems	•	•	•	•	•	•	•
		Printing and publishing establishments							•
		Wholesale distribution establishments							•
		Research and development and related production establishments							•
		Cemeteries		•	•				
		Raising of domestic animals		•					
		Day Care facilities		•	•				

1 Permitted on ground floor of B-1b; above ground floor, residential uses of 14-162(a), bed and breakfasts, hostels permitted
2Ffor passenger cars for uses permitted in the R-6 zone.
3 Restaurants conditionally permitted, provided they have a max. floor area for use by public of 1,000 SF; hours limited to 6 am to 11 pm; food service and consumption is primary function; no drive-throughs
4 Except in B-2c
5 Excluding motor vehicle repair
6 Excluding outdoor kennels
7 Of less than 150 rooms
8 Permitted in B-2 or B-2b if not adjacent to residential use or zone
9 Permitted in B-2, & permitted in the B-2b if in existence since 1999
10 Permitted in B-2, & permitted in the B-2b if accessory

Att. A

GARRISON CONSULTING

Transmittal

To: Barbara Barhydt

Project: Spurwink Services – Land Use Code Amendments GC#2014-006

Date: 06/15/2014

From: Matthew Winch

Re: Planning Bd. Submission

cc: Dan Bonner, file

Item:	Date	Quantity	Title
1	06/13/2014	1	Land Use Code Amendment Submission
2	06/15/2014	1	Digital Copy of Submission (DVD)

Remarks:

41 Edgewood Avenue Portland, ME 04103
(207) 450-0750
matthewwinch@earthlink.net

GARRISON CONSULTING

June 13, 2014

Portland Planning Board
389 Congress Street
Portland Maine, 04101

Re: Zoning Text Amendment
IM Zone – Allowable Uses

Dear Chair O'Brien and Members of the Planning Board,

Spurwink Services a Portland based 501-c3 charitable organization with a long-standing history of service to Portland area children and their families is requesting approval for text amendments to the Portland Land Use Code. Specifically those changes are:

1. To make an Intermediate care facility an allowable use in the IM Zone.
2. Clarify the definition of Intermediate care facility.

Spurwink Services is requesting these amendments ultimately to open the door to allowing them to convert a portion of their 899 Riverside Street campus to an Intermediate care facility.

Spurwink is a 60-year-old social service agency serving the needs of children and adults with mental health concerns and related trauma. Spurwink Services provides, among other services, both day treatment and residential treatment in a variety of locations and settings.

Spurwink Services 899 Riverside St campus is not only the location of their first residential program house (Sue Wright House), which is still currently used as a residence for up to 8 clients, but the campus is also currently home to senior leadership, finance, marketing and development offices for the entire agency. Some of these functions will soon be relocated to the converted office space within the old Rainbow Mall building on Washington Avenue. This move will open up a portion of the 899 Riverside St campus to re-use. The intent would be to renovate one building to house the proposed Intermediate care facility use.

Spurwink Services has targeted their Riverside Street campus for this use and as a result this text amendment because of a number of important factors.

1. Spurwink Services had a number of smaller 3-5 client residential treatment facilities throughout the area that were closed because they were no longer economically sustainable under current State and Federal funding models.
2. An analysis of funding and staffing models has shown that a residential treatment facility serving between 12 and 16 clients (plus appropriate staff) is an economically viable alternative to the smaller facilities. This larger facility and expanded client base will provide a more consistent funding stream and a higher quality of care to their clients.
3. Because Spurwink Services supports families from the larger Cumberland County community, this location, its proximity to primary arterials and connector streets will provide greater accessibility to families, caregivers and State agency representatives that will travel to see clients being cared for at the facility.

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4. There is a desire to keep the clients Spurwink serves more closely connected to the communities in which they were raised. With referrals for residential treatment coming from Juvenile corrections as well as mental health hospitals, the IM Zone may serve as a very good intermediate step before fully integrating clients back more fully into the communities that they are returning to.

In this application for text amendment Spurwink Services proposed changes to the Land Use Ordinance are:

1. Add the following allowable use to Division 14 . I-M, I-Ma AND I-Mb INDUSTRIAL ZONES* Section 14-247. Permitted uses:

   (y) Intermediate care facility for not more than (26) persons plus staff.

2. Clarify the following definition in Section 14-47 Definitions by adding the underlined text:

   Intermediate care facility: A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and services above the level of room and board. Said facility must be licensed as a board care <u>or Residential Care Facility</u> pursuant to the regulations promulgated by the State of Maine Department of <u>Health and</u> Human Services.

By recommending the City council approve these changes to the Land Use Ordinance a new use will be allowable in the IM Zone that is similar to two other currently approved uses, Day Care Facility and a Correctional prerelease facility. We have attached a supporting letter that analyzes the conformance to the Purpose statement of the IM Zone and conformance to the City's Comprehensive Plan

Sincerely,

M.G. W

Matthew G Winch
Principal

Zoning Map/Text Amendment/Contract or Conditional Rezoning Application
Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: http://me-portland.civicplus.com/DocumentCenter/Home/View/1080
Design Manual: http://me-portland.civicplus.com/DocumentCenter/View/2355
Technical Manual: http://me-portland.civicplus.com/DocumentCenter/View/2356

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

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

PROJECT NAME: Spurwink Services - Land Use Ordinance, text amendments

PROPOSED DEVELOPMENT ADDRESS:

899 Riverside Street

PROJECT DESCRIPTION:

1. Request for text amendment to the IM Zone establishing an Intermediate care facility (ICF) as an allowable use within the Zone.
2. Further clarify the definition of Intermediate care facility to better align with Department of Health and Human Services terminologies and definitions.

CHART/BLOCK/LOT: 326 B004

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Spurwink Services (c/o Eric Meyer) Business Name, if applicable: Address: 899 Riverside Street City/State : Portland, Maine Zip Code: 04103	**Applicant Contact Information** Work # (207) 871-1200 Home# Cell # Fax# e-mail: emeyer@spurwink.org
Owner – (if different from Applicant) Name: Address: City/State : Zip Code:	**Owner Contact Information** Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Garrison Consulting (c/o Matthew Winch) Address: 41 Edgewood Ave City/State : Portland, Maine Zip Code: 04103	**Agent/Representative Contact information** Work # (207) 450-0750 Cell # (207) 450-0750 e-mail: matthewwinch@earthlink.net
Billing Information Name: Spurwink Services (c/o Daniel Bonner) Address: 899 Riverside Street City/State : Portland, Maine Zip Code: 04103	**Billing Information** Work # (207) 871-1200 Cell # Fax# e-mail: dbonner@spurwink.org

Engineer	Engineer Contact Information
Name: Address: City/State : Zip Code:	Work # Cell # Fax# e-mail:
Surveyor Name: To Be Determined Address: City/State : Zip Code:	**Surveyor Contact Information** Work # Cell # Fax# e-mail:
Architect Name: Garrison Consulting (c/o Matthew Winch) Address: 41 Edgewood Ave City/State : Portland, Maine Zip Code: 04103	**Architect Contact Information** Work # (207) 450-0750 Cell # (207) 450-0750 Fax# e-mail: matthewwinch@earthlink.net
Attorney Name: To Be Determined 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:

Applicant is the current property Owner. See attached for proof of right, title and interest in the property

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:

There are 3 seperate structures on the property. The Applicant currently uses two of the buildings, Smith House and Kaufmann House, to house offices for professional staff including but not limited to senior management, finance, facilities HR and development functions. The third building on the property, Sue Wright House, is used as an 8-bed residence (plus house parents) for students at Baxter School for the Deaf. This residence is not used for "treatment" purposes.

Current Zoning Designation(s): IM - Moderate Impact Industrial

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.

The applicant will maintain the 8-bed residential use at Sue Wright House and maintain one of the buildings, Smith House, as office space for some staff functions which will remain on site. The applicant proposes to use Kaufmann House as (up to) a 16-person (plus staff) Intermediate care facility. The proposal at this time would not require any increase in volume or footprint. All construction associated with this conversion would take place within the existing connected structure of Kaufmann House.

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.

APPLICATION FEES:

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

Zoning Map Amendment ___ $2,000.00 (from _____ zone to _____ zone) **Zoning Text Amendment** X $2,000,~~000~~ (to Section 14-246 & 14-47 **Combination Zoning Text Amendment and Zoning Map Amendment** ___ $3,000.00 **Conditional or Contract Zone** ___ $3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	The City invoices separately for the following: • Notices ($.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.

APPLICATION SUBMISSION:

1. All plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file names which can be found on the **Electronic Plan and Document Submittal** page of the City's website at http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal

2. **The submission shall include the following materials:**
   a. One (1) paper set of the zoning amendment application, concept plan and written narrative.
   b. Contract and conditional rezoning applications must include 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.

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.

Signature of Applicant:	**Date:**
Eric Meyer CEO	6/15/14

GARRISON CONSULTING

June 13, 2014

Portland Planning Board
389 Congress Street
Portland Maine, 04101

Re: Land Use Code Text Amendment
IM Zone – Allowable Uses

Dear Chair O'Brien and Members of the Planning Board,

In support of Spurwink Services (Applicant) application for a Land Use Code Text Amendment to the IM Zone please accept this supplemental letter in support of the request now before you. As you are aware, the Portland Land Use Code authorizes the Planning Board to recommend Land Use Code text amendments to the City Council for final approval. These amendments must be determined to be consistent with nature and purpose of the zone and they must in basic harmony with and thereby consistent with the City's comprehensive plan. The Applicant provides the following analysis.

The Applicant is proposing to add the following allowable use to Division 14 . I-M, I-Ma AND I-Mb INDUSTRIAL ZONES* Section 14-247. Permitted uses:

(y) Intermediate care facility for not more than (26) persons plus staff.

1 - The Proposed ICF Use is Consistent with the Purpose of the IM Zone, as well as the Permitted Uses in the Zone.

The Purpose of the IM Zone: *The moderate impact industrial zones are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist.*

The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.

The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure.

Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.

Some of the directly relevant and permitted uses in the zone include but are not limited to:

(o) Day care facilities
(r) Correctional prerelease facilities
(t) General, business and professional offices

The inclusion an Intermediate care facility as an allowable use is consistent with the purpose and the permitted uses for the zone. The purpose of the IM Zone is to an area for light to moderate industries and transportations related uses to coexist. Further and as stated above,

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the zones are located on or near arterials, thereby protecting residential neighborhoods from drive through traffic.

Providing proper around the clock care to young children dealing with mental health related traumas requires a staffing set-up that demands 24-hour care. Staff is awake, active and alert during the nighttime hours, the facility is brightly lit at the exterior for security and nighttime shift changes to rotate staff are required. This type and level of activity is not ideal for a residential neighborhood where overnight activities are expected to be minimal if not non-existent.

Given that a facility of this type serves a group of people that are not living at their primary residence, a much higher and constant volume of traffic to and from the facility can be expected. Family, friends, medical professionals and staff from state agencies can all be expected visitors through the daytime and evening hours. Placing and Intermediate care facility close to arterials and collector streets protects residential neighborhoods from the impacts of associated traffic.

Finally, the use is consistent with other approved uses in the Zone. A daycare facility and correctional pre-release facility both anticipate a level and scope of care and security to maintain the well being of the population served. Daycare facilities are no longer an 8-5 business and the correctional pre-release facility includes overnight accommodation for the clients it is serving.

2 -The Proposed Use is in Basic Harmony with and Therefore Consistent with the City's Comprehensive Plan.

The proposed Zone text amendment will meet the stated goals of the comprehensive plan. Three primary and directly relevant goals are noted and analyzed.

Stated Goal A: To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing developmental sprawl.

Allowing an Intermediate care facility limited to (26) persons plus staff in the IM Zone encourages modest development of an institutional use that is similar in nature and scope to other allowable uses in the zone. As an allowable use it would be provided advantage of the necessary transportation infrastructure required to serve and support the zone and thereby the use. It will also allow the use to be placed in an area(s) of the city that has been defined for higher levels of traffic and around the clock activities and needs such as modest increases in noise and light pollution, which are less desirable in other areas of the city.

Stated Goal C: To promote an economic climate which increases job opportunities and overall economic well-being.

Portland's Industry and Commerce Plan includes 6 primary goals:

- Create a variety of job opportunities for the full spectrum of the labor pool.
- Recognize that jobs and prosperity improve the standard of living for residents.
- Preserve, protect and strengthen neighborhoods.
- Reduce tax burden on residential property owners.
- Make Portland attractive to new residents and businesses.
- Be creative, responsive and work hard to retain existing business.

Allowing an Intermediate care facility limited to (26) persons plus staff in the IM Zone encourages the development of a small to mid sized institutional facility that has a more favorable economic success model than the smaller uses (limited to under 12 clients) that are typically allowable in residential zones throughout the city. Allowing up to (26) clients allows for a greater staffing to client ratio and creates a better service and salary ratio to staff based on available State and Federally funded support programs (Maine Care, Medi Care/Medi Cade) and the like. By making this mid range type facility allowable for development in the IM Zone, it encourages and attracts development of a more economically viable sized facility in a zone intended to handle the increased demands on the infrastructure.

Stated Goal D: To encourage and promote affordable, decent housing opportunities for all Maine citizens.

Further the Goal states the need to maintain and enhance the livability of Portland's neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Policies to that Goal include:

- While accommodating needed services and facilities, protect the stability of Portland's residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental and other non-residential uses.
- Ensure the integrity and economic value of Portland's neighborhoods.

Adding Intermediate care facility as an approved use in the IM Zone will preserve the quality and vitality of Portland's neighborhoods by allowing a larger scale and more economically viable institutional use to be located in a zone more suitable to handle the demands of the use.

Some residential zones do allow for very small Intermediate care facilities (limited to under 12 clients) that while fitting in with the scale and size of a traditional neighborhood environment, is not economically viable. Funding mechanisms do not adequately support the demands of a smaller facility, leading to a drop in service to clients as well as the ability to maintain and secure the property. This would have a negative affect on the city's policy goal to ensure the integrity and economic value of Portland's neighborhoods.

Allowing the use in the IM Zone enhances the economic vitality of the services associated with and intermediate care facility by allowing client levels to be raised to a higher and more appropriate staffing ratio.

As demonstrated above the proposed text amendment to the IM Zone and the clarification of the definition of the Intermediate care facility is consistent wit the City's Comprehensive Plan from land use, economic and neighborhood protection perspectives. Thank you for considering our proposal, we look forward to working with the Planning Board during this review process.

Sincerely,

Matthew G Winch
Principal

Att. D

EDGEFIELD LODGE, CASCO
10 CANDLEWYCK ROAD, PORTLAND
98 RACKLEFF STREET, PORTLAND
899 RIVERSIDE STREET, PORTLAND
18 SONNET LANE, PORTLAND
342 WOODFORDS STREET, PORTLAND

82135 B

WARRANTY DEED № 82135 Bk 11161 Pg 333
Maine Statutory Short Form

MAINE REAL ESTATE TAX PAID

KNOW ALL PERSONS BY THESE PRESENTS, that **SPURWINK ASSOCIATES LIMITED PARTNERSHIP (f/k/a SPURWINK ASSOCIATES)**, a Maine limited partnership with a place of business in Portland, in the County of Cumberland and State of Maine, for consideration paid, **GRANTS** with **WARRANTY COVENANTS** TO:

THE SPURWINK SCHOOL, a not-for-profit corporation with a place of business in Portland, County of Cumberland, State of Maine, whose mailing address is 899 Riverside Street, Portland, Maine:

Parcel One - Edgefield Lodge, Casco: Two (2) certain lots or parcels of land with the buildings thereon, situated on the easterly side of the highway leading through Casco Village to Spurr's Corner, so-called, in the Town of Casco, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit A annexed hereto and made a part hereof.

Being a portion of the premises conveyed to Spurwink Associates by warranty deed of Richard M. Smith and Harvey J. Berman dated December 5, 1983 and recorded in the Cumberland County Registry of Deeds in Book 6342, Page 331.

Parcel Two - 10 Candlewyck Road, Portland: A certain lot or parcel of land with the buildings thereon, situated on Candlewyck Road, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit B annexed hereto and made a part hereof.

Being a portion of the premises conveyed to Spurwink Associates by warranty deed of Harvey J. Berman, et al. dated December 5, 1983 and recorded in said Registry of Deeds in Book 6342, Page 329.

Parcel Three - 98 Rackleff Street, Portland: A certain lot or parcel of land with the buildings thereon, situated on the southerly side of Rackleff Street, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit C annexed hereto and made a part hereof.

Being a portion of the premises conveyed to Spurwink Associates by warranty deed of Harvey J. Berman, et al. dated December 5, 1983 and recorded in said Registry of Deeds in Book 6342, Page 329.

Parcel Four - 899 Riverside Street, Portland: Two (2) certain lots or parcels of land with the buildings thereon, situated on the southeasterly side of Riverside Street, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit D annexed hereto and made a part hereof.

Being a portion of the premises conveyed to Spurwink Associates by warranty deed of The Spurwink Riverside Corporation dated December 5, 1983 and recorded in said Registry of Deeds in Book 6342, Page 336.

Parcel Five - 18 Sonnet Lane, Portland: A certain lot or parcel of land with the buildings thereon, situated on the southerly side of Sonnet Lane, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit E annexed hereto and made a part hereof.

Being the same premises conveyed to Spurwink Associates by warranty deed of Janice M. Hawkins-Donovan dated February 20, 1990 and recorded in said Registry of Deeds in Book 9092, Page 15.

Parcel Six - 342 Woodfords Street, Portland: A certain lot or parcel of land with the buildings thereon, situated on Woodfords Street, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described on Exhibit F annexed hereto and made a part hereof.

Being a portion of the premises conveyed to Spurwink Associates by warranty deed of Harvey J. Berman, et al. dated December 5, 1983 and recorded in said Registry of Deeds in Book 6342, Page 329.

IN WITNESS WHEREOF, the said SPURWINK ASSOCIATES LIMITED PARTNERSHIP has caused this instrument to be signed this 13th day of December, 1993.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

SPURWINK ASSOCIATES LIMITED
PARTNERSHIP

By _____
David Lakavi
Its Gen Ptr

STATE OF MAINE
COUNTY OF CUMBERLAND

December 13, 1993

Personally appeared the above-named David Lakavi, in his said capacity, and acknowledged the foregoing to be his free act and deed, and the free act and deed of said corporation, before me.

_____
Notary Public/Attorney at Law

Drew A. Anderson
Printed Name

S\PUPO2\DD.5

EXHIBIT D

899 Riverside Street, Portland, Maine

A certain lot or parcel of land located in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at a stone monument in the southeasterly side of Riverside Street, which monument marks the southwesterly corner of land conveyed by Jefferson H. Hodges, et al. to Richard M. Smith by deed dated July 12, 1960, and recorded in the Cumberland County Registry of Deeds, Book 2553, Page 229; THENCE, southeasterly along line of land formerly of said Smith and now of Spurwink Associates 417.8 feet to the southeasterly corner thereof; THENCE, continuing southeasterly along line of land conveyed by Jefferson H. Hodges, et al. to Riverside Industrial Park, Inc. by deed dated February 24, 1964 and recorded in said Registry in Book 2806, Page 441, 138.06 feet, more or less, to a fence which marked the line of land formerly of Lydia J. Stevens; THENCE, southwesterly 404.13 feet to an angle in said fence; THENCE, northwesterly 551.63 feet by line of said fence and over a stone monument to the southeasterly side of Riverside Street; THENCE, northeasterly by said Riverside Street 408.84 feet, more or less, to the stone monument at the point of beginning. Containing 5.16 acres, more or less.

Also, a certain lot or parcel of land with the buildings thereon situated on the southeasterly side of Riverside Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

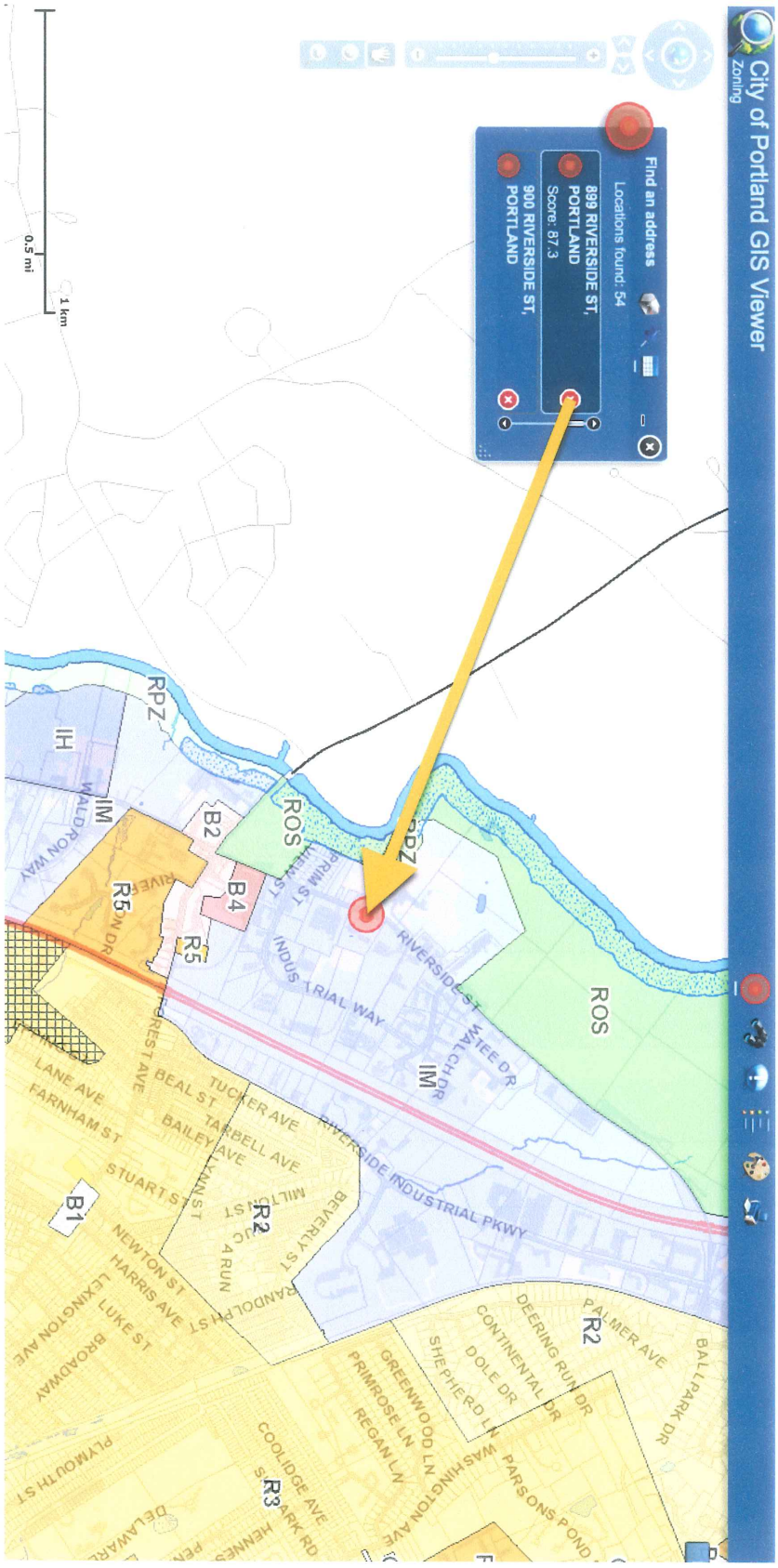
Beginning at a stone monument in the southeasterly side of Riverside Street, said stone monument being distant 408.84 feet, northeasterly from the northwesterly corner of the land conveyed to Jefferson H. Hodges and Edith G. Hodges by Arthur H. Jones by deed dated January 22, 1942, and recorded in Book 1667, Page 123; THENCE, North 36° 23' East along the southeasterly sideline of Riverside Street, a distance of 414.43 feet, to an iron; THENCE, South 42° 32' East, a distance of 425.4 feet to a point; THENCE, South 36° 18' West a distance of 353.3 feet to a point; THENCE, North 51° 03' West a distance of 417.8 feet, more or less, to the monument in the southeasterly sideline of Riverside Street and the point of beginning.

Together with the benefit of the rights reserved as set forth in the deed to Corley Family Realty Limited Partnership dated September 30, 1988, and recorded in Book 8467, Page 86, that no building or paving shall be constructed or placed within 30 feet of the southwesterly sideline of Spurwink Associates' remaining land and landscaping shall substantially adhere to the plans of Corley Family Realty Limited Partnership, approved by Spurwink Associates. This condition shall run with the land and shall bind Spurwink Associates and Corley Family Realty Limited Partnership herein, their respective successors and assigns, and all parties claiming by, through, or under them, so long as Spurwink Associates maintains the same buffer in which no building or paving shall be constructed or placed within 30 feet of Corley Family Realty Limited Partnership's northeasterly sideline.

Excepting that certain lot or parcel of land conveyed to Corley Realty Limited Partnership by deed dated September 30, 1988, recorded in Book 8497, Page 86, and bounded and described as follows:

A certain lot or parcel of land situated on the southeast side of Riverside Street, in the City of Portland, County of Cumberland and State of Maine:

Beginning at a point on the southeast sideline of Riverside Street marking the westerly corner of land herein described and the northerly corner of land now or formerly of Eve Mitchell, said point being North 50° 22' 1.2" West 11.47 feet from a granite monument; **THENCE**, North 38° 26' 30" East along the southeasterly side of said Riverside Street 408.84 feet to an angle point; **THENCE**, North 36° 47' 33.6" East along the southeasterly side of said Riverside Street 14.12 feet to a point marking the northerly corner of land herein described and land of Spurwink Associates; **THENCE**, South 51° 33' 30" East 421 feet along land of Spurwink Associates to a point marking and easterly corner of land herein described and land now or formerly of the City of Portland; **THENCE**, South 36° 18' West 29.17 feet along land now or formerly of the City of Portland to an iron pipe marking a corner of land herein described; **THENCE**, South 51° 03' East 138.06 feet along land of the City of Portland to an iron pipe marking the easterly corner of land herein described and land now or formerly of Riverside Industrial Park; **THENCE**, South 39° 36' 30" West 404.13 feet along land of Riverside Industrial Park to an iron pipe marking the southerly corner of land herein described and land now or formerly of Mount Holyoke College; **THENCE**, North 50° 22' 1.2" West 540.16 feet along land now or formerly of Mount Holyoke College and Eve Mitchell to a granite monument; **THENCE**, North 50° 22' 1.2" West 11.47 feet along land now or formerly of Eve Mitchell to the southeast sideline of Riverside Street and the point of beginning, containing 5.377 acres.


City of Portland GIS Viewer
Zoning
Find an address
Locations found: 54
899 RIVERSIDE ST, PORTLAND
Score: 87.3
900 RIVERSIDE ST, PORTLAND
ROS
RPZ
IH
IM
B2
B4
R5
R2
R3
B1
RIVERSIDE ST
INDUSTRIAL WAY
RIVERSIDE INDUSTRIAL PKWY
WALDRON WAY
PALMER AVE
BALLPARK DR
DEERING RUN DR
CONTINENTAL DR
DOLE DR
SHEPHERD LN
PARSONS POND
WASHINGTON AVE
GREENWOOD LN
PRIMROSE LN
REGAN LN
COOLIDGE AVE
TUCKER AVE
TARBELL AVE
BAILEY AVE
BEALS ST
STUART ST
FARNHAM ST
LANE AVE
NEWTON ST
HARRIS AVE
LUKE ST
LEXINGTON AVE
BROADWAY
PLYMOUTH ST
0.5 mi
1 km

Memorandum
Planning and Urban Development Department
Planning Division

To: Stuart O'Brien, Chair and Members of the Portland Planning Board
From: Shukria Wiar, Planner and Barbara Barhydt, Development Review Services Manager
Date: Thursday, August 8, 2014
Re: R-6 Zoning Map Amendment and Text Amendments for Park Danforth; 777 Stevens Avenue
Project #: 2012-108 CBL: 326 B004002
Meeting Date: August 12, 2014

I. INTRODUCTION

The Park Danforth has submitted an application for a zoning map amendment and accompanying text amendments for their property at 777 Stevens Avenue. The property is situated on a city block bounded by Forest and Stevens Avenues and Poland and Arbor Streets. The existing building is located in the R-6 zone. The rest of the block is zoned Residential R-5 along Stevens and a portion of Arbor Street and the B2 zone is along Forest Avenue and a portion of Arbor Street. The applicant applied for the proposed zoning map amendment to convert the entire block (except for one lot, held under separate ownership) to the Residential R6 zone. The amendments are proposed to support the applicant's plans to develop independent housing for persons aged 55 and over on this site.

The Planning Board had one workshop on this item on July 22, 2014. At that time, the applicant was proposing text amendments to the definition section of the Zoning Ordinance, to increase the R-6 maximum building height for this specific type of housing, and to revise Division 20 to allow one space per unit for all R-6 zones. The applicant is proposing a building height of fifty-five (55) feet. The Planning staff had recommended several options at the workshop, including the R-7 zone, a conditional rezoning agreement and alternative text amendments to the R-6 zone. The Planning Board expressed interest in the idea of creating a new zone, Residential R-6A, for large scaled parcels. The Planning staff has developed options for the Board's consideration.

The Table of Contents for this report is as follows:

I.	Introduction	VI. Proposed Text Amendments
II.	Project Data	VII. Comprehensive Analysis
III.	Background and Existing Conditions	
IV.	Proposed Development	
V.	Proposed Map Amendment	

II. PROJECT DATA

Existing Zoning: Residential R-6 and R-5, Business B-2
Existing Use: 124 apartments for the elderly and 36 assisted living studios of Park Danforth
Proposed Use: Residential Elderly Independent Living Units
Parcel Size: 4.12 acres

Residential Data:

- Existing Residential Units: 160 dwelling units in the existing building, 2 single families, one of which is vacant.
- Proposed Residential Units: 46 dwelling units
- Number of Units to be Demolished: two single family homes
- Number of Affordable Units: For the existing units- 70 are Section 8 housing and 36 market rate. The proposed units will be market rate.

Building Heights: Existing is 65' and Proposed is 55'
Parking Spaces:

- Existing: Approximately 65 spaces
- Proposed: 93 spaces (40 spaces in the garage and 53 surface parking).

Uses in Vicinity: Mixed commercial uses along Arbor Street, across the street on Stevens Avenue is the Maine State Armory and University of New England, on Poland Street there are residential use as well as offices, commercial uses along Forest Avenue.

III. EXISTING CONDITIONS AND ZONING

a. Background

The applicant, Park Danforth, is an elderly residential housing entity that has roots in the City for over 130 years and is a not-for-profit corporation. Park Danforth originally was located at the corner of Park and Danforth Streets, hence the name Park Danforth, and it was a "Mercantile Home for Aged Men". Due to financial pressures, Danforth sold its property to 75 State Street and moved to their current location at 777 Stevens Avenue in 1985 with seventy (70) Section 8 apartments and thirty-six (36) market rate residential apartments for the elderly. The facility expanded again in 1999 to provide eighteen (18) new apartments and thirty-six (36) Assisted Living studios. Currently the building consists of 124 apartments and 36 Assisted Living studios.

The assisted living units at Park Danforth were developed as a special needs independent living units, which are a permitted use in the R-6 zone. It is defined in R-6 as follows:

> *Special needs independent living units, provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.*

The existing height of the current building is 60 feet, which is no longer permitted in the R-6 zone, but Marge Schmuckal has confirmed that the building permit files note this was the permitted height at that time. The special needs independent living units (SNILU) are subject to the dimensional standards of the R-6 zone. The density provision does allow for a greater density for SNILUs as follows:

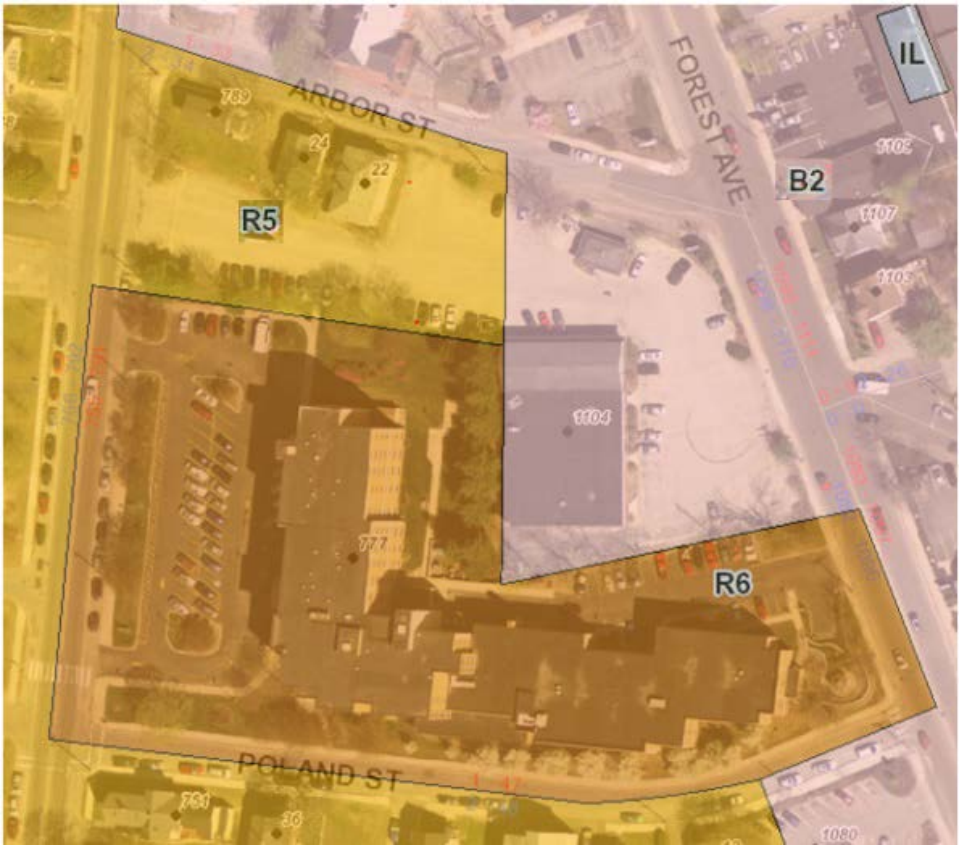
a. Minimum area per dwelling unit: *One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.*

The proposed development is for market rate independent living units and is not proposed as a SNILU; thus the 20% density bonus would not apply.

The Park Danforth has been in negotiation for the past five years with the adjacent parcels, so the site now consists of eight parcels. The recently acquired sites include the Goodwill properties along Forest and Stevens Avenues and two existing residential parcels along Arbor Street. The applicant owns the entire city block with the exception of one residential property at 24 Arbor Street. They are in discussions with the property owner to purchase the single-family home, however the discussions are on hold at this time.

b. Existing Zoning and Conditions

The zoning for this block is split between three zones. The existing building at 777 Stevens Avenue is zoned Residential R6. The properties at the corner of Stevens Avenue and Arbor Street, including 189 Stevens Avenue, 22 and 24 Arbor Street (24 Arbor Street is not included in the applicant's proposal) are presently zoned R5. The "Goodwill" facility and parcels are zoned Community Business B2 at 1104 Forest Avenue. The total parcel area of Park Danforth campus is 179,546 SF or 4.12 acres. The applicant explored developing the site under the current zoning designations, but there was a need for text amendments to B-2 for height and the limitations of R-5 zone were too restrictive. The applicant is seeking to have all of their holdings under one zone designation (see excerpt of Zoning map below).



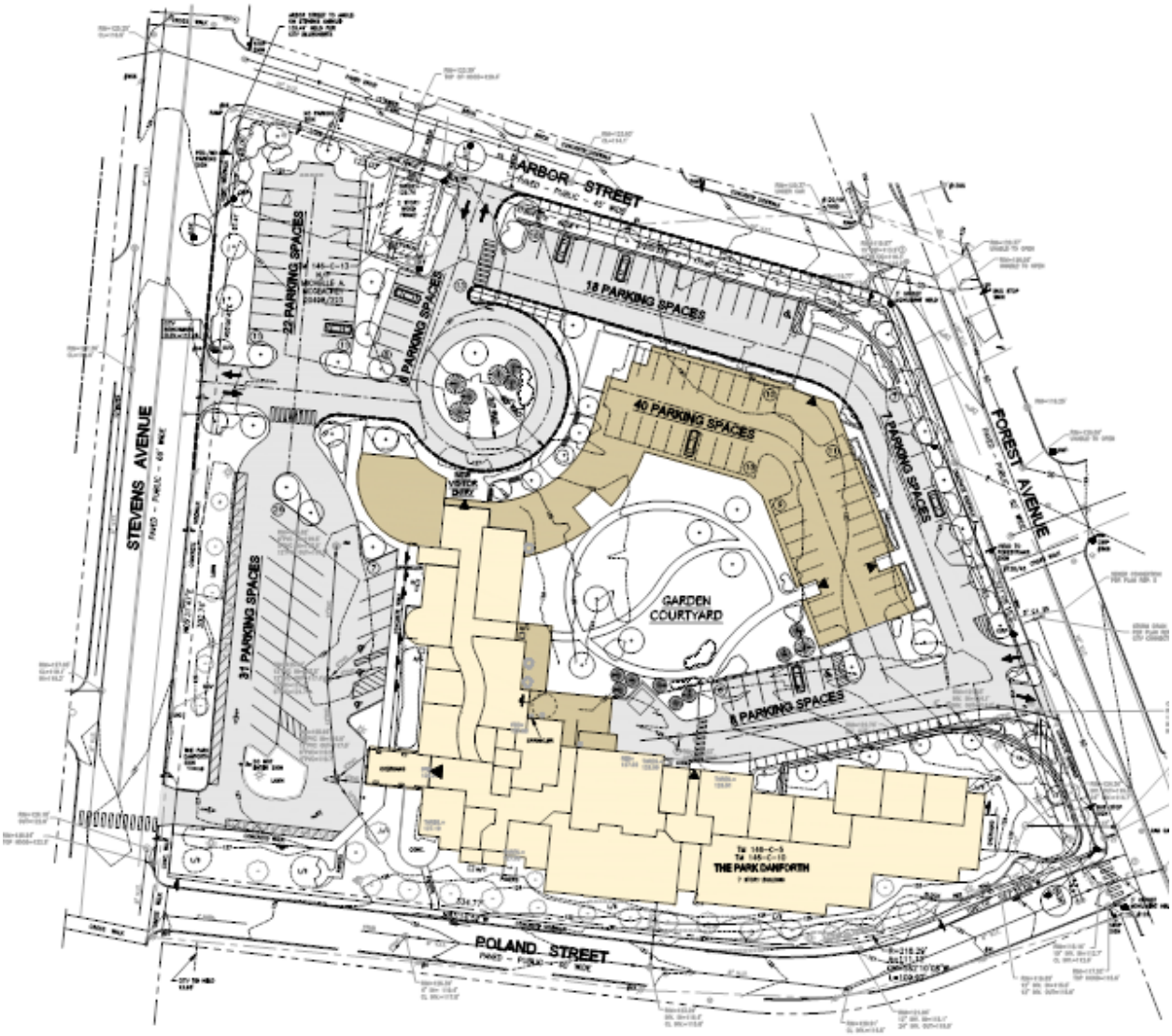
The Goodwill site has an impervious area coverage of roughly 95% with two buildings and paved parking on a lot area of 60,798 SF (1.40 acres). There are two single-family homes (one is vacant) on Arbor Street. The single family home at 24 Arbor Street is occupied and under separate ownership. It is not part of the applicant's proposed map amendment. At the workshop hearing, the Board suggested that the whole block be advertised for rezoning.

Aerial of the Park Danforth City Block

IV. PROPOSED DEVLEOPMENT

Park Danforth is developing a master plan for their campus at 777 Stevens Avenue. The total land area of the parcels making up the Park Danforth Campus is 179,546 SF or 4.12 acres. They would like to expand their current campus to provide for elderly housing that include "independent elderly housing" for a younger aging population. This includes people that do not need assistance with daily living but would like to be in an interactive senior community with amenities and services. The main population being targeted is 75 years of age and plus.

According to the applicant's submission, the master plan will consist of open spaces, address the street presence, and provide for pedestrian and vehicular circulation and safety. Some of the vehicular circulation will remain one-way and exiting on an existing two-way drive which will be slightly modified. This two-way drive will also access the new parking and the visitor entry. The existing driveway serving the Goodwill Store will be removed on Forest Avenue. Having said this, there will be four curb cuts on the remaining streets: one on Arbor Street for visitor entrance and for the new building, one off Forest Avenue for service entrance and two on Stevens Avenue. The campus will include two interior court yard gardens to provide safe and functional open space for the residents. Other site improvements include extensive landscaping and site features such as retaining wall and fencing.



The main building on the Park Danforth campus consists of a seven-story building along Stevens Avenue and a three-story building along Poland Street. Along with the newly acquired parcels, Park Danforth wants to build a new structure along Arbor Street and Forest Avenue. The new building will contain one level of underground parking for forty (40) cars and forty-six (46) new "Independent Living" units on the upper four floors. The total building area will be about 64,000 SF., not including the parking level.

The building will be four-stories along Forest Avenue and Arbor Streets with the interior of the building facing the existing Park Danforth building will be five-stories. The maximum proposed building height is proposed at approximately 55 feet. A building connection is proposed to connect the existing seven-story building with the new building at the new turn-around. According to the applicant the "building will feature varied window sizes, balconies, and materials, to coordinate and complement the existing Park Danforth building". Please refer to Attachment A for more details of the master plan for the campus.

Staff Development Review Comments: The proposed development is subject to site plan and subdivision review. In a very preliminary review, the staff has recommended that the applicant consider further reducing the number of curb cuts and minimizing the pavement on the site. Tom Errico, Consulting Traffic Engineer, commented as follows on the concept plan (Attachment 1):

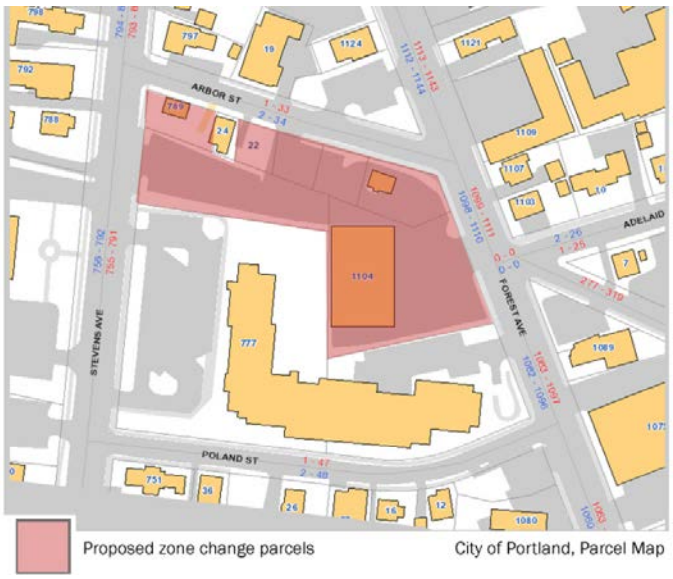
- The proposed project does not meet City standards in regard to the number of driveways provided. The applicant should document specifically the purpose of each driveway as part of justifying a waiver from City standards. I would note that while the number of driveways has been reduced, I'm still concerned about access/egress conditions.
- Some of the driveways may not meet City corner clearance and spacing requirements and thus the applicant should provide information that support non-compliant conditions.
- The applicant will need to provide supporting information on the number of parking spaces provided on-site. I would suggest that the applicant conduct an existing parking demand study and use that information to document future parking needs.
- Sidewalk with curbing will be required for all property frontage areas.

In addition, David Margolis-Pineo submitted preliminary comments on the site plan on July 17th and those comments are included as (Attachment 2). The planning staff has recommended bringing the proposed addition closer to the corner or street. The applicant's consultant has indicated that the change in grade on the site, the desire to have first floor parking for the addition, a terrace for the building addition, and the need for two-way circulation around the building, limits their ability to bring the building closer to the street.

V. APPLICANT'S PROPOSAL

a. Applicant's Zoning Map Amendment

Park Danforth submitted an application seeking to rezone their recently acquired properties along Forest Avenue and Arbor Street to Residential R-6. As noted above, they control all of the lots in this block except for one single family home at 24 Arbor Street.



b. Applicant's Text Amendments

In addition, the applicant submitted three text amendments: adding a new definition of Elderly Independent Living Housing, changing the building height to 55 feet in the R-6 zone for Elderly Independent Living Housing, and requiring fewer parking spaces for the residential off the peninsula. At the first workshop, the board considered these amendments in addition to other options raised by the staff. The staff felt that a definition for elderly housing was not needed and concerns were expressed about the impact of the text amendments, particularly the revised height proposal, with the pending R-6 text amendments being presented to neighborhood groups this summer. At the workshop, the Board expressed interest in exploring the option of creating an R-6A zone or revising the text of the R-6 zone. The proposed changes to the parking were supported by staff and at the workshop. The applicant is amenable to the revised proposal as presented in Section VII below. A brief summary of the applicant's original text amendments is as follows:

1. **Add Definition of Elderly Independent Living to Section 14-47 Definitions**

   Elderly Independent Living Housing; living units such as apartments, cottages, condominium units, multiplex housing, or single family unit, the occupancy of which is restricted to certain elderly residents. Elderly resident(s) must be 55 years of age or older, or in case of a couple, one who is 55 years or older, and do not require assistance with daily living activities or 24/7 skilled nursing. Such facilities may offer optional services to residents who desire them, such as dining services, basic housekeeping and laundry services, transportation to appointments, social programs and access to exercise equipment.

2. **Add Elderly Independent Use in R-6 and increase Maximum Height to 55 for this Use in the R-6 Zone**

   Section 14-136. Permitted Uses, (a) Residential: to include Elderly Independent Living Housing *as a permitted use as defined in Section 14-47.*

   Section 14-139. Dimensional Requirements, (a) 7. Maximum structure height: to include Elderly Independent Living Housing: Fifty-five (55) feet.

3. **Text Amendment to Division 20-Parking Requirement to require one space per unit in R-6 zones**

   Section 14 -332 (a) Residential Structure 3. For residential development on the peninsula (area defined as southerly of I-295) and including off-peninsula R6 zoned areas.

   a. One (1) space per unit;

   b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.

   c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

VI. ZONING COMPARISON

At the July 22, 2014 workshop the Planning Staff offered alternative amendments for the Planning Board to consider. Those options included R-6 text amendments, R-7 and conditional rezoning. The Planning Board requested a comparison chart of the existing and proposed zoning. Attachment 3 is a zoning chart with the purpose statements, permitted and conditional uses and the dimensional standards.

VII. ATERNATIVE ZONING MAP AND TEXT AMENDMENTS

At the July 22, 2014 workshop, the Planning staff presented alternative zoning options for the Board's consideration, which included R-6 text amendments, rezoning the site to R-7, or considering a conditional rezoning agreement. In general, the Board was not supportive of the R-7 zone or a conditional rezoning option. Please note that the zoning comparison chart (Attachment 3) does include the R-7 zone for the Board's information. The Board asked the staff to explore creating an R-6A zone that could be specific to the off-peninsula R-6 zones, which the staff has prepared in consultation with the applicant. Currently there are three R-6 off-peninsula properties: Park Danforth on Stevens Avenue, Deering Pavilion on Forest Avenue, and Ricker Park, off Dartmouth Street. The Planning Staff have developed proposed text amendments for an R-6A zone and have identified potential sites that could be considered for rezoning. The staff has included the option of considering just R-6 text amendments for the Board's comparison and consideration, but it is not the preferred concept.

A. CREATE AN R-6A ZONE

i. PROPOSED R-6ATEXT AMENDMENTS- Staff recommended

In order to create the R-6A zone, the R-6 Residential Zone, Division 7, would need to be amended along with a new map designation. The potential text amendments include adding a new purpose statement, adjusting the maximum building height to 55 feet, and modifying the open space ratio to 20%. The purpose statement is based upon the policies contained in Housing; Sustaining Portland's Future, which is part of the Comprehensive Plan. Modifying the open space ratio is recommended in order to encourage a more urban form of development, which is consistent with the R-6 zone, and to eliminate complexity in the regulations. The current open space ratios is based upon the number of units proposed for a development. Currently, 20% open space is required for projects with 20 units or less and 30% open space is required for projects with over 20 residential units. The proposed text amendments are as follows and the complete text is included as Attachment 4:

- Amendment for Purpose Statement

DIVISION 7. R-6 and R-6A RESIDENTIAL ZONE

Section 14-135. Purpose.

The purpose of the R-6 residential zone is:

(a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

The purpose of the R-6A residential zone is:

(a) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

- Amendment for Permitted Use title.

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 and R-6A residential zone:

[No amendments proposed in the list of permitted or conditional uses.]

- Amendment for Maximum Structure Height – Dimensional Standards

Section 14-139. Dimensional requirements.

7. *Maximum structure height*
   a. *Maximum structure height R-6:*

   Principal and attached accessory structure: Forty-five (45) feet.

   Accessory detached structure: Eighteen (18) feet.

   b. Maximum structure height R-6A:

   Principal and attached accessory structure: Fifty-five (55) feet on parcels of four (4) acres or more.

   Accessory detached structure: Eighteen (18) feet.

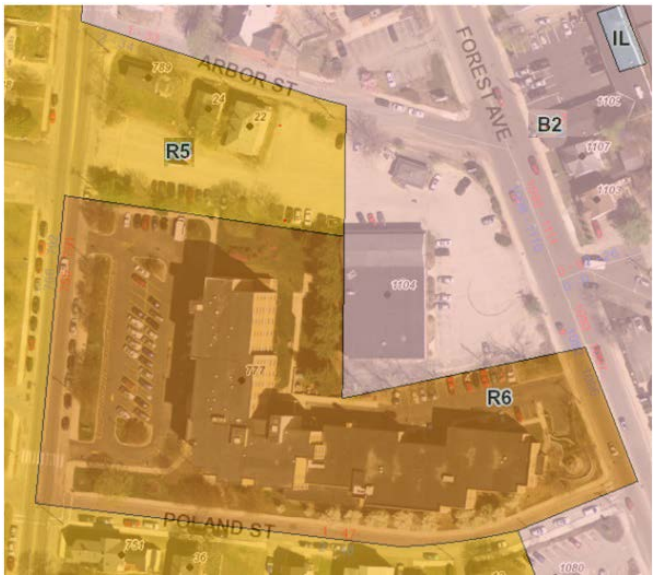
- Amendment for Open Space Ratio – Dimensional Standards

8. *Open space ratio:*

   a. *Uses other than bed and breakfast.* Twenty (20) percent. ~~for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units.~~ This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

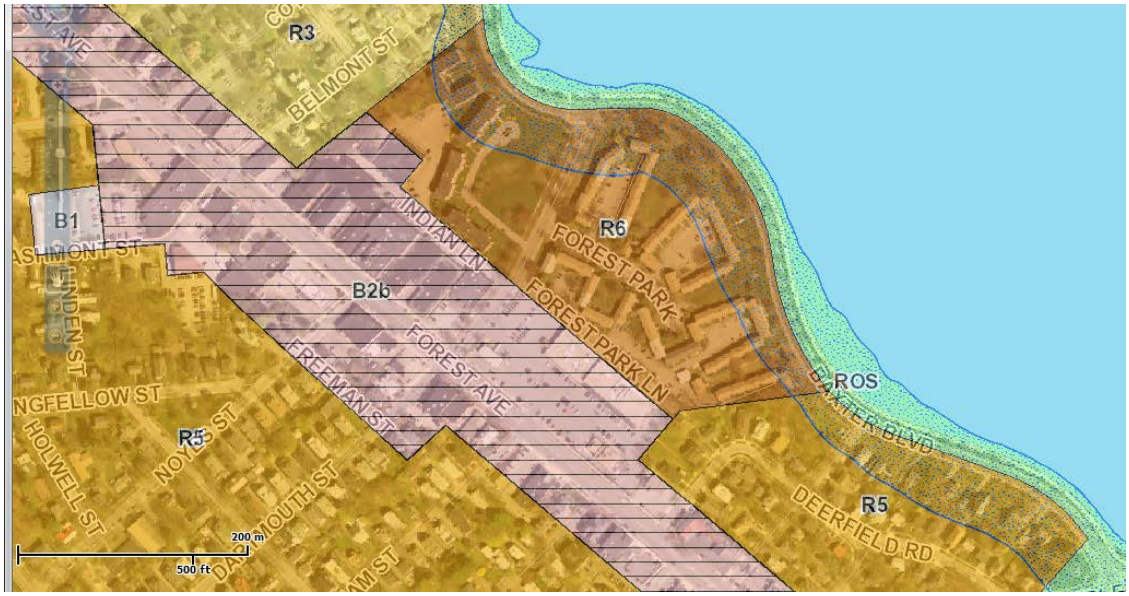
ii. PROPOSED R-6A MAP AMENDMENT – Staff recommended

There are three areas off the peninsula that are zoned R-6. Those sites include Park Danforth, Deering Pavilion and Ricker Park. Excerpts of the current zoning map are below.



Park Danforth Site – Existing R-6 Zone

Deering Pavilion – Existing R-6 Zone



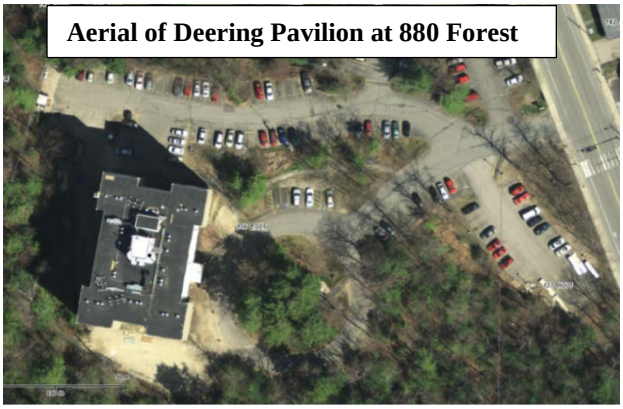
Ricker Park- Existing R-6 Zone

The Park Danforth site is located along two arterials, Stevens Avenue and Forest Avenue. The site is divided between B-2, R-5 and R-6 zoning. Deering Pavilion development is entirely within the R-6 zone and it is located along Forest Avenue in the vicinity of the Walton Street intersection and adjacent to Baxter Woods. Ricker Park is located overlooking Back Cove along Baxter Boulevard, which is a designated Historic Landscape.

The Planning Board is being asked to consider a maximum building height of 55 feet. The maximum building height in the R-6 zone is 45 feet. Park Danforth is 65 feet with a three story addition along Poland Street. William Scott, surveyor for the Department of Public Services, calculated the building heights for Deering Pavilion and Ricker Park. Ricker Park is below the current R-6 building height regulations with a height of 35 feet, whereas Park Danforth and Deering Pavilion exceed the current standards (see photos below). The following chart shows the three off-peninsula properties that are currently zoned R-6 with the land area, building height, and date of construction:

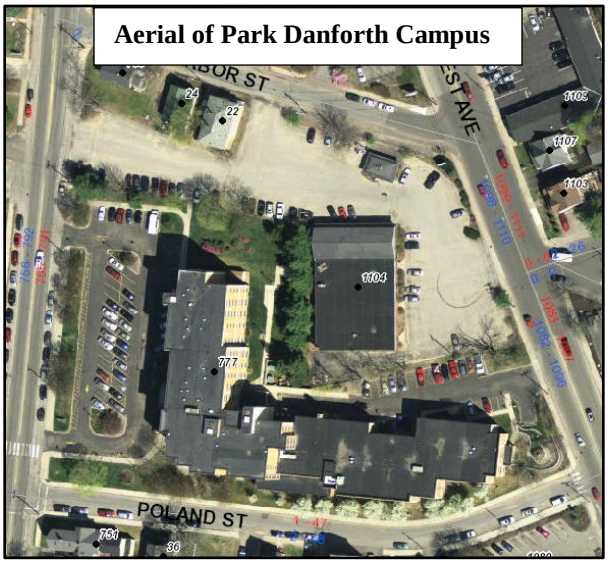
RESIDENTIAL HOUSING IN THE R-6 ZONE			
Property	**Acreage**	**Building Height in Feet**	**Year Built**
Park Danforth	4.12	65	1984
Deering Pavilion	7.017	101.5	1973
Ricker's Park	4.89	34.5	1930

Aerial of Deering Pavilion at 880 Forest



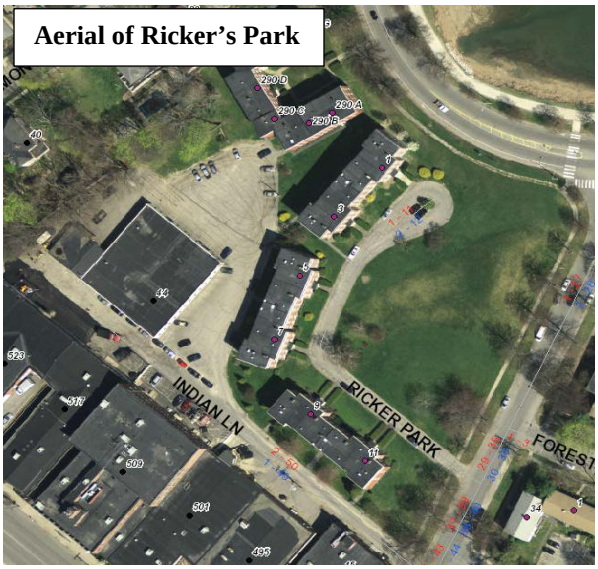
Deering Pavillion at 880 Forest Avenue- picture taken from their website

Aerial of Park Danforth Campus



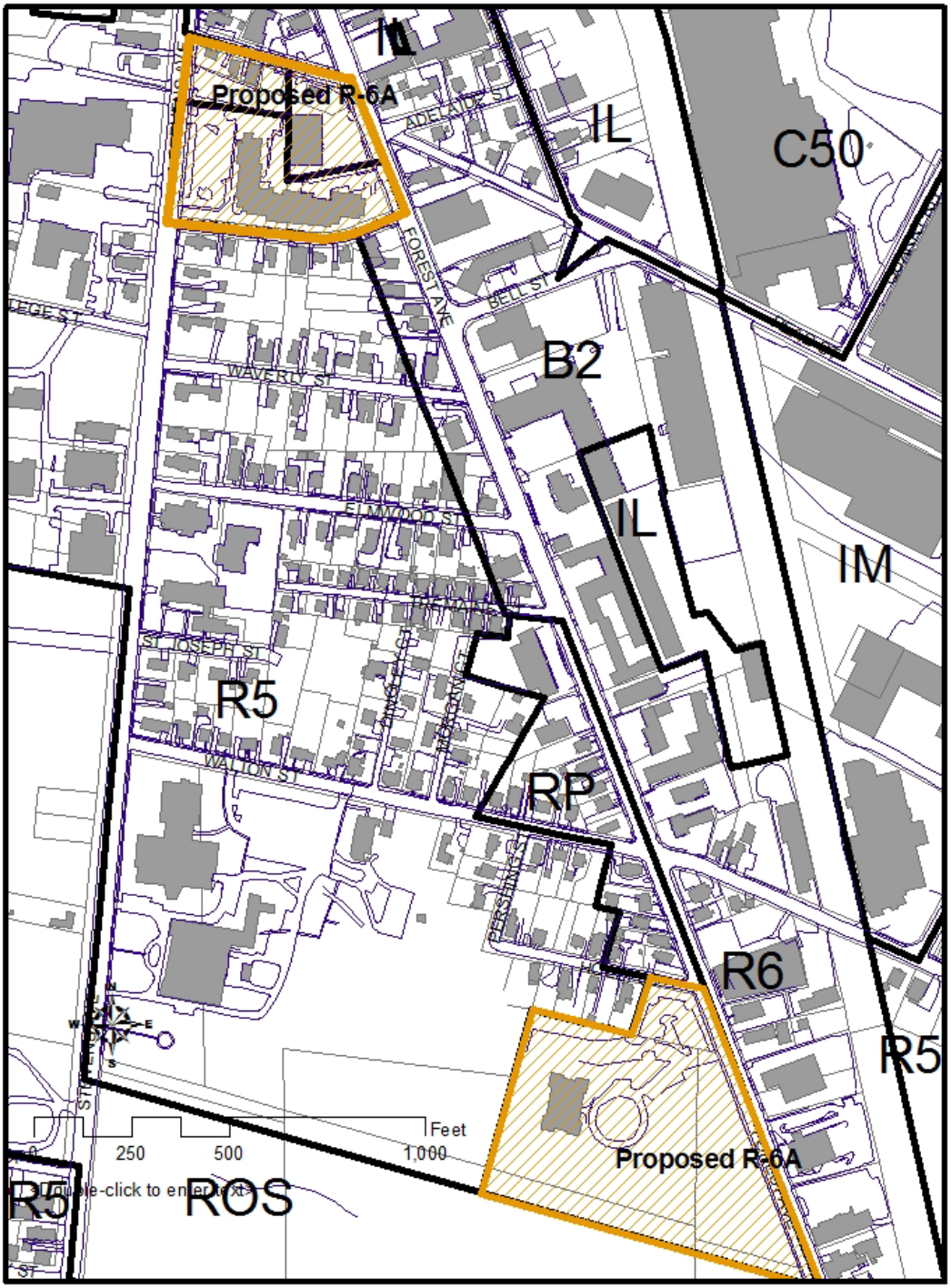
Existing Building at 777 Stevens Avenue

Aerial of Ricker's Park



Ricker's Park off of Forest Avenue- Picture taken from their website

The Planning Staff recommends that the Planning Board consider an R-6A map amendment for the Park Danforth block, including 24 Arbor Street, and the Deering Pavilion site, due to their location along arterials and the fact that their current structures exceed the R-6 zone maximum height requirements. The staff omitted Ricker Park from the proposed R-6A map amendment based upon the analysis that Ricker Park is well below the current R-6 limitations for building height and it is located along a sensitive historic landscape. The staff is seeking the Boards guidance on the areas to advertise if the Board concurs with this approach. The proposed map amendments are shown below.



Proposed Zone Mape Amendments
Deering Pavillion and Park Danforth

B. ALTERNATIVE - R-6 TEXT AMENDMENTS – Not Staff's preferred option

At the July 22nd workshop the Planning Staff presented alternative text amendments for the Board's consideration. Those amendments are presented below for the Board's consideration and comparison to the proposed R-6A text amendments. The discussion at the workshop regarding building height focused on seeking an alternative to establishing an increased height for elderly housing throughout the R-6 zone. The staff proposal considered whether additional height might be appropriate in campus settings, such as the Park Danforth and Deering Pavilion, and suggested increased building height for sites with 4 acres or more. While the staff is presenting this alternative, it is not the preferred option. In particular, the text amendment allowing a greater building height on parcels with 4 acres of more would apply to the Ricker Park site, which has over 4 acres of land. Upon further reflection on this particular R-6 site's context and the fact that the buildings are thirty-five (35) feet in height, the staff is concerned about the potential unintended impacts of this alternative text language. The text that was presented at the last workshop is presented below.

- Amendment for Purpose Statement

  Section 14-135. Purpose.

  (c) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas

- Amendment for Maximum Structure Height – Dimensional Standards

  Section 14-139. Dimensional requirements.

  7. *Maximum structure height:*

  Principal and attached accessory structure: Forty-five (45) feet.

  Principal and attached accessory structure: Fifty-five (55) feet on off-peninsula parcels of four (4) acres or more.

  Accessory detached structure: Eighteen (18) feet.

- Amendment for Maximum Structure Height – Dimensional Standards

  8. *Open space ratio:*

  a. *Uses other than bed and breakfast.* Twenty (20) percent~~for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units~~. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

C. TEXT AMENDMENT TO DIVISION 20-PARKING REQUIREMENT

Lastly, there is a proposed text amendment to revise Division 20 Off-Street Parking Section 14-332. Currently, residential development off-peninsula requires two spaces per unit. The applicant is requesting the parking requirement be decreased from two parking spaces per unit to one parking space for R-6 zones. The Board discussed this provision at the July 22nd workshop and debated whether this provision should apply to all residential uses throughout the city or just amend the provision to include all R-6 zones, both on and off-peninsula. It appeared most members found the proposed parking provision to be reasonable for higher density developments in the R-6 zone, but the members were not prepared to recommend this modification city-wide at this time. The proposed amendment to Division 20 is proposed as follows and the staff recommends this amendment:

Section 14 -332

3. For residential development on the peninsula (~~area defined as~~ southerly

of I-295and/or R-6 and R-6A zones.

a. One (1) space per unit;

b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.

c. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

As noted at the last workshop, *Division 20 Off-Street Parking Section 14-332.2 (c)* allows the Planning Board to determine the required number of parking spaces of projects if unique conditions exist. According to the applicant's assessment of parking requirements for elderly housing conducted in communities surrounding Portland, they concluded that elderly independent living communities had fewer cards and required fewer parking spaces. The applicant is seeking certainty on the required parking number rather than deferring the determination to the time of development review.

VIII. COMPREHENSIVE PLAN ANALYSIS

At the workshop hearing, the Board requested that the planning staff further look into how this potential rezone is consistent with Portland's Comprehensive Plan. Goals and policies which are relevant to the proposed map amendment have been included below:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
  ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
  viii. Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes;

- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.

- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.

- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respects neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.

- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.

- Ensure the integrity and economic value of Portland's neighborhoods.

Volume 2 Implementation
Housing Initiatives:

3. New Senior Citizen Housing: A variety of housing opportunities are needed to assist Portland's senior citizens, including subsidized apartments. (cites Peaks Island Housing)
Longer Term Actions – 4-10 years

(b) Update zoning to encourage neighborhood livability with higher density multi-family and innovative mixed use projects that are along major public transportation routes, near service areas, in redevelopment (underutilized) or infill area, locations near downtown and in business zones.

Robert Metcalf, Principal Architect with Mitchell Associates, provided the applicant's assessment of the proposed zoning map and text amendments and consistency with Portland's Comprehensive Plan (Attachment A). Mr. Metcalf cites relevant goals and polices from the following components of Portland Comprehensive Plan:

Housing: Sustaining Portland's Future; and
A Time of Change: Portland's Transportation Plan

IX. NEXT STEPS

- Further develop the proposed amendments per the Planning Board's guidance
- Advertise the Map Amendments per the Planning Board's guidance
- Schedule a public hearing

ATTACHMENTS:
Staff Review Comments and Background Information

1. Traffic Engineering Review (Tom Errico, T Y Lin), comments dated 7/17/2014
2. Department of Public Services Memo, David Margolis-Pineo, dated 7/17/2014
3. Zoning Chart
4. Division 7- R-6 Zone and R-6A amendments

Public comments (none at the time PB Memo completed)

Applicant's Submittal

A. Application
B. Cover Letter
C. Project Description
D. Letter of Authorization
E. Technical Capacity
F. Right, Title and Interest (Warranty Deed)
G. Maps
H. Parking Requirements Comparison
I. Definitions Comparison Plans

Plans

P1. Conceptual Master Plan
P2. Existing Conditions in Vicinity
P3. Arbor Street Elevation
P4. Forest Avenue Elevation

From: Tom Errico <thomas.errico@tylin.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>
CC: "Margolis-Pineo, David" <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 7/17/2014 11:32 AM
Subject: 777 Stevens Avenue - Preliminary Traffic Comments

Shukria - My preliminary traffic comments regarding the draft concept plan are noted below.

* The proposed project does not meet City standards in regard to the number of driveways provided. The applicant should document specifically the purpose of each driveway as part of justifying a waiver from City standards. I would note that while the number of driveways have been reduced, I'm still concerned about access/egress conditions.

* Some of the driveways may not meet City corner clearance and spacing requirements and thus the applicant should provide information that support non-compliant conditions.

* The applicant will need to provide supporting information on the number of parking spaces provided on-site. I would suggest that the applicant conduct an existing parking demand study and use that information to document future parking needs.

* Sidewalk with curbing will be required for all property frontage areas.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
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Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)
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Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

MEMORANDUM

To: FILE

From: Shukria Wiar

Subject: Application ID: 2014-114

Date: 7/18/2014

Comments Submitted by: David Margolis-Pineo/Engineering DPS on 7/17/2014

July 17, 2014

Memo To:Shukria Wiar
Barbara Barhydt
From:David Margolis-Pineo
Re:Review Comments for 777 Stevens Ave

The Department of Public Services have the following preliminary comments for the above mentioned project.

1.The sidewalk material policy for this area is concrete. The applicant will be requested to install a concrete sidewalk with granite curbing for the entire length of Arbor St. There may be several existing sidewalk concrete panels which are damaged and may need replacing. We will work with the applicant to identify these locations. Since one existing curb cut is to closed, the applicant may wish to check the availability of stock piled granite curbing which the City may have available at a reasonable cost.
2.A property survey will be required as defined in the application. Your surveyor, Owen and Haskell is familiar with the City's submittal requirements and this should not be an issue.
3.The proposed driveway cut on Forest Ave is proposing an island encroaching the street right of way. This may or may not be desirable from a City standpoint.
4.A sewer capacity approval will be required and project flows will need to be established.
5.Utility and grading plans will be required.
6.Stormwater treatment may be applicable for this project.
7. The applicant is reminded that bike parking will be required.
We have no further comments at this time.

Table 1: Purposes

Zone			Purpose
R-5			To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
R-6			To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses. In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.
R-7			The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types. Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.
B-2 (Community Business)			To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.

Uses			R-5	R-6	R-7	B-2/B-2b/B-2c
Permitted	Residential	Single-family and two-family dwellings	•	•	•	•
		Multi-family dwellings		•	•	•
		Handicapped family units	•	•	•	•
		Single-family single- or multiple-component manufactured housing	•	•	•	
		Combined living/working spaces				•
		Lodging houses		•	•	•
		PRUDs	•			
		Multiplex development	•			
	Institutional	Schools				•
		Clinics				•
		Places of assembly				•
		Long term, extended and intermediate care facilities				•
		Governmental buildings and uses/municipal uses	•	•		•
		College, university or trade schools				•
		Nursery schools, kindergartens				
		Day care facilities				•
	Business	General, business, & professional offices				•
		Personal services				•
		Business services				
		Offices of building tradespeople				•
		Retail establishments				•
		Restaurants				•
		Drinking establishments				•[4]
		Billiard parlors				•
		Mortuaries or funeral homes				•
		Miscellaneous repair services				•[5]
		Communication studios or broadcast and receiving facilities				•
		Health clubs and gymnasiums				•
		Veterinary hospitals				•[6]
		Theaters				•
		Hotels				•[7]
		Dairies and bakeries				•
		Drive-throughs when accessory to a principal use on the same lot				•[8]
		Registered medical marijuana dispensaries				•
		Indoor recreation and family amusement establishments				
		Intermodal transportation facilities				
C	he r	Accessory uses	•	•		•

		Agricultural uses, as defined				
		Cemeteries		•		
		Parks	•	•		
		Home occupation	•	•		
		Studios for artists and craftspeople				•
		Special needs independent living units	•	•		
		Bed and breakfasts				•
		Conversion into bed and breakfast		•		
		Hostels		•		•
		Wind energy systems	•	•		•
		Utility substations				•
		Warehousing and wholesaling				
		Low impact industrial uses				
		R&D and back office uses				
		Building contractors and construction/engineering services				
		Nurseries				
		Lumber yards				
		Commercial kitchens or other food preparation				
		Recycling & solid waste disposal facilities				
		Food processing				
		Correctional pre-release facilities				
		Tow lots				
		Beverage dealers				
		Municipal Uses				
Conditional	**Residential**	Sheltered care group homes	•	•		
		Additional accessory dwelling units	•			
		Alteration of non-residential structure to 3+ dwelling units	•			
		Conversion of multi-family structure to lodging house	•			
	Institutional	Schools	•	•		
		Long-term and extended care facilities	•	•		
		Intermediate care facility for 13 or more persons	•	•		
		Places of assembly	•	•		
		Hospitals	•	•		
		Nursery schools and kindergartens		•		
		Day care facilities	•	•		
		College, university, trade schools	•	•		
	Business	Major and minor auto service stations existing as of 1999				•[9]
		Car washes				•
		Drive-throughs adjacent to residential uses or zones				•[10]

		Automobile dealerships				•
		Restaurants				
		Conversion into bed and breakfast (over 5 rooms)		•		
	Other	Utility substations	•	•		
		Professional offices		•		
		Chancellery		•		
		Off-street parking	•	•[2]		
		Temporary wind anemometer towers	•	•		•
		Hostels		•		
		Wind energy systems	•	•		•
		Printing and publishing establishments				•
		Wholesale distribution establishments				•
		Research and development and related production establishments				•
		Cemeteries				
		Raising of domestic animals				
		Day Care facilities				

1 Permitted on ground floor of B-1b; above ground floor, residential uses of 14-162(a), bed and breakfasts, hostels permitted
2Ffor passenger cars for uses permitted in the R-6 zone.
3 Restaurants conditionally permitted, provided they have a max. floor area for use by public of 1,000 SF; hours limited to 6 am to 11 pm; food service and consumption is primary function; no drive-throughs
4 Except in B-2c
5 Excluding motor vehicle repair
6 Excluding outdoor kennels
7 Of less than 150 rooms
8 Permitted in B-2 or B-2b if not adjacent to residential use or zone
9 Permitted in B-2, & permitted in the B-2b if in existence since 1999
10 Permitted in B-2, & permitted in the B-2b if accessory

ning Requirements	R6	B2	R-5	R-7
. Lot Size	a. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.	Residential uses: None	Residential: Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. section 4807, or the applicable zoning lot size, whichever is larger.	
n. Street Frontage	40 ft	Residential uses: None	50 ft	None
n. Front Yard	10 ft	Residential uses: None	20 ft	
n. Rear Yard	Principal and attached accessory structures Twenty (20) feet. Detached accessory structures: Five (5) feet.	Residential uses: Ten (10) feet, except where the lot abuts a residential zone, where twenty (20) feet is required.	20 ft	None
e Yard	10-15 ft depending on structure height	Residential uses: Five (5) feet, except where the lot abuts a residential zone, where ten (10) feet is required.	8-14 feet depending on structure height	5 ft
ximum Lot Coverage	Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.	90 percent	40 percent	None
en Space Ratio	*Uses other than bed and breakfast.* Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.			100%
ucture Height	45 ft	45 ft	35 feet	50 ft
ximum Residential Density	a. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.	Off- peninsula locations, as defined in the Section 14-47: i. Residential density requirements of the nearest adjacent residential zone shall apply except for multi-family dwellings above the first floor of commercial uses as provided in (ii) below. ii. *Multi-family dwellings above first floor commercial uses:* One thousand (1,000) square feet of land area per dwelling unit is required.	Three thousand (3,000) square feet, except as provided for a multiplex.	Maximum Residential Density: Four hundred thirty five (435) square feet of land area per dwelling unit is required.

DIVISION 7. R-6 and R-6A RESIDENTIAL ZONE*

***Editor's note--**Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131--14-134, and enacted a new Div. 9, §§ 14-135--14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision has been included as Div. 7.

Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

(a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

(Ord. No. 538-84, 5-7-84; Ord. No. 78-03/04, 10-20-03)

The purpose of the R-6A residential zone is:

(a) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 and R-6A residential zone:

(a) *Residential:*

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance

with section article V (site plan) of this chapter shall be altered to include any additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with article V (site plan) of this chapter or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a pursuant to article V of this chapter.

2. Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987:

   a. Shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and

   b. Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic;

   c. Parking shall be provided as required by division 20 of this article;

   d. No open outside stairways or fire escapes above the ground floor shall be constructed;

   e. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;

   f. Such development shall be subject to article V (site plan) of this chapter for site plan review and approval.

3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.

4. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:

   a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.

   b. Each unit shall be installed on a full foundation or a concrete frost wail in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.

   c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.

d. Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.

e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.

f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.

g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) *Other:*

1. Lodging house;

2. Cemeteries;

3. Parks, and other active and passive noncommercial recreation spaces;

4. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;

5. Home occupation subject to the provisions of section 14-410 (home occupation) of this article;

6. Municipal uses, excluding those specifically set forth in section 14-137 of this division;

7. Special needs independent living units, provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

8. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with up to four (4) guest rooms, subject to the standards of article V (site plan).

9. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

a. No more than ten (10) overnight transient guests shall be permitted in the facility at any one time.

b. All applicable provisions of Article V of this chapter shall be met.

c. Parking shall be provided in compliance with Division 20 of this Article.

d. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.

e. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.

f. An owner, manager or operator shall live in the building as a permanent resident.

g. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

10. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97; Ord. No. 278-09/10, 7-19-10; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12)

***Editor's note--**Ord. No. 85-88, §§ 1, 2, adopted July 19, 1988, amended § 14-136 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88. Ord. No. 95-89, § 2, adopted Sept. 6, 1989, amended subsection (1)a of § 14-136 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."

Sec. 14-137. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) *Residential:*

1. Reserved.

2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:

a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.

b. There shall be no open outside stairways or fire escapes above the ground floor.

c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.

(b) *Institutional:* Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school except as otherwise provided in section 14-276.10;

2. a. Long-term and extended care facilities;

b. Intermediate care facility for thirteen (13) or more persons;

3. Intermediate care facility;

4. Places of assembly;

5. Hospital;

6. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

a. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and

c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and

d. Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and

e. In the case of community halls:

i. The structure was in existence as of January 4, 2010.

ii. The structure was built for institutional or other non-residential uses;

iii. The structure is operated by, or operated subject to the control of, a not-for- profit entity in accordance with its not- for-profit purposes; and

iv. A parking management plan is submitted for review and approval by the planning board; and

f. In the case of private club or fraternal organizations: any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

(c) *Other:*

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;

2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

   The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a residence on April 18, 1984, or thereafter.

a. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.

b. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.

c. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.

d. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.

e. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

f. Off-street parking is required as provided in division 20 (off-street parking) of this article.

3. Chancellery.

4. Nursery school and kindergarten.

5. Off-street parking for passenger cars for uses permitted in the R-6 zone.

6. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

   a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.

   b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.

   c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

   d. Solid waste shall be stored in covered containers. Such containers shall be

screened on all four (4) sides.

e. Day care facilities, nursery schools and kindergartens located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;

ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;

iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;

iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;

v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;

vi. *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.

vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and

viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

7. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

   a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

   b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and

   c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

   d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

   e. The applicant shall provide evidence of

commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and

f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and

g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and

h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

8. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

a. No more than twenty (20) overnight transient guests shall be permitted in the facility at any one time.

b. All applicable provisions of Article V of this chapter shall be met.

c. Parking shall be provided in compliance with Division 20 of this Article.

d. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.

e. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.

f. An owner, manager or operator shall live in the building as a permanent resident.

g. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

9. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-1-85; Ord. No. 85-88, § 3, 7-19-88; Ord. No. 235-91, § 13, 2-4-91; Ord. No. 118-93, § 11, 10-18-93; Ord. No. 133-96, § 7, 11-18-96; ; Ord. No. 154-96, § 11, 12-16-96; Ord. No. 125-97, § 3, 3-3-97; Ord. No. 232-99, §2, 3-15-99; Ord. No. 77-02/03, § 2, 10-21-02; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 138-09/10, 1-20-10; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

1. *Minimum lot size:*

a. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory

structure setbacks for existing buildings) of this article.

b. Reserved.

c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.

d. Intermediate care facility: One (1) acre.

e. School: Thirty thousand (30,000) square feet.

f. Places of assembly;

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

g. Municipal use: Forty-five hundred (4,500) square feet.

h. Hospital: Two (2) acres.

i. All other uses: Forty-five hundred (4,500) square feet.

j. Lodging house: Four thousand five hundred (4,500) square feet.

2. a. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.

b. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each

individual rooming unit shall be a minimum of eighty (80) square feet.

c. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.

d. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.

3. *Minimum street frontage:* Forty (40) feet.

4. *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

a. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. *Rear yard:*

i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.

ii. Detached accessory structures with a ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.

iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

c. *Side yard:*

i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure	*Required Side Yard*
1 story	10 feet
2 stories	10 feet
3 stories	10 feet
4 stories	12 feet
5 stories	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

ii. Detached accessory structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.

iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

d. *Side yard on side streets:*

i. Principal or accessory structures: Ten (10) feet.

5. *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

6. *Minimum lot width:* Forty (40) feet.

7. *Maximum structure height*

   a. *Maximum structure height R-6:*

   Principal and attached accessory structure: Forty-five (45) feet.

   Accessory detached structure: Eighteen (18) feet.

   b. Maximum structure height R-6A:

   Principal and attached accessory structure: Fifty-five (55) feet on parcels of four (4) acres or more.

   Accessory detached structure: Eighteen (18) feet.

8. *Open space ratio:*

   a. *Uses other than bed and breakfast.* Twenty (20) percent. ~~for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units.~~ This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

   b. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

9. A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.

10. *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.

11. *Maximum floor area for places of assembly on a collector or arterial road:*

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

12. *Maximum floor area for places of assembly not on a collector or arterial road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(b) *Small residential lot development:* Residential uses on small, vacant lots located in the R-6 are subject to site plan review and may use the dimensional requirements below if all of the following conditions are met:

The lot is:

Vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005; and the lot existed as of January 1, 2005.

1. *Minimum lot size*: None

2. *Maximum lot size:* Ten thousand (10,000) square feet.

3. *Yard dimensions:*

a. *Front yard:*

No more than ten (10) feet.

b. *Rear yard:*

None, except that rear yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings and proposed buildings divided by five (5), whichever is greater; and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Not withstanding the foregoing, no structure shall be closer than four (4) feet to side property line.

c. *Side yard:*

None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the existing buildings and proposed buildings divided by five (5), whichever is greater and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; Provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line. On a corner lot no side yard is required on that side of the lot which abuts any street. A principal structure on a corner lot shall not be more than ten (10) feet from the street.

4. *Minimum principal structure height:* Two (2) stories

of
living space above the grade of the adjacent street frontage, except for porches, entryways, attached garages
and accessory detached structures.

5. *Maximum principal structure height:* Forty five (45) feet.

6. *Open space requirement:* All lots used for residential purposes shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent. The designated open space, if provided, shall have a minimum width and length of at least fifteen (15) feet, a slope of no greater than ten (10) percent and shall be used exclusively as recreational open space i.e. it shall not be used for vehicular circulation, parking, etc.. All required decks, porches, patios or balconies shall meet the requirements of the Planning and Development Design Manual.

7. *Minimum lot width:* None.

8. *Minimum land area per dwelling:* Seven hundred and twenty-five (725) square feet.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 232-99; §3, 3-15-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 21-04/05, 8-2-04, Ord. No. 145-04/05, 2-23-05; Ord. No. 254-05/06, 6-5-06; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 65-10/11, 10-18-10)

***Editor's note--**Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

Sec. 14-140. Other requirements.

(a) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(d) *Small residential lot development* shall conform to the site plan standards of §14-526.

(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 254-05/06, 6-5-06; Ord. No. 240-09/10, 6-21-10)

***Editor's note--**Ord. No. 85-88, § 5, adopted July 19, 1988, amended § 14-145(a) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

Zoning Map/Text Amendment Application
Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

Portland's Planning and Urban Development Department coordinates the development review process for requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. The **Application Process for a Zone Change** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices and Guarantees,** and are listed on the fee structure sheet.

I. APPLICATON SUBMITTAL

Pre-application meeting

Prior to submitting a zoning amendment application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the review process and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

Zoning Amendment Application

All plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

- Submit one (1) complete paper set of the zoning amendment application with a concept plan and a written narrative. Contract and conditional rezoning applications must include 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. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

Zoning Application Fees

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rates: Planning services, $40.00/ hour and Legal services: $75.00/hour.

Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Zoning map amendments for Industrial zones require notices to be sent to property owners within 1,000 feet.
- In advance of a Planning Board workshop or public hearing, public notices for projects must be sent to property owners and are posted in a legal ad in the Portland Press Herald and on the City's web site.
- In addition, zoning map amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.
- The applicant is required to hold a neighborhood meeting under the City's regulations for zone change requests. The mailing labels must be purchased from the Planning Division for the neighborhood meeting invitation. A request for labels requires a minimum of two business days to generate the mailing labels and a charge of $1.00 per sheet will be payable upon receipt of the labels.

Third Party Review Fees

- Engineer and Third Party Review Fees - The fees are assessed by the Consulting Engineers and Third Party Reviewers.
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with $300.00 being the minimum.

Noticing/Advertisements Planning Board/City Council Review

- Legal Advertisement: Percent of total bill
- Notices: .75 cents 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)

Planning Division	**Office Hours**
Fourth Floor, City Hall	Monday thru Friday
389 Congress Street	8:00 a.m. – 4:30 p.m.
(207) 874-8721 or 874-8719	

PROJECT ADDRESS: 777 Stevens Avenue, Portland

CHART/BLOCK/LOT: 146 C Lots 5 & 10, (new)146 C lots 6-9, 11, 12, 14

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:
Requesting a zone map amendment & zoning text amendment reflective of attached plans. Project to expand The Park Danforth campus to provide 46 elderly independent living housing units and site improvements.

CONTACT INFORMATION:

	Applicant's Contact for electronic plans Name: Mitchell Associates e-mail Address rmetcalf@mitchellassociates.biz work # 207.774.4427
Applicant – **must be owner, Lessee or Buyer** Name: The Park Danforth-Denise Vachon,CEO Business Name, if applicable: Address: 777 Stevens Avenue City/State : Portland, ME Zip Code: 04103	**Applicant Contact Information** Work # 207.797.7710 Home# Cell # Fax# e-mail: vachon@parkdanforth.com
Owner – (if different from Applicant) Name: The Home for the Aged & HFA Forest Avenue Properties, LLC Address: 777 Stevens Avenue City/State :Portland, ME Zip Code: 04103	**Owner Contact Information** Work # Home# Cell # Fax# e-mail: vachon@parkdanforth.com
Agent/ Representative Name: Robert Metcalf/ Mitchell & Assoc. Address: 70 Center Street City/State : Portland, ME Zip Code: 04101	**Agent/Representative Contact information** Work # 207.774.4427 Cell # e-mail: rmetcalf@mitchellassociates.biz
Billing Information Name: The Park Danforth, Attn: Denise Vachon Address: 777 Stevens Avenue City/State : Portland, ME Zip Code: 04103	**Billing Information** Work # 207.797.7710 Cell # Fax# e-mail: vachon@parkdanforth.com
Engineer Name: N/A Address: City/State : Zip Code:	**Engineer Contact Information** Work # Cell # Fax# e-mail:

Surveyor	Surveyor Contact Information
Name: Owen Haskell Surveyors, Inc. Address: 390 U.S. Rt 1,Unit 10 City/State : Falmouth, ME Zip Code: 04105	Work # 207.774.0424 Cell # Fax# e-mail: www.owenhaskell.com
Architect	**Architect Contact Information**
Name: Joan Eagleson Lavallee/Brensinger Architects Address: 155 Dow St. Suite 400 City/State : Manchester,NH Zip Code: 03101	Work # 603.622.5450 Cell # Fax# e-mail: joan.eagleson@lbpa.com
Attorney	**Attorney Contact Information**
Name: Melissa Murphy-Perkins Thompson Address: 1 Canal Plaza City/State : Portland Zip Code: 04101	Work # 207.774.2635 Cell # Fax# e-mail: mmurphy@perkinsthompson.com

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

See attached deeds.

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:

See attached description.

Current Zoning Designation(s):

Business (B-2), Residential (R-5), Residential (R-6)

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 project narrative.

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.

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) **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 (~~example~~) and language to be added is depicted as underline (<u>example</u>) **Combination Zoning Text Amendment and Zoning Map Amendment** _X_ $3,000.00 **Conditional or Contract Zone** ___ $3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	**Fees Paid** (office use) ___ ___ ___ ___	The City invoices separately for the following: • Notices ($.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.

Signature of Applic	**Date:** June 23, 2014

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.

A Guide to Holding Neighborhood Meetings
Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

In order to improve communication between development applicants and neighbors, the City of Portland requires applicants, proposing certain types of projects, to hold a neighborhood meeting.

What type of development proposal requires a neighborhood meeting?
Neighborhood meetings, organized and hosted by the applicant, are required for the following development proposals:

- Proposed zone changes, contract zones and zoning text amendments that would result in major development;
- Subdivisions of five or more units or lots; and
- Level III site plan proposals for preliminary or final site plans:
    - Portland's new site plan ordinance went into effect in August, 2010. It now includes provisions for preliminary and final plans. Neighborhood meetings are to be held three weeks after submitting a preliminary plan or within two weeks of submitting a final plan, if a preliminary plan was not submitted.

Who must be invited to a neighborhood meeting?
Property owners within 500 feet of the proposed development (1000 feet for proposed industrial subdivisions and zone changes) as well as those people on a list of interested citizens and neighborhood groups must be invited to the planned neighborhood meeting.

The Planning Division provides the mailing labels for the neighborhood meeting invitation. We require at least 48 hours notice to generate the mailing labels and a charge of $1.00 per sheet will be payable upon receipt of the labels.

When and where must the neighborhood meeting be held?
The neighborhood meeting must be held within three weeks of submitting a preliminary site plan. If an applicant chooses only to submit a final site plan, then the neighborhood meeting must be held within two weeks of submitting the final plan and not less than seven days prior to the Planning Board public hearing.

The meeting should be held in the evening, during the week, at a convenient location within the Portland neighborhood surrounding the proposed site. Community meeting spaces at libraries, schools or other places of assembly are recommended. Neighborhood schools are usually available for evening meetings.

Meetings should not be held on the same day as scheduled Planning Board or City Council meetings. The City Council generally meets on the first and third Monday of each month and the Planning Board generally meets on the second and fourth Tuesday of each month; however additional meetings may be scheduled. An updated schedule may be found on the City's website: www.portlandmaine.gov

When must invitations be sent?
Invitations to a neighborhood meeting must be sent no less than ten days (to include weekends) prior to the neighborhood meeting. If the notice is for a final site plan, then the neighborhood meeting must be held no less than seven days (to include weekends) prior to the public hearing. Notices may be sent by regular mail and do not need to be sent by certified mail.

What information should the invitation include?
A recommended invitation format is included in this packet of material.

Sign-up Sheets and Meeting Minutes
At the meeting, the applicant must circulate a sign-up sheet for those in attendance. The applicant must also keep accurate minutes of the meeting.

After holding the neighborhood meeting, the applicant must submit the sign-up sheet and meeting minutes to the Planning Division. The meeting minutes and sign-up sheet will be attached to the Planning Board report. A public hearing will not be scheduled until the meeting minutes and sign-up sheet are submitted to the Planning Division.

Certification
Included with this packet is a Certification to be completed and signed by the applicant. The applicant is required to certify when the invitations were sent out.

Please call the Planning Division at 874-8721 or 874-8719 if you have any questions.

Attachments
1. Neighborhood Meeting Invitation Format
2. Neighborhood Meeting Certification

~Applicant/Consultant: Please include all of the information listed below in the notice sent to neighbors~

Neighborhood Meeting Invitation Format

Applicant/Consultant
Letterhead

(Date)

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a (development proposal) located at (location/number and street address).

Meeting Location: _____
Meeting Date: _____
Meeting Time: _____

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 (telephone number of applicant or consultant).

Sincerely,

(Applicant)

Note:
Under Section 14-32(C) and 14-525 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 three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plans was not submit. 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

Neighborhood Meeting Certification

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

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

Signed,

_____ _____ (date)

Attached to this certification are:

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

Mitchell & Associates
LANDSCAPE ARCHITECTS

The Staples School
70 Center Street
Portland, Maine 04101
P: 207.774.4427
F: 207.874.2460
www.mitchellassociates.biz

Att. B and C

June 30, 2014

Ms. Barbara Barhydt
Development Review Services Manager
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Park Danforth
777 Stevens Avenue
Request for Map Change
And Text Amendment

Dear Barbara,

On behalf of The Park Danforth we are pleased to submit the following application for a zone map change and text amendments for the properties identified as Tax Map 146 Chart C Lots 6-9, 11, 12 & 14 situated between Stevens and Forest Avenues. The Park Danforth is an elderly residential housing entity that has been in existence for over 130 years in the city of Portland. The proposed map change and text amendments are being proposed to address an expanded housing program and site enhancement to offer a quality environment for an aging population.

History

Ms. Barbara Barhydt

The Park Danforth, a not-for-profit corporation, has been in existence for over a 130 years, evolving from the "Mercantile Home for Aged Men" located at the corner of Park and Danforth Streets. During the mid - 1970's the facility model was expanded to provide a larger state-licensed and Medicaid supported residential care program coupled with internal subsidies as well. With financial pressures changing from both state reimbursements and increasing pressure for subsidies from its investments, The Park Danforth considered its options to continue its mission while remaining financially solvent. Making a bold move, The Park Danforth sold its program and property to 75 State Street – another strong not for profit provider – and moved its operations to the current 777 Stevens Avenue location in 1985 with 70 Section 8 apartments and 36 market rate residential apartments for the elderly in the mix. In 1999, to further its mission of service, The Park Danforth expanded the facility to provide 18 new apartments and 36 Assisted Living studios. The current makeup of The Park Danforth today consist of 124 apartments classified by the city as Special Needs Independent Living Units and 36 Assisted Living studios classified by the city as Intermediate Care units, 3 of which are licensed for double occupancy units.

Mission Statement

"The Park Danforth is a not-for-profit corporation dedicated to providing high quality housing and services to those 60 years of age or older. Our Mission is to provide housing and services to enhance a person's quality of life, respect personal dignity, and accommodate the need for privacy and self-determination. In doing so, we aim to respond to the individual's changing needs brought about through aging."

Existing Conditions

Ms. Barbara Barhydt

The Park Danforth properties consist of 8 parcels identified on the Assessors maps as Map 146, Chart C, Lot's 5-12 & 14. Over the past 5 years, The Park Danforth has negotiated the purchase of the adjacent parcels that include the Goodwill properties along Forest Avenue extending to Stevens Avenue and two existing residential properties along Arbor Street and presently own an entire city block with the exception

of one residential property, 24 Arbor Street, identified as lot 13. They have been in discussions with the property owner to purchase however due to health issues discussions are temporally on hold. Further discussions will continue when appropriate.

The properties are bound by Stevens Avenue, Poland Street, Forest Avenue and Arbor Street. Of the existing property held by The Park Danforth, Map 146, lot 5 & 10 are presently zoned R6. Lots 6-9 and a portion of 14, held by The Park Danforth, are presently zoned R5 and Lots 11, 12 and a portion of 14, "Goodwill" operation, are zoned B2. Not included in the application is Lot 13, 24 Arbor Street, is also in the R5 zone. The total parcel area of The Park Danforth campus is 179,546 SF or 4.12 acres. The Goodwill site is almost entirely impervious (95% +/-) consisting of two buildings and paved parking, with a lot area of 60,798 +/-SF or 1.40 acres. Of the two Arbor Street properties acquired, one has an existing single family residence and the second parcel is presently vacant.

Ms. Barbara Barhydt

Proposed Map Change

The Park Danforth is currently developing a master development plan to expand their opportunities for providing elderly housing to include "independent elderly housing" for a younger aging population including those that do not require assistance with daily living but who are looking for housing that provides opportunities for an interactive senior community with amenities and services for their choosing. The target market is 75 years of age plus.

The map change request is intended to include the entire city block as an R6 to reach the density necessary to achieve a successful project. As indicated above, with exception of one residential property on Arbor Street, The Park Danforth owns all of the land within the city block. While the owners of the Arbor Street property have not been contacted to request a letter of support for reasons previously mentioned, they have been informed of The Park Danforth's intensions. The requested change from the R5 to the R6 designation will have no adverse impact upon the remaining residence.

<u>R5 (Residential) to R6 (Residential)</u>

Chart 146	Block C	Lots	6-9 and portion of 14

<u>B2 to R6 (Residential)</u>

Chart 146	Block C	Lots	11, 12 and portion of 14

Proposed Development

The Park Danforth currently consist of a seven-story building along Stevens Avenue, and a three-story building along Poland Street. With the acquired parcels along Arbor Street and Forest Avenue, The Park Danforth seeks to build a new structure along Arbor Street and Forest Avenue comprised of 46 new "Independent Living" units on four and five floors with one level of underground parking for approximately 40 cars. The building will be approximately 64,000 SF. excluding the parking level, and 55 feet tall at its highest point.

The majority of the building will be four-stories along Forest Avenue and Arbor Streets with a five-story element at the corner. The interior of the building that faces the existing Park Danforth building will be five-stories. The new building will connect to the existing seven-story building with a one-story structure at the new turn-around. The building will feature varied window sizes, balconies, and materials, to coordinate and complement the existing Park Danforth building.

The proposed campus Master Plan addresses functional open spaces, provides an opportunity to enhance the street presence, address pedestrian and vehicular circulation and safety. The total land area of the parcels making up The Park Danforth Campus is 179,546 +/-SF or 4.12 acres. Current residents and emergency service vehicles will continue to access by the Stevens Avenue-Poland Street entry, circulation will remain as

one-way, exiting from a modified existing driveway that will be two-way, providing access to new parking and the new visitor entry. An existing curb cut along Forest Avenue serving the Goodwill is to be eliminated. A reconfigured drive on Arbor Street will be identified as the primary access to the new visitor entrance and for the proposed new elderly independent living units. The Forest Avenue service entrance will be modified to accommodate for enhanced open space garden court yards and to diminish the visual presence from Forest Avenue. Parking will be accommodated for by well distributed parking areas and proposed parking garage to minimize the presence of large areas of paved parking.

Site improvements will include enhanced street presence along Arbor Street and Forest Avenue through extensive plantings and site features including retaining walls, fencing, and lighting, buffering, and parking distributed in small lots. The campus will include two interior court yard gardens to provide safe and functional open space for the varied skill levels of the elderly resident population.

Conformance with Comprehensive Plan

The proposed expansion, density and target market support the goals set-forth in the City's Comprehensive Plan "Portland's Goals and Policies for the Future". The proposed expansion of The Park Danforth provides for the density and mix of housing opportunities identified in the following sections of the Comprehensive plan. The Park Danforth campus will provide for a strong transition between business community along Forest Avenue, with the residential community along Poland Street and the changing UNE campus along Stevens Avenue.

STATE GOAL A: To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl;

I. HOUSING: SUSTAINING PORTLAND'S FUTURE – Nov. 18, 2002

Goal

Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

Policies

- Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity

to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate.

- Target Portland to achieve and maintain a 25% share of Cumberland County's population.
- Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist or may be expanded at minimal costs.
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
- Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.
- Locate and design housing to reduce impacts on environmentally sensitive areas.
- Design housing to use new technologies and materials that reduce costs and increase energy efficiency.

The expansion of Park Danforth will provide the opportunity, for an aging population, a choice for residents of Portland and Greater Portland to remain in the city and have access to services, transportation and cultural activities. The property is in the heart of a diverse vibrant university community that provides for life-long learning opportunities through adult education programs and UNE offerings. Shopping and services are within walking distance of the campus.

The proposed expansion will incorporate new building technologies and sustainability.

III. A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.

Land Use and Transportation Link

Link the transportation plan with land use planning policies in the City and region to guide decision-making for development and infrastructure investment.

- Ensure that future growth does not foster auto dependency.

Ms. Barbara Barhydt

Transportation Policies

- Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Provide routine, daily services within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.
- Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.

Public transportation is available along Stevens and Forest Avenue with bus stop locations on both street frontages. The property is within walking distance of neighborhood services.

STATE GOAL D. To encourage and promote affordable, decent housing opportunities for all Maine citizens:

I. HOUSING: SUSTAINING PORTLAND'S FUTURE- Nov.18, 2002

Goal

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
  - Affordable housing, including starter homes;
  - Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens;
  - Housing for special markets, such as SRO's, student or dormitory housing, group homes, and artist housing including live/work opportunities;
  - Higher density housing, such as row houses, small lots, reuse of nonresidential buildings, and mixed use buildings;
  - Housing development that encourages community, such as co-op housing;
  - Housing with a range of services and medical support for the elderly and special needs population, including assisted living, congregate care, group homes and nursing homes; and
- A variety of housing choices should be available such that no one should have to spend more than 30% of their income for housing.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Increase home ownership opportunities for all types of households and all income levels.

- Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offer appropriate supportive services.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

The Park Danforth will provide a higher density of development and address a growing sector of population, providing for a much needed rental housing for the elderly.

Goal

Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Policies

- While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.
- Support Portland's livable neighborhoods by encouraging a mix of uses that provide goods and services needed and are within walking distance of most residents.
- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.
- Encourage Portland's neighborhoods to address the City's housing issues through the Neighborhood Based Planning Process.
- Encourage neighborhood populations that are economically, socially, culturally and ethnically diverse.

The Park Danforth provides an opportunity for affordable market rate elderly as well as subsidized (Section 8 HUD) housing for the aging population. A range of services provided supports the diverse needs of the aging elder population as needs increase, providing the opportunity for individuals to remain independent.

Campus improvements will enhance the character of the residential and university neighborhood providing street presence, incorporating green space and improved circulation.

To provide for the demand and growth of an aging population and maintain the sustainability of the Park Danforth Mission, the proposed master plan incorporates an expansion to include 46 elderly independent living housing units. The opportunity provided by controlling the majority of a city block, creates a campus that has a street presence along all frontages. The goal is to provide an opportunity for an active-wellness based community that provides for social interaction, functional outdoor green spaces, and addresses' security for a wide range of elderly skill levels.

Proposed Text Amendment

Presently the city land use ordinance does not define "Elderly Independent Living Housing". Elderly housing needs and housing opportunities have been changing significantly over the past 15 years or better to address a wider spectrum of elder housing needs. Currently, Elderly Independent Living (EIL) housing is interpreted as multifamily housing and equates to a much higher parking requirement. While the ordinance, Division 20 Off-Street Parking Section 14-332.2 (c) allows the Planning Board to determine the required number of parking spaces for projects of 50,000 SF or greater based upon a parking analysis submitted by an applicant. Establishing the required parking for EIL is crucial to the development of this expanded program offering before proceeding to developing plans for Site Plan approval.

As stated above, The Park Danforth is a not-for-profit corporation whose mission is to provide dignified and quality housing to serve an aging population. There is a significant financial and economic hardship associated with development of this property without having an acknowledged defined parking requirement to base a development program on. Based upon a market study and financial evaluation, the expansion, to be financially viable, must have a minimum of 46 dwelling units. The master plan, as presented, has been developed based upon that premise.

To address this, two text amendments are being proposed, one that defines "Independent Living Housing" and one that establishes the parking requirements for "Elderly Independent Living Housing". Based upon evaluation of industry standards and definitions we are proposing the following language to be added to Division 1 Section 14-47 Definitions:

- ***Elderly Independent Living Housing; living units such as apartments, cottages, condominium units, multiplex housing, or single family unit, the occupancy of which is restricted to certain elderly residents. Elderly resident(s) must be 55 years of age or older, or in case of a couple, one who is 55 years or older, and do not require assistance with daily living activities or 24/7 skilled nursing. Such facilities may offer optional services to residents who desire them, such as dining services, basic housekeeping and laundry services, transportation to appointments, social programs and access to exercise equipment.***

Division 7. R6 Residential Zone

1. Amend Section 14-136. Permitted Uses, (a) Residential: to include ***Elderly Independent Living Housing*** as a permitted use as defined in Section 14-47.

2. Amend Section 14-139. Dimensional Requirements, (a) 7. Maximum structure height: to include ***Elderly Independent Living Housing: Fifty-five (55) feet.***

The Park Danforth as approved in 1982 is 65 feet tall, the addition along Poland Street is a 3 story addition with a scale that is more in keeping with the adjacent residential and mixed commercial uses. The proposed addition, provides for a transition between the existing 7 story building fronting on Stevens Avenue and mixed commercial scale uses along Arbor Street that include the former Ava Maria Gift Shop, former Arbor Street Fire Station, which is now offices, and the Po' Boys and Pickles sandwich shop. The side of the building closest to Arbor Street and Forest Avenue will be four stories with the 5 story element located at the midpoint and a 5 story section facing toward the interior courtyard. Forest Avenue is considered a rear yard and requires a 20 FT setback and Arbor Street is considered a side setback (side street) requiring a 15 FT setback. The setback along Forest Avenue is proposed to be 45 FT +/- and the setback along Arbor Street is proposed to be 55 FT +/-.

Division 20 Off-Street Parking

An assessment of parking requirements for Elderly Independent Living Housing was undertaken to identify parking requirements that would meet with the expectations of the program being developed. Communities surrounding Portland have defined elderly housing to address a sector of the population that is constantly changing. Review of the literature and parking requirements from several surrounding communities indicate that elderly independent living communities require fewer parking spaces due to need

for fewer cars. The average number for the intended population is 1 space per dwelling unit.

Portland is fortunate to have a public transit system that is currently looking to expand its role to provide services to the urban population providing more opportunities and reduce the need for automobiles. Based upon review of the industry literature and parking requirements in surrounding communities we are proposing the following amendment to Section 14-332. Uses requiring off-street parking.

Section 14 -332 (a) Residential Structure 3. For residential development on the peninsula (area defined as southerly of I-295) ***and including off-peninsula R6 zoned areas.***

There are only three areas zoned R6 off of the peninsula, they include the current Park Danforth campus, as permitted, Deering Pavilion (Forest Avenue) and Back Cove Apartments (off Forest Avenue). The R6 designation for both Deering Pavilion and Back Cove Apartments only encompass the entire properties.

The Park Danforth as well as Deering Pavilion provide housing for the aging population and both are on Metro bus routes. There is a Metro stop on both the Stevens and Forest Avenue frontages of The Park Danforth.

To support the parking requirement, the attached documentation has been provided:

- Parking requirements for elderly independent living for surrounding communities in the Greater Portland area,

Enclosed for your consideration are the following:

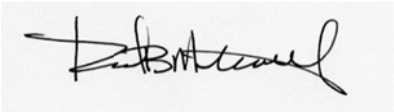
- Zone Map and Text Amendment Application
- Application Fee $3,000
- Letter of Authorization
- Technical Capacity
- Right, Title or Interest- Deeds
- Context Map
- Portland Zoning Map
- Proposed Zone Change Map
- Surrounding Community Parking Requirements
- Boundary and Topographic Survey Plan (Existing Conditions)
- Concept Master Plan A
- Massing Concept Forest Avenue
- Massing Concept Arbor Street
- Preliminary Forest Avenue Building Elevation
- Preliminary Arbor Street Building Elevation

Ms. Barbara Barhydt

We look forward to the opportunity to meet with you and the Planning Board to discuss the application. Should you have any questions and or comments, please do not hesitate to contact me.

Sincerely

Mitchell & Associates



Robert B. Metcalf, Principal

Maine Licensed Landscape Architect

Enclosure

Cc Denise Vachon, CEO

William Shanahan

Melissa Murphy, Esq

Ron Norton

Joan Eagleson

The Park Danforth

Personalized Senior Living Since 1881

June 12, 2014

City of Portland
Attention: Planning Department
389 Congress Street
Portland, ME 04101

RE: Letter of Authorization

To Whom It May Concern:

This letter authorizes Mr. Robert Metcalf or Mr. John Mitchell, Mitchell & Associates to act as an agent on behalf of The Park Danforth, 777 Stevens Avenue, Portland, Maine for submission on any and all application materials that relate to the zoning and site plan permitting application(s) for the proposed zone map, text amendment and Level III Site Plan application (s) with the City of Portland Planning department.

Sincerely,

Denise M. Vachon CEO

Denise M. Vachon
Chief Executive Officer

DMV/smc

777 Stevens Avenue, Portland, Maine 04103 * (207) 797-7710 * FAX (207) 797-3627
www.parkdanforth.com

The Park Danforth

Personalized Senior Living Since 1881

June 23, 2014

To: Interested Parties
From: Denise M. Vachon, CEO
Re: Statement of Technical Capability

The Park Danforth is a long-standing not-for-profit provider of housing and services to those 60 years of age and older, having served the greater Portland community since 1881. Once the Mercantile Home for Aged Men located at the corner of Park and Danforth Streets, The Park Danforth of today is located on Stevens Avenue and has evolved into a recongnized leader in the field of aging services. Today, it provides a unique mix of federally-assisted and market rate housing, a combination that allows for and accommodates the changing financial conditions that some of its residents face. This financial safety net is the cornerstone of The Park Danforth's Mission. Additionally, Clark's Terrace at The Park Danforth, which opened its doors in 2000, offers Assisted Living studios and round-the-clock supports and services that create another safety net – one that provides for a higher level of catered service when living more independently is no longer practical or safe. All together these programs and offerings are the basis of the practice that embodies and manifests The Park Danforth's Mission "to provide high quality housing and services…(and to) accommodate changing needs brought about by aging."

The Park Danforth is governed by a 10-member volunteer Board of Trustees representing a variety of not-for-profit and proprietary businesses, as well as lending, investment and insurance businesses, health care and legal practices, and consumers. It is a single-site organization, with administrative offices embedded in the housing property and program. The Park Danforth currently serves 130 residents in 124 apartments, (70 of which are federally-assisted and available to eligible very-low and extremely-low income residents), and 36 residents in its Assisted Living program. It funds and provides approximately $400,000 of unreimbursed services and supports to its residents each year. And, it is proud to employ 83 full- and part-time employees.

The Executive Team is made up of tenured and capable professionals:

- Denise Vachon, CEO has been the organization's leader since 1986, and successfully led the expansion project between 1997 to its completion in 2000, the Masonry remediation project completed in 2008, and is the licensed administrator for the organization's assisted living program.
- Robert Moore, CFO, has extensive background in marketing and business development, and has been on the team for more than two years.
- Lisa Noonan, COO, has been in a management position with the organization for fourteen years, and in this role for more than two years as well.

The Development Team is also seasoned. On the team are

- Lavallee Brensinger Architects (Manchester NH), regional leaders in the design and development of senior housing, health care and behavioral health environments.
- Mitchell & Associates, highly recognized and reputable landscape architects, engaged to support the property development and to assist in the City approval process.
- Ron Norton, President, CMCS (Construction Management Consulting Services). Mr. Norton is engaged to advise the Board of Trustees, its Committees and staff and to assist in the navigation of the development process as well, with a focus on value-based construction design and design options.
- Melissa Murphy, Perkins Thompson, it highly regarded in her work in Real Estate. She has served as Registered Agent for The Park Danforth for more than a decade, and is The Park Danforth's primary legal counsel on this project.
- The Board of Trustees is chaired by Catherine Lamson of MEMIC. Also in office are Michael Bevilacqua of John T Gorman Foundation, Erik Hayward of Libra Foundation and Dana Mitiguy of R.M. Davis, Inc. Chairing the Real Estate Committee is Bill Shanahan of Northern New England Housing Investment Fund.

Altogether, the history of this organization as a provider of elderly housing and services in this community speaks to its ability to develop and successfully administer this expansion and renovation. Its leadership is unified and committed to creating new housing and a revitalized environment that will respond to the changing needs of an elderly consumer, while remaining true and committed to its not-for-profit Mission and culture of service.

Thank you for your consideration.

Doc#: 49678 Bk:30733 Pg: 330

WARRANTY DEED

MAINE INVESTMENT PROPERTIES, LLC, a Maine limited liability company with a place of business at 1651 Broadway, South Portland, Maine 04106, for consideration paid, grants to **HOME FOR THE AGED**, a Maine non-profit corporation with a place of business at 777 Stevens Avenue, Portland, Maine 04103, with WARRANTY COVENANTS, the following described land in Portland, County of Cumberland, and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this 8th day of August, 2013.

MAINE INVESTMENT PROPERTIES, LLC

Witness

By: Timothy J. McGonagle
Its: Managing Member

State of Maine
County of Cumberland

August 8, 2013

Personally appeared before me Timothy J. McGonagle in his capacity as Managing Member for Maine Investment Properties, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Notary Public/~~Attorney~~ at Law
Printed Name:
My Commission Expires:

MARJORIE A. JOHNSTON
Notary Public, Maine
My Commission Expires September 30, 2018

MAINE REAL ESTATE TAX PAID

Doc#: 49676 Bk: 30933 Pg: 331

EXHIBIT A

A certain lot or parcel of land, with any buildings thereon, situated in the City of Portland, County of Cumberland, and State of Maine, being more particularly bounded and described as follows:

Commencing at a point on the southerly side of Arbor Street in said Portland at the northwesterly corner of land now or formerly of George H. Bangs; thence westerly along the said southerly side line of said Arbor Street fifty (50) feet to land now or formerly of William B. Barnett; thence southerly nearly at right angles to the southerly side line of Arbor Street, on line of said Barnett land, fifty-seven (57) feet to the Northerly side line of land now or formerly of D. Murphy heirs; thence easterly fifty (50) feet along the northerly side line of said Murphy land to land of said Bangs; thence northerly fifty-seven (57) feet along line of said Bangs land to the point of beginning.

Meaning and intending to convey the same property by deed from MECAP, LLC to Maine Investment Properties, LLC dated January 12, 2012 and recorded in the Cumberland County Registry of Deeds in Book 29305, Page 210.

Received
Recorded Register of Deeds
Aug 15,2013 01:31:26P
Cumberland County
Pamela E. Lovley

QUITCLAIM DEED
WITH COVENANT
Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That **Sarah A. Meyer** of Portland, County of Cumberland and State of Maine, for consideration paid, grants to **Home for the Aged,** a Maine non-profit corporation, whose mailing address is 777 Stevens Avenue, Portland, Maine 04103, with QUITCLAIM COVENANT, the real property situated in Portland, County of Cumberland and State of Maine more particularly described in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 27 of May, 2014.

Witness

Sarah Meyer
Sarah A. Meyer

State of California
County of Santa Barbara

May 27 2014

Personally appeared before me the above named **Sarah A. Meyer** and acknowledged the foregoing instrument to be her free act and deed.

ELIZABETH BAILEY
Commission # 1907758
Notary Public - California
Santa Barbara County
My Comm. Expires Oct 10, 2014

Elizabeth Bailey
Notary Public

EXHIBIT A

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

Beginning on said side of Stevens Avenue at the northwesterly corner of land formerly of Murphy;

Thence northerly on the easterly line of Stevens Avenue a distance of 48 feet to the southerly line of Arbor Street;

Thence easterly on the southerly line of Arbor Street a distance of 93 feet, more or less, to land conveyed by William B. Barnett to the Trustees of Maple Lodge of Good Templars by deed dated August 11, 1913 and recorded in Cumberland County Registry of Deeds in Book 916, Page 445 (the Grantor's deed contained a scriveners error which mistakenly referenced the foregoing recording information as Book 916, Page 443);

Thence southerly by said Lodge land a distance of 48 feet, more or less, to said former Murphy land;

Thence westerly by said Murphy land to said Stevens Avenue at the point of beginning.

Meaning and intending to convey and hereby conveying the same premises conveyed to Sarah Meyer by deed of Stuart A. Anderson, Personal Representative of the Estate of Veronica M. Anderson dated March 19, 2010 and recorded in the Cumberland County Registry of Deeds in Book 27660, Page 339.

STATUTORY WARRANTY DEED

AJS Family Limited Partnership, a Maine limited partnership, with a principal place of business in the City of South Portland, County of Cumberland and State of Maine, and **Robert L. Adam**, an individual, of Westbrook, County of Cumberland and State of Maine,

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

HFA Forest Avenue Properties, LLC, a Maine limited liability company with a principal place of business in the City of Portland, County of Cumberland and State of Maine, with a mailing address of 777 Stevens Avenue, Portland, Maine 04103,

MAINE REAL ESTATE TAX PAID

A certain lot or parcel of land, with the buildings and improvements thereon, situated on the westerly side of Forest Avenue, southerly side of Arbor Street, and easterly side of Stevens Avenue, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the westerly side of Forest Avenue at the northeasterly corner of land conveyed by George D. Little to the City of Portland by deed dated June 3, 1908 and recorded in Cumberland County Registry of Deeds, in Book 826, Page 132; thence northerly by Forest Avenue two hundred one and one tenth (201.1) feet to Arbor Street; thence westerly by Arbor Street, two hundred sixteen and twenty-five hundredths (216.25) feet to the easterly corner of land conveyed by George B. Bangs to William B. Barnett by deed dated May 10, 1892, and recorded in said Registry of Deeds, in Book 590, Page 353, now or formerly of Grenier; thence South 34° 30′ West by said former William Barnett land, fifty-eight and thirteen hundredths (58.13) feet to the southeasterly corner of said Barnett land; thence North 51° 30′ West by said Barnett land and by land formerly of Wright, et al., later of Lowery, and by land now or formerly of Walter Barnett, one hundred sixty-two and sixty-five hundredths (162.65) feet to Stevens Avenue; thence southwesterly by Stevens Avenue, eighty-eight and 46/100 (88.46) feet to a monument; thence South 63° 45′ East by land of Westbrook Junior College, two hundred forty-two and seven-tenths (242.7) feet to an iron; thence South 16° 15′ West by Westbrook Junior College, one hundred sixty-nine and ninety-three hundredths (169.93) feet to land now or formerly of the City of Portland; thence northeasterly by said City of Portland land, two hundred twenty-one and 81/100 (221.81) feet to Forest Avenue at the point of beginning.

For Grantors' source of title, reference is made to the following deeds recorded at the Cumberland County Registry of Deeds:

1) Warranty Deed from Pine State Beef Company to Lloyd B. Wolf dated November 21, 1972, and recorded in Book 3329, Page 17;

2) Warranty Deed from Lloyd B. Wolf to Lloyd B. Wolf and Robert L. Adam, dated February 3, 1986, and recorded in Book 7062, Page 48; and
3) Quitclaim Deed from Lloyd B. Wolf to AJS Family Limited Partnership (one-half interest) dated December 30, 1997, and recorded in Book 13529, Page 18.

IN WITNESS WHEREOF, the said AJS Family Limited Partnership, by and through its duly authorized General Partner, Lloyd B. Wolf, and Robert L. Adam, individually, have caused this instrument to be signed and sealed this 23rd day of April, 2012.

AJS Family Limited Partnership

By: _____
Lloyd B. Wolf, its General Partner

_____
Robert L. Adam

STATE OF MAINE
CUMBERLAND, SS.

Date: April 23, 2012

Then personally appeared the above-named LLOYD B. WOLF, General Partner of said AJS Family Limited Partnership 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 partnership.

Before me,

_____
Attorney at Law/~~Notary Public~~
Melissa H. Murphy

STATE OF MAINE
CUMBERLAND, SS.

Date: April 23, 2012

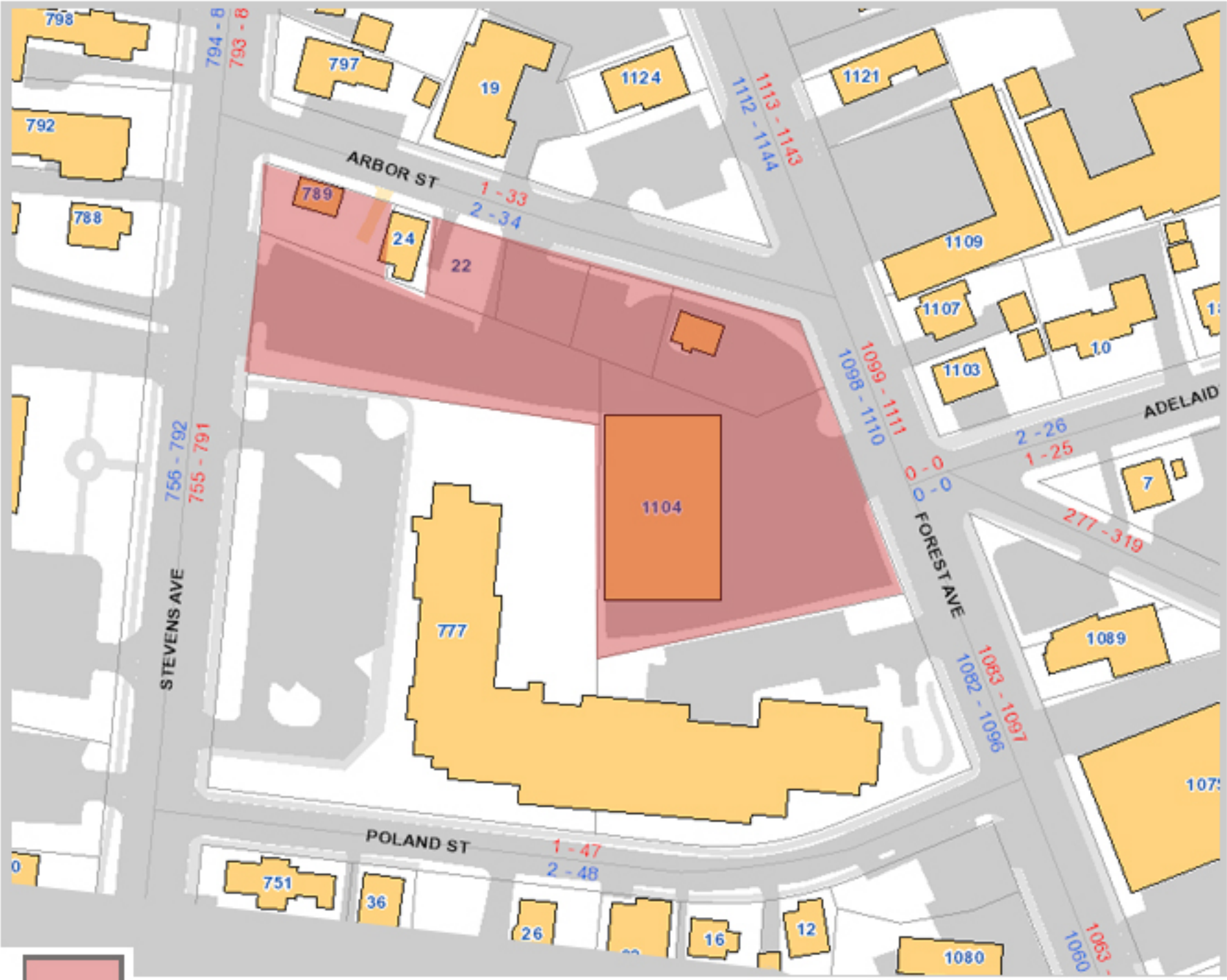
Then personally appeared the above-named ROBERT L. ADAM and acknowledged the foregoing instrument to be his free act and deed.

Before me,

_____
Attorney at Law/~~Notary Public~~
Melissa H. Murphy

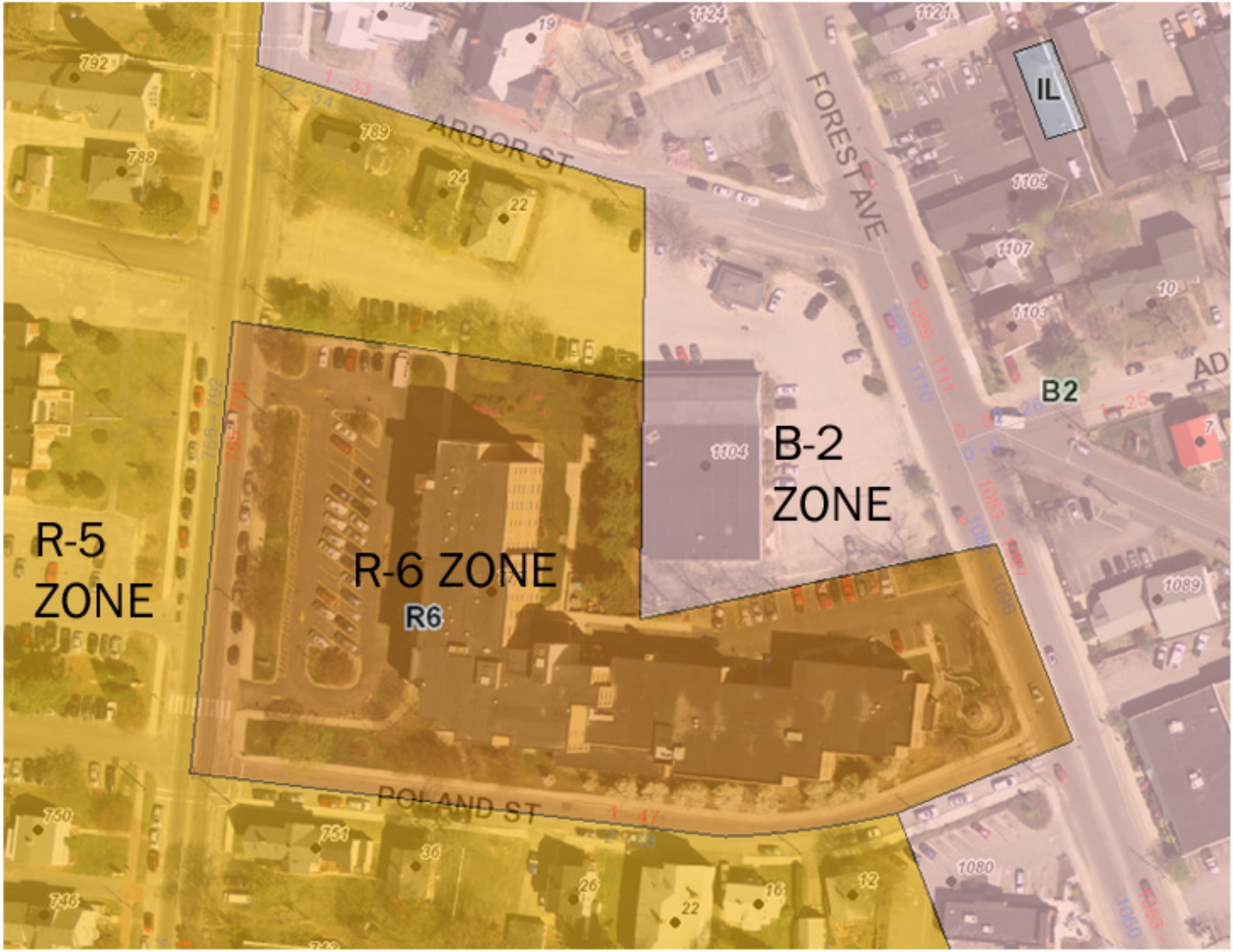
Received
Recorded Register of Deeds
Apr 24,2012 10:28:36A
Cumberland County
Pamela E. Lovley

The Park Danforth Context Map



Proposed zone change parcels

City of Portland, Parcel Map



City of Portland, Zoning Map

ELDERLY HOUSING

PARKING REQUIRMENTS

TOWN	DEFINITION	PARKING REQUIREMENT
Augusta	Elderly Housing	1 space/dwelling unit
Kennebunk	Elderly Congregate Housing	1 parking space/ dwelling unit. + 1 space/employee at peak shift + 1 space/ 6 residential care units
Kittery	Elderly Housing	1.5 spaces/ dwelling unit w/ <2 bedrooms or 2 spaces/unit w/ 2+ bedrooms
Saco	Elderly Congregate Housing Elder Housing Facility-Limited Svc.	1 space/ 2 units 1 space/ 3 units
Wells	Congregate Housing	1 space/ housing unit plus 1 space for each 300 s.f. of office space
Portsmouth, New Hampshire	Elderly Housing (age-restricted)	1.25 spaces/dwelling unit

DEFINITIONS

Augusta Zoning

Elderly Housing: The city does not have a definition of Elderly housing.

TABLE 5.1.14-A SCHEDULE OF REQUIRED OFF-STREET PARKING

Land Use	Unit of Measure	Standard—# spaces
Residential:		
Single-family, efficiency, and multifamily	du (dwelling unit)	2.0/du
Elderly	du (dwelling unit)	1.0/du

Kennebunk Zoning Ordinance

Elderly Congregate Housing: A type of dwelling which is occupied by elderly persons and that provides shared community space and shared dining facilities and normally also provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and /or specialized shared service such as medical support services. By "elderly" persons is meant a person 60 years old or older, or a couple that constitutes a household and at least one of whom is 60 years or older at the time of entry into the facility or a disabled or handicapped person as established below. By "share community space" is meant space designed to be used in common for the enjoyment and leisure of residents of the facility, such as, by way of example only, reading rooms, siting rooms, recreational rooms, rooms for entertaining guest, and exercise rooms. By "shared dining facilities" is meant a room or rooms designed for serving of meals to residents sitting together, plus the kitchen and ancillary facilities required to prepare the meals. An elderly congregate housing development shall include either or both of the following types of residential units:

- Dwelling units, as defined by this Ordinance, that is, single housekeeping units with living, sanitary, a and sleeping and permanent cooking facilities: and

- Residential care units, which do not meet the definition of a dwelling unit because they have no cooking facilities within the units, but which normally consist of rooms with sleeping and sanitary facilities.

Additionally, the term elderly congregate housing includes specialized facilities that provide long-term residential care, such that those designed specifically for persons with Alzheimer's Disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. Elderly congregate housing is distinct from "convalescent or rest home or nursing home", which is defined separately.

A person who meets the definition of "disabled" or "handicapped" as set forth in Section 501 (b) of the Housing Act of 1949, the Fair Housing Act, the Americans with Disabilities Act or the Rehabilitations Act of 1973, or in regulations issued by either the United States Department of Housing or Urban Development or the United States Department of Agriculture, Rural Development shall be deemed to meet the elderly congregate housing age requirements of this ordinance and may occupy dwelling units within such elderly congregate housing developments even if that person is not 60 years or older or is not part of a household with another member who is 60 years or older.

Parking Requirement: 1 space/dwelling unit + 1 space/employee at Peak shift + I space/6 residential care units

Kittery Zoning Ordinance

Elderly housing: means a residential use occupied principally by residents who are at least fifty-five (55) years of age (or in the case of a couple, at least one of whom is at least fifty-five) years of age) in which the accommodations are all dwelling units with private bathrooms and cooking facilities. Occupants of this residential use may also include handicapped individuals of any age. This housing does not provide a regular program of services to all of its residents although individual residents may arrange for the provision of services within the facility. Elderly housing includes very limited shared community space and shared dining and kitchen facilities but may include limited facilities for allied health services, social services, and personal services such as physical and occupational therapy, a beauty shop, recreational programs, elderly day care, and similar programs. The use of these facilities must be accessory to the primary residential use of the facility but may be open to nonresidents of the facility. Elderly housing does not include eldercare facilities that are typically referred to as independent living units, congregate care units, assisted living units, dementia or Alzheimer's units, or hospice units, or a nursing care or convalescent care facility that provides nursing services.

Parking Requirement: 1.5 spaces/dwelling unit w/< 2bedrooms or 2 spaces > 2 bedrooms

Saco

Elder/Disability Housing Facility: A housing project or development that provides housing in dwelling units for senior households in which a head of household is at least 55 (fifty-five) years old or for disabled persons regardless of age. The project does not provide a regular program of supportive services or meals to its residents but may include facilities for outside agencies or programs to provide services to residents. Disabled means having a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, and having a record of such a disability or are regarded as having such a disability. Elder/Disability Housing Facilities shall not average more than 1.5 bedrooms per unit. (Amended 5/21/12)

Parking Requirement: 1 space per 2units

Elder/Disability Housing Facility –Limited Service:
A housing project that provides housing in dwelling units or other Accommodations such as suites or individual rooms for senior households in which a head of household is at least 55 (fifty-five) years old or for disabled persons regardless of age. The project provides a regular program of supportive services and/or meals to some or all residents but does not provide twenty-four hour a day care or medical oversight. In addition to the residential facilities, the project may include common facilities to provide services to residents. This use may include facilities that are commonly referred to as retirement housing, congregate housing, or independent living centers that provide limited support services. Elder/Disability Housing Facilities –Limited Service shall not average more than 1.5 bedrooms per unit.
(Amended 5/21/12)

Parking Requirement: 1 space per three units

(d) Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes apartments located in commercial structures containing commercial space as the principal first floor use.

Parking Requirement: Multifamily residential restricted to elderly -1 space per two units

Wells ME, Zoning

Elderly Housing: Housing units intended for and occupied solely by persons 55 years of age or older or an elderly couple one of whom is 55 years of age or older. Elderly housing may have the same common amenities as congregate housing.

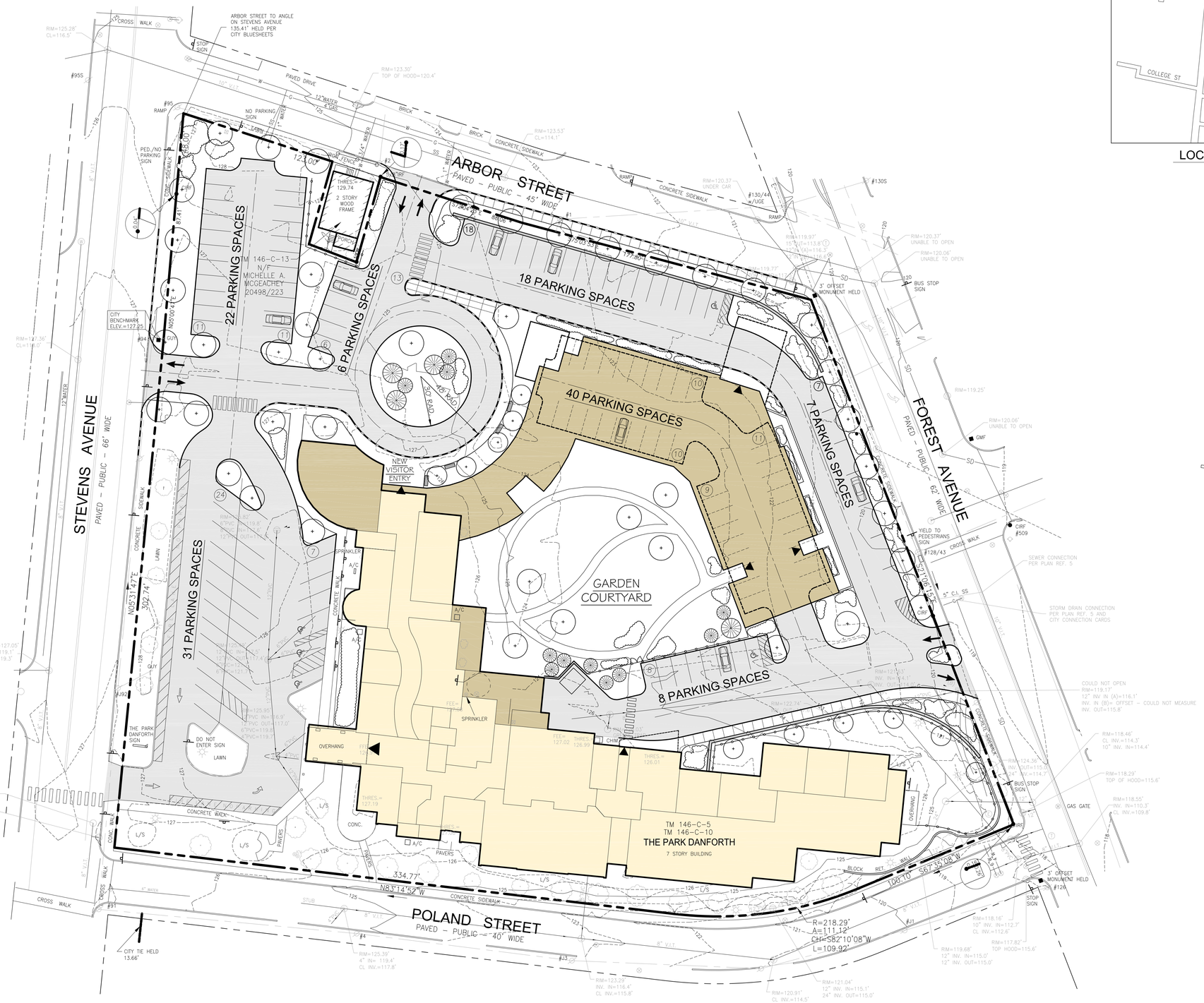
Parking Requirement: 1 space/housing unit plus 1 space for each 300 SF of office space

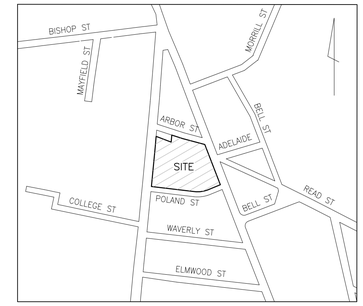
Portsmouth NH Zoning Ordinance
Age-restricted housing: A residential development consisting of independent dwelling units restricted to occupancy by persons at least 55 years old, which may contain limited social or recreational facilities or services for the residents but which do not include centralized dining and on-site medical services. (See also: assisted living facility; congregate care facility; continuing care retirement community.)

Independent living unit: A dwelling unit in a continuing care retirement community (CCRC), in which residents live independently while having access to all common facilities and services of the CCRC, but without the inclusive supportive services typically associated with Assisted Living or Skilled Nursing units

Continuing care retirement community (CCRC):
A residential development that provides multiple elements of senior adult living including independent living units, assisted living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. A CCRC includes common dining, recreation and health facilities and other common areas; provides services such as medical, programmed social activities; and may include limited accessory retail and personal services. A CCRC is intended for and solely occupied by persons 62 years of age or older and thereby qualifies as "housing for older persons" under state law.

Parking Requirement: (Age Restricted) 1.25 spaces/dwelling unit





LOCATION MAP

N.T.S.

Prepared For:

Owner:
Home For The Aged
777 Stevens Avenue
Portland, Maine 04103
Tel.: 207-797-7710

Plan 1

Applicant:
The Park Danforth
777 Stevens Avenue
Portland, Maine 04103
Tel.: 207-797-7710

Prepared By:
MITCHELL & ASSOCIATES
Landscape Architects
The Staples School
70 Center Street
Portland, Maine 04101
Tel.: 207-774-4427

The Park Danforth

Stevens Avenue — Portland, Maine

Date:
JUNE 24, 2014

Issued For:

Revisions:

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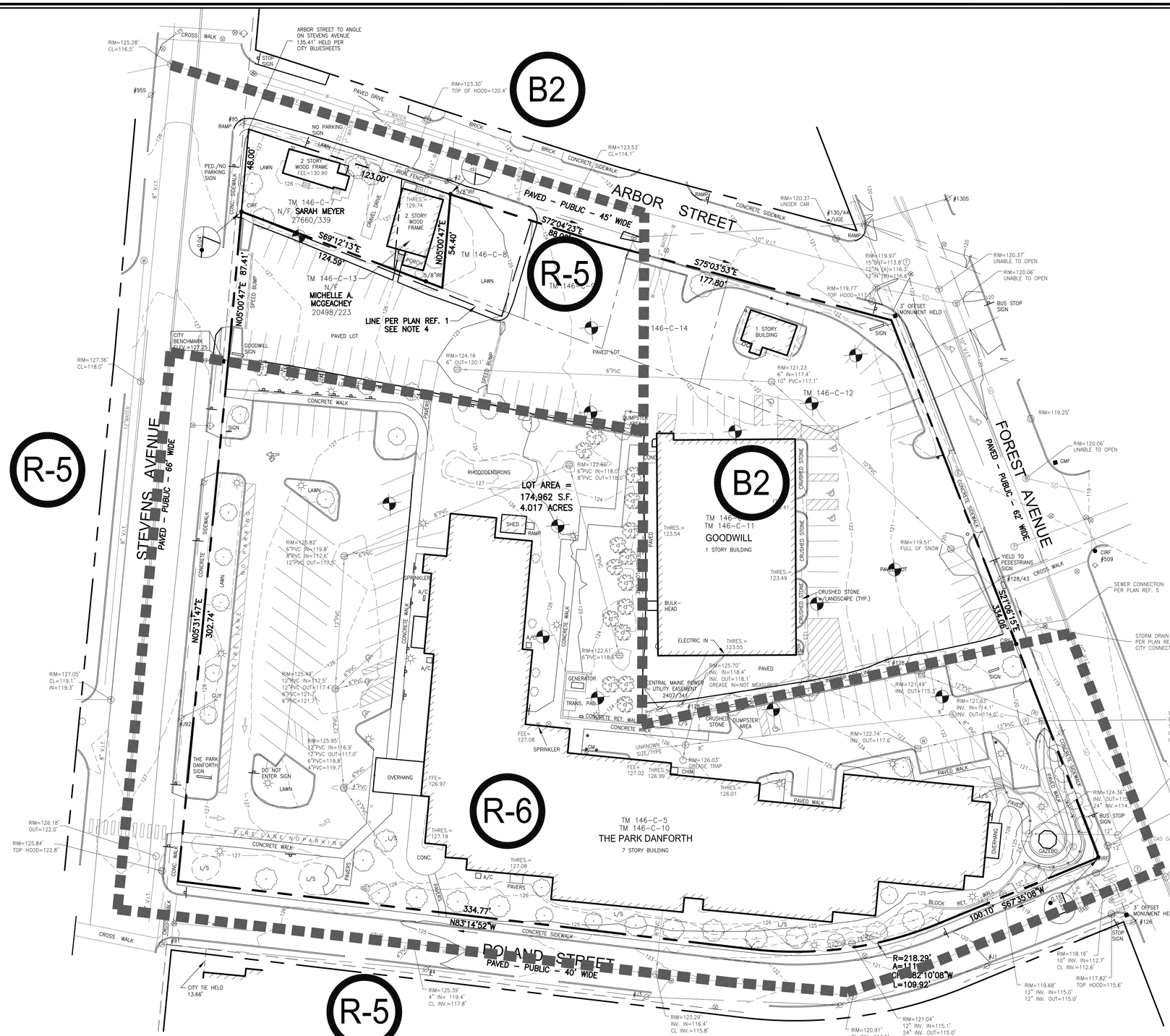
Title:
CONCEPT MASTER PLAN

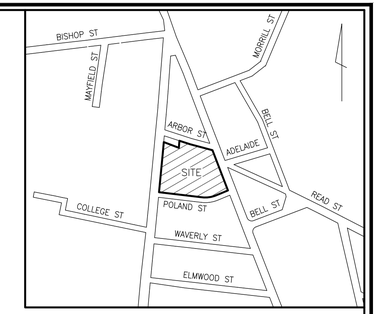
Scale: 1"=30'

0 10 20 30 60 ft.

North:

Sheet No.: A





LOCATION MAP

N.T.S.

PLAN REFERENCES

1. "PLAN OF PROPERTY IN PORTLAND, MAINE FOR DR. LLOYD B. WOLF AUG. 1973 H.I. & E.C. JORDAN – SURVEYORS"

2. "PARK–DANFORTH CONDOMINIUM PLANS SITE PLAN HOUSING FOR THE ELDERLY, A CONDOMINIUM SITUATE AT: STEVENS AND FOREST AVENUES AT POLAND STREET, PORTLAND, CUMBERLAND, MAINE 12/7/83 LARRY SLAUGHTER –SURVEYOR" RECORDED IN PLAN BOOK 140 PAGE 37

3. "THE PARK–DANFORTH CONDOMINIUM 777 STEVENS AVE PORTLAND, MAINE RECORDING PLAT 09–23–97 LAND USE CONSULTANTS, INC." RECORDED IN PLAN BOOK 197 PAGE 515

4. BLUE BOOK SHEETS FOR STEVENS AVE., FOREST AVE., POLAND STREET, AND ARBOR STREET, FROM THE PORTLAND ENGINEERING DEPARTMENT

5. "FOREST AVENUE DEVELOPMENT PORTLAND MAINE SITE PLAN MADE FOR HANNAFORD BROS. CO. SOUTH PORTLAND, MAINE" BY E.C. JORDAN CO. CONSULTING ENGINEERS DATED JAN 6 1986.

GENERAL NOTES

1. OWNER OF RECORD:

HFA FOREST AVENUE PROPERTIES, LLC LOTS 146–C–6, 146–C–9, 146–C–11, 146–C–12, 146–C–14;
ALL IN BOOK 29524 PAGE 325
HOME FOR THE AGED LOTS 146–C–8 BOOK 30933 PAGE 330, 146–C–5, 146–C–10 BOOK 6354 PAGE 117.

2. BEARINGS ARE BASED ON CITY DATUM, MAINE STATE PLANE WEST ZONE (NAD83).

3. ELEVATIONS ARE ON CITY DATUM, BASED ON BENCH MARK AT 3' OFFSET MONUMENT UNDER COVER ON EASTERLY SIDE OF STEVENS AVENUE.

4. THE LINES AROUND THE LAND OF MCGEACHEY ARE BASED ON THE DEED DIMENSIONS. THE DASHED LINES ARE AS SHOWN ON PLAN REFERENCE 1. A BOUNDARY AGREEMENT IS RECOMMENDED WITH MCGEACHEY AND MEYER.

LEGEND

- IRON PIPE OR ROD FOUND
- MONUMENT FOUND
- UTILITY POLE
- MANHOLE
- EM/GM ELECTRIC/GAS METER
- SIGN
- CATCH BASIN
- HYDRANT
- WATER VALVE OR SHUTOFF
- LIGHT POLE
- ICV IRRIGATION CONTROL VALVE
- BOLLARD
- DECIDUOUS TREE
- CONIFEROUS TREE
- INTERIOR LOT LINE
- FENCE
- CURB
- OVERHEAD WIRES
- E UNDERGROUND ELECTRIC
- W WATER LINE
- G GAS LINE
- SD STORM DRAIN
- SS SANITARY SEWER
- 100 1' CONTOUR

GRAPHIC SCALE

0 15' 30' 60' 120'

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 COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR 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 INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1–888–DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

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.

DATE

JOHN C. SCHWANDA, PLS NO. 1252

BOUNDARY & TOPOGRAPHIC SURVEY
ON
STEVENS AVE., ARBOR ST., FOREST AVE. & POLAND ST.
PORTLAND, MAINE
MADE FOR
MITCHELL & ASSOCIATES

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207)774-0424
PROFESSIONAL LAND SURVEYORS

Drwn By	SDG	Date	Job No.
Trace By	JLW	JANUARY 2, 2014	2013–217P
Check By	JCS	Scale	Drwg. No.
Book No.	1123	1" = 30'	1

The Park Danforth

Proposed New Construction

Conceptual Elevation - Arbor Street

SCALE: NTS

06/23/14

LAVALLEE | BRENSINGER ARCHITECTS

The Park Danforth

Proposed New Construction

Conceptual Elevation - Forest Street

SCALE: NTS

06/23/14

LAVALLEE | BRENSINGER ARCHITECTS

PLANNING BOARD REPORT
PORTLAND, MAINE

SUBDIVISION OF SECOND FLOOR INTO FIVE APARTMENTS
671 Forest Avenue
Subdivision Plan and Level I Site Plan
Project ID #2014-103
United USA LLC (Saad Dahham/Anwar Hammeed), Applicant

Submitted to:	Prepared by:
Portland Planning Board	Jean Fraser, Planner
Public Hearing Date: August 12, 2014	Date: August 8, 2014

I. INTRODUCTION

The applicant is requesting approval of a Level III application for development at 671 Forest Avenue just north of Woodford's corner. The applicant is proposing to convert the second floor of the existing 2-story building into five (5) residential apartments. There are no proposed changes to the first floor (2 existing retail units) nor to the building exterior except for 4 new windows on the north side, with the windows to match existing. Minor site modifications are proposed to accommodate bicycle parking, one vehicle parking space and access to an existing dumpster. The parcel is located in the B-2b Business Zone.

Required reviews: The proposal is being reviewed by the Planning Board under the Land Use Code provision 14-497 (Subdivisions) which requires that it be a Level III review. The minor site modifications are also subject to Site Plan Review as a Level I Site Plan.

A total of 131 notices were sent to residents within 500 feet and interested citizens. A notice also appeared in the August 4th and 5th, 2014 editions of the *Portland Press Herald*. The applicant held the required Neighborhood Meeting on August 5th, 2014 (Attachment F). The Planning office has not received an public comments as of the time of preparing this Report.

II. PROJECT SUMMARY

Existing Zoning:	**B-2b Business Zone**
Proposed Use:	5 Residential Apartments on second floor (2 existing retail units on first floor not altered)
Parcel Size:	5843 sq ft sq ft
Total Disturbed Area:	None- all interior improvements
Building Area:	There are no plans to change the total building area
Total Building Area:	2980 sq ft (second floor only)
Residential Data:	
Existing Res. Units:	Several informal units in storage area & one existing apartment at the back
Proposed Res.Units:	5 legal and self contained apartments
Bedroom Mix:	3 No 3-bedroom units 1 No 1 bedroom units 1 Efficiency Unit

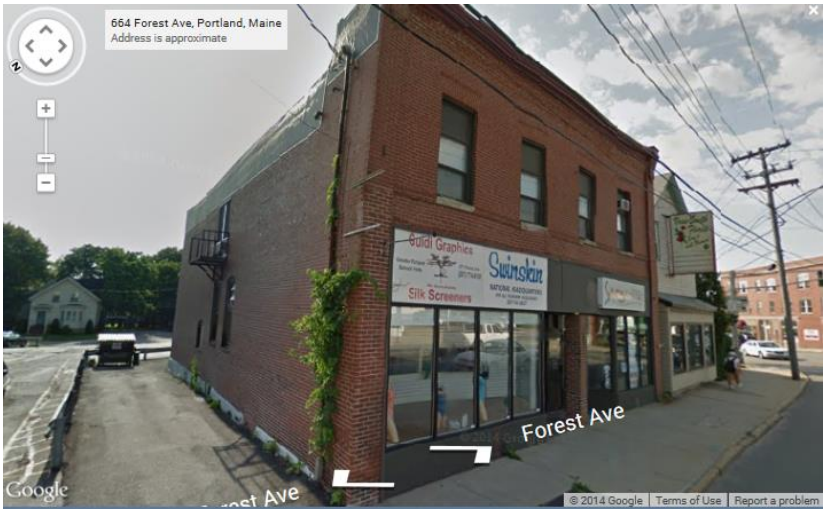
Parking Spaces:
Existing: not identified
Proposed: 1 on site; 4 leased near lot (5 required)

Bicycle Parking Spaces:
Existing: None
Proposed: Not stated; 2 required
Estimated Cost of Project: $83, 000
Uses in Vicinity: The site will provide compact in-city living for renters, which is near services, such as businesses, institutions, employers and public transportation

III. PROJECT DESCRIPTION

The existing 2-story building is part of a short terrace of commercial buildings in the B-2b Business zone on the east side of Forest Avenue just north of Woodfords corner. There are 2 retail units on the lower floor, currently vacant and configured as shown on the draft Subdivision Plat (Plan P2); these are not part of the renovation project that is technically a subdivision of the second floor. The applicant is proposing to convert the second floor space into a total of five (5) residential apartments, including one existing unit (See architectural details in Plans P3 and P4).

The proposed residential units range in size from about 350 sq ft to 771 sq ft in area (Plan P4). The proposed internal work is largely renovations and upgrades, including the addition of 4 new windows (for bedrooms) to match the existing windows in the north side elevation facing the alley.



A narrow alley runs along the north and east sides of the building and provides limited vehicle access to the dumpster and the proposed parking space. Bicycle storage is indicated as being under a deck at the rear of the site but the number of spaces has not been clarified. Four parking spaces are proposed to be leased in the adjacent parking lot and the lease has been submitted (Attachment E). The sidewalk along the frontage is in good condition but the existing tree well does not have a street tree in it.

IV. PUBLIC COMMENT

The applicant held a required Neighborhood Meeting on August 5th, 2014 and the Certificate is included in Att. F. Two neighbors attended the meeting and it is understood their concerns regarding parking and trash were addressed. As of the writing of this report no written public comment has been received.

V. RIGHT, TITLE AND INTEREST

The applicant has provided a copy of Warranty Deed, which demonstrates that United USA LLC has right, title and interest in the property (Attachment B).

VI. ZONING REVIEW

The property is zoned B2b and Marge Schmuckal, Zoning Administrator, has confirmed that the proposals meet zoning requirements as quoted below (Attachment 3):

This property to add 5 dwelling units on the 2nd floor is located in the B-2b zone. I have used the most resent B-2 zone requirements that went into effect on 7/16/2014. The building is existing. The land area per dwelling unit is 435 s.f. of land area per dwelling unit, which is easily met. The 5 required parking spaces for residential use [14-332.1A(4)] are being met with one on-site and the four other spaces leased in the abutting rear parking lot.

It is noted that the existing (last approved) use of the first floor is two retail spaces. Neither of the two units exceed 2,000 s.f. and therefore is not required to show parking spaces for the retail area.

The application is meeting the B-2b zone requirements. Separate permits are required through Inspection Services to validate the change of use to the 5 dwelling units.

VII. DEVELOPMENT REVIEW

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

All requirements have been met. It is understood that the apartments are being created for rental so there are no Condominium Documents submitted.

B. SUBDIVISION (Section 14-497)

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

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) I), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

   Staff finds the proposed project in conformance with this standard.

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

   The applicant has not submitted a capacity letter from the Portland Water District and a suggested condition of approval requires its submission prior to the issuance of a building permit..

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

   Please see paragraph VII (C) 1 below.

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

   Please see paragraph VII (C) 2 below.

5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)

   The proposed project will not have an adverse effect on the scenic or natural beauty of the area.

6. Comprehensive Plan (Section 14-497 (a) 9)

   The following statement is housing policy that is relevant to this proposal. The first policy of Housing: Sustaining Portland's Future is to ensure an adequate and diverse supply of housing for all. Objectives under that policy include the following:

   - Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied. The list of potential housing options under this objective include:
     ii. Housing units for decreasing household sizes, such as young professionals, empty nesters, single parent households and senior citizens.
     v. Higher density housing, such as row houses, small lots, reuse of non-residential buildings, and mixed use buildings.

- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers and public transportation.
- Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate.

7. Financial Capability (Section 14-497 (a) 10)

   The estimated cost of the development is $83, 000. The owner of the property lives outside of the US and has provided a bank account statement (showing adequate funds) to confirm financial capacity to complete the proposed development (Attachment D).

8. Subdivision Plat

   The draft subdivision plat (Plan P2) has been reviewed by staff. The plat will need to show the zoning information for the zone and indicate the unit floor areas and how the parking requirement is being met. A suggested condition of approval calls for the plat to be revised and submitted for review by the Planning Authority and signature of the Planning Board.

C. SITE PLAN STANDARDS (Section 14-526)

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

1. Transportation Standards

a. Impact on Surrounding Street Systems
b. Access and Circulation
c. Public Transit Access
d. Parking
e. Transportation Demand Management (TDM)

STAFF COMMENT: The proposed project is not anticipated to have any significant adverse effect on regional traffic, and the parking needs have been addressed by the identification of one parking space on the site and the provision of a lease for 4 spaces nearby. The retail units on the first floor do not require parking provision per the zoning ordinance (see Attachment 3).The subdivision/site plan shows bicycle parking located under the deck at the rear of the site but does not show the number, type of bike rack nor how it is identified to visitors. A suggested condition of approval requests clarification regarding the proposed bike parking.

Tom Ericco, Consultant Traffic Engineer, has reviewed the proposed project and has no comments (Attachment 2).

2. Environmental Quality Standards

a. Preservation of Significant Natural Features
b. Landscaping and Landscape Preservation
c. Water Quality, Storm Water Management and Erosion Control

STAFF COMMENT: Under the standards of the subdivision ordinance, all subdivisions are required to provide one (1) street tree per lot or unit for multi-family projects. The subject application is for five (5) units and the applicant offered to plant one tree in the existing tree well that does not currently have a tree and make a contribution for the other four required street trees.

DPS have confirmed that the ROW along this frontage will be removed and rebuilt as part of the Forest Avenue Improvement project next year (to include some sidewalk widening and street trees in the vicinity) and therefore it does not seem sensible to request the applicant to replace the missing street tree when it will be removed in the near future.

It also does not seem appropriate to require the applicant to make a contribution of $200 in lieu of that

street tree, since it technically could be planted as part of the development. Staff therefore recommend that given the proposed improvement project along this frontage, that the applicant contribute to the Street Tree Fund in respect of four (4) street trees that could not be planted on or near the ROW in any case, which would total $800. Jeff Tarling, City Arborist, has agreed this approach in a recent telephone conversation.

The Plan P2 shows a dumpster at the rear of the yard and this is desirable to serve the units. The submission does not include the details of a dumpster enclosure, and a suggested condition of approval requires that the dumpster be enclosed by fencing or planting.

In its present condition, the site is fully impervious. Existing drainage flows and catchments systems appear to be functioning effectively. No improvements to the existing infrastructure are proposed.

3. *Public Infrastructure and Community Safety Standards*
    a. Consistency with Master Plans
    b. Public Safety and Fire Prevention
    c. Availability and Adequate Capacity of Public Utilities

STAFF COMMENT: Captain Chris Pirone of the Fire Department has reviewed the project and has no concerns regarding the site-plan review as the access to the site has not been revised. The second floor residential use is proposed to have a sprinkler system installed and a more detailed review will be undertaken at the building permit stage.

The applicant has submitted a request for a wastewater capacity letter (Attachment C). Capacity letters for both water and wastewater are subject to a suggested condition of approval that require that they be submitted prior to the issuance of a building permit.

The Department of Public Services evaluated the sidewalks near the site and determined they were in good condition, so DPS do not have any comments (Attachment 1). The Forest Avenue Improvement Project will result in some improvements to the ROW at this location.

4. *Site Design Standards*
    a. Massing, Ventilation and Wind Impact
    b. Shadows
    c. Snow and Ice Loading
    d. View Corridors
    e. Historic Resources
    f. Exterior Lighting
    g. Noise and Vibration
    h. Signage and Wayfinding
    i. Zoning Related Design Standards

STAFF COMMENT: The building is an existing structure and the only exterior modifications are 4 windows (to match exiting) in the side wall facing the alley, and these are not subject to the B2b Design Standards. The proposals do not include any exterior lighting and do not affect any historic resource.

VIII. 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 five units within the existing second floor at 671 Forest Avenue.

IX. PROPOSED MOTIONS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report prepared for the Public Hearing on August 12, 2014 for the proposed Subdivision of the second floor and associated Level I site plan at 671 Forest Avenue (Project 2014-103) relevant to Portland's Subdivision and Site Plan ordinances, Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

A. WAIVER

The Planning Board (**waives/does not waive**) Section 14-526 (b) (2) (b) (iii) Street Trees, subject to the applicant making a contribution of $800 to the City of Portland Tree Fund (prior to the issuance of a building permit) to address the street tree standards.

B. DEVELOPMENT REVIEW

1. SUBDIVISION

That 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 conditions of approval:

i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Services and include zoning information, unit floor areas, and relevant conditions prior to submission for Planning Board signature; and

ii. That in the event the property is converted to a condominium, that the recorded condominium documents shall be copied to the Planning Authority.

2. SITE PLAN REVIEW

The Planning Board finds that the plan (**is/is not)** in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval to be met prior to the issuance of a building permit unless stated otherwise:

i. That a separate plan shall be submitted for review and approval that shows the area identified as a bicycle storage area contains at least 2 bicycle racks meeting the City Technical Standards; these should be visible and usable to occupants and visitors of the residential units; and

ii. That the proposed dumpster shown on the Subdivision Plan P2 shall be enclosed with fencing or planting, and that a separate plan showing the details of the dumpster enclosure shall be submitted for review and approval by the Planning Authority and City Arborist; and

iii. That the applicant shall submit capacity letters in respect of water supply and wastewater disposal; and

iv. That a separate "change of use" permit shall be obtained from the Inspections Division.

Attachments:

Planning Board Report Attachments

1. DPS Engineer Comments David Margolis-Pineo 8.7.2014
2. Traffic Review Comments Tom Errico, Traffic Consultant, 8.7.2014
3. Zoning comments Marge Schmuckal, Zoning Administrator 8.7.2014

Public comments (none received)

Applicant's Submittal

A Application
B Evidence of Right, Title, and Interest
C Water and Sewer Capacity Letter requested
D Financial Capacity Information
E Lease for 4 parking spaces nearby
F Neighborhood Meeting Certificate

Plans

Plan P1 Boundary Survey
Plan P2 Subdivision Plat Plan
Plan P3 Architectural cover sheet and code analysis
Plan P4 Floor Plans of proposed Apartments

From: David Margolis-Pineo
To: Jean Fraser; Tom Errico
CC: Bruce Hyman; Jeff Tarling
Date: 8/7/2014 11:15 AM
Subject: 671 Congress St - Review Comment

Jean,

The Public Services Department has no comments concerning application.

>>> Jean Fraser 8/7/2014 10:27 AM >>>
David

Could you please send a single final DPS comment that I can include in the hearing Report for the Planning Board to read. I am trying to wrap up the report today.

Thanks
Jean

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: 'David Margolis-Pineo' <DMP@portlandmaine.gov>, Katherine Earley <KAS@po...
Date: 8/7/2014 11:02 AM
Subject: 671 Forest Avenue

Jean - I have reviewed the revised plan and provisions for parking and I find the project to be acceptable. If you have any questions, 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)
207.781.4753 (fax)
thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>
Visit us online at www.tylin.com<http://www.tylin.com>
Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

MEMORANDUM

To: FILE

From: Jean Fraser

Subject: Application ID: 2014-103

Date: 8/7/2014

Comments Submitted by: Marge Schmuckal/Zoning on 8/7/2014

This property to add 5 dwelling units on the 2nd floor is located in the B-2b zone. I have used the most resent B-2 zone requirements that went into effect on 7/16/2014. The building is existing. The land area per dwelling unit is 435 s.f. of land area per dwelling unit, which is easily met. The 5 required parking spaces for residential use [14-332.1A(4)] are being met with one on-site and the four other spaces leased in the abutting rear parking lot.

It is noted that the existing (last approved) use of the first floor is two retail spaces. Neither of the two units exceed 2,000 s.f. and therefore is not required to show parking spaces for the retail area.

The application is meeting the B-2b zone requirements. Separate permits are required through Inspection Services to validate the change of use to the 5 dwelling units.

Marge Schmuckal
Zoning Administrator
City of Portland, Maine

Portland, Maine — Yes. Life's good here.

Jeff Levine, AICP, Director
Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a ***legal signature*** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are ***paid in full*** to the Inspections Office, City of Portland Maine by method noted below:

- [X] Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I ~~intend to call the Inspections Office at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.~~ I will pay in person at City Hall.
- [ ] Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- [ ] I intend to deliver a payment method through the U.S. Postal Service mail once my application paperwork has been electronically delivered.

Applicant Signature: _____ Date: 6/11/14

I have provided digital copies and sent them on: _____ Date: 6/11/14

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.

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 III: 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).

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: http://me-portland.civicplus.com/DocumentCenter/Home/View/1080
Design Manual: http://me-portland.civicplus.com/DocumentCenter/View/2355
Technical Manual: http://me-portland.civicplus.com/DocumentCenter/View/2356

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

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

Updated: April 23, 2014

PROJECT NAME: 671 FOREST AVE

PROPOSED DEVELOPMENT ADDRESS:

671-675 FOREST AVE PORTLAND ME

PROJECT DESCRIPTION:

SECOND FLOOR RESIDENTIAL INTERIOR RENOVATION

CHART/BLOCK/LOT: 129/L/2

PRELIMINARY PLAN _____ (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer	Applicant Contact Information
Name: Anwar Hameed	Work #
Business Name, if applicable: United USA LLC	Home#
Address: 630 Forest Ave	Cell # 207-518-3530 Fax#
City/State : Portland, ME Zip Code: 04101	e-mail:
Owner – (if different from Applicant)	**Owner Contact Information**
Name:	Work #
Address:	Home#
City/State : Zip Code:	Cell # Fax#
	e-mail:
Agent/ Representative	**Agent/Representative Contact information**
Name: Ashraf Eldeknawey	Work #
Address: 1783 Broadway	Cell # 207-272-0227
City/State : So. Portland, ME Code: 04106	e-mail: alb.012@Hotmail.com
Billing Information	**Billing Information**
Name: Ali Daham	Work #
Address: 630 Forest Ave	Cell # Fax#
City/State : Portland, ME Zip Code: 04101	e-mail:

Updated: April 23, 2014

Engineer	Engineer Contact Information
Name:	Work #
Address:	Cell # Fax#
City/State : Zip Code:	e-mail:
Surveyor TITCOMB ASSOCIATES Name: DAVID TITCOMB Address: 133 GRAY RD City/State : FALMOUTH, ME Zip Code: 04105	Surveyor Contact Information Work # 207-797-9199 Cell # Fax# e-mail: DTITCOMB@TITCOMBSURVEY.COM
Architect PORT CITY ARCHITECTURE Name: LITA SEMRAU Address: 65 NEWBURY ST City/State : PORTLAND, ME Zip Code: 04101	Architect Contact Information Work # 207-761-9000 Cell # 207-756-4333 Fax# e-mail: LITA@PORTCITYARCH.COM
Attorney	Attorney Contact Information
Name:	Work #
Address:	Cell # Fax#
City/State : Zip Code:	e-mail:

APPLICATION FEES:

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

Level III Development (check applicable reviews)

X 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)
X 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 _____
X Change of Use
___ Flood Plain
___ Shoreland
X Design Review
___ Housing Replacement
___ Historic Preservation

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the **Electronic Plan and Document Submittal** page of the City's website at http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal

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 Building Inspections 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.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

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:

PROJECT DATA

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

Total Area of Site	NA sq. ft.
Proposed Total Disturbed Area of the Site	NA 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)	5,843 sq. ft.
Impervious Area (Total Proposed)	0 sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	3500 sq. ft.
Building Footprint (Total Proposed)	3500 sq. ft.
Building Floor Area (Total Existing)	2980 sq. ft.
Building Floor Area (Total Proposed)	2980 sq. ft.
Zoning	
Existing	B-2
Proposed, if applicable	
Land Use	
Existing	Retail + Storage
Proposed	Retail + Housing
Residential, If applicable	
# of Residential Units (Total Existing)	0
# of Residential Units (Total Proposed)	5
# of Lots (Total Proposed)	1
# of Affordable Housing Units (Total Proposed)	0
Proposed Bedroom Mix	
# of Efficiency Units (Total Proposed)	1
# of One-Bedroom Units (Total Proposed)	1
# of Two-Bedroom Units (Total Proposed)	Ø
# of Three-Bedroom Units (Total Proposed)	3
Parking Spaces	
# of Parking Spaces (Total Existing)	3
# of Parking Spaces (Total Proposed)	3 (Renting additional 2 Next Door)
# of Handicapped Spaces (Total Proposed)	0
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	0
Estimated Cost of Project	$83,000

PRELIMINARY PLAN (Optional) - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	**GENERAL WRITTEN SUBMISSIONS CHECKLIST**
✓		1	Completed Application form
		1	Application fees
		1	Written description of project (See drawings)
		1	Evidence of right, title and interest
N/A		1	Evidence of state and/or federal approvals, if applicable
		1	Written assessment of proposed project's compliance with applicable zoning requirements (See drawings)
		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site (Renting Parking)
NA		1	Written requests for waivers from site plan or technical standards, if applicable.
		1	Evidence of financial and technical capacity
		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	**SITE PLAN SUBMISSIONS CHECKLIST**
✓		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
✓		1	**Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)** (Existing)
		Proposed grading and contours;	
		Existing structures with distances from property line;	
		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;	
		Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);	
		Preliminary infrastructure improvements;	
		Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;	
		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);	
		Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);	
		Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;	
		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)**
		1	* Completed Application form
		1	* Application fees
		1	* Written description of project
		1	* Evidence of right, title and interest
		1	* Evidence of state and/or federal permits
		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
		1	* Evidence of financial and technical capacity
		1	Construction Management Plan
		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
		1	Stormwater management plan and stormwater calculations
		1	Written summary of project's consistency with related city master plans
		1	Evidence of utility capacity to serve
		1	Written summary of solid waste generation and proposed management of solid waste
		1	A code summary referencing NFPA 1 and all Fire Department technical standards
		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
		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)**
		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	**Final Site Plans including the following:**
			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
			Existing and proposed structures on parcels abutting site;
			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
			Location of all snow storage areas and/or a snow removal plan;
			A traffic control plan as detailed in Section 1 of the Technical Manual;
			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
			Location and proposed alteration to any watercourse;
			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
			Proposed buffers and preservation measures for wetlands;
			Existing soil conditions and location of test pits and test borings;
			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
			Grading plan;
			Ground water protection measures;
			Existing and proposed sewer mains and connections;

- Continued on next page -

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

1. Name, address, telephone number of applicant
2.
3. Name address, telephone number of architect
4. Proposed uses of any structures [NFPA and IBC classification]
5.
6. Square footage of all structures [total and per story]
7. Elevation of all structures
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
10. Water main[s] size and location
11. Access to all structures [min. 2 sides]
12. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

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

Att. B

Doc#: 69583 Bk:31169 Pg: 226

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **675 FOREST AVENUE ASSOCIATES, LLC**, a Maine limited liability company with a place of business at Portland, Maine, for consideration paid, grant to **UNITED USA, LLC**, a Maine limited liability company with a mailing address of 630 Forest Avenue, Portland, ME 04101, with WARRANTY COVENANTS, a certain lot or parcel of land in the City of Portland, County of Cumberland and State of Maine, described as follows:

Beginning at the southwesterly corner of land now or formerly owned by the heirs of Addison P. Woodford on the easterly side of said Forest Avenue; thence southerly on the line of said Forest Avenue fifty-five (55) feet to a stake; thence south eighty degrees (80E) east seven (7) rods to the line of land formerly occupied by the York & Cumberland Railroad; thence northerly on the line of said Railroad to land of the heirs of said Woodford; thence north eighty degrees (80W) west on the line of land of said Woodford heirs five (5) rods and six (6) links, more or less, to the point of beginning.

Being the same premises conveyed to the Grantor by deed of Joseph P. Guidi, Sr., et al, dated July 29, 1999 and recorded in the Cumberland County Registry of Deeds in Book 14951, Page 139.

MAINE REAL ESTATE TAX PAID

IN WITNESS WHEREOF, the said 675 Forest Avenue Associates, LLC has caused this instrument to be executed by James P. Guidi, its Manager thereunto duly authorized, this 14th day of November, 2013.

675 Forest Avenue Associates, LLC

Witness

By: _____
James P. Guidi
Its duly authorized Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

November 14, 2013

Then personally appeared James P. Guidi, duly authorized Manager of 675 Forest Avenue Associates, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Attorney at Law/Notary Public
Print name: _____

Kirk Armstrong
Notary Public
State of Maine
My Commission Expires 12/2/2018

Received
Recorded Register of Deeds
Nov 15,2013 11:37:14A
Cumberland County
Pamela E. Lovley

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

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

Date: June 11/2014

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

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

Site Address: 671 - 675 Forest Ave

Chart Block Lot Number: 129/L/2

Proposed Use: Retail + Residential

Previous Use: Retail + Storage

Existing Sanitary Flows: _____ GPD 0

Existing Process Flows: _____ GPD

Description and location of City sewer that is to receive the proposed building sewer lateral.

Site Category		
	Commercial *(see part 4 below)*	2
	Industrial *(complete part 5 below)*	
	Governmental	
	Residential	5
	Other *(specify)*	

2 Existing commercial units
5 Proposed Res. units one Toilets each and one Kaitchen each

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

2. Please, Submit Contact Information.

City Planner's Name: Jean Fraser Phone: 874 8728

Owner/Developer Name: Ashraf Eldeknawey

Owner/Developer Address: 1783 Broadway South Portland, ME, 04106

Phone: 207-272-0227 Fax: _____ E-mail: ab.012@Hotmail.com

Engineering Consultant Name: _____

Engineering Consultant Address: _____

Phone: _____ Fax: _____ E-mail: _____

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

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: See 1 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.

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

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

H68EMR EY551A ENQUIRY استفسار عن رصيد حساب عميل 15:19 12 JUN 201 Att. D
4

Account . . . : 0128/276552-7/510 سعد دحام

Customer . . : D4K0CI سعد انور دحام

Account type : CA جاري

Currency . . : USD دولار امريكي

11JUN14	Cleared balance		0.00
12JUN14	Net items clearing	90,000.00	90,000.00
12JUN14	Available balance		90,000.00

Ledger balance	0.00
Shadow credits	90,000.00
Status balance	90,000.00

F1=Help F3=Exit F5=Refresh F12=Previous

F2=AE F11=TH F14=AS F23=TS

ARAB BANK plc - Garden Branch

A154

VIP Furniture, LLC,
683 Forest Ave, Portland, ME, 04013,
207-521-6599

I Abdul Ali, VIP Furniture, LLC, lease four parking spaces located at the back of the building 683 Forest Ave, Portland, ME, 04103 for one year starting on 08/01/2014 for $100.00 dollars per moth with an option to rent for an additional four years for $100.00 dollars per month,
Maintenance of the spaces will be by land lord. The owner of the lot is not responsible for cars.

Abdul Ali
VIP Furniture, LLC,
683 Forest Ave, Portland, ME, 04013,
207-521-6599

Date 7/31/14

United USA, LLC
630 Forest Ave, Portland, ME, 04101
207-791-2600

Date 7/31/14

EXAMPLE: 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 Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,

_____ 8/5/14 (date)

Attached to this certification are:

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

United USA, LLC,
630 Forest Ave,
Portland, ME, 04101
(207) 791-2600

July 24, 2014

Dear Neighbor:
Please join us for a neighborhood meeting to discuss our plans for a renovation of a building located at 671 Forest Avenue Portland Maine.

Meeting Location: Woodfords Congregational Church
202 Woodford St.
Portland, ME 04103-5602

Meeting Date: August 5, 2014

Meeting Time:6PM to 7PM

(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 207-272-0227

Sincerely,

Ashraf Eldeknawey

Signing Sheet

Neighborhood Meeting for 671-675 Forest Ave,Portland, ME

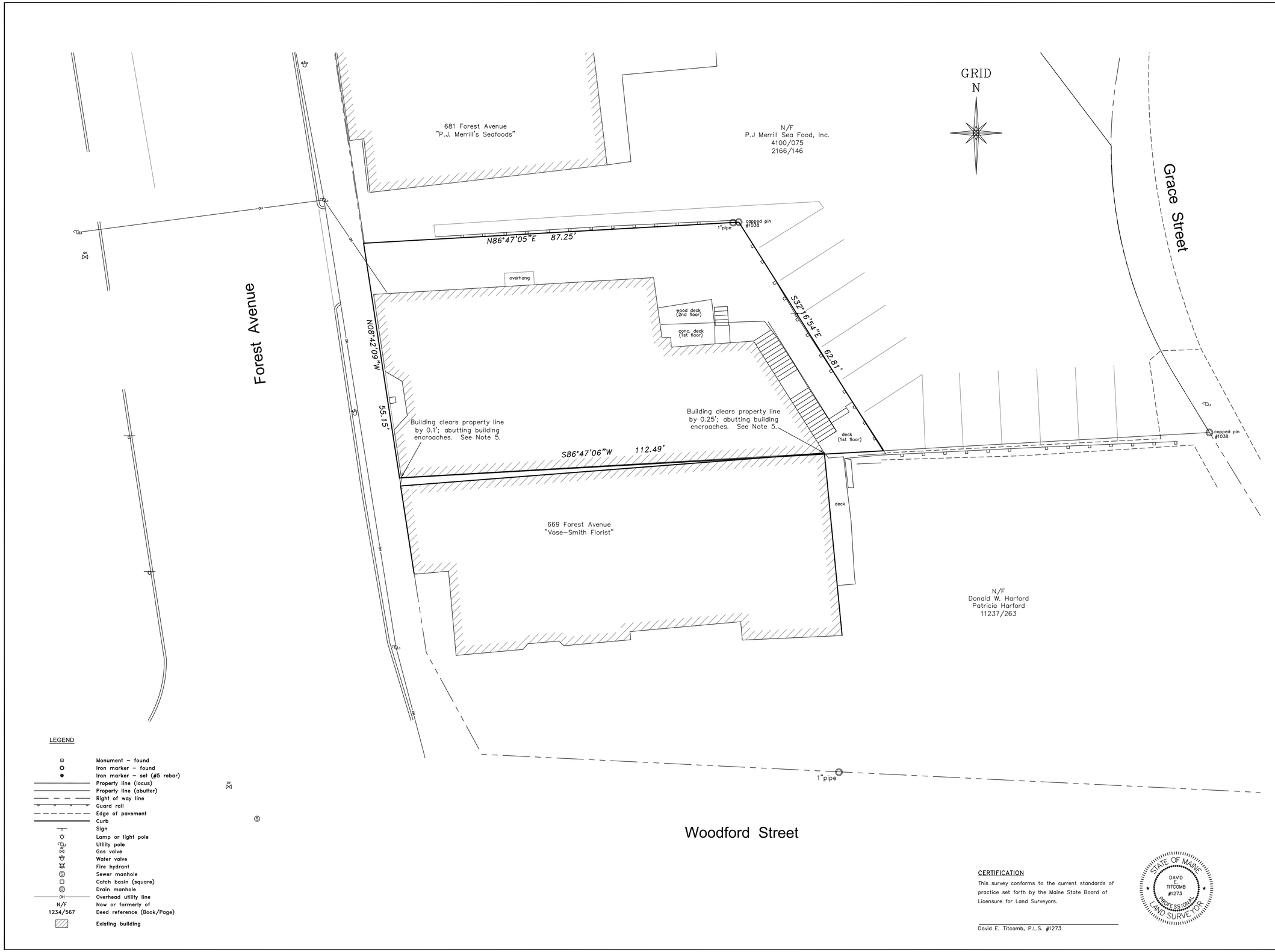
Name	Address	Phone / Email (optional)
Pat Hartford	Rose Smith Florist 669 Forest Ave	773-6463.
Michelle Butler	117 Woodford St & Grace St. 1	mini629@aol.com

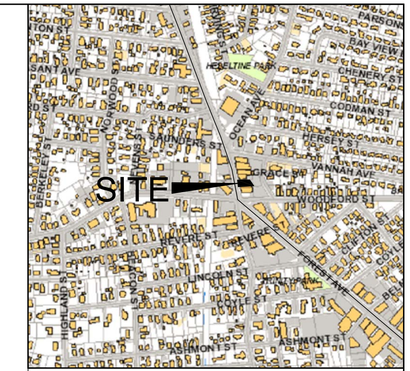
From: Ashraf Eldeknawey <alb.012@hotmail.com>
To: Jean Fraser <jf@portlandmaine.gov>
Date: 8/7/2014 3:41 PM
Subject: RE: 671 Forest Avenue Planning Board Hearing Aug 12th, 2014

Hello Jean,
we had the neighborhood meeting and one of the attends was concern about the trash, we did assure her that we are having a dumpster on site and she was satisfied, the 2cd attends she was concern about the parking but we did explain to her that we did rent 4 parking spots and ready to use she was ok with that, we had only 2 people come to the meeting and that's their concerns, if you have any questions please let me know,

Thank you very much,
Ashraf,

Best regards,
Ashraf Eldeknawey,
Portland's Choice Realty
Phone: 207-878-3035 ext 253
Ashraf Furniture Email : alb.012@hotmail.com
Web site : www.ashraffurniture.com
Cell : 207-272-0227
Fax : 207-878-3456





VICINITY MAP
No Scale

NOTES

1) Book and Page references are to the Cumberland County Registry of Deeds.

2) Bearings are referenced to grid north, Maine State Plane Coordinate System, NAD83, West Zone.

3) Utility information on this plan is approximate, based on location of visible features. DigSafe and/or the appropriate utilities should be contacted prior to any construction.

4) Property lies within Zone C based on FIRM Community #230051 Panel #13B, dated July 17, 1986. It does not lie within a special flood hazard area.

5) The building situated at 669 Forest Avenue is connected to the building on the locus property from the second story to the top of the building. The connected portion of 669 Forest Avenue encroaches on the locus property.

PLAN REFERENCES

1) Plan of Saunders Field by Percy H. Richardson. Recorded in Book 13, Page 93 on August 21, 1917.

2) Plan of Land on Forest Avenue made for P.J. Merrill Seafood, Inc. by Owen Haskell, Inc. dated April 14, 1988. Unrecorded.

3) Plan of Property in Portland, Maine made for C.L.M. Corp. by H.I. & E.C. Jordan dated December 7, 1965, revised through May 26, 1978. Unrecorded.

4) Land in Deering Maine surveyed for Mrs. Abby Jones by E.C. Jordan & Co. Recorded in Plan Book 9, Page 143 on September 9, 1902.

AREA

5843 square feet / 0.13 acres

OWNERS OF RECORD

United USA LLC Book 31169, Page 226

SCALE IN FEET
10 0 10 20
1" = 10'

LEGEND

- Monument – found
- Iron marker – found
- Iron marker – set (#5 rebar)
- Property line (locus)
- Property line (abutter)
- Right of way line
- Guard rail
- Edge of pavement
- Curb
- Sign
- Lamp or light pole
- Utility pole
- Gas valve
- Water valve
- Fire hydrant
- Sewer manhole
- Catch basin (square)
- Drain manhole
- OH — Overhead utility line
- N/F — Now or formerly of
- 1234/567 — Deed reference (Book/Page)
- Existing building

CERTIFICATION

This survey conforms to the current standards of practice set forth by the Maine State Board of Licensure for Land Surveyors.

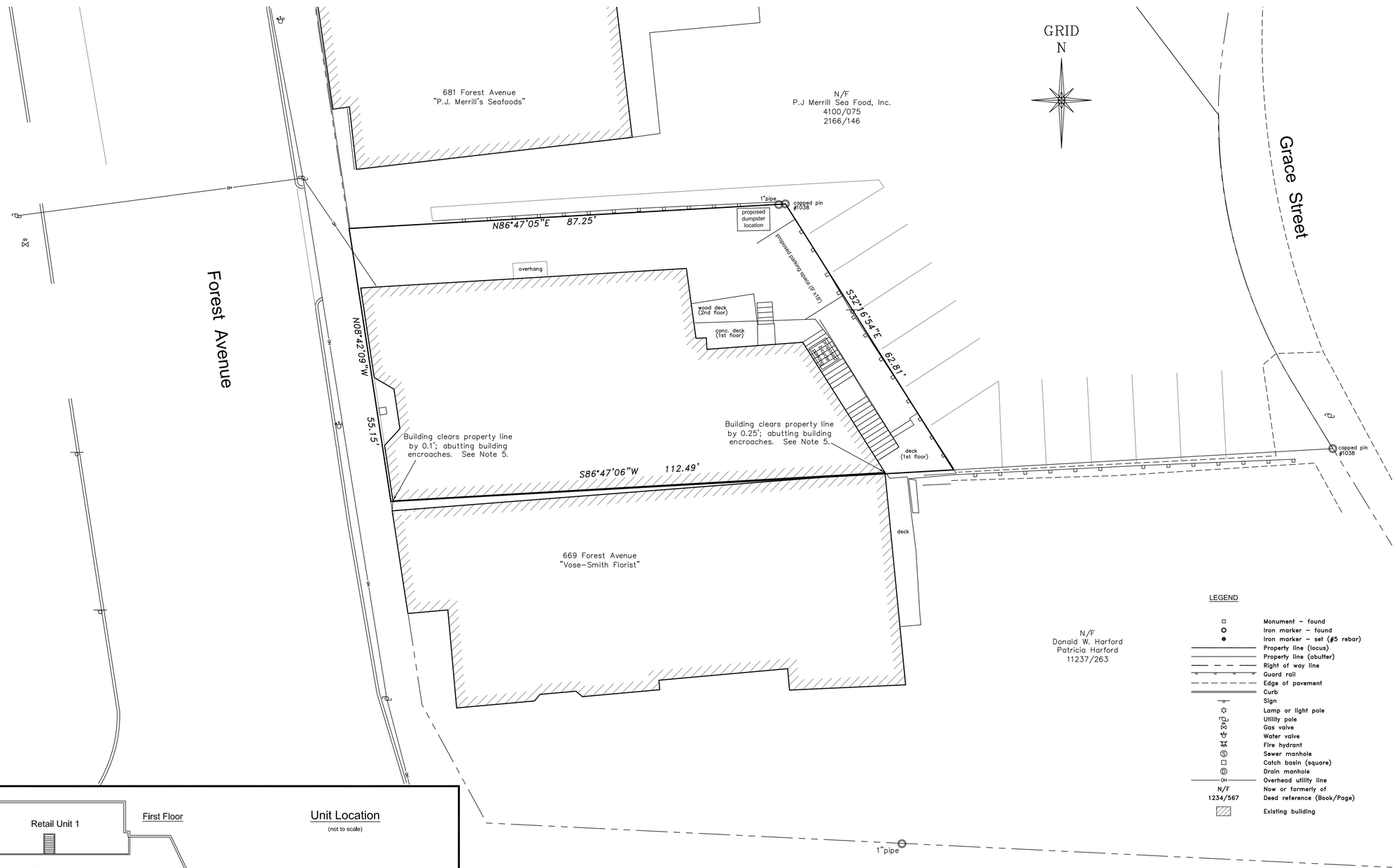
David E. Titcomb, P.L.S. #1273

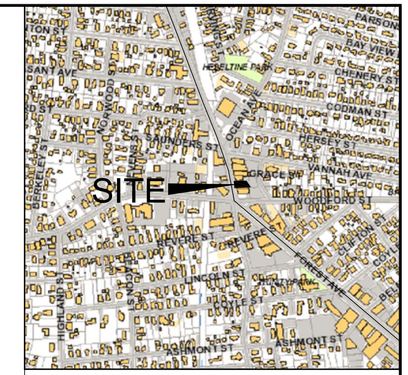
STATE OF MAINE
DAVID E. TITCOMB #1273
PROFESSIONAL LAND SURVEYOR

PLAN OF
Boundary Survey
671–675 Forest Avenue Portland, Maine

MADE FOR
United USA LLC
630 Forest Avenue Portland, Maine

JOB #213013	DATE: May 7, 2014	SCALE: 1" = 10'
BOOK #878	Titcomb Associates	
G:CP/2014/214013.dwg	133 Gray Road, Falmouth, Maine 04105	
FILE #9704	(207)797-9199 www.titcombsurvey.com	





VICINITY MAP
No Scale

NOTES

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2) Bearings are referenced to grid north, Maine State Plane Coordinate System, NAD83, West Zone.

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4) Property lies within Zone C based on FIRM Community #230051 Panel #13B, dated July 17, 1986. It does not lie within a special flood hazard area.

5) The building situated at 669 Forest Avenue is connected to the building on the locus property from the second story to the top of the building. The connected portion of 669 Forest Avenue encroaches on the locus property.

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LEGEND

- Monument – found
- Iron marker – found
- Iron marker – set (#5 rebar)
- Property line (locus)
- Property line (abutter)
- Right of way line
- Guard rail
- Edge of pavement
- Curb
- Sign
- Lamp or light pole
- Utility pole
- Gas valve
- Water valve
- Fire hydrant
- Sewer manhole
- Catch basin (square)
- Drain manhole
- Overhead utility line
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5843 square feet / 0.13 acres

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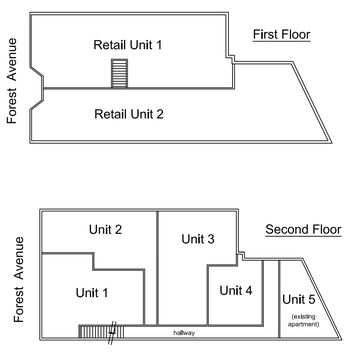
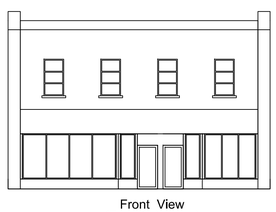


Unit Location
(not to scale)



Front View
(Forest Avenue)

Subdivision approval is for the creation of additional units within the building located at 671-675 Forest Avenue.

Approved by the City of Portland Planning Board

dated _____

CERTIFICATION

This survey conforms to the current standards of practice set forth by the Maine State Board of Licensure for Land Surveyors.

David E. Titcomb, P.L.S. #1273

STATE OF MAINE
DAVID E. TITCOMB #1273
PROFESSIONAL LAND SURVEYOR

PLAN OF

Subdivision Plan

671–675 Forest Avenue — Portland, Maine

MADE FOR

United USA LLC

630 Forest Avenue — Portland, Maine

JOB #213013	DATE: May 7, 2014	SCALE: 1" = 10'
BOOK #878		
G:CP/2014/214013.dwg		
FILE #9704		

Titcomb Associates
133 Gray Road, Falmouth, Maine 04105
(207)797-9199 www.titcombsurvey.com

FOREST AVENUE APARTMENTS
671-675 FOREST AVENUE
Portland, Maine

Plan 3

DRAWING LIST

DWG NUM	DRAWING TITLE	ISSUE OR MODIFICATION DATE: 12.6.14 PERMIT SET			
T-1.0	TITLE SHEET	●			
T-1.1	CODE REVIEW	●			
T-1.2	CODE REVIEW	●			
T-1.3	CODE REVIEW	●			
LS-1.0	LIFE SAFETY PLAN	●			
D-1.0	DEMO PLAN	●			
A-1.0	SECOND FLOOR PLAN	●			
A-2.0	DETAILS AND ELEVATIONS	●			

PROJECT CODES

2009 INTERNATIONAL EXISTING BUILDING CODE
2009 NFPA 101 LIFE SAFETY CODE
CITY OF PORTLAND CODE OF ORDINANCES

PROJECT CONTACTS

ARCHITECT: (LITA SEMRAU)
PORT CITY ARCHITECTURE
65 NEWBURY STREET
PORTLAND, ME 04101
TEL: (207) 761-9000
E-MAIL: LITA@PORTCITYARCH.COM

OWNER: (ASHRAF ELDEKNAWEY)
PORTLAND'S CHOICE REAL ESTATE
TEL: (207) 272-0227
EMAIL: ALB.012@HOTMAIL.COM

PROJECT SUMMARY

EXISTING CONDITIONS:

THE CURRENT BUILDING IS A TWO (2) STORY BUILDING COMPRISED OF TWO ADDRESSES (671-675 FOREST AVENUE). THE BUILDING HAS TWO RETAIL UNITS ON THE FIRST FLOOR AND 5 RESIDENTIAL UNITS ON THE SECOND. THE WORK IS CONTAINED TO THE FIVE (5) APARTMENTS ABOVE THE RETAIL SPACE ON THE SECOND FLOOR. AT THIS POINT, NO WORK WILL BE DONE ON THE FIRST FLOOR. ALL WORK WILL BE CONFINED TO THE SECOND FLOOR.

NO WORK HAS BEEN DONE TO THE EXISTING BUILDING OUTSIDE OF THE WORK AREA.

SCOPE OF WORK:

IT IS THE INTENT OF THIS PROJECT TO REPLACE THE INTERIOR FINISH SHEATHING, FINISH FLOORING, ELECTRICAL, MILLWORK, TRIM, AND OTHER INTERIOR WALLS WITHIN THE WORK AREA. THESE DRAWINGS WILL ADDRESS THESE INTERIOR FINISHES ALONG WITH THE FIRE RESISTANCE REQUIREMENTS PER 2009 NFPA 101.

IN ADDITION, THERE ARE CERTAIN CODE REQUIREMENTS THAT NEED TO BE SATISFIED, AND ARE INCLUDED IN THIS PROJECT.

SPRINKLER SYSTEM:

DUE TO THE CODE REQUIREMENTS OF NFPA, A SPRINKLER SYSTEM IS REQUIRED. THIS SYSTEM SHALL MEET ALL REQUIREMENTS OF AN NFPA 13R SYSTEM. THESE DRAWINGS DO NOT ADDRESS THE REQUIREMENTS FOR THESE SYSTEMS. THE OWNER IS RESPONSIBLE FOR THE INSTALLATION OF THE SPRINKLER SYSTEM.

STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING:

THESE DRAWINGS DO NOT ADDRESS ANY ISSUES WITH REGARDS TO MECHANICAL, ELECTRICAL OR PLUMBING WITHIN THE WORK AREA. THE OWNER IS RESPONSIBLE FOR OBTAINING THE REQUIRED PERMITS FOR ANY WORK IN THESE DISIPLINES.

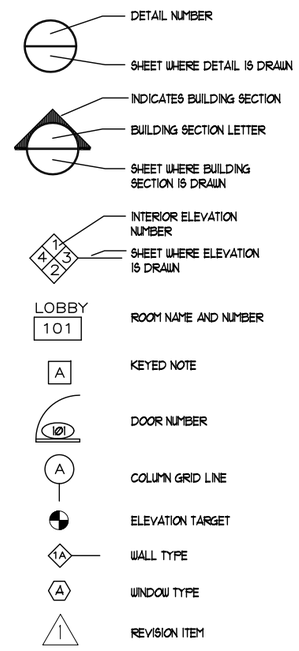
FIRE ALARM SYSTEM:

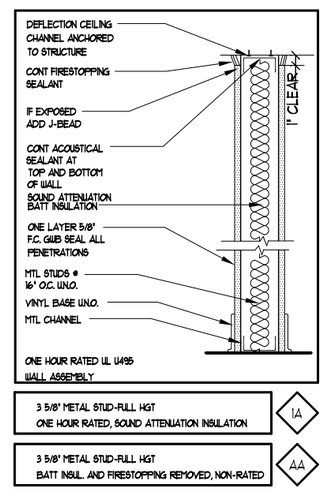
THERE IS A FIRE ALARM SYSTEM CURRENTLY INSTALLED IN THIS BUILDING. THESE DRAWINGS DO NOT ADDRESS ANY ISSUES ASSOCIATED WITH THE REQUIREMENTS OF THIS SYSTEM. THE OWNER IS RESPONSIBLE FOR THIS SYSTEM AND ITS OPERATIONS.

THESE DRAWINGS DO NOT ADDRESS ANY ISSUES WITH REGARDS TO MECHANICAL, ELECTRICAL OR PLUMBING WITHIN THE WORK AREA. THE OWNER IS RESPONSIBLE FOR OBTAINING THE REQUIRED PERMITS FOR ANY WORK IN THESE DISIPLINES.

THERE ARE NO NOTICEABLE STRUCTURAL ITEMS THAT NEED TO BE RECTIFIED IN THE AREA OF WORK. THESE DRAWINGS DO NOT ADDRESS ANY STRUCTURAL ISSUES. THE OWNER IS RESPONSIBLE FOR ANY STRUCTURAL ISSUES. .AN ENGINEER, REGISTERED IN THE STATE OF MAINE, MAY BE REQUIRED.

LEGEND





GENERAL NOTES

1. ALL MATERIALS, COMPONENTS, AND WORK ARE NEW AND SHALL BE PROVIDED IN THIS CONTRACT BY THE CONTRACTOR UNLESS NOTED OTHERWISE.
2. ALL WORK INCLUDED IN THIS CONTRACT SHALL CONFORM TO ALL STATE, NATIONAL AND OTHER CODES AND ORDINANCES WHICH APPLY TO THIS PROJECT.
3. IT IS THE INTENT AND MEANING OF THESE DRAWINGS THAT THE CONTRACTOR AND EACH SUBCONTRACTOR PROVIDE ALL LABOR, MATERIALS, TRANSPORTATION, SUPPLIES, EQUIPMENT, ETC. TO OBTAIN A COMPLETE JOB TO INDUSTRY STANDARD IN A PROFESSIONAL WORKMANLIKE MANNER.
4. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCY(IES) IMMEDIATELY TO THE ARCHITECT.
5. AT THE END OF EACH WORKING DAY, THE CONSTRUCTION SITE SHALL BE LEFT IN A NEAT AND CLEAN MANNER.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS WHICH ARE REQUIRED FOR THE SATISFACTORY COMPLETION OF THE WORK AND FOR PAYING ALL FEES, HOOK UP CHARGES, ETC. (STATE FIRE MARSHAL PERMIT BY OWNER.)
7. THE CONTRACTOR SHALL OBTAIN APPROVAL FROM THE OWNER FOR THE SEQUENCE AND TIMING OF OPERATIONS PRIOR TO COMMENCING WORK. AREAS FOR STAGING ETC. MUST BE APPROVED BY THE OWNER.
8. THE CONTRACTOR SHALL DISPOSE OF AND / OR RECYCLE ANY CONSTRUCTION DEBRIS FROM THE PROJECT SITE AS REQUIRED BY THE STATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING DISPOSAL PERMITS WHICH ARE REQUIRED. CONSTRUCTION DEBRIS FROM THE PROJECT SITE SHALL BE DISPOSED OF IN A STATE APPROVED LANDFILL.
9. ROOM NUMBERS ON THE DRAWING ARE FOR COORDINATION PURPOSES AND DO NOT NECESSARILY CORRESPOND TO ACTUAL ROOM NUMBERS.
10. DUTY OF COOPERATION: RELEASE OF THESE PLANS CONTEMPLATES FURTHER COOPERATION AMONG THE OWNER, THE CONTRACTOR, THE ARCHITECT AND HIS CONSULTANTS. DESIGN AND CONSTRUCTION ARE COMPLEX. ALTHOUGH THE ARCHITECT AND HIS CONSULTANTS HAVE PERFORMED THEIR SERVICES WITH DUE CARE AND DILIGENCE, THEY CANNOT GUARANTEE PERFECTION. COMMUNICATION IS IMPERFECT, AND EVERY CONTINGENCY CANNOT BE ANTICIPATED. ANY AMBIGUITY OR DISCREPANCY DISCOVERED BY THE USE OF THESE PLANS SHALL BE REPORTED IMMEDIATELY TO THE OWNER. FAILURE TO NOTIFY THE OWNER COMPOUNDS MISUNDERSTANDING AND MAY INCREASE CONSTRUCTION COSTS. A FAILURE TO COOPERATE BY A SIMPLE NOTICE TO THE OWNER SHALL RELIEVE THE OWNER AND THE ARCHITECT FROM RESPONSIBILITY FROM ALL COSTS.
11. THESE DRAWINGS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. THE GENERAL CONTRACTOR SHALL PROVIDE FOR THE SAFETY, CARE OF UTILITIES AND ADJACENT PROPERTIES DURING CONSTRUCTION, AND SHALL COMPLY WITH STATE AND FEDERAL SAFETY REGULATIONS.
12. ALL MATERIALS AND WORK SHALL BE GUARANTEED FOR A MINIMUM OF ONE YEAR FROM THE DATE OF FINAL PAYMENT.

DEMO NOTES

1. REMOVE STRUCTURAL ELEMENTS AS NOTED ON PLANS. VERIFY THAT STRUCTURAL ELEMENTS TO BE REMOVED ARE NON-LOAD BEARING. NOTIFY THE ARCHITECT OR STRUCTURAL ENGINEER OF ANY DISCREPANCIES. BEFORE PENETRATION, JOISTS, BEAMS OR OTHER STRUCTURAL MEMBERS, CONSULT WITH THE ARCHITECT OR STRUCTURAL ENGINEER FOR APPROVAL.
2. CARE SHALL BE TAKEN BY THE CONTRACTOR TO PROTECT EXISTING SYSTEMS AND SURFACES TO REMAIN. ALL DAMAGE RESULTING FROM THE CONTRACTOR'S OPERATIONS SHALL BE REPAIRED OR REPLACED AS APPROVED BY THE ARCHITECT AT NO ADDITIONAL COST TO THE OWNER.
3. WHERE REMOVALS OCCUR, PATCH HOLES AND AREAS OF MISSING FINISH (IE EXPOSED STUD AREAS WHERE WALLS ARE REMOVED, FLOOR FINISHES, ETC. TO MATCH EXISTING ADJACENT SURFACE.). PROVIDE A SMOOTH CONTINUOUS SURFACE FREE OF SHADOW LINES.
4. WHERE NEW WALLS OR INFILLS ABUT OR INTERSECT EXISTING WALLS, ALIGN NEW FINISH WITH EXISTING WALLS, ALIGN NEW FINISH WITH EXISTING FINISH AND FINISH JOINTS AT INTERSECTIONS SMOOTH AND CONTIGUOUS.
5. IF SUSPECT ASBESTOS MATERIALS ARE UNCOVERED DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY FOR TESTING AND / OR REMOVAL. ANY ASBESTOS REMOVAL NECESSARY FOR THE SAFE IMPLEMENTATION OF THIS PROJECT SHALL BE CONTRACTED DIRECTLY BY THE OWNER. IF NECESSARY, THE CONTRACTOR SHALL COORDINATE WITH THE OWNER'S ABATOR ON THESE EFFORTS.
6. UNLESS OTHERWISE NOTED, ALL ITEMS ON DEMOLITION PLANS ARE EXISTING.
7. CONTRACTOR TO REPAIR ALL FINISH AND PROVIDE INFILL WALL AND FLOOR FINISHES WHERE REQUIRED.

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REGISTERED ARCHITECT LITA SEMRAU NO. 2667 STATE OF MAINE 12/27/14

671-675 Forest Ave. Apartments

Portland, Maine

REVISIONS		
#	DATE	DESCRIPTION
-	-	-

Date Issued: MAY 27, 2014
Project Number: 13118
Drawing Scale:

SHEET NAME
TITLE PAGE

Drawn By: JAP
Checked By: LAS

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Code Review - NFPA 101 2009

Chapter 43 - Building Rehabilitation

Section 43.1.2.1 - Because this structure is undergoing "Modifications" (see 43.2.2.1.3 for definition), it shall comply with both Chapter 31 (Existing Apartment Buildings) and Chapter 43.5 (Modifications).

Note: Per the commentary in this section, Chapter 31 (Existing Apartment Buildings) applies to the entire structure, not just the renovations.

Section 43.2.2.1.3 - This section provides a definition of "Modifications", which is considered the reconfiguration of any space; the addition, relocation, or elimination of any door or window; the addition or elimination of load bearing elements; the reconfiguration or extension of any system; or the installation of any kind of equipment.. It is this category of Modifications that will be utilized for this project.

Section 43.4 - The renovation work (except for interior finishes) must be in compliance with Chapter 31 for Existing Apartment Buildings. Interior finishes must comply with Section 43.4.3. Furthermore, the building must also comply with the requirements of Chapter 31.

Section 43.4.2 - The capacity of means of egress per Section 7.3 shall be sufficient for the occupant load.

Occupant Load per Table 7.3.1.2 : 1 person per 200 square feet.

Section 43.4.3 - New interior finishes shall meet the requirements for new construction.

Section 43.5.1.1 - The modifications will comply with section 43.4 (see above) and Section 43.5

Section 43.5.1.2 - This is not an Historic Building

Section 43.5.1.3 - This work will comply with all sections for New Construction.

Chapter 31 - Existing Apartment Buildings

Section 31.1.1.1 - The structure shall comply with one of the four options for fire protection as described in this section. Of the four options that are available, Option 4 is the option that is being considered for this project. This option consists of installing a sprinkler system throughout the structure.

Section 31.1.2.1 - Multiple occupancies shall be in accordance with 6.1.14.

6.1.14.2.3 - Due to a portion of the first floor (Units 1 and 2) being used for Mercantile, this building will be a Multiple Occupancy and further defined as a Separated Occupancy.

6.1.14.4.1 - Per the Table in this section, the separation between the Residential Apartment Building and the Mercantile shall be 2 hours. *Note:* This will be reduced to a 1-hour rating with a sprinkler system per Section 6.1.14.4.3. This may be further reduced per Section 31.1.2.3.

Section 31.1.2.2 - The dwelling units do not have their sole means of egress passing through the Mercantile occupancy.

Section 31.1.2.3 - Dwelling units may be located above a non-residential use (Mercantile) if the dwelling units and its exits are separated from the non-residential use by a 1-hour rating, or the non-residential use is sprinkled (also see 6.1.14.4.1). *Note:* Subsection 3 does not apply as there are more than 2 dwelling units above the Mercantile space.

Section 31.1.5 - For purposes of designing an automatic sprinkler system, the contents shall be classified as an "Ordinary" hazard.

Section 31.1.7 - Occupant load shall be determined per Table 7.3.1.2.

Table 7.3.1.2 - Occupant load for apartment buildings shall be 1 person per 200 s.f.

Occupant load for mercantile shall be 1 person per 30 s.f.

Section 31.2.1.1 - Means of egress from the dwelling units to the outside of the building shall comply with Chapter 7 of this code.

Section 31.2.1.2 - Means of escape within the dwelling unit shall comply with Section 24.2.

24.2.2.1.1 - Dwelling units of two rooms or more must have a primary means of escape and a secondary means of escape from every sleeping room and living area (i.e. egress windows).

24.2.2.1.2(2) - A secondary means of escape is not required if the dwelling unit is protected with an automatic sprinkler system.

Section 31.2.2.1.2 - In buildings using Option 4 (automatic sprinkler system throughout), exit enclosures shall be 1-hour rated, with 1-hour fire doors.

Section 31.2.2.2.2.1 - No door in any means of egress shall be locked against egress when the building is occupied.

Section 31.2.2.2.5 - No re-entry provisions are expected.

Section 31.2.2.3.1 - The existing stairs shall have the dimensional criteria per Table 7.2.2.2.1.1(b). The existing stairs do not appear to meet these dimensional criteria (also see 31.2.2.3.4 for Winder Stairs). However, existing noncomplying stairs as approved by the AHJ do not have to meet these criteria per 7.2.2.1.2(2).

Section 31.2.2.3.4 - Winder stairs per 7.2.2.2.4 are permitted. Existing winder stairs shall be permitted to remain in use per Section 7.2.2.2.4.3, provided they have a tread depth of not less than 6" and a tread depth of 9" at a point 12" away from the narrowest edge.

Section 31.2.2.5 - There are no horizontal exits anticipated in this project.

Section 31.2.2.6 - There are no ramps anticipated in this project.

Section 31.2.2.7 - There are no exit passageways anticipated in this project.

Section 31.2.2.8 - There are no escalators in this project.

Section 31.2.2.9 - There are no fire escape stairs in this project.

Section 31.2.2.10 - There are no fire escape ladders in this project.

Section 31.2.2.11 - There are no alternating tread devices in this project.

Section 31.2.2.12 - There are no areas of refuge in this project.

Section 31.2.3.2 - Street floor exits shall be sufficient for the occupant load of the street floor plus the required capacity of the stairs that discharge onto the street floor.

Note: The total occupant load of the top three floors of the work area is 24 (8 per floor). The occupant load of the ground floor Unit 1 is 26 for a total load of 52. Even if all occupants exited out one door, the required width would only be required to be 10 ½" per Table 7.3.3.1.

Section 31.2.4.1 - Every dwelling unit shall have two separate exits remotely located from each other. Note: The dimensional distance of ½ of the diagonal between exits does not have to be met per Section 7.5.1.3.5.

Section 31.2.5.3.1 - The common path of travel (without a sprinkler system) shall be 35 feet. *Note:* The travel within a dwelling unit is not included.

Section 31.2.5.3.2 - The common path of travel (with a sprinkler system) shall be 50 feet. *Note:* The travel within a dwelling unit is not included.

Section 31.2.5.4 - Dead-end corridors shall not exceed 50 feet.

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REGISTERED ARCHITECT LITA SEMRAU NO. 2667 STATE OF MAINE 1/27/14

671-675 Forest Ave. Apartments

Portland, Maine

REVISIONS

#	DATE	DESCRIPTION
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Section 31.2.6.1 - Travel distance within a dwelling unit to the corridor (or exit) door shall not exceed 125 feet for Option 4.

Section 31.2.6.3 - There are no exterior way of exit access in this project.

Section 31.2.6.4 - The travel distance from areas not within a dwelling unit, to an exit shall not exceed 200 feet (or 250 feet with a sprinkler system).

Section 31.2.8 - Means of egress shall be illuminated per Section 7.8

Section 31.2.9 - Emergency lighting shall be provided per Section 7.9.

Section 31.2.10 - Means of egress shall have signage per Section 7.10.

Section 31.3.3.2 - Interior wall and ceiling finishes for exits, lobbies, and corridors shall be Class A or B. Finishes for other spaces shall be Class A, B, or C.

Section 31.3.3.3 - Floor finishes shall not be less than Class II (unless a sprinkler system is provided).

Section 31.3.4.1.1 - A fire alarm system per Section 9.6 shall be provided.

Section 31.3.4.2.1 - The fire alarm system shall have manual initiation per Section 9.6.2

Section 31.3.4.2.5 - Due to the use of Option 4 (see Section 31.1.1.1) the fire alarm system shall also be initiated upon operation of the automatic fire sprinkler system.

Section 31.3.4.3.1 - The fire alarm system shall have automatic occupant notification per Section 9.6 and: visible signals shall be installed in units designed for the hearing impaired; positive alarm sequence per Section 9.6.3.4 shall be permitted; and existing approved presignal systems shall be permitted per Section 9.6.3.3.

Section 31.3.4.3.3 - An annunciator panel (location approved by the AHJ), shall be provided and connected to the fire alarm system.

Section 31.3.4.3.5 - Fire department notification shall be accomplished per Section 9.6.4.

Section 31.3.4.4.2 - Automatic fire detection devices shall be installed as follows:

(1) Smoke detectors shall be installed in all common areas and work spaces outside of the dwelling unit, such as stairs, egress corridors, lobbies, storage rooms ect…

(2) Heat detectors shall be located within each room of the living unit.

Section 31.3.4.5.1 - Unless an existing, complete automatic smoke detection system is installed throughout the building, smoke alarms shall be installed per Section 9.6.2.10, outside every sleeping room, on all levels of the dwelling units. *Note:* The smoke alarms are not required to be provided with secondary (standby) power per Section 31.3.4.5.2.

Section 31.3.4.5.3 - Unless an existing, complete automatic smoke detection system is installed throughout the building, or a complete, supervised automatic sprinkler system (per Section 31.3.5) is installed throughout the building, smoke alarms shall be located in every sleeping room per 9.2.6.10. *Note:* These smoke detectors may be battery powered per 31.3.4.5.4.

Section 31.3.4.6 - Smoke detection shall be provided at each fire alarm control unit (even if a sprinkler system is installed).

Section 31.3.5.4 - Where an automatic sprinkler system is installed, it shall be per Section 9.7. Because this structure is 4 stories, an NFPA 13R system shall be permitted. Per Section 31.3.5.4, sprinklers are not required in closets smaller than 24 s.f., or in bathrooms smaller than 55 s.f. If a closet contains washers, dryers, furnaces, or water heaters, the closet must be sprinkled.

Section 31.3.5.10 - Supervision of the sprinkler system per Section 9.7 is not required (building is not 7 or more stories).

Section 31.3.5.13 - Portable fire extinguishers are not required due to the sprinkler system.

Section 31.3.6.1 - Exit access corridor walls shall consist of fire barriers per Section 8.3with a minimum of ½-hour fire rating.

Section 31.3.6.2.2 - When utilizing Option 4 (Section31.1.1.1) doors opening into exit access corridors shall resist the passage of smoke only. The 20-min rating per 31.3.6.2.1 is not required.

Section 31.3.6.3.2 - Spaces shall be permitted to be open to the exit access corridor provided they do not contain guest rooms or hazardous areas, that they are sprinkled, and the space does not obstruct access to the exit.

Section 31.3.6.4 - Transoms, louvers, or grilles shall not be in walls or doors of exit access corridors.

Section 31.3.7.1 - Smoke partitions in exit access corridors as outlined in Section 31.3.7, are not required due to utilizing Option 4 (per Section 31.1.1.1).

Section 31.5.1 - Utilities shall comply with Section 9.1 of this code.

Section 31.5.2 - Heating, ventilating, and air-conditioning equipment shall comply with Section 9.2 of this code.

Section 31.5.3 - There are no elevators, escalators, or conveyors associated with this project.

Section 31.5.4 - There are no rubbish chutes, incinerators or laundry chutes associated with this project.

Section 31.7.1 - Emergency instructions shall be provided annually to each dwelling unit to indicate the location of alarms, egress paths, and action to be taken, both in response to a fire in the dwelling unit and in response to the sounding of the alarm system.

Section 31.7.2.1 - Contents and furnishings are not required to comply with Section 10.3 for fire-resistance.

Section 31.7.2.2 - Furnishings and decorations of an explosive or highly flammable character shall not be used outside of dwelling units.

Section 31.7.2.3 - Fire-retardant coatings shall be maintained to retain their effectiveness.

Code Review - Chapter 10, City of Portland, Code of Ordinances

Section 6-110 - (c) Sleeping space. Every room occupied for sleeping purposes in a dwelling unit and in a rooming unit shall contain at least fifty (50) square feet of habitable floor area for each occupant, except that children under one (1) shall not be counted and children more than one (1) but less than ten (10) shall be deemed one-half person.

(d) Size of habitable rooms. No habitable room, other than a kitchen or dining alcove, shall contain less than sixty-five (65) square feet of floor area, nor shall the least horizontal dimension of such room be less than seven (7) feet.

Section 10-3(i) - All new single and multiple station smoke alarm installations shall comply with Section 9.6.2.10 of NFPA 101. New detectors shall not use ionization detection technology.

Section 10-3(p) - Existing buildings shall comply with the AHJ's Standards for Building, Stair, Floor, Suite, and Room designation systems.

Section 10-18(h) - All structures with a life safety signaling system or a fire suppression system shall be provided with a Knox box. The number, make, model, and location of the box shall be determined by the AHJ. All keys required to operate the life safety signaling system or the fire suppression system, and building keys shall be placed within the box

Section 14-332 (a-4) - (Parking) for Residential development in the B-2, B-2b, B-2c zones:

a. One (1) parking space per unit

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Portland, Maine

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Code Review - IEBC 2009

Chapter 4 - Classification of Work

Section 401.2 - The *work area* (per Chapter 2) is confined to the 2nd Floor.

Section 401.3 - The main use group for this building is R-2 (per IBC, section 310.1). The first floor (Units #1 and 2) are classified as Mercantile (per IBC, section 309.1).

Section 404.1 - The extent of the repairs in this project shall be classified as *Level 2 Alterations.*

Section 404.2 - Chapter 6 and 7 of the IEBC applies to this project.

Chapter 6 - Alterations - Level 1

Section 602.1 - Interior wall and ceiling finishes shall comply with Chapter 8 of IBC.

Section 602.2 - Interior floor finishes shall comply with Section 804 of IBC.

Section 602.3 - Interior trim materials shall comply with Section 806 of IBC.

Section 603.1 - Alterations shall be done in a manner that maintains (and does not lessen) the level of fire protection currently provided.

Section 604.1 - Alterations shall be done in a manner that maintains (and does not lessen) the level of protection provided for the means of egress.

Section 605.1 (ex. 1) - Only the altered elements that are primary functions are required to be on an accessible route. The remainder of the work area is not required to be on an accessible route.

Section 605.1 (ex. 2) - An accessible means of egress is not required.

Section 605.1 (ex. 3) - The dwelling units are not required to be Type B units.

Section 605.1 (ex. 4) - There are no Type A dwelling units associated with this project.

Section 605.1.1 - The existing entrances are not being altered.

Section 605.1.2 - There are no existing elevators.

Section 605.1.4 - It is not anticipated that any ramps will be needed. However, if a ramp is installed, the slope of the ramp cannot exceed 1:8 with a maximum rise of 3 inches, and 1:10 with a maximum rise of 6 inches.

Section 605.1.8 - This project includes altering dwelling units in an R-2 Use Group. Therefore, the requirements of Section 1107 of the IBC and Chapter 9 of the IBC are applicable.

Section 1107 (IBC):

1107.1 - Dwelling units shall be provided with accessible features.

1107.4 - This section requires accessible units to be on an accessible route. However, per Section 605.1(1), the accessible units are not primary functions and not required to be on an accessible route.

1107.6.2.1.1 - This section requires structures containing more than 20 dwelling units, to have Type A units. However, per Section 605.1.9 (IEBC), it limits the work to the altered units. This project is only altering 8 units, therefore, Type A units are not required.

1107.6.2.1.1 - This section requires structures containing 4 or more dwelling units to have those units be Type B units. However, per Section 605.1(4), these Type B units are not required.

Section 605.1.9 - Type A units are not required as this project is only altering 4 units.

Section 605.1.10 - There are currently no toilet/bathing facilities that are not located within dwelling units in the Apartment portion of the structure.

Section 605.1.11 - There are no Dressing Rooms, Fitting Rooms, or Locker Rooms associated with this project.

Section 605.1.13 - The maximum height of thresholds shall be ¾".

Section 606 - This code review does not include a structural review. Please refer to the structural engineer drawings for all required updates and repairs.

Section 607.1 - Level 2 alterations are permitted without requiring the entire building to comply with the International Energy Conservation Code (IECC). However, the alterations must comply with the IECC as they relate to new construction.

Chapter 7 - Alterations - Level 2

Section 701.2 - All work complies with Chapter 6 level 1 Alterations, See above.

Section 701.3 - All work will be in compliance with the IBC.

Section 701.3 (ex. 1) - Windows will be added and do not need to comply with the light and and ventilation requirements of IBC.

Section 701.3 (ex. 2) - Newly installed electrical equipment will meet the requirements of Section 708.

Section 701.3 (ex. 3) - There are no dead end corridors.

Section 701.3 (ex. 4) - The ceiling height of newly created habitable and occupiable spaces and corridors will be a minimum of 7'-0"

Section 703.2.1 - All existing vertical openings will be enclosed with 1-hr fire rated assemblies.

Section 703.2.2 - No other Vertical openings exist between the first and second floor.

Section 703.2.3 - Stairway enclosures are not required by IBC Section 1022.1 Ex. 3, and therefore do not require a smoke barrier. However stairway walls will be built with 1-Hr Fire rated walls.

Section 703.4 - The interior finish of walls and ceilings and exits will comply with the requirements in IB.

Section 704.1 - The second floor renovations will include an approved Sprinkler System and 1-Hr fire rated walls in all corridors and floor separations.

Section 704.2 - An automatic sprinkler system will be installed in accordance with Sections 704.2.1 through 704.2.5 and comply with IBC.

Section 704.3 - No Standpipes required, work level is less than 50' above fire access.

Section 704.4 - An approved fire alarm system will be installed in accordance with applicable sections including section 704.4.1.6

Section 705 - Means of egress shall comply with all requirements in IBC, IBEC and NFPA 101. The second floor has 2 Means of egress to the exterior ground level.

Section 706 - All accessibility requirements outlined in this section are met and comply with IBC.

Section 707 - This code review does not include a structural review. Please refer to the structural engineer drawings for all required updates and repairs.

Section 708 - All electrical installations shall comply with NFPA and IBC.

Section 709 - All electrical installations shall comply with NFPA, IBC and IMC.

Section 710 - All plumbing installations shall comply with IBC.

Section 711 - Level 2 alterations are permitted without requiring the entire building to comply with the International Energy Conservation Code (IECC). However, the alterations must comply with the IECC as they relate to new construction.

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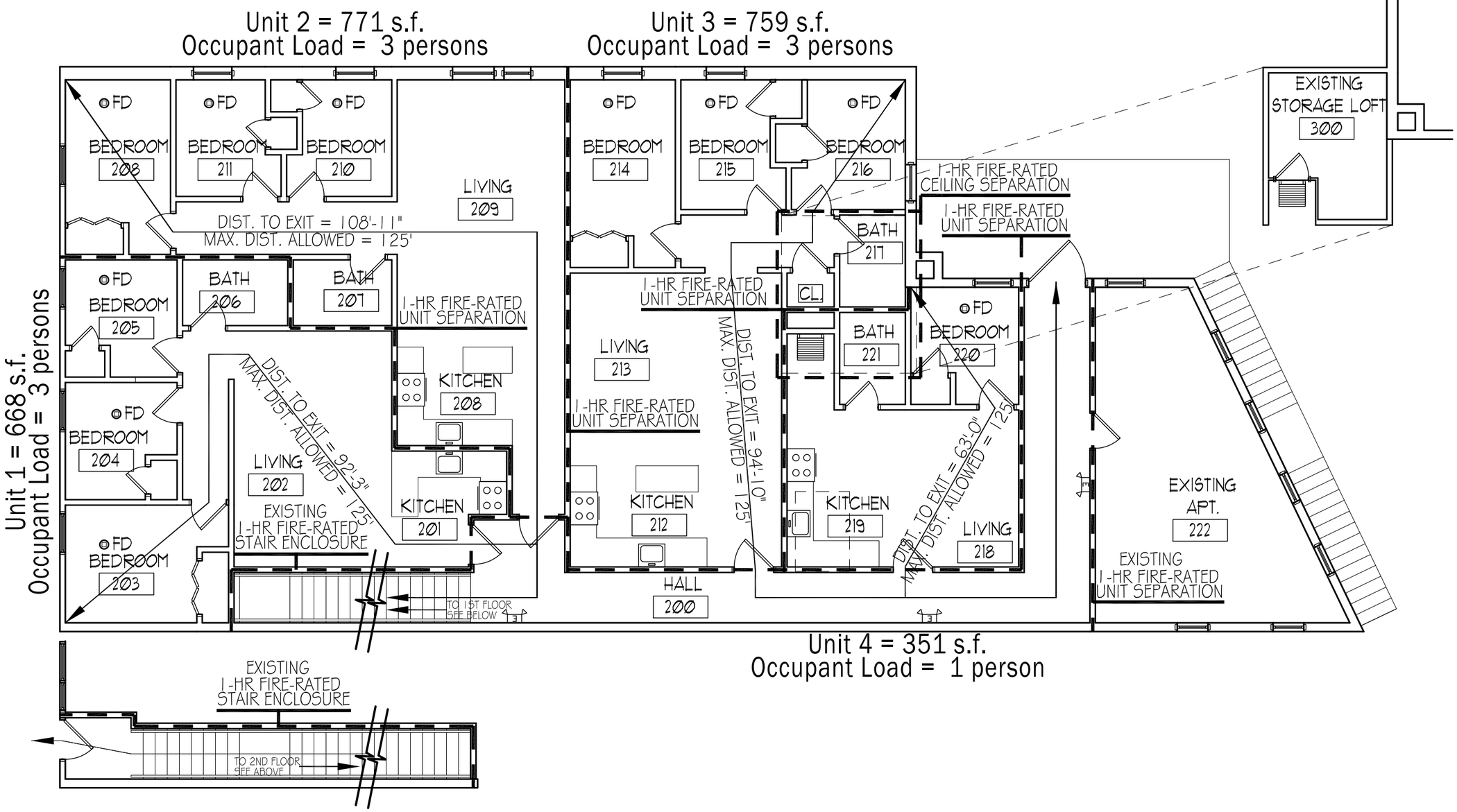
Plan 4



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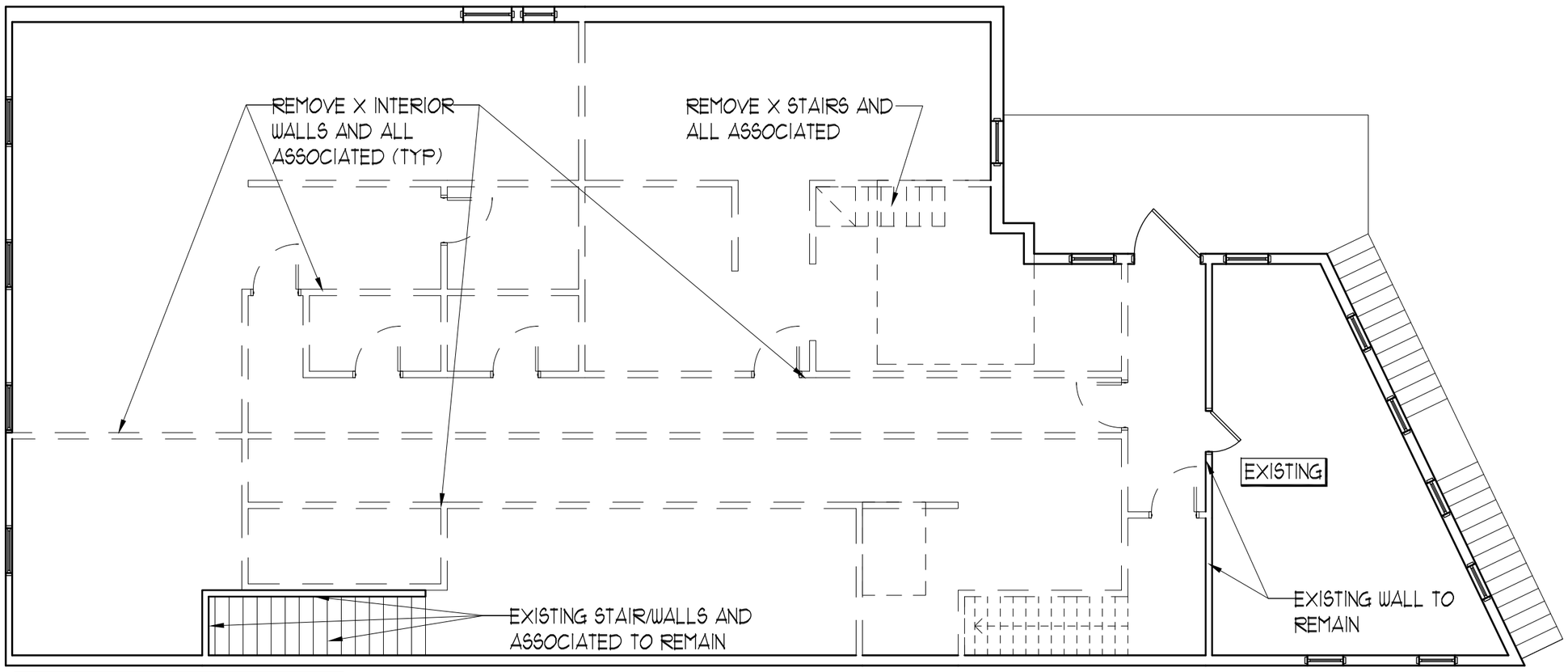

GENERAL DEMO NOTES

- OWNER TO REMOVE ALL EXISTING FINISHES INCLUDING X-FLOORING AND X-SAT CEILING.
- INTERIOR OF EXTERIOR WALLS TO REMAIN AND REPARED AS REQ'D
- OWNER TO REUSE SOME EXISTING FIXTURES, OWNER TO COORDINATE

1 2ND FLOOR DEMO PLAN

Ø 8'-Ø" SCALE: 1/8" = 1'-Ø"

PORT ▫ CITY ARCHITECTURE

65 NEWBURY STREET
PORTLAND, ME 04101
207.761.9000
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info@portcityarch.com

REGISTERED ARCHITECT ILITA SEMRAU NO. 2667 STATE OF MAINE 12/27/14

671-675 Forest Ave. Apartments

Portland, Maine

REVISIONS

#	DATE	DESCRIPTION
-	-	-

Date Issued MAY 27, 2014

Project Number 13118

Drawing Scale

SHEET NAME

PLANS&ELEV

Drawn By JAP

Checked By LAS

D1.0

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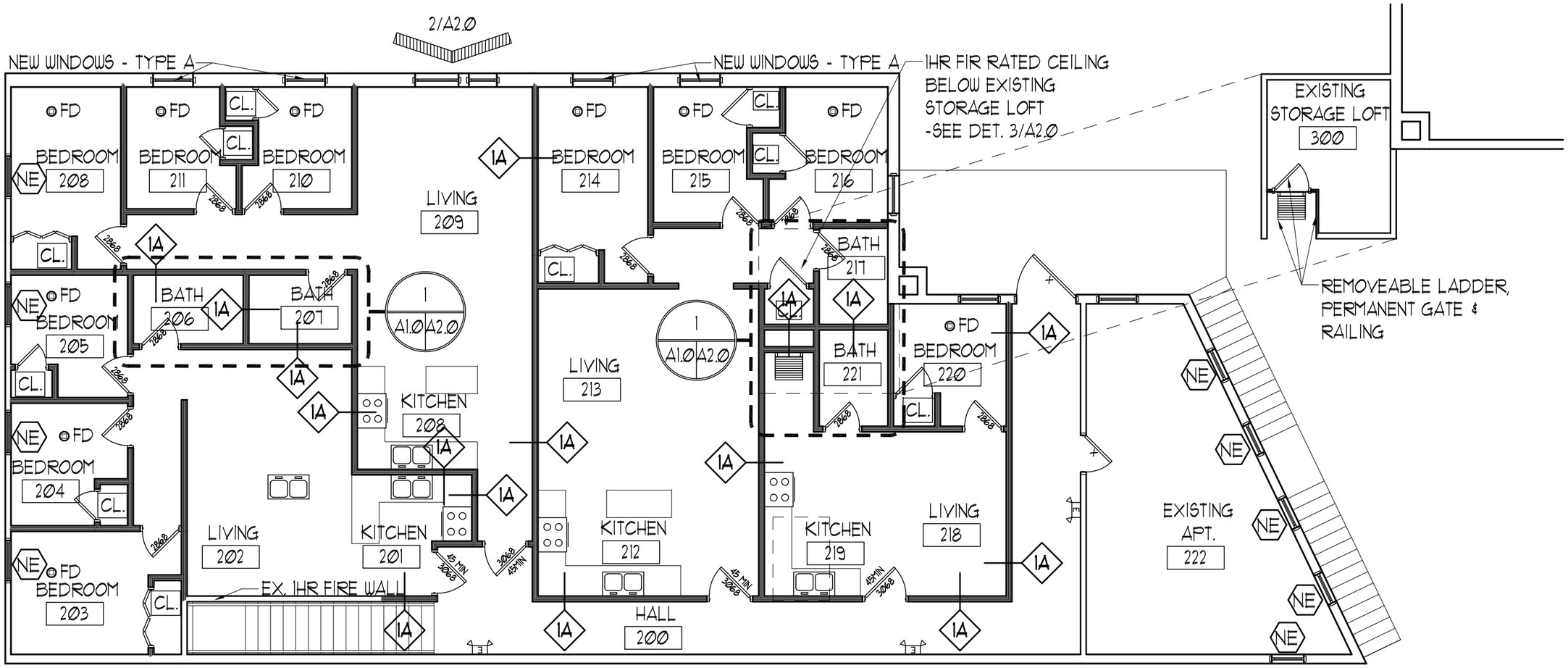

GENERAL NOTES

- ALL INTERIOR FINISHES BY OWNER PLUMBING FIXTURES FOR KITCHENS AND BATH BY OWNER
- ALL BATHROOMS TO HAVE MOISTURE-RESISTANT GYP BOARD.
- ALL INTERIOR PARTITIONS TO BE WALL TYPE AA U.N.O.
- INTERIOR STAIR PER PREVIOUS PERMIT - DWGs DATED 1.14.14
- ALL UNITS ARE TO BE SEPARATED FROM EACH OTHER WITH 1-HOUR FIRE-SEPARATIONS (WALLS AND FLOOR/CEILINGS). WALLS SHALL HAVE 5/8" GYP BOARD ON EACH SIDE OF THE WALL (U.L. #U495). ALL ASSEMBLIES SHALL BE FIRE-CAULKED AS REQUIRED.
- EXISTING 1-HOUR FIRE RATED SEPARATION BETWEEN 1ST AND 2ND FLOOR
- FD = HARD WIRED SMOKE/FIRE DETECTOR
- EMERGENCY LIGHTING
- AS PER IBC 2009 SECTION 1029.2.1, ALL EGRESS WINDOWS TO HAVE MINIMUM SIZED CLEAR OPENING OF 20" WIDE X 24" HIGH. WINDOWS MARKED NE AS NON EGRESS WINDOWS TO BE REPLACED WITH APPROVED EGRESS WINDOWS AS PER IBC 2009 SEC. 1029.2.1
- NEW PARTITIONS TO BE BUILT IN PLACE WHERE EXISTING STRUCTURAL MEMBERS ARE LOCATED

1 2ND FLOOR PLAN

0 8'-0" SCALE: 1/8" = 1'-0"

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REGISTERED ARCHITECT LITA SEMRAU NO. 2667 STATE OF MAINE

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#	DATE	DESCRIPTION
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Drawing Scale

SHEET NAME

FLOOR PLANS

Drawn By JAP

Checked By LAS

A1.0

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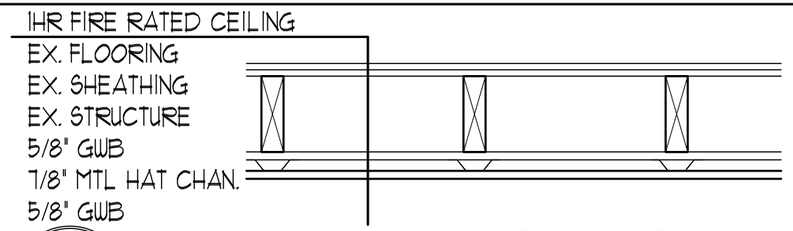
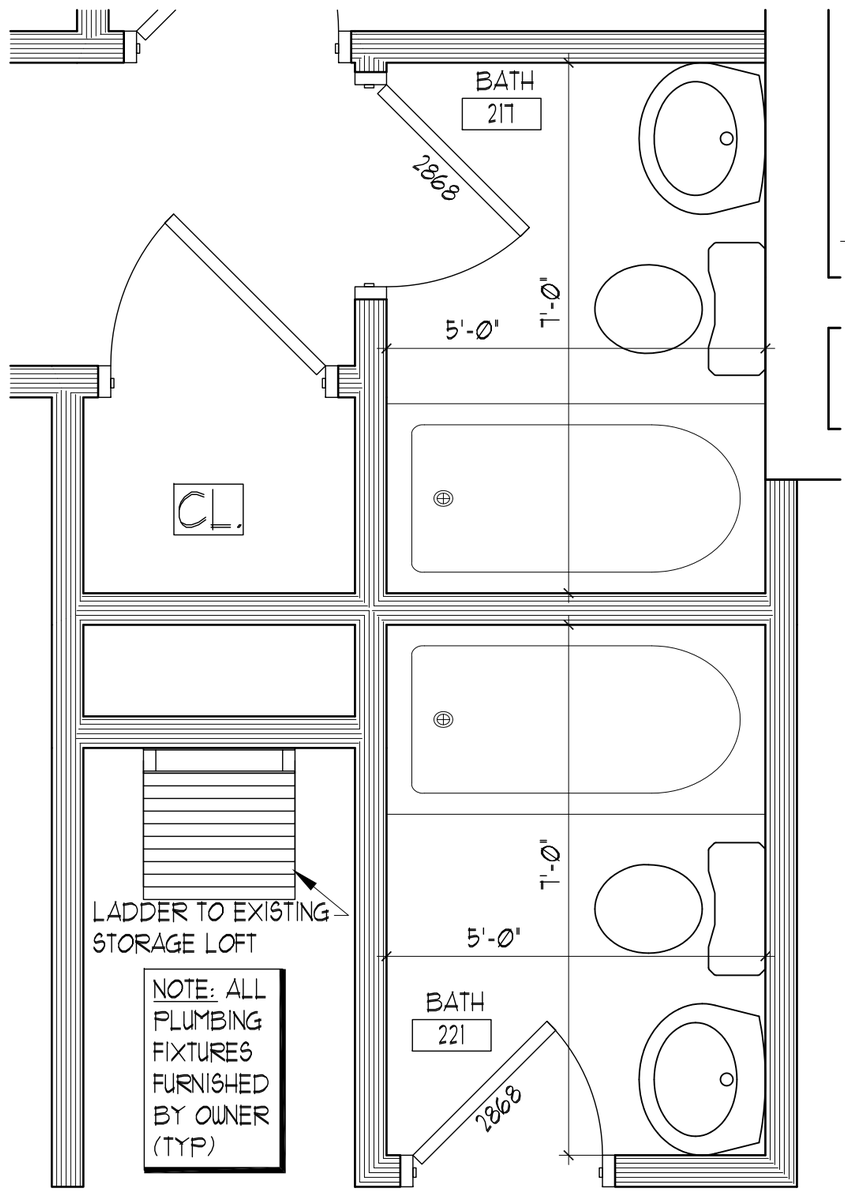
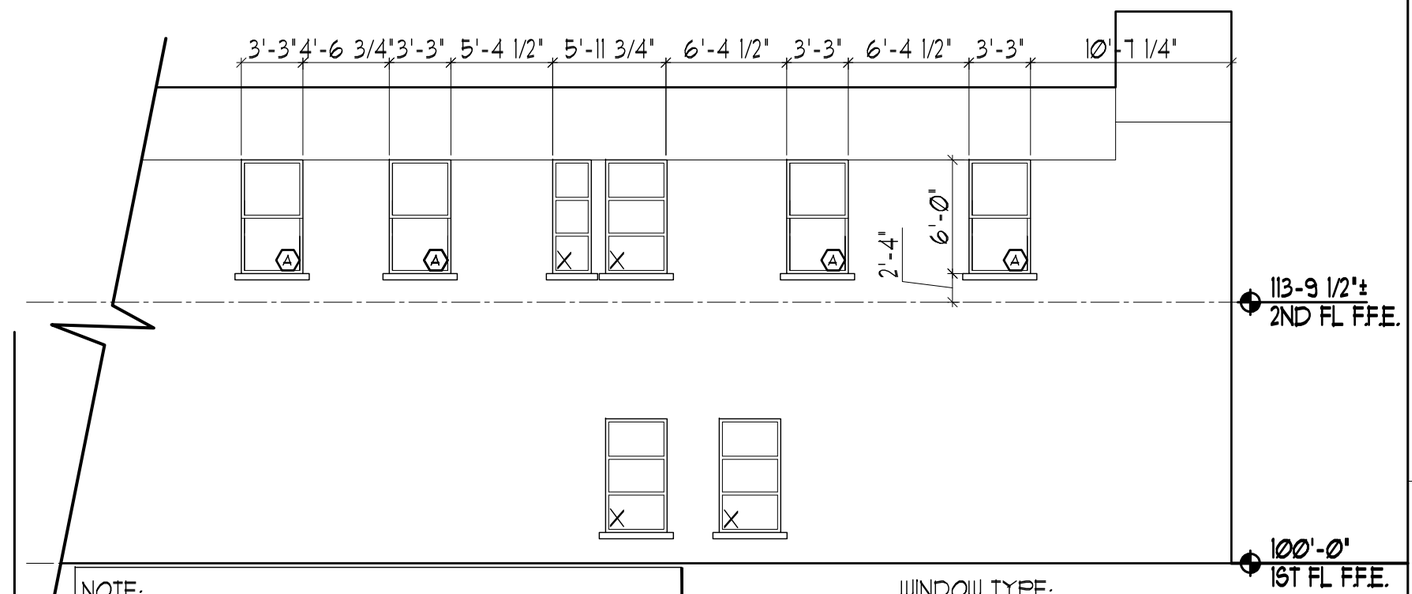


3 1HR FIRE RATED CEILING

Ø 1'-Ø" SCALE: 1" = 1'-Ø"



NOTE: ALL PLUMBING FIXTURES FURNISHED BY OWNER (TYP)



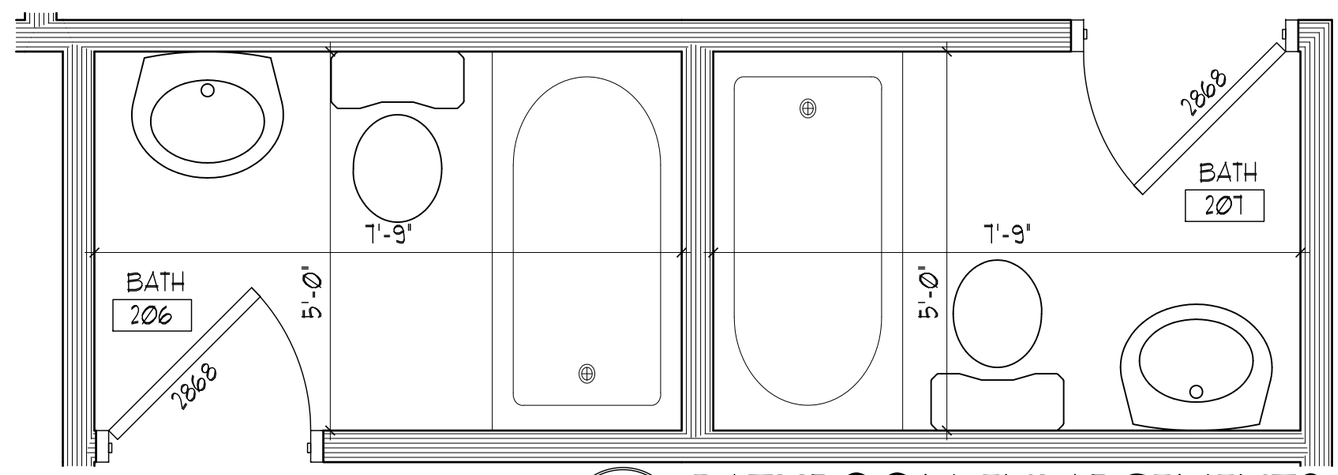
NOTE:
-OWNER TO CONFIRM DIMENSIONS AND LOCATIONS OF EXISTING WINDOWS. WINDOW TYPE A SILLS AND HEADER TO MATCH EXISTING WINDOW LOCATIONS
-IN NEW WINDOW LOCATIONS, A GALVANIZED STEEL LINTEL IS TO BE USED

WINDOW TYPE:

(A) 3'-3" x 6'-Ø", WINDOW TO MATCH EXISTING DIMS. FURNISHED BY OWNER.

2 EXTERIOR ELEVATION

Ø 8'-Ø" SCALE: 1/8" = 1'-Ø"



1 BATHROOM ENLARGEMENTS

Ø 2'-Ø" SCALE: 1/2" = 1'-Ø"

PORT CITY ARCHITECTURE
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info@portcityarch.com

REGISTERED ARCHITECT LITA SEMRAU NO. 2667 STATE OF MAINE 12/27/14

671-675 Forest Ave. Apartments

Portland, Maine

REVISIONS

#	DATE	DESCRIPTION
-	-	-

Date Issued MAY 27, 2014
Project Number 1318
Drawing Scale
SHEET NAME
PLANS/ELEV.
Drawn By JAP
Checked By LAS
A2.0

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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: August 8, 2014

Re: Canal Landing/New Yard; 100 West Commercial Street; New Yard, LLC / Canal Landing, LLC.

Project #: 2014-123 **CBL:** 59-A-001

Meeting Date: August 12, 2014

I. INTRODUCTION

A public hearing has been scheduled to consider a development proposal by New Yard, LLC./Canal Landing, LLC. to amend their previously approved site plan for a boat repair and service facility located in the vicinity of 100 West Commercial Street. The revised site plan reflects a new boat maintenance building on a smaller site reflecting a loss of land from the IMT expansion. The Board reviewed the initial New Yard site plan in December 2012 as well as two amended site plans in 2013.

The plan is subject to site plan, conditional use and shoreland review. Applicant is requesting several waivers to the Technical Standards.

The revised site plan is entitled "Amended Development Plans for Canal Landing New Yard Post Land Taking By Maine Department of Transportation 100 West Commercial Street".

A workshop was not scheduled for this item because of the applicant's stated need to construct this building by December and the Board's familiarity with New Yard site which has included two other public hearings within the past year.

Notice of this public hearing consisted of a legal ad item appearing in the Portland Press Herald on August 4 and August 5. Notices were sent to 125 area property owners.

II. FINDINGS

Zone:	Waterfront Port Development Zone
Total Site Acreage:	5.03 acres
Existing Uses:	Boat repair and service yard facility
Proposed Uses:	Operation areas for vessel repairs, materials, ancillaries and related office space.
Building Footprint (proposed):	26,600 sf
Building Footprint (existing):	19,200 sf
Total Building Footprint:	45,800 sf
Building Floor Area:	50,000 sf
Building Height:	
Impervious Area (existing):	50,000 sf
Impervious Area (proposed):	50,000 sf
Parking Spaces (required):	50
Parking Spaces (proposed):	(described as “unspecified up to 50”)

The existing building is described as a tension fabric building while the second building is a prefabricated metal building. Elevations of the metal building are shown as Attachment 7. The two buildings abut one another and will be connected by an internal access. A portion of the metal building apparently has a second floor. The building has a height of just under 44 feet which is below the maximum zoning height of 45 feet.

Applicant held a neighborhood meeting on August 4, 2014. The notice, meeting notes and list of attendees is shown as Attachment 14.

III. REVISIONS TO APPROVED PLAN

Applicant proposes a number of revisions to the site plan. A complete list of revisions is shown as Attachment 1 while a summary is provided below.

- Site is now 5.03 acres compared to 22 acres previously.

- Current proposal is a 27,600 sf building while the previous submission indicated a future (second) building of 21,600 sf.

- Temporary access is from an easement from MDOT to New Yard and will extend from the Beach Street intersection through the NGL yard area into the southeast corner of the New Yard site. New Yard will be returning to the Planning Board at a later for review of two driveway locations along Commercial Street to the west of this site.

- The majority of the New Yard site area is completed including grading and placement of boat surface materials (stone and granular materials) but there are several existing areas that have not received this surface material. These areas will be improved with the boat yard surface as New Yard equipment will operate and vessel storage will occur around the perimeter of the proposed building.

- As part of an agreement with MDOT, New Yard was granted utility crossing rights under the MDOT rail line including 4 utility casing pipes which are shown on the plan. The site plan indicates water, gas, and sewer lines connecting into the New Yard site through these pipes. New Yard which has an agreement to purchase additional land from Guilford has an easement to run these utilities across their property in advance of the property purchase. These permanent utilities replace temporary utility arrangements currently in use.

- Applicant is proposing overhead power from Commercial Street through the utility corridor discussed above. A new overhead power line is also proposed from the northerly side of Commercial Street. The previous plan showed an overhead power line but in a different location. Power lines on the New Yard site are underground.

- A new fire hydrant is proposed adjacent to the new building.

- New lighting will be mounted on the second building.

- A small building (about 150 sf) was added near the shore for power, potable water supply and sewage pump to floats.

IV. BACKGROUND

In order to provide some context to the applicant's current proposal a chronology of Planning Board site plan reviews for this property is provided below.

<u>December 8, 2012 Planning Board Approval</u>
Planning Board approves a boat yard and service yard facility on a 22 acre site just west of the Casco Bay Bridge. The approved site plan includes a 42,000 sf boat repair building with re-grading up to 7 acres of the site for boat storage and circulation. The site improvements include two boat ramps, a travel lift basin, floating docks, significant fill and grading, stormwater improvements, utility work, lighting and landscaping.

Applicant also submits an initial master plan depicting 7 buildings ranging from 10,800 sf (retail and warehouse) to 30,000 (storage and maintenance) for future review.

A number of waivers to the Technical Standards were granted by the Planning Board. See Attachments A and D.

<u>August 27, 2013 Planning Board Approval</u>
Applicant requests and receives Planning Board approval for an amendment to the previous site plan allowing a phased development.

With this revised application, a new "Phase 1a" allows 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 were proposed in this phase. "Phase 1b" comprising two buildings totaling 42,000 sf was shown on the plan.

The phasing plan is in reaction to MDOT plans to expand the IMT facility in a westerly direction on New Yard's property. This allows New Yard time to gauge this expansion so they may avoid placing buildings in areas MDOT will likely acquire through eminent domain.

October 22, 2013 Planning Board Approval
Planning Board approves a revised site plan that shifts the two buildings shown in phase 1 to the far westerly end of the site. The first building is labeled as phase 1b "proposed tension fabric building" with a footprint of 19,200 sf. The second building is labeled as "future". This change avoids the buildings being located on land which would later be acquired for IMT expansion.

July 8, 2014 Planning Board Approval
Planning Board approves an expansion of the IMT facility. The IMT site plan reflects approximately 17 acres previously controlled by New Yard. New Yard's remaining land (5 acres) contains their newly constructed 19,200 sf building.

August 12, 2014 Planning Board Review
New Yard requests site plan review for a new 27,600 sf building just west of the existing building.

V. 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.

a. Zoning Review: WPDZ, 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 review, boat storage and sales (yacht brokerage) were both approved as conditional uses in the WPDZ.

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 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 development meets all provisions of the WPDZ dimensional requirements.

Parking:
Parking within the WPDZ is at 1 space per 1000 square feet of building (+/50 spaces required.) The applicant indicates that parking for +/-50 employees will be provided . While a formalized parking area is not identified, it is assumed 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.

It is not clear what the applicant is proposing in terms of bike parking. During the first review in December 18, 2012, the applicant requested a waiver on all required bike spaces. The Planning Board partially approved that waiver but stipulated that one-half (4) of the required 8 bicycle spaces shall be provided. Consistent with that waiver and the larger size of the new building, 5 spaces should be provided. That figure is based on a total floor area of 50,000 sf for both building with a normal bike space requirement of ten spaces or 5 spaces for one-half the requirement.

iii. Flood Plain Management:

.

The current plan does not place buildings within the identified Flood Plain and meets applicable management standards, as previously approved.

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 and Yacht Brokerage in the WPDZ

As noted above, boat storage and a yacht brokerage are a conditional use in the WPDZ. Although the prior project received this approval, we are recommending this review for the proposed project to erase any doubt or ambiguity about the current review process. 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:*

While the proposed development's two buildings are considered permanent, they are designed and intended to serve the permitted uses of boat repair and maintenance in addition to the conditional use of boat storage. Given the intended uses, the "adaptable" provision of the standard appears to be met.

All conditional uses are subject to the provisions of Section 14-474, Conditional Use, as recently amended:

> *Standards.* The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:
>
> a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
>
> Staff Review: Tom Errico, Consulting Traffic Engineer, found the following:
>
> > Traffic levels from the project are expected to be low, as documented by the applicant, and therefore the project is not expected to create any safety or operational problems.
>
> The proposal is in conformance with this criteria.

b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and

Staff Review: The proposed use for boat storage and yacht brokerage is not expected to produce any of these impacts, thus it is in conformance with this standard.

c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Staff Review: The proposed boat yard uses will not differ from any other boat yard facility in this zone, thus it is in conformance with this standard subject to the Site Plan condition of additional landscaping.

The Staff recommend that the Planning Board find the proposed use is in conformance with the Conditional Use Standards.

c. Site Plan Review.

Attachments A, B and C of this report includes the full text of the December 2012, August 27, 2013 and October 23, 2013 Planning Board Reports, which provides a description and analysis of all applicable review standards. This report will concentrate on standards impacted by the present proposal.

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

The original approval provided for a primary site access just west of the Casco Bay Bridge. This driveway has been used by the applicant since the inception of the project. With the MDOT's purchase of 17 acres from New Yard vehicle access has changed. As the Board is aware the IMT expansion incorporates a fully improved signalized intersection at Beach Street and Commercial Street with a driveway at that location. As provided for in the "Supplemental Agreement" between MDOT and New Yard, New Yard has the right to use to use this driveway on an interim basis until they have received approval for new driveways further west along Commercial Street. The present New Yard site plan shows access from the proposed IMT driveway. At a later date New Yard will be back before the Planning Board for a request to construct two new driveways further west along Commercial Street as part of a master development plan

for the remaining Guilford property west of the New Yard parcel for which New Yard has an agreement to purchase.

For the record the two future driveways planned west of the site along Commercial Street are not part of this application nor has staff conducted any review or analysis of the driveway's location. The specific location and number of driveways for the site will be reviewed at a later date when the applicant formally applies for review.

The IMT project has just gone out to bid so it is unclear when the contractor will be completing the IMT traffic light and street improvements at Beach Street and Commercial Street. Applicant indicates New Yard must have their second building up and ready by December 2014. Using a driveway across from Beach Street is not advisable without a traffic light in place so staff is recommending New Yard continue to use the existing driveway closest to the bridge until the other driveway has a functional street light and related roadway improvements are completed.

Comments from Tom Errico (Traffic Review Engineer) are summarized below and shown in their entirety on Attachment G.

- Traffic levels from the project are expected to be low, as documented by the applicant, and therefore the project is not expected to create any safety or operational problems.

- The approval assumes that access and egress for the project will be via the existing driveway near the Casco Bay Bridge and impacts during construction of the IMT Expansion Project can be expected. A construction management plan should be provided that illustrates how access will occur during the IMT construction.

- This approval does not include new driveways on West Commercial Street.

(b) Environmental Quality Standards

1. and 2. Preservation of Significant Natural Features:

The original site plan anticipated substantial vegetation being preserved between the development and Commercial Street. With MDOT's acquisition of land between New Yard and Commercial Street, this vegetation will be eliminated with the construction of the 740 foot long IMT concrete ramp.

The 5 acre site currently has several pockets of existing trees (primarily birch) just north and south of the new building. A note on the plan indicates "trees to be removed and area replaced with boat storage". The previous landscape plan (dated 12-13-2013) showed clusters of existing trees being preserved on site but the new plan eliminates those trees. New vegetation was shown along a portion of the easterly property line but this is inadequate for the entire site. See Attachment I. Applicant has requested a

waiver from landscape preservation of the Technical Standard.

The applicant states “the applicant intends to plant new trees to offset the loss of some trees which need to be cleared to allow for boatyard operations and to buffer the property from IMT operations.” A revised landscaping plan has not been submitted. Landscaping is recommended to be a condition of approval with review and approval by the City Arborist.

3. Water Quality, Stormwater Management and Erosion Control:

As with the original approval, stormwater management is primarily proposed to utilize a gravel surface that is designed to hold and treat stormwater prior to exiting the site to the Fore River. During the first phase a boat yard gravel surface material was spread over much of the site which will be extended to other areas of the site in this next phase. 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.

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.

Reviewing Engineer, Dave Senus, PE, Woodard and Curran, has reviewed revised plan and his comments are shown F and below.

- This project received a Site Plan approval in January of 2013, with amendments to the original approval in August and December 2013. Woodard & Curran performed a review of the original application and each subsequent amendment application. As noted in the current amendment application, only small changes are proposed from prior approvals to the boat yard surface and proposed building limits. Based on prior approvals and the information submitted in this amendment application, the proposed amendment is in conformance with the Basic Standards, General Standards, and has been granted and still qualifies for a waiver from the Flooding Standard.

- The plans should include details for work within the City ROW, including a City standard trench repair detail (Figure II-12)

- The original application noted that the project was subject to the requirements of the Maine Construction General Permit. The Applicant should verify that they have submitted a Notice of Intent to Comply with the Maine Construction General Permit to the Maine DEP.

(c) Public Infrastructure and Community Safety Standards.

1. Consistency with City Master Plans:

The proposal appears consistent with applicable approved master plans. The IMT project helped frame and coordinate future bicycle and pedestrian improvements on Commercial Street in the vicinity of the site.

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.*A revised fire access and circulation plan C-11.1 has been submitted. The applicant has also submitted an updated assessment from Fire Risk Management Inc (dated July 16, 2014) of fire protection issues on the site. See Attachment 10. Although the Fire Risk Management memo references a minimum 30 foot clear width for fire access (at all times) this should be more definitively labeled on the plan. The 30 foot clear width was intended to address the shifting nature of a boat yard in which boats and materials are not stationary and often move across the site to address operational needs. Capt. Chris Pirone of the Fire Department indicates the 30 foot clear width access for fire trucks should be labeled on the plan. Also the applicant should confirm the address of the building.

(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 but more importantly two additional hydrants will be available on the site. The

proposed utility plan, Attachment P10, (excerpted above) shows additional hydrant locations within blue buffer circles.

3. Availability and Adequate Capacity of Public Utilities:

The site is served by all public utilities. Application states “the applicant will secure letters from all applicable utilities stating their ability to serve this project”. Such letters were submitted during the previous review but the locations of such utilities has changed so updated letters should be provided.

As part of their agreement with MDOT, New Yard was granted utility crossing rights under the MDOT rail line including 4 utility casing pipes which are shown on the plan. The site plan indicates water, gas, and sewer lines connecting into the New Yard site through these pipes. This utility corridor abuts the westerly boundary of the New Yard parcel. New Yard which has an agreement to purchase additional land from Guilford (Maine Central Railroad) has an easement to run these utilities across their property in advance of the property purchase. A draft copy of the Guilford/New Yard agreement is shown on Attachment 2. An executed copy of this agreement should be submitted. These permanent utilities replace temporary utility arrangements currently in use through MDOT property per prior agreement.

The amended plan shows more details than the original plan in terms of utility lines serving the floats including water, power and sanitary waste force mains.

(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:

The site does have historic and archeological resources. The 19th century seawall is currently being restored in conjunction with the proposed marine improvements. The location of a 19th century glass works is known to exist on site as well as the Cumberland Oxford Canal. While the IMT will be excavating for a 740 foot long concrete pad and a new rail line, New Yard’s excavation activities are more modest. New Yard will be excavating a 50 foot by 300 foot utility corridor from Commercial Street to the New Yard site. The larger size building will also require additional excavating. IMT (MDOT) has informed the Maine State Historic Preservation Committee of these excavation activities and

has offered them the opportunity to view the excavating. The same opportunity should also apply to the New Yard site.

6. Exterior Lighting:

Applicant has submitted an updated photometric plan and a catalogue cut of exterior lighting fixtures. See Attachment 4. The plan indicates all fixtures will be mounted with on the existing building (8) and on the proposed building (19). The fixtures will be mounted at various heights. The fixture is a Spaulding Laredo series which is described as full cut-off. The lighting plan appears to meet all ordinance requirements.

7. Noise and Vibration:

Based on the current Portland Yacht Services activities, exterior noise levels are anticipated to be within zoning requirements for sound levels.

8. Signage and Wayfinding:

Signage plans have not been provided, but will be reviewed and approved with the building permit applications for the site. No signage may be installed without such approval.

9. Zoning Related Design Standards NA

10. Financial and Technical capacity

For prior reviews applicant submitted a letter from Norway Savings Bank dated July 2012 to document financial capacity. An updated letter in support of financial capacity from RBC Wealth Management has been submitted dated August 6, 2014. See Attachment 15.

(c) ***Shoreland Review Standards***

The Planning Board or planning authority shall approve a site plan located within a shoreland zone if it finds that the following standards, in addition to the standards set forth in section 14-526, are met.

1. *The proposal will maintain safe and healthy conditions;*

   There are no known safety or health conditions associated with this project.

2. *The proposal will not result in water pollution, erosion, or sedimentation to surface waters;*

   See Stormwater management section of this report. See also above paragraph.

3. *The proposal will adequately provide for disposal of all wastewater;*

   This phase will have a direct connection to the city sewer system which will replace a temporary storage tank for the existing building.

4. *The proposal will have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*

   The proposed improvements are on land. The property is a former industrial site in a previously disturbed site with no known bird or other wildlife habitat.

5. *The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;*

   The site is a former industrial site that is being redeveloped for a boat repair facility. Due to the nature of the facility, active public access to the shore is not proposed. The treatment of groundcover within the shoreland zone will be stable to avoid erosion and sedimentation issues.

6. *The proposal will protect archeological and historic resources*

   See Site Plan Section, Historic Resources.

7. *The proposal will not adversely affect existing commercial fishing or maritime activities;*

   There are no existing commercial fishing on this site. This proposal supports the existing New Yard ship repair facility.

8. *The proposal will avoid problems associated with flood plain development and use;*

   The proposed building is proposed at a first floor elevation of 15 well above the flood hazard elevation.

9. *The proposal is in conformance with the standards set forth in this section.*

   The proposal is in conformance with the standards of this section.

VI. WAIVERS AND CONDITIONS OF APPROVAL

The previous approval(s) included waivers and conditions of approval.

The three prior site plan approval letters included a number of conditions of approval. See Attachments A, B and C. While many of the previous conditions of approval were satisfied prior to the beginning of construction, several prior conditions of approval are still appropriate. Rather than referencing conditions from prior letters of approval, today's report lists applicable prior and new conditions together in the Motions section. This avoids redundant and outdated conditions and having to hunt them down.

Previous Waivers
The approved waivers are summarized in a table shown as Attachment D. The waivers were granted as part of the December 2012 approval which are assumed to remain in effect unless specifically amended or rescinded by the Board.

New Waiver
Applicant has requested a new waiver regarding preservation of existing vegetation.

VII. MOTIONS FOR THE BOARD TO CONSIDER

a. Waiver

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 application #2014-123 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board **(finds/does not find)** that the applicant has demonstrated that existing trees on the site cannot be preserved on the site and the Board **(finds/does not find)** undue hardship may result from strict compliance

with these regulations and that the public interest is secured with the variation. The Planning Board **(waives/does not waive)** Section 4.3 (Preservation of Existing Vegetation) of the Technical Manual provided the applicant submits a revised landscaping plan for new vegetation for review and approval by the City Arborist.

b. Conditional Use in the WPDZ

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 application #2014-123 relevant to the Conditional Use Standards of the Waterfront Port Development Zone for *marine product sales and boat storage*, and Section 14-474 of Land Use Code and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with conditional use standards of the land use code.

c. Site Plan

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 application #2014-123 relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with site plan standards of the land use code, subject to the following conditions of approval.

1. That the applicant shall submit updated letters from Portland Water District (water), Central Maine Power (electricity), Unitil (gas) and City of Portland (sanitary waste) regarding their ability to serve the project.

2. Prior to the issuance of a building permit, a revised landscaping plan shall be submitted for review and approval by the City Arborist.

3. Prior to the issuance of a building permit a revised site plan shall be submitted for review and approval by David Senus (Development Review Engineer) reflecting the following revisions. The plans shall include details for work within the City ROW, including a City standard trench repair detail (Figure II-12). Applicant shall document that they have submitted a Notice of Intent to Comply with the Maine Construction General Permit to the Maine DEP.

4. That the development shall comply with the review comments of Tom Errico (Traffic Review Engineer) as follows. The approval assumes that access and egress for the project will be via the existing driveway near the Casco Bay Bridge during IMT construction. A construction management plan shall be provided that illustrates how access will occur during IMT construction. This approval does not include new driveways on West Commercial Street.

5. Prior to the issuance of a building permit the site plan shall be revised for review and approval by Chris Pirone (Fire Department) reflecting the 30 foot wide access around the site for Fire Department vehicles. Applicant shall also confirm the address of the property.

6. Prior to the issuance of a building permit an executed copy of an easement agreement with the Maine Central Railroad Company for the utility corridor serving the New Yard site shall be submitted for Corporation Counsel review and approval.

7. Prior to the issuance of a building permit applicant, applicant shall notify the Maine Historic Preservation Commission of the projected site excavation schedule in the event the Commission wishes to observe the excavation in the old glass works area or Oxford Cumberland Canal area. A copy of the notice to the Commission shall be forwarded to the Planning Office. If evidence of these sites are discovered during subsurface work, the applicant shall contact the Planning Authority and make reasonable efforts to document any resource discovered.

8. Prior to the issuance of a building permit, applicant shall submit a revised site plan providing a total of 5 bicycle spaces for Planning Staff review and approval. (Note: December 12, 2012 Planning Board review approved a waiver of one-half of the normal requirement. Size of building has increased so rather than 4 spaces, 5 spaces are required.

Attachments:

Staff Attachments:

A. Planning Board Approval Letter (Dec. 18, 2012) and Staff Report
B. Planning Board Approval Letter (Aug 27, 2013) and Staff Report
C. Planning Board Approval Letter (Oct 22, 2013) and Staff Report
D. List of Waivers from Dec, 2012 Planning Board Report
E. Ann Machado (Zoning Specialist) Memo dated Aug 5, 2014
F. David Senus (Development Review Consultant) Memo dated July 30, 2014
G. Tom Errico (Traffic Review Consultant) Memo dated
H. Chris Pirone (Fire Department) Memo dated
I. David Margolis Pineo (Deputy City Engineer)
J. New Yard Landscape Plan dated Dec 13, 2013

Applicant Submissions

Submission Dated July 2, 2014

1. Cover Letter and Description of Revisions
2. Application

Submission Dated July 29, 2014

3. Cover Letter
4. Site Lighting Info
5. Original Approved Site Plan (Dec 18, 2012); Last Amended Approved Site Plan (Oct 22,2014
6. Financial Capacity Letter (July 2, 2012)
7. Building Elevations
8. Conformity with Applicable Standards
9. Survey Plan

10. Updated Canal Landing Fire Review Assessment (dated July 16, 2014, received July 30, 2014)

Submission Dated Aug 5, 2014

11. Cover Letter
12. Updated Site Plan
13. Float Layout Plan
14. Neighborhood Meeting Info

15. Updated Financial Capacity (August 6, 2014)

Plans

P1 Site Plans and other Drawings

FST
100 YEARS

July 2, 2014

Mr. Rick Knowland
Senior Planner
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

Subject: Canal Landing New Yard – Phase 1
100 West Commercial Street
Applicants: New Yard, LLC/Canal Landing LLC
Amended Site Plan Application Pursuant to MDOT Land Taking

Dear Rick:

On behalf of New Yard, LLC and Canal Landing, LLC (collectively New Yard), we are pleased to provide the accompanying Amended Site Plan Application for their activities at the Canal Landing site. As we have discussed, New Yard is supplying this Amended Site Plan Application as it relates to the proposed International Marine Terminal (IMT) Expansion project and the land exchanges that have occurred between the State of Maine and various landowners. As a result of the land taking by the Maine Department of Transportation (see Notice of Condemnation CCRD Book 31470 Page 191) New Yard's site area has been reduced to 5.03 acres of land. In addition, their operations for access and utilities services will be impacted by the IMT expansion activities, thus modifications to these infrastructure elements will occur. Fay, Spofford & Thorndike (FST) have updated the New Yard Plans to depict the various site plan modifications that will be required to their site. We have worked closely with IMT representatives and their design team to plan and design the modifications that are necessary. These changes are reflected in the abbreviated plan set accompanying this submission. For ease of review, we have limited the current submission materials to simply amendments of the previously approved plan view drawings as we will continue to rely on the approved details and related supporting documents currently on record with the City. As you are aware, the MDOT and New Yard have been negotiating terms and conditions related to the Property Acquisition and Settlement Agreement including one or more Supplemental Agreements. Within these agreements the MDOT and New Yard have come to terms on the following infrastructure needs:

- Temporary and Permanent Site access to the New Yard site;
- Utilities services; and

778 Main Street, Suite 8
South Portland, ME 04106
T: 207.775.1121
F: 207.879.0896
www.fstinc.com

FAY, SPOFFORD & THORNDIKE
Offices in: Massachusetts, New Hampshire, Maine, Connecticut and New York

- Access, utilities and drainage provisions for land area west of the New Yard, now currently owned by Portland Terminal Company (Pan Am Railway), but currently earmarked for acquisition by New Yard or its subsidiary, Canal Landing LLC in the near future.

The accompanying Amended Site Plans reflect information set forth in the IMT drawings prepared by HNTB and their design team. We have updated the plans to include the 5.03 acre New Yard parcel as well as to show land further west of the New Yard site. The plan window now shown on the New Yard drawings has shifted westerly. The MDOT has acquired approximately 9.77 acres from New Yard (former Portland Terminal Co) as well as 8.13 acres of land formerly owned by Unitil but controlled by New Yard as part of their original site plan. The proposed IMT activities within these acquired areas are more completely shown on the IMT drawings by HNTB.

The following modifications are identified on each of the following New Yard Plan sheets:

Sheet C-2.1 Amended Site Layout Plan

- The site area is now 5.03 acres.

- Temporary access is from an easement from MDOT to New Yard and will extend from the Beach Street intersection through the NGL yard area into the southeast corner of the New Yard site. In the short term, emergency vehicle access to New Yard will be through this temporary access route. Coordination related to gate access and security measures will be required between all parties and the Emergency Services Department.

- Provisions for future permanent access from points west of the New Yard site are provided and include two grade crossings of the proposed MDOT rail tracks and heavy haul road. These locations align with future New Yard driveway entrances off Commercial Street.

- The plan depicts portions of the IMT work for clarity, including, but not limited to, the IMT concrete loading slab, rail alignment, fencing and related site development. Not all details of the IMT work are shown, thus reference to the IMT plans is required for further detail of that project.

- The footprint of the proposed second building on the New Yard site is shown. The previously approved Site Plan for New Yard indicated a future building measuring approximately 120' x 180' (or 21,600 SF). The current Amended Site Plan includes a proposed building measuring approximately 27,600 SF, to be located just to the west of the recently completed 19,200 SF tension fabric building. This second building will be positioned generally over the footprint area of a former building area. All that remains of the former building are the concrete slab, some foundation walls and steel sheet piling. A new foundation system is proposed for the proposed building.

- The proposed building will consist of a prefabricated metal style building that will contain various boatyard support services. This includes office space, operations areas for vessel repairs, materials and ancillaries. The building will have numerous overhead access doors for vessel entry. The building will contain heated space, a full sprinkler system and related utilities. It is expected that there will be internal access between the existing tension fabric building and the proposed building. New Yard is currently working with Irishspan Industries as the building supplier. It is New Yard's intentions to construct this building this year for occupancy by December 31, 2014. This is important as Portland Yacht Services must vacate their current location at 58 Fore Street by that deadline.

- New Yard has installed a temporary construction trailer on the site since last year. The current plan includes relocating the construction trailer to a location at the southeast corner of the site, near the temporary entrance location. The construction trailer will have a potable water source and sanitary connection provided.

Sheet C-3.1 Amended Grading and Drainage Plan

- The majority of the New Yard site area is completed including grading and placement of boat yard surface materials. Generally speaking the boat yard surface area consists of stone and granular material that is highly absorbent and yet provides a stable working surface for the marine operations.

- Drainage improvements associated with the IMT expansion and proposed MDOT rail corridor are depicted on the plans. The drawing includes multiple drainage crossing pipes that are to be installed within the MDOT rail corridor west of the existing New Yard site. These measures are to benefit New Yard in the future if/when additional development occurs within the lands west of their site. Generally, we understand that the MDOT's IMT plans include provisions to install a closed drainage system that will tie into the existing CSO outfalls. In the future, New Yard activities on these westerly lands will also seek to discharge stormwater runoff into these systems.

- There are several existing areas that do not currently contain boat yard surface material around the proposed New Yard building. These areas will be improved with the boat yard surface as New Yard equipment will operate and vessel storage will occur around the perimeter of the proposed building.

- No other grading and drainage activities are proposed on the current New Yard site.

Sheet C-4.1 Amended Utility Plan

- The Amended Utility Plan depicts modifications to the site for utilities services. This includes provisions for proposed utilities to extend from Commercial Street to New Yard. As a result of the IMT expansion, New Yard's existing water and overhead power utilities will need to be discontinued. The current proposal includes a new 8" water supply main to

extend from the PWD 12" main in Commercial Street to the New Yard site. This extension, along with extensions for underground power, sewer and natural gas will require a utility easement from Portland Terminal Co. to cross over their land, located just west of the IMT/New Yard sites. Evidence of the agreement with PanAm Railway accompanies this application. Crossing of the MDOT rail corridor is part of the supplemental agreements between New Yard and the MDOT.

- The Amended Utility Plan includes an 8" sanitary sewer connection to the existing 48" sanitary interceptor located along the southerly side of Commercial Street. We understand that as part of the IMT expansion there will be improvements made to the Interceptor sewer, thus a coordinated effort will be required for the proposed service connection and the IMT improvements.

- The Utility Plan also includes the extension of a natural gas service line to connect to the 10" gas main in Commercial Street. We currently anticipate at least a 4" gas service line will be extended into the New Yard site.

- The plan includes the placement of various casing pipes across the proposed IMT rail/heavy haul road corridor. These casing pipes will be used as part of the utility crossings. We anticipate that these casing pipes will be installed later this summer. Coordination with MDOT and Pan Am Railway will be required to assure installation compliance with each organization's standards.

- The Utility Plan depicts various internal utilities that have been or will be installed to serve boat yard activities. These include, but are not limited to, underground power to various panel and yard plug-ins; domestic water supply piping for yard spigots and related use; sanitary sewer piping for wastewater pumping from vessels and from the temporary onsite construction trailer.

- The proposed water main from Commercial Street will connect with the existing onsite fire supply main that also supply water to an existing yard fire hydrant near the shorefront. This yard hydrant will remain in service.

The accompanying Site Plans illustrate the scope of work now currently contemplated as well as coordinated with the IMT expansion plans. New Yard has a building scheduled for delivery in August so they are hopeful that Planning Authority approval can be granted expediently in order to allow a Building Permit to be applied for and approved to allow immediate construction commencement.

We appreciate the Planning Authority's consideration on these matters and look forward to meeting with the Planning staff as necessary.

If you have any questions or require any additional information, please contact our office.

Sincerely,

FAY, SPOFFORD & THORNDIKE, LLC

Stephen Bushey, P.E., C.P.E.S.C.
Senior Engineer

SRB/smk

Enclosures: Amended Level II Site Plan Application
Draft PanAM Easement
Amended Site Plans

c: Phin Sprague, New Yard LLC
Bob Flight, New Yard LLC
Peter Plumb, Murray, Plumb and Murray

R:\3091.03 Canal Landing\Admin\Permitting\2014.06.30 Amended Level II Site Plan\3091.03 2014.07.02-Knowland-Amended Application.doc

AMENDED LEVEL II SITE PLAN APPLICATION

Portland, Maine | Yes. Life's good here.

Jeff Levine, AICP, Director
Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a ***legal signature*** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are ***paid in full*** to the Inspections Office, City of Portland Maine by method noted below:

- [x] Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, ~~I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.~~
  Phin Sprague will drop a check off at the City
- [ ] Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- [ ] I intend to deliver a payment method through the U.S. Postal Service mail once my application paperwork has been electronically delivered.

Applicant Signature: [signature] agent — Date: 7/2/14

I have provided digital copies and sent them on: — Date: 7/2/14

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.

Level II – 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 II: Site Plan Development includes:

- New construction of structures with a total floor area of less than 10,000 sq. ft. in all zones, except in Industrial Zones.
- New construction of structures with a total floor area of less than 20,000 sq. ft. in Industrial Zones.
- Any new temporary or permanent parking area, paving of an existing unpaved surface parking area in excess of 7,500 sq. ft. and serving less than 75 vehicles, or creation of other impervious surface area greater than 7,500 sq. ft.
- Building addition(s) with a total floor area of less than 10,000 sq. ft. (cumulatively within a 3 year period) in any zone, except in Industrial Zones.
- Building addition(s) with a total floor area of less than 20,000 sq. ft. in Industrial Zones.
- Park improvements: New structures or buildings with a total floor area of less than 10,000 sq. ft., facilities encompassing an area of greater than 7,500 sq. ft. and less than 20,000 sq. ft. (excludes rehabilitation or replacement of existing facilities).
- New construction of piers, docks, wharves, bridges, retaining walls, and other structures within the Shoreland Zone.
- Land disturbance between 1 and 3 acres that are stripped, graded, grubbed, filled or excavated.
- A change in the use of a total floor area between 10,000 and 20,000 sq. ft. in any existing building (cumulatively within a 3 year period).
- Lodging house, bed and breakfast facility, emergency shelter or special needs independent living unit.
- Signage subject to approval pursuant to Section 14-526 (d) 8.a. of the Land Use Code.
- Any new major or minor auto service station with less than 10,000 sq. ft. of building area in any permitted zone other than the B-2 or B-5 zones.
- The creation of day care or home babysitting facilities to serve more than 12 children in a residential zone (not permitted as a home occupation under section 14-410) in any principal structure that has not been used as a residence within the 5 years preceding the application.
- Any drive-through facility that is not otherwise reviewed as a conditional use under Article III.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: http://me-portland.civicplus.com/DocumentCenter/Home/View/1080
Design Manual: http://me-portland.civicplus.com/DocumentCenter/View/2355
Technical Manual: http://me-portland.civicplus.com/DocumentCenter/View/2356

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

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

Revised: August, 2013

PROJECT NAME: Canal Landing / New Yard LLC / Canal Landing LLC

PROPOSED DEVELOPMENT ADDRESS:

100 West Commercial Street, Portland, Maine 04101

PROJECT DESCRIPTION:

Amended site plan to reflect a new property area of 5.03 acres resulting from MaineDOT condemnation taking related to IMT

CHART/BLOCK/LOT: 59-A-3 & 4

PRELIMINARY PLAN July 2012 (date)
FINAL PLAN December 2012 (date)
Amended July 2014

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: New Yard, LLC / Canal Landing LLC Business Name, if applicable: Address: 58 Fore Street City/State : Portland, ME Zip Code: 04101	**Applicant Contact Information** E-mail: phin@portlandyacht.com Home #: Work #: 207-774-1067 Cell #: 207-653-1414 Fax#: 207-774-7035
Owner – (if different from Applicant) Name: Address: City/State : Zip Code:	**Owner Contact Information** E-mail: Home #: Work #: Cell #: Fax#:
Agent/ Representative Name: Stephen R. Bushey, P.E. Fay, Spofford & Thorndike Address: 778 Main Street, Suite 8 City/State : So. Portland, ME Zip Code: 04106	**Agent/Representative Contact information** E-mail: sbushey@fstinc.com Home #: Work #: 207-775-1121 Cell #: 207-756-9359 Fax#:
Billing Information Name: c/o Portland Yacht Services Address: 58 Fore Street City/State : Portland, ME Zip Code: 04101	**Billing Information** E-mail: Home #: Work #: 207-774-1067 Cell #: Fax#: 207-774-7035

Engineer	Engineer Contact Information
Name: Stephen R. Bushey, P.E. Fay, Spofford & Thorndike Address: 778 Main Street, Suite 8 City/State : So. Portland, ME Zip Code: 04106	E-mail: sbushey@fstinc.com Home #: Work #: 207-775-1121 Cell #: 207-756-9359 Fax#: 207-879-0896
Surveyor	**Surveyor Contact Information**
Name: Owen Haskell, Inc. Address: 390 US Route 1, Unit 10 City/State : Falmouth, ME Zip Code: 04105	E-mail: jswan@owenhaskell.com Home #: Work #: 207-774-0424 Cell #: Fax#: 207-774-0511
Architect (Building B)	**Architect Contact Information**
Name: Dave Fitzpatrick Irishspan Industries, Inc. Address: 107 Kennebunk Road City/State : Alfred, ME Zip Code: 04002	E-mail: dfitzpatrick@irishspan.com Home #: Work #: 207-229-2092 Cell #: Fax#: 207-490-1880
Attorney	**Attorney Contact Information**
Name: Murray, Plumb and Murray Peter Plumb, Esq. Address: 75 Pearl Street, Suite 300 City/State : Portland, ME Zip Code: 04101	E-mail: pplumb@mpmlaw.com Home #: Work #: 207-773-5651 Cell #: Fax#: 207-773-8023

APPLICATION FEES:

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

Level II Development (check applicable reviews)	Other Reviews (check applicable reviews)
_X_ Less than 10,000 sq. ft. ($400) ___ After-the-fact Review ($1,000 plus applicable application fee) _____ The City invoices separately for the following: • Notices ($.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.	___ Traffic Movement ($1,000) ___ Stormwater Quality ($250) ___ Site Location ($3,000, except for residential projects which shall be $200/lot) # of Lots ___ x $200/lot = _____ ___ Other _____ ___ Change of Use ___ Flood Plain ___ Shoreland ___ Design Review ___ Housing Replacement ___ Historic Preservation

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the **Electronic Plan and Document Submittal** page of the City's website at http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal

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 Building Inspections 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. 14-527 (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.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

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:
Scott Bunker agent	July 2, 2014

PROJECT DATA

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

Total Area of Site	5.03 acre ~~sq. ft.~~
Proposed Total Disturbed Area of the Site	---- sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland	
Impervious Surface Area	
Impervious Area (Total Existing)	50,000 sq. ft. +\-
Impervious Area (Total Proposed)	unchanged sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	19,200 sq. ft.
Building Footprint (Total Proposed)	46,800 sq. ft.
Building Floor Area (Total Existing)	19,200 sq. ft.
Building Floor Area (Total Proposed)	50,000 sq. ft. +\-
Zoning	
Existing	WPD2
Proposed, if applicable	Same
Land Use	
Existing	Boat Maintenance Facility
Proposed	Boat Maintenance Facility
Residential, If applicable	N/A
# of Residential Units (Total Existing)	
# of Residential Units (Total Proposed)	
# of Lots (Total Proposed)	
# of Affordable Housing Units (Total Proposed)	
Proposed Bedroom Mix	N/A
# 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	Unspecified parking for up to 50
# of Parking Spaces (Total Existing)	----
# of Parking Spaces (Total Proposed)	----
# of Handicapped Spaces (Total Proposed)	----
Bicycle Parking Spaces	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	Waiver Requested
Estimated Cost of Project	N/A

PRELIMINARY PLAN (Optional) - Level II Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	**GENERAL WRITTEN SUBMISSIONS CHECKLIST**
N/A		1	Completed Application form
N/A		1	Application fees
N/A		1	Written description of project
N/A		1	Evidence of right, title and interest
N/A		1	Evidence of state and/or federal approvals, if applicable
N/A		1	Written assessment of proposed project's compliance with applicable zoning requirements
N/A		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
N/A		1	Written requests for waivers from site plan or technical standards, if applicable.
N/A		1	Evidence of financial and technical capacity
N/A		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	**SITE PLAN SUBMISSIONS CHECKLIST**
N/A		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
N/A		1	**Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)**
N/A		Proposed grading and contours;	
N/A		Existing structures with distances from property line;	
N/A		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;	
N/A		Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);	
N/A		Preliminary infrastructure improvements;	
N/A		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);	
N/A		Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;	
N/A		Exterior building elevations.	

FINAL PLAN - Level II 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
N/A		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
N/A		1	* Evidence of financial and technical capacity
N/A		1	Construction Management Plan
N/A		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
On File		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
On File		1	Stormwater management plan and stormwater calculations, including description of project, hydrology and impervious area.
On File		1	Written summary of project's consistency with related city master plans
*		1	Evidence of utility capacity to serve
On File		1	Written summary of solid waste generation and proposed management of solid waste
On File		1	A code summary referencing NFPA 1 and all Fire Department technical standards
On File		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
On File		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

* To be provided upon receipt

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)**
		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	**Final Site Plans including the following:**
C-2.1			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
C-2.1			Existing and proposed structures on parcels abutting site;
C-2.1			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
C-2.1			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
N/A			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
C-2.1			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;
N/A			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
N/A			Location of all snow storage areas and/or a snow removal plan;
N/A			A traffic control plan as detailed in Section 1 of the Technical Manual;
N/A			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;
N/A			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
N/A			Proposed buffers and preservation measures for wetlands;
N/A			Existing soil conditions and location of test pits and test borings;
N/A			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
On File			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
C-3.1			Grading plan;
N/A			Ground water protection measures;
C-4.1			Existing and proposed sewer mains and connections;
C-4.1 C-11.1			Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
C-4.1			Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;

- Continued on next page -

C-2.1		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;
Site Plans		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;
See Bldg Plans		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
On File		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
See IMT Plans		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
C-2.1		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.

1. Name, address, telephone number of applicant
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. 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.)***
7. Hydrant locations
8. Water main[s] size and location
9. Access to all structures [min. 2 sides]
10. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

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

July 2, 2014

Captain Chris Pirone
City of Portland Fire Department
380 Congress Street
Portland, ME 04101

Subject: **Canal Landing Boat Repair and Maintenance Facility**
100 West Commercial Street, New Yard LLC, c/o Portland Yacht Services
NFPA 1 Review to Access and Other Fire Department Issues

Dear Captain Pirone:

In accordance with instructions in the City's Site Plan Review packet, please find enclosed the drawing necessary for your review of the Canal Landing site at 100 West Commercial Street project. This current submission relates to the land transfers and development proposal for the IMT expansion. As you are aware the Canal Landing site has been impacted by the IMT expansion proposal. We have listed each item in your checklist below, followed by our updated response.

- **Fire Department Checklist:**

1. Name, address, telephone number of applicant:

   New Yard, LLC/Canal Landing LLC
   c/o Portland Yacht Services
   58 Fore Street
   Portland, Maine 04101
   Cell: 912-399-5180
   flight@portlandyacht.com

2. Name address, telephone number of architect:

   Irishspan Industries, Inc.
   107 Kennebunk Road
   Alfred, Maine 04002
   Phone: (207) 229-2092

3. Proposed uses of any structures [NFPA and IBC classification]:

   The following IBC and NFPA classifications will apply to the Building B development:

IBC	NFPA Classification
2B	H (000)
5B	V (000)

4. Square footage of all structures [total and per story]:

BUILDING PROGRAM		
Structure	**Total**	**Per Story ±**
Tension Fabric Building (Building A)	19,200 SF	same
Temporary Portable Structure	1,904 SF	same – single story
Operations (Building B)	27,600 SF	same

5. Elevation of all structures:

   Building elevations are currently being prepared and will be provided to the Fire Department upon completion.

6. Proposed fire protection of all structures:

   Each building has a sprinkler system except for the Temporary Portable Structure. Fire protection is currently provided by an existing onsite hydrant and hydrants within Commercial Street in the vicinity of the site. A new hydrant is proposed at the northwest corner of the site.

7. Hydrant locations:

   The accompanying utility plan depicts the location of the existing hydrant assemblies located along Commercial Street opposite the site. An existing private hydrant is located within the gas distribution yard area. There is also a fire hydrant along the waterfront adjacent the boat ramp. The Fire Department should review and provide any additional information necessary regarding placement and locations of fire hydrants on the site. All hydrants to be installed shall comply with the Portland Water District and Portland Fire Department standards pertaining to manufacturer, style, and installation specifications.

8. Water main[s] size and location:

   The site will be served by an 8" water main that will extend off the 12" main in Commercial Street to the site. This new water service will replace the existing 6" water supply line that comes from the former Unitil site. The IMT activities will use this main, therefore precluding New Yard's ability to continue use of the main.

9. Access to all structures [min. 2 sides]:

   The accompanying site plan depicts the site's access conditions that include access to two or more sides of the buildings.

10. A Code Summary shall be included referencing NFPA 1 and all Fire Department Technical Standards within the Building Permit submission for Building B.

➢ **NFPA 1 – Chapter 18 Fire Department Access and Water Supply**

18.2 Fire Department Access

The project access conditions include a temporary entrance at the eastern side of the site. The MDOT and New Yard have agreed to temporarily maintain boat yard access from the Beach Street intersection through the Unitil site. The driveway will be greater than 24 feet in width which satisfies NFPA 1 18.2.3.4.1.1 that requires a minimum width of 20 ft. Ultimately, access to the New Yard site will be from a new driveway(s) system to be constructed west of the property.

Per NFPA 1 Chapter 18.2.3.2.1 the interior site access conditions will extend to within 50 ft. of at least one exterior door of all structures. This is satisfied on the site plan.

Per NFPA 1 Chapter 18.2.3.2.2 all first story floors shall be located not more than 150 ft. from the Fire Department access road. This is satisfied on the site plan.

NFPA 1 18.2.3.3 pertains to the number of access roads required and states that this determination is subject to the Authority Having Jurisdiction (AHJ).

69. 3.3.4 Minimum Separation Distances

Fay, Spofford & Thorndike reviewed NFPA 1 pertaining to separation distances between LP gas storage containers and buildings. In conducting this review we contacted NGL Energy to determine the storage tank sizes currently on their property. NGL has two 30,000 gal. tanks, one 45,000 gal. tank and two 60,000 gal. tanks on the property that are located per the accompanying figure. Per Section 69.3.3.1 and Table 69.3.3.1 of NFPA 1 the required building setback from these tanks is 75 feet, hence we see no issue with the placement of the proposed Canal Landing buildings with respect to setbacks from aboveground LP storage tanks on the NGL site. These findings are subject to review and concurrence from the Portland Fire Department.

- **City of Portland Technical Manual Section 3 – Public Safety**

Part 3.4 Site Access Standards

3.4.1. Every dead-end roadway more than one hundred fifty (150') feet in length shall provide a turnaround at the closed end. Turnarounds shall be designed to facilitate future street connectivity and shall always be designed to the right (refer to Figure I-5).

Supporting evidence: The development site is located along Commercial Street which is accessible from either direction. Temporarily there will be a single access route into the New Yard site.

3.4.2. Where possible, developments shall provide access for Fire Department vehicles to at least two sides of all structures. Access may be from streets, access roads, emergency access lanes, or parking areas.

Supporting evidence: As depicted on the site plans, the proposed building layout provides for a minimum two sided access to all structures.

3.4.3. Building setbacks, where required by zoning, shall be adequate to allow for emergency vehicle access and related emergency response activities and shall be evaluated based on the following factors:

- *Building Height.*
- *Building Occupancy.*
- *Construction Type.*
- *Impediments to the Structures.*
- *Safety Features Provided.*

Supporting Evidence: The proposed development layout has contemplated emergency access conditions and provided for safe and efficient access for emergency vehicles.

3.4.4. Fire Dept. access roads shall extend to within 50' of an exterior door providing access to the interior of the structure.

Supporting Evidence: All buildings will be provided with an exterior entrance door that will be within 50' of a Fire Department access route.

3.4.5. Site access shall provide a minimum of nine (9) feet clearance height to accommodate ambulance access.

Supporting Evidence: A minimum 9 ft. vertical clearance will be provided below any overhead signage or utilities entering the site. Generally speaking all utilities will be underground.

3.4.6. Elevators shall be sized to accommodate an 80 x 24 inch stretcher.

Supporting evidence: There are no elevators proposed for the project.

3.4.7. All structures are required to display the assigned street number. Numbers shall be clearly visible from the public right of way.

Supporting Evidence: The applicant will work with the City's Public Services Division to assign street addresses and numbering to meet City standards. Currently, the site is addressed as 100 West Commercial Street, Building A. The second building will be Building B.

Prepared By:

FAY, SPOFFORD & THORNDIKE

Stephen R. Bushey, P.E.
Senior Principal Engineer

Attachments: Amended Fire Protection Plan

R:\3091.03 Canal Landing\Admin\Permitting\2014.06.30 Amended Level II Site Plan\3091.03 2014.07.02-Pirone (Fire Dept).doc

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

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

Date: July 1, 2014

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

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

Site Address: 100 West Commercial Street

Chart Block Lot Number: 59/A/3,4

Proposed Use: Boat Maintenance Facility
Previous Use: Undeveloped
Existing Sanitary Flows: ---- GPD
Existing Process Flows: N/A GPD
Description and location of City sewer that is to receive the proposed building sewer lateral.

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

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

2. Please, Submit Contact Information.

City Planner's Name: Rick Knowland Phone: 207-874-8725
Owner/Developer Name: New Yard, LLC
Owner/Developer Address: 778 Main Street, South Portland, ME 04106
Phone: 207-774-1067 Fax: E-mail: phin@portlandyacht.com
Engineering Consultant Name: Fay, Spofford & Thorndike
Engineering Consultant Address: 778 Main Street, Suite 8, South Portland, ME 04106
Phone: 207-775-1121 Fax: 207-879-0896 E-mail: sbushey@fstinc.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.

Estimated Domestic Wastewater Flow Generated: 750 GPD
Peaking Factor/ Peak Times: N/A
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.

Total Drainage Fixture Unit (DFU) Values: N/A

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

Estimated Industrial Process Wastewater Flows Generated: N/A GPD

Do you currently hold Federal or State discharge permits? Yes ____ No X

Is the process wastewater termed categorical under CFR 40? Yes ____ No X

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

Estimated domestic wastewater flow - 50 employees at 15 gpd = 750 gpd

DRAFT PANAM EASEMENT

DRAFT

DEED OF EASEMENT

The **MAINE CENTRAL RAILROAD COMPANY**, a corporation duly organized and existing under the laws of the State of Maine, with offices at 1700 Iron Horse Park, North Billerica, Massachusetts 01862, (hereinafter referred to as "Grantor"), in consideration of One and 00/100 ($1.00) Dollar paid to it by **CANAL LANDING, LLC,** with a mailing address of 58 Fore Street, Portland, Maine 04101 (hereinafter referred to as "Grantee"), hereby grants to the Grantee, so far as it lawfully may, but without any warranties or covenants of title whatsoever, a permanent right and non-exclusive easement for the purpose of locating, constructing, installing, maintaining, repairing, replacing and using (the "Appurtenance") as listed on Schedule "A" attached hereto, under, within, and through land of the Grantor, situated in the City of Portland, County of Cumberland, State of Maine as more particularly described on Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Easement Area").

The grant of this easement is subject to the following reservations, conditions, covenants and agreements:

1. Notwithstanding any other rights herein retained by the Grantor, and without limiting the same, the operations of the Grantor's railroad, and of the railroads operated by the Grantor's affiliates, shall have priority over the easements herein granted.

2. Full and complete plans, drawings and specifications of the Appurtenance ("Plans") concerning any construction, maintenance, repair, replacement and/or removal work of any description ever to be performed within the Easement Area ("Work") shall first be submitted, in writing, to the Principal Engineering Officer of the railroad operated by the Grantor, or his representative, (the "PEO") at least thirty (30) days prior to such Work except in the case of a bona fide emergency, and no Work shall be undertaken within the Easement Area by or on behalf of the Grantee until the Grantee shall have received written approval from the PEO of the Plans for such work.

3. The Grantee shall perform all Work in good, safe and workmanlike manner and in accordance with all federal, state or local laws, statutes, ordinances and regulations of any description which may apply. The Grantee shall furnish the PEO with copies of any building permits, excavation permits or other similar permits upon demand. The Grantee shall follow the provisions of any engineering codes applicable to the Work, to the extent the same shall not be inconsistent with any conditions specified by the PEO.

4. All Work shall be subject to the inspection and approval of the PEO, or his representative, and shall be in accordance with the approved Plans. The PEO's decisions as to the quality, quantity and conformance of the Work with the approved Plans shall be final and conclusive. If any Work is, in the sole and reasonable opinion of the PEO, determined by him to be substandard, defective or not in conformity with the approved Plans, such Work shall be forthwith removed and replaced with Work which meets with the written approval of the PEO.

5. The Grantee shall promptly cause any mechanic's or materialmen's liens of any description arising in any way out of the Grantee's Work or activities on or about the Premises to be released of record against the title to the Premises, without regard to the validity of such liens.

6. The Grantee agrees to reimburse the Grantor for any and all expenses incurred or in any way referable to the Appurtenance, Work or the easement herein granted, including, without limitation, those for engineering review, flagging protection, inspectional services, and legal fees.

7. The Grantee hereby covenants and agrees that the PEO shall have the right to designate the time or times and conditions by and under which any Work and improvements are to be performed within, under or through the Easement Area, the PEO's designation to be reasonable in all respects.

8. By the acceptance of this deed and as part consideration therefor, the Grantee covenants and agrees that prior to entry upon and prior to undertaking any Work and improvements within the Easement Area, the Grantee shall, at no cost or expense to the Grantor, obtain and keep in force during the entire term of the Work and while any Work is in progress, a policy of insurance naming the Grantor as insured: such policy shall be a "Railroad Protective Liability Policy" so-called, in forms and with coverage limits and insurers approved in writing by the Grantor. In no event shall the coverage limits under such policy be less than Five Million and 00/100 ($5,000,000.00) Dollars/Ten Million and 00/100 ($10,000,000.00) Dollars combined coverages for bodily injury and property damage. Such policies shall be submitted to the PEO at least seven (7) days prior to entry and undertaking any Work in the Easement Area.

9. By the acceptance of this deed and as part consideration therefor, the Grantee hereby covenants and agrees to make no use of the Easement Area which, in the sole and reasonable opinion of the PEO adversely affects drainage from or in remaining land or location of the Grantor, and the Grantee hereby further agrees not to permit or allow, either directly or indirectly, drainage to flow from the Easement Area onto other land or location of the Grantor which adversely affects the Grantor's land,

including, but not limited to: flowing drainage from said Easement Area into or to existing drainage ditches or culverts located either in part or entirely upon remaining land and location of the Grantor.

10. The Grantee hereby agrees to defend with counsel approved by the Grantor, release, indemnify, protect and hold harmless the Grantor, the lessees, licensees and any other lawful occupants of the Easement Area from and against any and all loss, cost, damage, or expense including, without limitation, all claims, or suits for loss or damage to property of any description, natural resources, personal injury, sickness or death, delay damages, consequential damages, all matters relating to the alteration of wetlands or other liability arising in any way out of the use, maintenance and existence of the Appurtenance, over and within the Easement Area, any Work without limitation, the Grantee's occupancy of the Easement Area, whether such loss, cost, damage, or expense is suffered by the Grantee, Grantor and/or the Grantor's lessees, licensees, and any other lawful occupants of the Easement Area. The Grantee further agrees to further maintain, at no cost to the Grantor, such policies Of Comprehensive Public Liability Insurance and Property Damage Insurance on the Appurtenance in such forms and with such coverage limits not less than Five Million Dollars ($5,000,000.00/Ten Million ($10,000,000.00) Dollars, and with companies as the Grantor deems acceptable and to furnish evidence of the same to the Grantor upon the Grantor's request.

12. Notwithstanding any other provision contained within this deed, the Grantor covenants and agrees to at all times reasonably cooperate with the Grantee to complete design, approval and construction of Improvements to the Easement Area as contemplated herein.

13. By the acceptance of this deed and as part consideration therefor, the Grantee agrees to indemnify, defend and hold harmless the Grantor (including its officers, employees, agents, directors, shareholders and affiliates) from and against any and all loss, liability, damage, cost and expense (including reasonable attorneys' fees) occasioned by or associated with any claims, suits and/or enforcement actions (including any administrative or judicial proceedings and any remedial, removal or response actions) ever asserted, threatened, instituted or requested by any person and/or governmental agency on account of: (a) any release of oil or hazardous materials or substances of any description on, upon or into the Premises in contravention of any ordinance, law or statute (including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601, et seq., as amended); and (b) any and all damage to real or personal property, natural resources and/or harm or injury to persons alleged to have resulted from such release of oil or hazardous materials or substances.

14. Whenever used in this deed, the term "Grantor" shall not only refer to the **MAINE CENTRAL RAILROAD COMPANY**, but also its successors, assigns and affiliates and the term "Grantee" shall not only refer to the above named Grantee, but also its successors, assigns and grantees, as the case may be.

IN WITNESS WHEREOF, the said MAINE CENTRAL RAILROAD COMPANY has caused this Deed of Easement to be executed in its name and its corporate seal to be hereto affixed by David A. Fink, its President, thereunto duly authorized this _____ day of _____, 2014.

GRANTOR:
MAINE CENTRAL RAILROAD COMPANY

_____
Witness

By:_____
David A. Fink, President

GRANTEE:

_____
Witness

By:_____

Print Name:_____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. **_____, 2014**

On this ____ day of _____, 2014, before me, the undersigned notary public, personally appeared David A. Fink, the President of the **MAINE CENTRAL RAILROAD COMPANY** as aforesaid, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:_____
My Commission Expires:_____

STATE OF MAINE

, ss. **_____, 2014**

On this ____ day of _____, 2014, before me, the undersigned notary public, personally appeared _____the _____of Canal Landing, LLC, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:_____
My Commission Expires:_____

FST
100 YEARS

July 29, 2014

Mr. Rick Knowland
Senior Planner
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

Subject: Canal Landing New Yard – Phase 1
100 West Commercial Street
Applicants: New Yard, LLC/Canal Landing LLC
Amended Site Plan Application- Responses to Staff and Peer Review Comments

Dear Rick:

On behalf of New Yard, LLC (New Yard), we are responding to your e-mail transmission dated July 24, 2014 that contained staff review comments related to the Amended Site Plan application. The responses and supplemental information is provided to assist while you continue your ongoing review:

Comment 1:

Need a definitive statement summary that outlines every change in the amended plan from the previously approved plan (including such details as lighting, etc.) I did see your narrative dated July 2, 2014 in the plan submission but need to know if that is a definitive list. [I noticed the existing building has light fixtures mounted on it. Will the new building have the same fixture? If so how many light fixtures, type of light fixture, etc.]

Response:

Bartlett Design has completed the accompanying site lighting plan (see Attachment A) and offer the additional supplemental lighting materials for your review. We believe that the list of modifications outlined in the original application adequately covers the changes to the project. Generally speaking, the project's most important change is the decreased site area now available to New Yard. We are hopeful that future planning will involve additional land area west of the site, that will allow for boatyard expansion opportunities in the future. However, those future activities will require subsequent permitting effort and City review at some future time.

778 Main Street, Suite 8
South Portland, ME 04106
T: 207.775.1121
F: 207.879.0896
www.fstinc.com

FAY, SPOFFORD & THORNDIKE
Offices in: Massachusetts, New Hampshire, Maine, Connecticut and New York

Comment 2:

I wasn't involved in the prior review could you email the last approved site plan?

Response:

The last approved site plan related to the October 22, 2013 Amended Site Plan approval accompanies this letter in Attachment B. This approval essentially involved relocating the initial phase buildings to the far westerly end of New Yard's property. New Yard realized, as the time of the Fall 2013 submission, that the IMT expansion was forthcoming and that the MDOT would be seeking to acquire some of New Yard's land, thus, New Yard, in the spirit of cooperation, modified their development to accommodate these plans. We have also included the originally approved Site Plan from December 18, 2012 Planning Board hearing for your review and comparison.

Comment 3:

I gave Tom Errico a copy of the last traffic report. He will advise whether the larger building requires updated info.

Response:

We believe that the traffic report originally prepared by Gorrill Palmer Consulting Engineers for the original 2012 development accounted for an approximately 42,000 SF of Boatyard building space. At the time the estimated traffic trip generation was less than 20 vehicles in the peak hour, thus the overall conclusion, as reached by Mr. Errico, was that the project would result in an insignificant impact to the nearby street system and project access conditions. The current project does include a slightly modified Phase 1 building space now totaling 48,000 SF. However, the overall Phase 1 Boatyard planning and programming remains generally unchanged and thus we believe the Amended Site Plan conditions will also result in little to no impact to trip generation or traffic impact. We are also aware that the proposed IMT expansion activities will result in significant improvements to the surrounding street system, including traffic signal improvements at the Beach Street/Commercial Street intersection. These improvements are anticipated to more than adequately handle Boat Yard generated traffic.

Comment 4:

Financial capacity letter for current project is needed.

Response:

The applicant is previously provided the accompanying letter (Attachment C) indicating Norway Savings continued support of the project and the applicant's ability to finance their development activities. We note that since that time, the Maine Department of Transportation has acquired by Eminent domain, approximately 17 acres previously controlled by New Yard, thus providing another source of funding of at least New Yard's Phase 1 activities.

Comment 5:

In the previous submission, there were renderings of the proposed building. Please submit updated info accordingly.

Response:

The proposed elevations are contained in Attachment D to this letter.

Comment 6:

Could you confirm whether the utility corridor directly to the west of the site is the only off-site improvements being proposed? For example, the two future driveway locations west of the site are not part of this current application and will be submitted for review and approval at a later date?

Response:

That is correct, the only activities related to the current approval request pertain to the installation of the utility corridor just to the west of the site. We note that the railroad crossings referenced on the drawings also reflect similar information as contained on the recently approved IMT Expansion drawings. These crossings will be constructed as part of the IMT rail expansion. However, the remaining site access drives associated with these crossings remain not fully designed nor permitted, therefore are subject to review and approval at a later time.

Comment 7:

Height of the building.

Response:

The proposed building height is indicated on the accompanying building elevation plan.

In a previous e-mail correspondence with Ann Machado of the Codes Office, we offered the following information on the building height. We represented that the finish floor elevation for the floor slab will be 15.0' (NGVD 29) and that the average ground grade around the building is approximately 14.76' (based on there being 17 doors around the building perimeter).

In this case, we measure the building height as follows:

Using the 17 door locations around the building:

- 16 doors have a ground grade of elevation 15.0'
- 1 door has a ground grade of elevation 11.0'

Or ((16 x 15') + (1 x 11')) = 251 divided by 17 = elevation 14.76' average ground grade

So the difference between the average ground grade and the midpoint of the Gable roof = 43'-8" plus 0.24' equals 43.91'. Therefore, our calculations support compliance with the required max height of 45' in the WPDZ zone. Ms. Machado has stated her agreement with this finding.

Comment 8:

In the original application, a document entitled "Conformity With Applicable Design Standards" was submitted. Given the tight time frame for your approval and the need to get an approval on August 12th, you may want to update and submit this again.

Response:

We have updated the Conformity with Applicable Design Standards section and offer it in Attachment E to this letter.

Comment 9:

Include the survey in the next submission.

Response:

The latest survey plan as prepared by Owen Haskell Inc. for the MaineDOT accompanies this letter in Attachment F.

Comment 10:

How many employees were anticipated in the New Yard phase 1 and how many will be on the site when the phase 2 building is completed?

Response:

New Yard currently has 37 Full time employees, 2 part time and 11 seasonal employees. They hope to have 50 full time employees once their operations are fully relocated from the Fore Street location to 100 West Commercial Street.

Comment 11:

Assessment of zoning including parking requirements and supply.

Response:

An assessment of the applicable zoning and parking provisions is contained in Attachment E. The project site is within the Waterfront Port Development Zone (WPDZ) and the property and activity are compliant with the dimensional requirements and permitted land use within the WPDZ.

We appreciate the Planning Authority's consideration on these matters and look forward to presenting to the Board at their August 12, 2014 Public Hearing. We note that a Public Information meeting for the Amended Site Plan submission will be held on August 4, 2014 at the Room with a View at Portland Yacht Services, 58 Fore Street. Meeting minutes will be provided to your office shortly after the meetings occur.

If you have any questions or require any additional information, please contact our office.

Sincerely,

FAY, SPOFFORD & THORNDIKE, LLC

Stephen Bushey, P.E., C.P.E.S.C.
Senior Engineer

SRB/cmd

Enclosures:	Attachment A –	Site Lighting information
	Attachment B –	December 12, 2012 Original Approved Plan & October 22, 2013 Approved Amended Site Plan
	Attachment C –	Financial Capacity Letter – Norway Savings Bank
	Attachment D –	Building Elevations
	Attachment E –	Conformity with Applicable Standards
	Attachment F –	Stamped Survey Plans

c: Phin Sprague, New Yard LLC
Bob Flight, New Yard LLC
Peter Plumb, Murray, Plumb and Murray

ATTACHMENT A

SITE LIGHTING INFORMATION

LAREDO SERIES

LMC - 30LEDs

Cat.#	
Job	Type

SPAULDING LIGHTING

Approvals

SPECIFICATIONS

Intended Use:
Full cut-off IDA compliant perimeter or entry lighting for 12-18ft mounting heights that require high light output and maximum energy efficiency. Laredo LMC-30 LED wallpack provides low installation costs with little or no maintenance and 60%+ energy savings. Ideal for schools, factories, hospitals, warehouses and retail applications.

Construction:
Decorative die-cast aluminum housing and door. Rugged design protects internal components and provides excellent thermal management for over 70% lumen maintenance at 50,000 hours minimum LED life. Lektrocote® series powder paint finishes provide lasting appearance in outdoor environments. Five standard finishes include: Bronze, Black, Gray, White and Platinum.

Optics/Electrical
LED:
30 High power LEDs delivers up to 6070 lumens at 700mA and up to 3489 lumens at 350mA. Variety of distributions – Types II, III and IV (Forward throw). High CRI LEDs provide excellent color rendition with up to 100 lumens per watt efficiency.

- CCT- 5100K/ 67 CRI, 4200K/ 70 CRI, 3000K/ 80 CRI
- Electronic driver 71w system, 0.4 AMPS max, or 35w, 0.3 amps max, 120-277V, 50/60Hz.
- 10 KVA surge protector

Lenses:
Full cut-off distribution - individual acrylic LED optics provide IES Type III and Type IV distributions.

Installation:
Quick mount system provides rigid mounting over recessed junction boxes – fixture does not require opening for mounting. Foam gasket for sealing to smooth surfaces provided. Superior performance with 5 to 1 spacing to mounting height ratio. Minimum operating temperature is -40°C/ -40°F.

Listings:
- Listed to UL1598 for wet locations
- UL certified for thru-wiring.
- 25° C ambient environments.
- U.S. Patent No. D563,587
- DesignLights Consortium (DLC) qualified, Consult DLC website for more details: http://www.designlights.org/QPL

LMC-30LU Egress Wallpack:
Designed to meet strict 1fc minimum requirements. At 12ft mounting height 1fc covers 16x16ft area, well beyond the 10x10ft standard. 44w - 350mA drives 30LEDs at 3500 lumens at full power/ 2046 average lumens in battery mode. Outer clear impact resistant glass lens protects LED lenses. No uplight, external test button, quick mount, wet location listed. (Note: must use Type III)

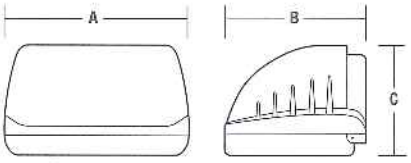
Warranty:
Five year limited warranty (for more information visit: http://www.hubbelloutdoor.com/resources/warranty/

PRODUCT IMAGE(S)

LMC-30LU

LMC-30LU BOC/BBU

DIMENSIONS



A	B	C
16.0" (406 mm)	12.125" (308 mm)	9.0" (229 mm)

ORDERING INFORMATION

ORDERING EXAMPLE: LMC-30LU-5K-3-1-PC(4)

LMC - [ ] - [ ] - [ ] - [ ] - [ ] - [ ]

SERIES	NUMBER OF LEDS/SOURCE/VOLTAGE	CCT	IES DISTRIBUTION	DRIVE CURRENT	FINISH	OPTIONS
LMC Laredo Medium Cut-off	**30LU** 30 LEDs, 71w input, Universal voltage 120-277V **30LF** 30 LEDs, 71w input, 347V	**3K** 3000K nominal **4K** 4200K nominal **5K** 5100K nominal	**2** Type II **3** Type III **4** Type IV (Forward throw)	**BLANK** STD 700MA **035** 350MA	**1** Bronze **2** Black **3** Gray **4** White **5** Platinum	**PC(X)**[1] Button photocontrol, replace X with voltage, specify 1-120V, 2-208V, 3-240V, 4-277V **WIH** In fixture wireless control module, (120V & 277V only) order separately, consult factory

ORDERING INFORMATION EGRESS LMC-30LU

ORDERING EXAMPLE: LMC-30LU-5K-3-035-1-BBU277

LMC - [ ] - [ ] - 3 - 035 - [ ] - [ ]

SERIES	NUMBER OF LEDS/SOURCE/VOLTAGE	CCT	IES DISTRIBUTION	DRIVE CURRENT	FINISH	OPTIONS
LMC Laredo Medium Cut-off	**30LU** 30 LEDs, 43w input, Universal voltage 120-277V **30LF** 30 LEDs, 43w input, 347V	**4K** 4200K nominal **5K** 5100K nominal	**3**[2] Type III	**035** 350MA	**1** Bronze **2** Black **3** Gray **4** White **5** Platinum	**BBU277** Integral battery for 120-277V rated for -20° C ambient **BOC277** Integral battery for 120-277V rated for 0° C ambient **PC(X)** Button photocontrol, replace X with voltage, specify 1-120V, 2-208V, 3-240V, 4-277V

1 PC(X) Replace X with 1-120V, 2-208V, 3-240V, 4-277V
2 Egress versions only Type II

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ACCESSORIES/REPLACEMENT PARTS - Order Separately

Catalog Number	Description
LMC-SPC	Polycarbonate shield
PBT-1	120V button photocontrol
PBT-234	208/240/277V button photocontrol
93044764	40w, 700mA, 120-277V, 0-10V dimming driver
93022563	10 KVA surge protector

PERFORMANCE DATA

				5K (5100K nominal, 67 CRI)					4K (4200K nominal, 70 CRI)					3K (3000K nominal, 80 CRI)				
# OF LEDS	DRIVE CURRENT	SYSTEM WATTS	DIST. TYPE	LUMENS	LPW[1]	B	U	G	LUMENS	LPW[1]	B	U	G	LUMENS	LPW[1]	B	U	G
30	BOC/BBU	BOC/BBU	3	2046	-	1	0	1	1860	-	1	0	1	1457	-	0	0	0
	350mA	35w	2	3489	100	1	0	1	3151	90	1	0	1	2624	75	1	0	1
			3	3448	98	1	0	1	3234	92	1	0	1	2632	75	1	0	1
			4	3422	98	1	0	1	3177	91	1	0	1	2644	76	1	0	1
	700mA	70w	2	6070	87	2	0	2	5403	77	1	0	1	4469	64	1	0	1
			3	6023	86	1	0	1	5594	80	1	0	1	4538	65	1	0	1
			4	5949	85	1	0	2	5461	78	1	0	2	4537	65	1	0	2

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown. Actual performance may differ as a result of end-user environment and application.

ELECTRICAL DATA

# OF LEDS	DRIVE CURRENT (mA)	INPUT VOLTAGE (V)	CURRENT (Amps)	SYSTEM POWER (w)
30	-035 (350mA)	120	0.30	35.00
		277		35.00
	STD. (700mA)	120	0.60	70.00
		277		70.00

LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

AMBIENT TEMPERATURE		LUMEN MULTIPLIER
0° C	32° F	1.02
10° C	50° F	1.01
20° C	68° F	1.00
25° C	77° F	1.00
30° C	86° F	1.00
40° C	104° F	0.99
50°C	122° F	0.98

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

PROJECTED LUMEN MAINTENANCE

	OPERATING HOURS					
Ambient Temp.	0	25,000	50,000	TM-21-11[1] L96 60,000	100,000	L70 (hours)
25°C / 77°F	1.00	0.97	0.95	0.95	0.92	>539,000

1. Projected per IESNA TM-21-11 * (Nichia 219B, 700mA, 85°C Ts, 10,000hrs)
Data references the extrapolated performance projections for the LMC-30LU-5K base model in a 40°C ambient, based on 10,000 hours of LED testing per IESNA LM-80-08.

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LAREDO SERIES
LCC SERIES

Cat.#	
Job	Type

SPAULDING LIGHTING

Approvals

SPECIFICATIONS

Intended Use
- Full cutoff*, IDA compliant entry or perimeter lighting
- Six to twelve foot typical mounting heights

Construction
- Decorative die-cast aluminum housing and door. Rugged design protects internal components and provides excellent thermal management for long life
- Flat, tempered, impact-resistant glass lens protects optics
- 800 Series powder paint finishes provide lasting appearance and are available in standard finishes: Dark Bronze, Black, White, Gray and Platinum

Electrical
- HID units are medium base; CFL units have insert and twist electronic socket
- Systems include Pulse Start 50-70w, CFL 26-42w, HPS 50-70w and 12 LED designs
- Optional socket available for remote power for power outage egress applications on HID and CFL units

LED
- 12 LED system delivers 820 lumens at 12.8w for 64 LPW efficiency
- Universal 120-277V, 50/60Hz driver, .5 amp max

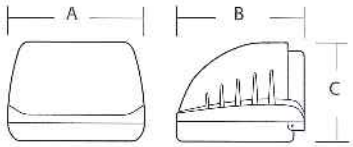
Installation
- Two-point lag mount securely holds housing to surface; Mounting template is provided.
- Designed for mounting over standard recessed junction boxes or for wiring with surface conduit; ½" hubs with plugs provided on top and sides for versatile access

Listings
- Listed to UL 1598 for use in wet locations
- IDA Dark Sky compliant

*(PSMH,CFL and HPS only) LED unit IDA compliant – zero uplight

PRODUCT IMAGE(S)

DIMENSIONS



A	B	C
9.0	9.5	7.2
(229mm)	(241mm)	(183mm)

CERTIFICATIONS/LISTINGS

C US

ORDERING INFORMATION

ORDERING EXAMPLE: LCC-70P8-1-LP

LCC - 12LU-5K - 4 - PC1

SERIES

LCC Laredo Compact Cutoff

WATTAGE/SOURCE/VOLTAGE

PULSE START METAL HALIDE
- **50P8** 50w, 120/277V
- **70P8** 70w, 120-277V

HIGH PRESSURE SODIUM
- **50S1** 50w, 120V NPF
- **70S1** 70w, 120V NPF
- **50S8** 50w, 120-277V
- **70S8** 70w, 120-277V

COMPACT FLUORESCENT
- **26F8** 26w
- **32F8** 32w
- **42F8** 42w

LED²
- **12LU-5K** 12.8w, 120-277V, 50/60Hz (5100K, 820 lumens)

FINISH
- **1** Bronze
- **2** Black
- **3** Gray
- **4** White
- **5** Platinum

OPTIONS*
- **PC1** 120V button photocontrol
- **PC2¹** 208V button photocontrol
- **PC3¹** 240V button photocontrol
- **PC4¹** 277V button photocontrol

Egress Lamp Socket
- **EM** Mini can base socket only for remote, power by others (Max 50w Halogen recommended)

- **LP** Lamp shipped in carton with fixture (Standard on LED units) Fluorescent lamps are 3500K

LCC LED System:
- 5100K color temperature
- Five year limited warranty
- Typical spacing of three times mounting height
- LED is IDA approved – no uplight

ACCESSORIES

LCC-SPC	Polycarbonate shield
PBT-1	120V button photocontrol
PBT-234¹	208/240/277V button photocontrol
PTA-1	External 120V Photocontrol (use for 70w)
PTA-8	External photocontrol 120-277V (use for 70w and above)

¹ For use on CFL and LED units only • ² REF: LM79 ITL75992

Note: 347V is available in 50P, 70P and 70S
Example: Change 50P8 to 50P6
*Not recommended at 70w

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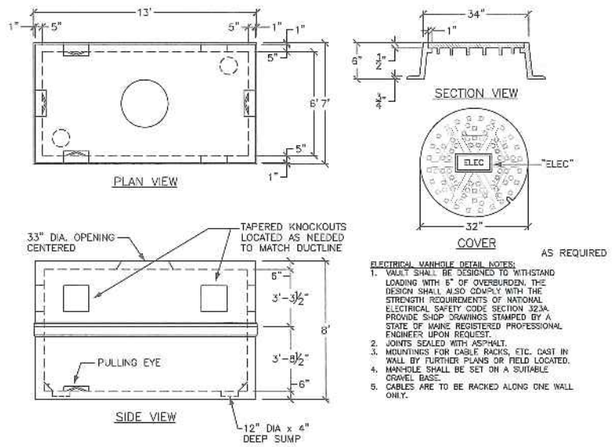
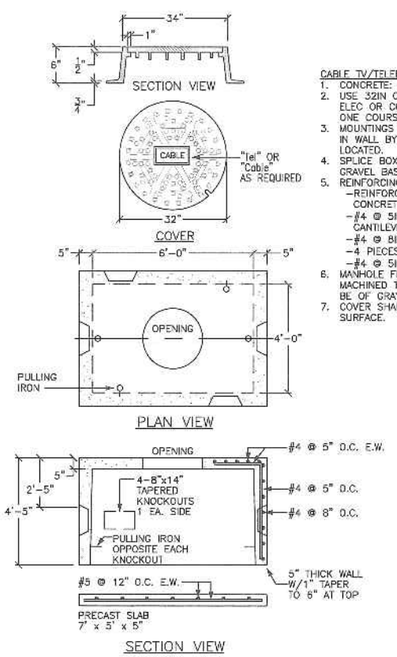


ELECTRICAL MANHOLE

NOT TO SCALE

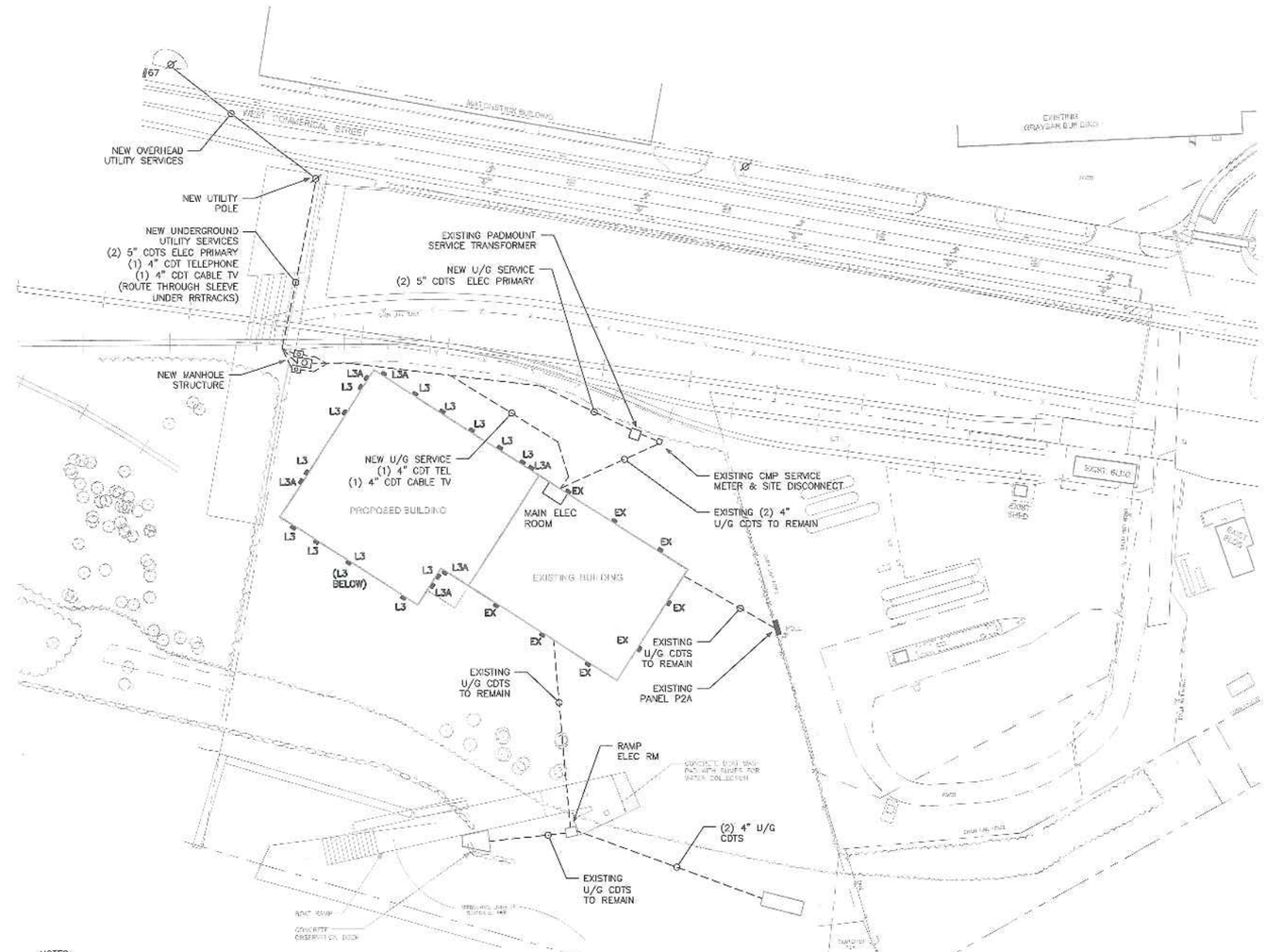
ELECTRICAL MANHOLE DETAIL NOTES:
1. VAULT SHALL BE DESIGNED TO WITHSTAND LOADING WITH 6" OF OVERBURDEN. THE DESIGN SHALL ALSO COMPLY WITH THE STRENGTH REQUIREMENTS OF NATIONAL ELECTRICAL SAFETY CODE SECTION 323A. PROVIDE SHOP DRAWINGS STAMPED BY A STATE OF MAINE REGISTERED PROFESSIONAL ENGINEER UPON REQUEST.
2. JOINTS SEALED WITH ASPHALT.
3. MOUNTINGS FOR CABLE RACKS, ETC. CAST IN WALL BY FURTHER PLANS OR FIELD LOCATED.
4. MANHOLE SHALL BE SET ON A SUITABLE GRAVEL BASE.
5. CABLES ARE TO BE RACKED ALONG ONE WALL ONLY.



CABLE TV/TELEPHONE MANHOLE DETAIL NOTES:
1. CONCRETE: 4,000 PSI @ 28DAYS.
2. USE 32IN COVER AND FRAME MARKED ELEC OR COMM AS REQUIRED. MINIMUM ONE COURSE BRICK TO GRADE.
3. MOUNTINGS FOR CABLE RACKS ECT. CAST IN WALL BY FUTURE PLANS OR FIELD LOCATED.
4. SPLICE BOX SHALL BE SET ON A SUITABLE GRAVEL BASE.
5. REINFORCING: GRADE 60 REBAR:
   - REINFORCING PLACED IN CENTER IF CONCRETE SLAB, WALLS, & ROOF.
   - #4 @ 5IN O.C. VERTICAL IN WALLS, CANTILEVERED OVER TOP OF OPENING
   - #4 @ 8IN O.C. HORIZONTALLY IN WALLS
   - 4 PIECES #4 SURROUNDING OPENING
   - #4 @ 5IN O.C. EACH WAY ON TOP
6. MANHOLE FRAMES AND COVERS ARE TO BE MACHINED TO A SMOOTH FIT AND SHALL BE OF GRAY CAST IRON.
7. COVER SHALL HAVE DIAMOND TOP SURFACE.

TELEPHONE & CABLE MANHOLE

NOT TO SCALE



NOTES:
1. ALL ELECTRICAL WORK SHALL CONFORM TO NFPA 70, AS WELL AS ALL STATE AND LOCAL BUILDING CODES.
2. COORDINATE THE EXACT LOCATION AND MOUNTING HEIGHTS OF TYPE L3 AND L3A LIGHTING FIXTURES WITH OWNER ON SITE.
3. LIGHTING FIXTURES:
   TYPE L3: HUBBELL MODEL #LMC-30LU-4K-4-4-PC1(120), OR EQUAL
   TYPE L3A: HUBBELL MODEL #LCC-12LU-5K-4-PC1(120), OR EQUAL

SCALE: 1" = 60'-0"

ELECTRICAL SITE PLAN | 1

MANHOLE DETAILS | 2

STATE OF MAINE
LAWRENCE E. BARTLETT
No. 7928
LICENSED
PROFESSIONAL ENGINEER
Lawrence E. Bartlett
7/28/14

Bartlett Design
LIGHTING & ELECTRICAL ENGINEERING
942 WASHINGTON STREET, BATH, ME 04530
TEL (207) 443-5447 FAX (207) 443-5560

date drawn:	11/18/13
date issued:	11/19/13
drawn by:	LEB
scale:	AS NOTED

project: CANAL LANDING BOAT YARD
PORTLAND, MAINE

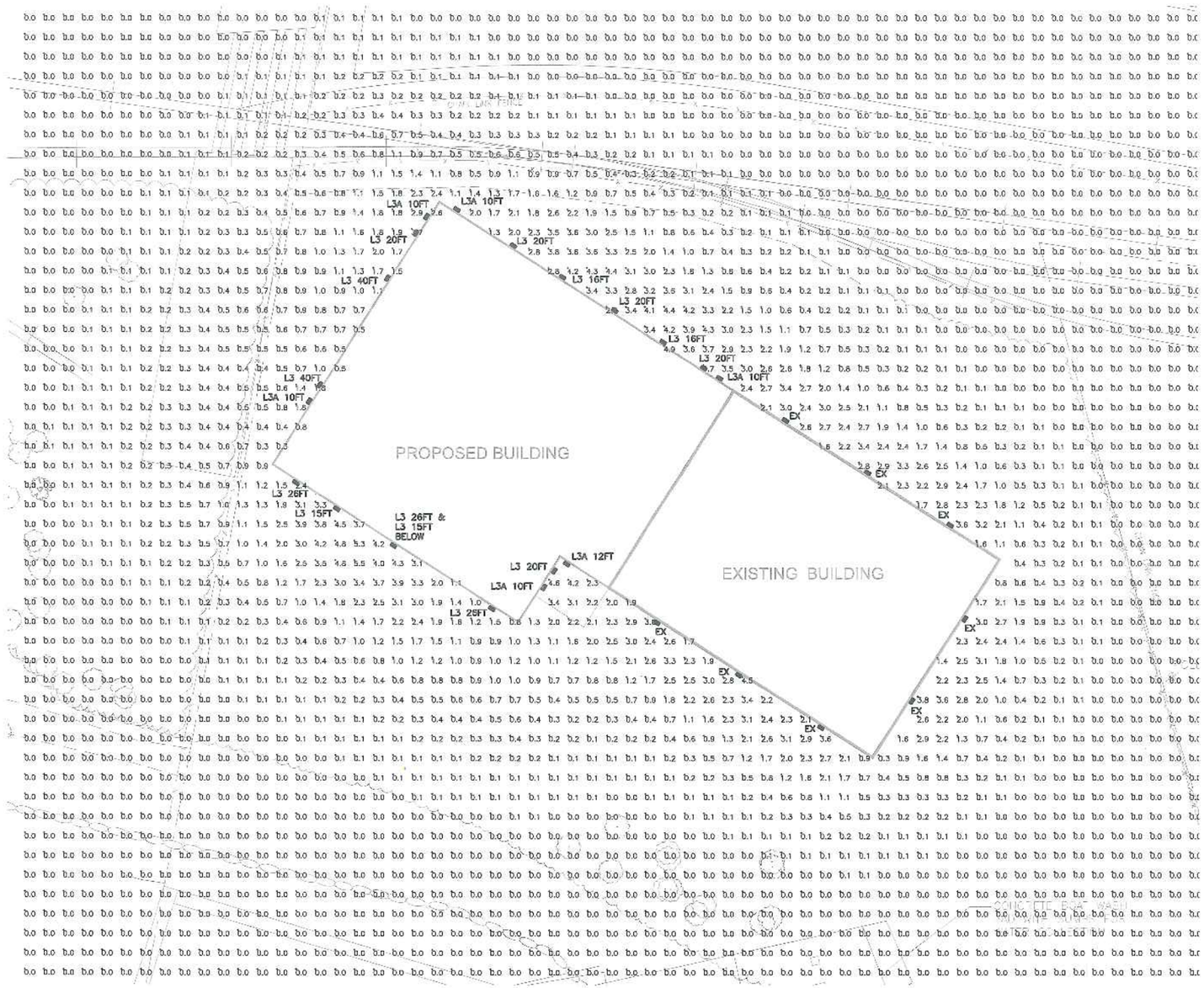
drawing title: ELECTRICAL SITE PLAN & DETAILS

project no. 13-0049

revisions:
3. Issued for Revision to Utility Services 07/27/14

E1.0

sheet number



SCALE: 1" = 30'-0"

PHOTOMETRIC LIGHTING PLAN | 1

NOTES:
1. LIGHTING LEVELS REPRESENT INITIAL FOOTCANDLE LEVELS AT GRADE.
2. THE MOUNTING HEIGHTS FOR LIGHTING FIXTURES USED IN LIGHTING CALCULATIONS ARE AS INDICATED ON PLAN. COORDINATE THE EXACT LOCATION AND MOUNTING HEIGHTS OF LIGHTING FIXTURES WITH OWNER ON SITE.
3. MAXIMUM LIGHTING LEVEL CALCULATED: 5.5 FOOTCANDLES.
4. LIGHTING FIXTURES:
   TYPE L3: HUBBELL MODEL #LMC-30LU-4K-4-4-PC1(120), OR EQUAL
   TYPE L3A: HUBBELL MODEL #LCC-12LU-5K-4-PC1(120), OR EQUAL

STATE OF MAINE
LAWRENCE E. BARTLETT
No. 7928
LICENSED
PROFESSIONAL ENGINEER
Lawrence E. Bartlett
7/28/14

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942 WASHINGTON STREET, BATH, ME 04530
TEL (207) 443-5447 FAX (207) 443-5560

date drawn:	07/28/14
date issued:	07/28/14
drawn by:	LEB
scale:	AS NOTED

project: CANAL LANDING BOAT YARD
PORTLAND, MAINE

drawing title: PHOTOMETRIC LIGHTING PLAN

project no. 13-0049
revisions:

E1.0
sheet number

ATTACHMENT B

DECEMBER 18, 2012 ORIGINAL APPROVED PLAN AND OCTOBER 22, 2013 APPROVED AMENDED SITE PLAN

PHASE 1 TO INCLUDE:

- PREPARE ENTIRE SITE FOR CONSTRUCTION INCLUDING SELECT CLEARING OF EXISTING VEGETATION.
- CONSTRUCTION OF 19,200 SF CLEAR SPAN BUILDING OR ALTERNATIVE METAL FRAMED STRUCTURE.
- CONSTRUCTION OF 22,417 SF OPERATIONS BUILDING.
- CONSTRUCTION OF 720 SF BROKERAGE SERVICE BUILDING.
- PLACEMENT OF FENCE ALONG PORTION OF COMMERCIAL STREET.
- CREATION OF COMBINED ACCESS DRIVE FROM COMMERCIAL STREET WITH GATES BENEFITING MDOT AND CANAL LANDING.
- CONSTRUCTION OF 273,622 SF OF GRAVEL / STONE BOAT STORAGE / TRAVEL AREAS
- CONSTRUCTION OF STORM WATER MANAGEMENT AREAS TO SERVE PHASE 1 DEVELOPMENT.
- CONSTRUCTION OF BOAT RAMPS, FLOATING DOCKS, DRY DOCK AND TRAVEL LIFT BASIN (TRAVEL LIFT SUBJECT TO COORDINATION WITH UNITIL VRAP).
- EXTENSION OF UTILITIES TO SERVICE THE PROPOSED BUILDING
- COORDINATION WITH GAS COMPANY INFRASTRUCTURE DEMOLITION, REMOVAL AND OR RELOCATION
- CONSTRUCTION OF THREE CONCRETE WASHDOWN AREAS.

LAYOUT DATA TABLE

ID	NORTHING	EASTING
1	296054.46	2927576.27
2	296035.77	2927583.37
3	296139.04	2927865.49
4	296057.14	2927993.54
5	295806.23	2927825.34
6	295870.89	2927724.25

LAYOUT DATA TABLE

ID	NORTHING	EASTING
7	295990.03	2928008.23
8	295988.97	2928078.26
9	295420.36	2927129.79
10	295433.53	2927114.71
11	295575.10	2927547.90
12	295579.02	2927508.09

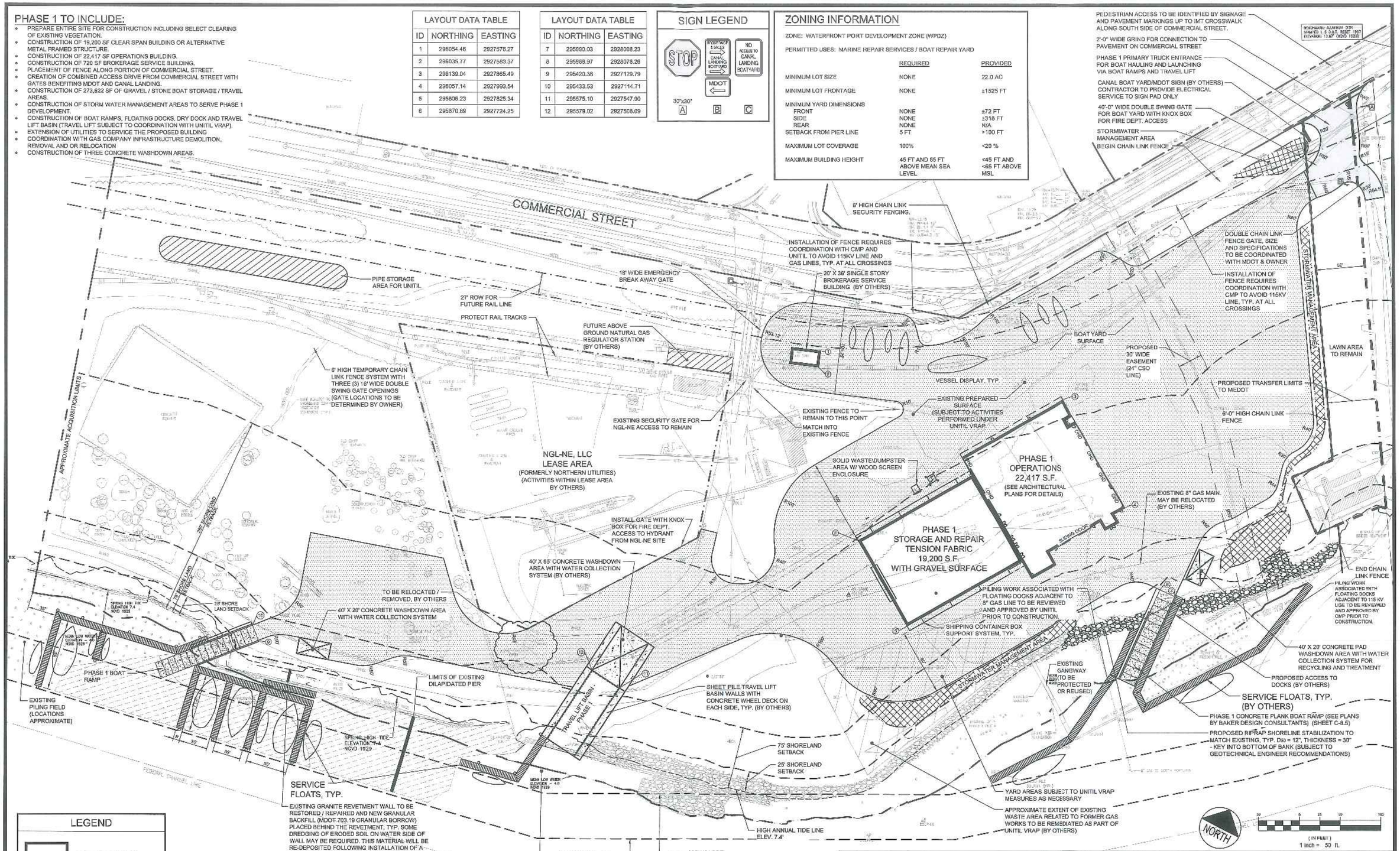
SIGN LEGEND

ZONING INFORMATION

ZONE: WATERFRONT PORT DEVELOPMENT ZONE (WPDZ)

PERMITTED USES: MARINE REPAIR SERVICES / BOAT REPAIR YARD

	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	22.0 AC
MINIMUM LOT FRONTAGE	NONE	±1525 FT
MINIMUM YARD DIMENSIONS		
FRONT	NONE	±72 FT
SIDE	NONE	±318 FT
REAR	NONE	N/A
SETBACK FROM PIER LINE	5 FT	>100 FT
MAXIMUM LOT COVERAGE	100%	<20 %
MAXIMUM BUILDING HEIGHT	45 FT AND 55 FT ABOVE MEAN SEA LEVEL	<45 FT AND <65 FT ABOVE MSL



LEGEND

- PROPOSED BUILDING
- PREPARED PERVIOUS SURFACE FOR VESSEL STORAGE, MAINTENANCE AND TRAVEL
- PROPOSED PAVEMENT

STRUCTURES WITHIN PROJECT TO BE CONSTRUCTED IN ACCORDANCE WITH PORTLAND CITY CODE, SECTION 14-450.8 FLOOD PLAIN MANAGEMENT.

NORTHERN UTILITIES, INC. d/b/a UNITIL, WILL CONTINUE TO MAINTAIN, STORE, OPERATE, REPLACE, AND MODIFY ITS ABOVEGROUND AND BELOW-GROUND NATURAL GAS FACILITIES ON THE SITE, AND MAY CONSOLIDATE, RELOCATE, OR OTHERWISE MODIFY ITS FACILITIES ACCORDING TO ITS NEEDS, IN COLLABORATION WITH NEW YARD INCLUDING PIPE STORAGE. THE CONTRACTOR IS EXPECTED TO COOPERATE WITH UNITIL'S REPRESENTATIVES INCLUDING ENGINEERS, CONTRACTORS AND RELATED PERSONNEL AT NO EXTRA EXPENSE TO NEW YARD LLC.

REV	DATE	DESCRIPTION
7	02.14.13	ADDED NOTE PER CITY CONDITION OF APPROVAL #6
6	02.01.13	RELEASED FOR BIDDING
5	12.27.12	REVISED SERVICE FLOAT LAYOUT
4	12.05.12	REVISED AND RESUBMITTED TO CITY
3	11.30.12	PROGRESS PLAN TO CLIENT FOR REVIEW
2	10.31.12	FINAL SITE PLAN APPLICATION SUBMISSION
1	08.10.12	SUBMITTED TO CLIENT FOR REVIEW

REVISIONS

STATE OF MAINE — STEPHEN R. BUSHEY — LICENSED PROFESSIONAL ENGINEER

P.E. STEPHEN R. BUSHEY
LIC. #7129

PROJECT: CANAL LANDING

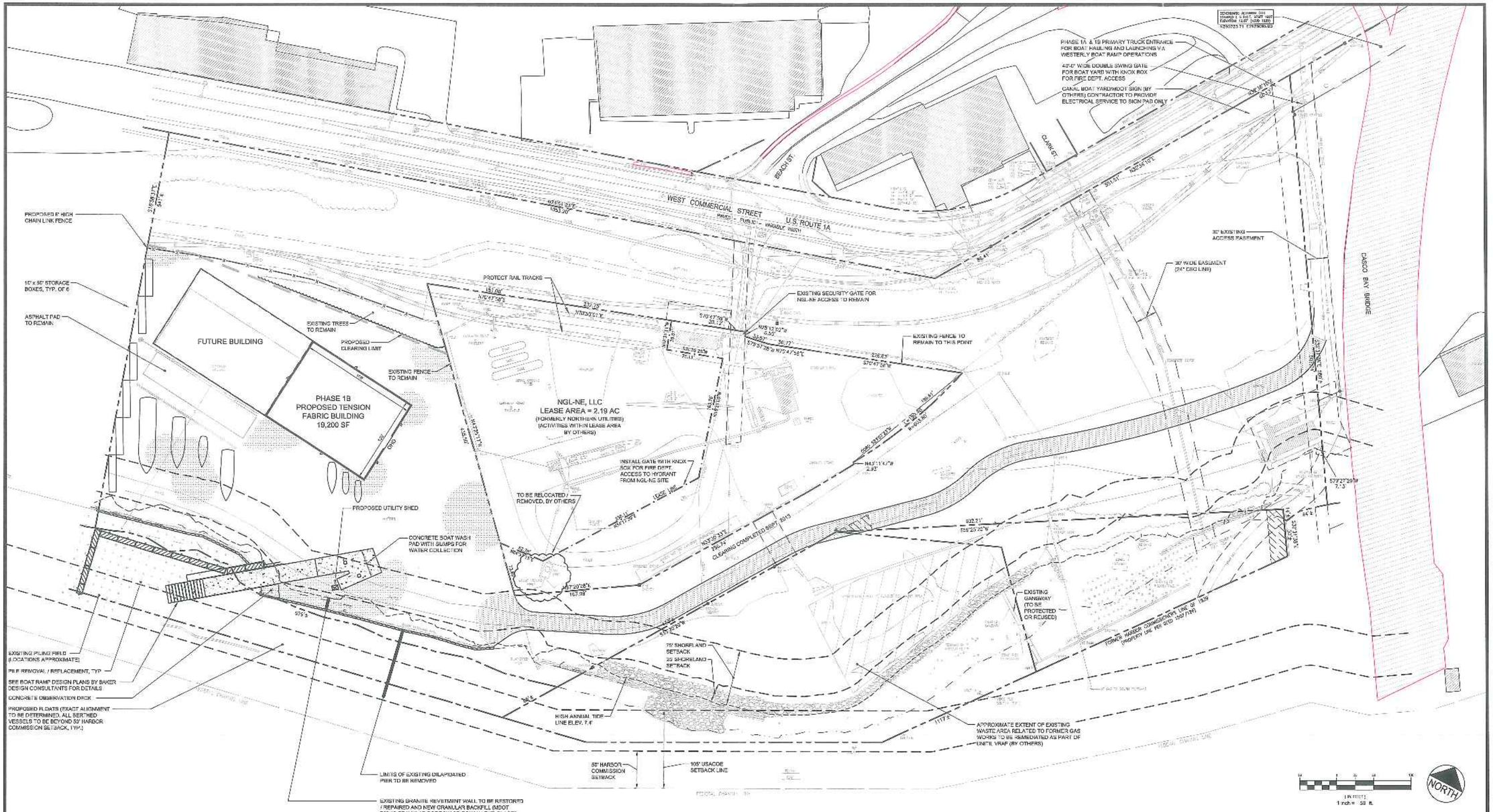
SHEET TITLE: SITE DEVELOPMENT PLAN PHASE 1

CLIENT: NEW YARD LLC, 58 FORE STREET, PORTLAND, ME 04101

DeLUCA-HOFFMAN ASSOCIATES, INC.
7 A MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN:	CMW	DATE:	APR 2012
DESIGNED:	RJW	SCALE:	1" = 50'
CHECKED:	SRB	JOB NO.	3091
FILE NAME:	3091-SITE LAYOUT-ALT		
SHEET	C-2.1		

7:\3091\Cadd\Bid Set\dwg\3091-SITE LAYOUT.dwg, vbhtor, 2/14/2013 4:06 PM



ZONING INFORMATION

ZONE: WATERFRONT PORT DEVELOPMENT ZONE (WPDZ)

PERMITTED USES: MARINE REPAIR SERVICES / BOAT REPAIR YARD

	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	22.0 AC
MINIMUM LOT FRONTAGE	NONE	±1525 FT
MINIMUM YARD DIMENSIONS		
FRONT	NONE	>72 FT
SIDE	NONE	±316 FT
REAR	NONE	N/A
SETBACK FROM PIER LINE	5 FT	>100 FT
MAXIMUM LOT COVERAGE	100%	<20 %
MAXIMUM BUILDING HEIGHT	45 FT AND 65 FT ABOVE MEAN SEA LEVEL	<45 FT AND <65 FT ABOVE MSL

PHASE 1A TO INCLUDE:

- PREPARE SELECTED SITE AREA FOR CONSTRUCTION INCLUDING SELECT CLEARING OF EXISTING VEGETATION.
- GENERAL SITE CLEAN UP.
- PLACEMENT OF FENCE ALONG PORTION OF COMMERCIAL STREET.
- CREATION OF COMBINED ACCESS DRIVE FROM COMMERCIAL STREET WITH GATES BENEFITING MDOT AND CANAL LANDING.
- CONSTRUCTION OF WEST BOAT RAMP, LIMITED FLOATING DOCKS.
- PLACEMENT OF PORTABLE TEMPORARY TRAILER.
- PILE REMOVAL AND REPLACEMENT
- REVETMENT REPAIRS AND GROUND STABILIZATION.

PHASE 1B TO INCLUDE:

- CONSTRUCTION OF 19,200 SF CLEAR SPAN BUILDING OR ALTERNATIVE METAL FRAMED STRUCTURE.
- CONSTRUCTION OF WESTERN BOAT RAMP & FLOATING DOCKS.
- EXTENSION OF UTILITIES TO SERVICE THE PROPOSED BUILDING.
- COORDINATION WITH GAS COMPANY INFRASTRUCTURE DEMOLITION, REMOVAL AND OR RELOCATION
- CONSTRUCTION OF TWO CONCRETE WASHDOWN AREAS.

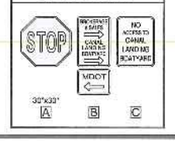
STRUCTURES WITHIN PROJECT TO BE CONSTRUCTED IN ACCORDANCE WITH PORTLAND CITY CODE, SECTION 14-450/3 FLOOD PLAIN MANAGEMENT.

NORTHERN UTILITIES, INC. d/b/a UNITIL, WILL CONTINUE TO MAINTAIN, STORE, OPERATE, REPLACE, AND MODIFY ITS ABOVE GROUND AND BELOW-GROUND NATURAL GAS FACILITIES ON THE SITE, AND MAY CONSOLIDATE, RELOCATE, OR OTHERWISE MODIFY ITS FACILITIES ACCORDING TO ITS NEEDS. IN COLLABORATION WITH NEW YARD INCLUDING PIPE STORAGE. THE CONTRACTOR IS EXPECTED TO COOPERATE WITH UNITILS REPRESENTATIVES INCLUDING ENGINEERS, CONTRACTORS AND RELATED PERSONNEL AT NO EXTRA EXPENSE TO NEW YARD LLC.

LEGEND

- PROPOSED BUILDING (PHASE 1B)
- PREPARED PERVIOUS SURFACE FOR VESSEL STORAGE AND MAINTENANCE (PHASE 1B)

SIGN LEGEND



PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
12	09.20.13	REVISED PHASE 1B BUILDING ALIGNMENT & RESUBMITTED TO CITY
11	09.03.13	REVISED FOR PHASE 1A & 1B
10	08.22.13	ADDED WATER MAIN AND HYDRANT FOR PHASE 1A
9	08.21.13	ADDED CONSTRUCTION TRAILER

REVISIONS

REV	DATE	DESCRIPTION
8	08.16.13	ANNOTATED FOR PHASE 1A - SUBMITTED TO CITY FOR APPROVAL
7	02.14.13	ADDED NOTE PER CITY CONDITION OF APPROVAL 86
6	02.01.13	RELEASED FOR BIDDING
5	12.27.12	REVISED SERVICE FLOAT LAYOUT
4	12.06.12	REVISED AND RESUBMITTED TO CITY
3	11.30.12	PROGRESS PLAN TO CLIENT FOR REVIEW
2	10.31.12	FINAL SITE PLAN APPLICATION SUBMISSION
1	08.10.12	SUBMITTED TO CLIENT FOR REVIEW

REVISIONS

STATE OF MAINE
STEPHEN P. BUSHEY
LICENSED
PROFESSIONAL ENGINEER
7429

P.E. STEPHEN BUSHEY
L.C. # 7429

PROJECT
CANAL LANDING
AMENDED SITE PLAN

SHEET TITLE
AMENDED SITE LAYOUT
PLAN PHASE 1B

CLIENT
NEW YARD LLC
58 FORE STREET
PORTLAND, ME 04101

ENGINEERS
FST
FAY, SPOFFORD & THORNDIKE, INC.
ENGINEERS - PLANNERS - SCIENTISTS
778 MAIN ST, SUITE 6, SOUTH PORTLAND, ME 04106

DRAWN:	CMW	DATE:	AUGUST 2013
DESIGNED:	SRB	SCALE:	1" = 50'
CHECKED:	SRB	JOB NO.	3001.02 / SP-MC408
FILE NAME:	3001.02-S 1B LAYOUT		
SHEET	C-2.1		

ATTACHMENT C

FINANCIAL CAPACITY LETTER – NORWAY SAVINGS BANK

Norway Savings Bank
COLORFUL SOLUTIONS™

July 10, 2012

City of Portland Planning Authority
389 Congress Street
Portland, ME 04101

Re: Portland Marine Complex, Inc. / New Yard LLC

To whom it may concern:

Please be advised that Portland Marine Complex, Inc. and its affiliates including New Yard LLC have maintained a banking relationship with Norway Savings Bank for several years. The relationship includes both deposit accounts and commercial loans both of which have been handled as agreed. We consider the subject companies and its owner Phin Sprague valued clients and hold them in the highest regard.

We understand that New Yard LLC intends to acquire and construct Phase I of a proposed boat yard at 40 West Commercial Street, Portland. We feel that the subject companies and its owner have the financial capacity including borrowings on a commercial basis to complete this project as presented.

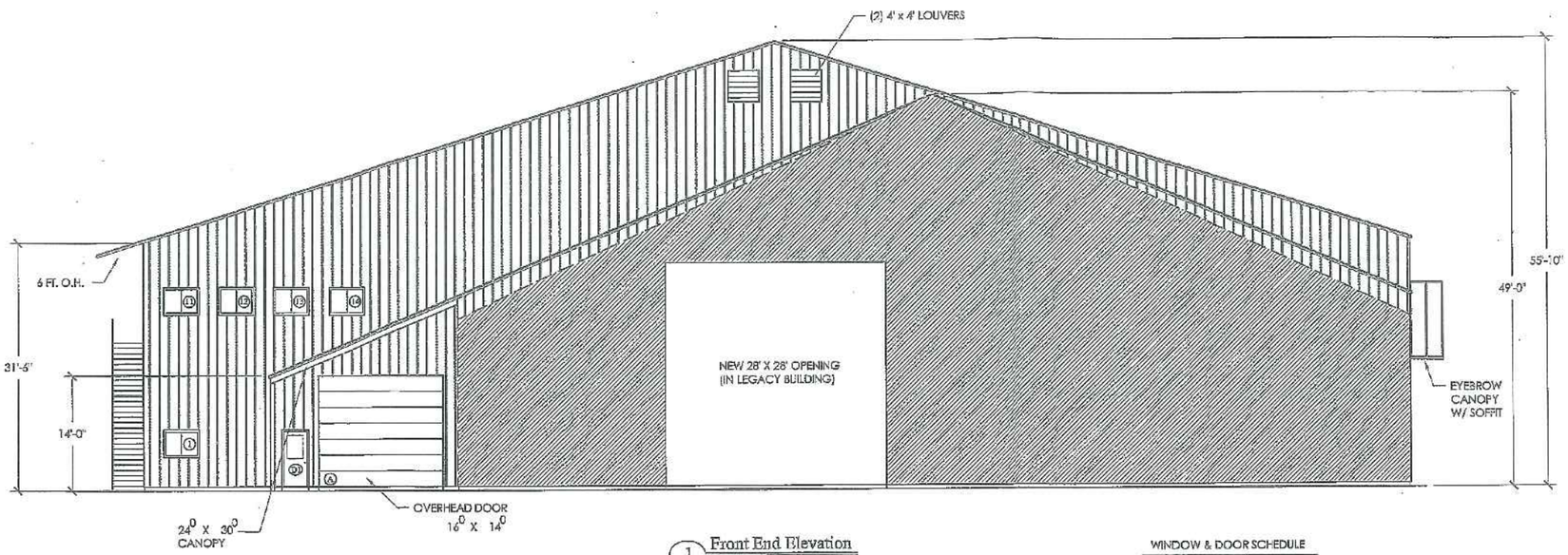
I trust that this reference will satisfy the requirements of the Portland Permitting Authority that the applicant demonstrates its financial capacity to undertake the project. If you have any further questions regarding our client's financial capacity please feel free to call me.

Sincerely,

Noel B. Graydon
Regional Vice President

ATTACHMENT D

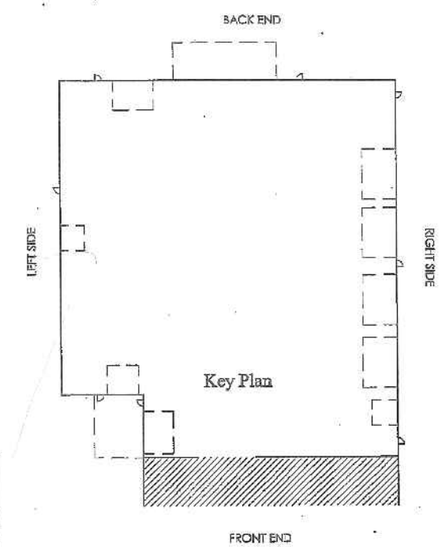
BUILDING ELEVATIONS



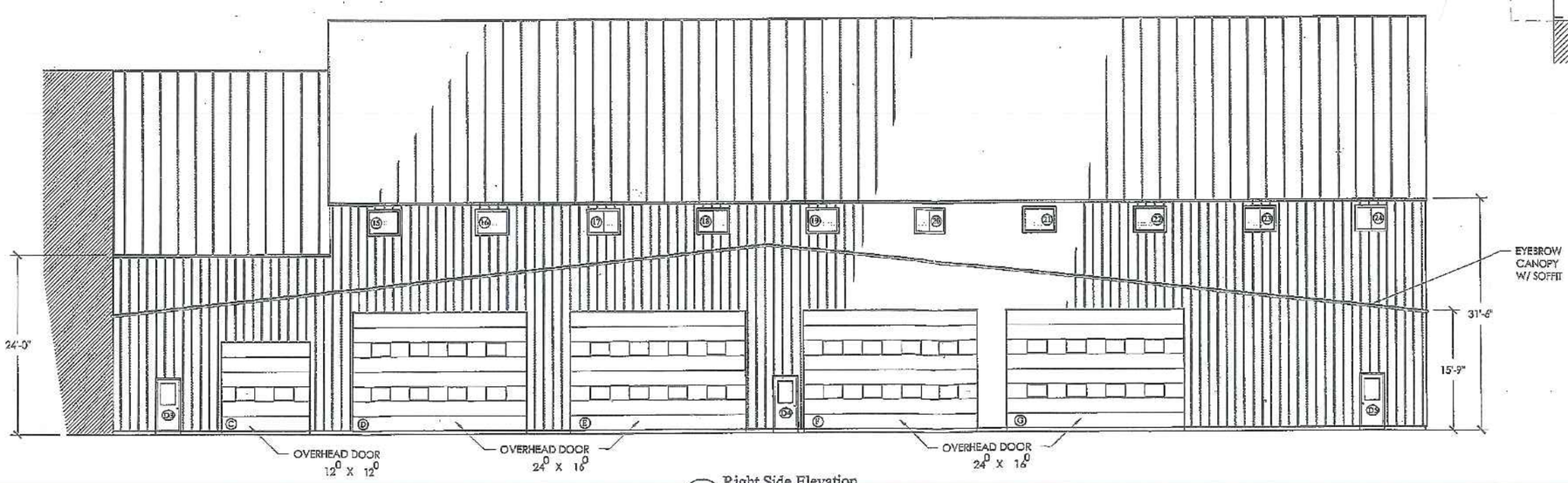
1 Front End Elevation
SCALE: 1/8"=1'-0"

WINDOW & DOOR SCHEDULE

NUMBER	TYPE	SIZE	NOTES
1, 11 thru 14 15 thru 24	WINTEC SERIES 3000 THERMAL	4⁰ X 3⁰	ALL WINDOWS
A	RICHARD WILCOX O.H. DOOR	16⁰ X 14⁰	
C	RICHARD WILCOX O.H. DOOR	12⁰ X 12⁰	WITH LITES
D,E,F,G	RICHARD WILCOX O.H. DOOR	24⁰ X 16⁰	WITH LITES
D1, D3 D4, D5	PDI BUILD. PROD. PASSAGE DOOR	3⁰ X 7⁰	WITH (1) LITE



Key Plan



2 Right Side Elevation
SCALE: 1/8"=1'-0"

IRISHSPAN INDUSTRIES INC.
14 CLAIRE STREET
LEWISTON, MAINE 04240
207.229.2092 FAX: 207.312.5214

DESIGN BUILD
CONCRETE DESIGN
GENERAL CONTRACTING

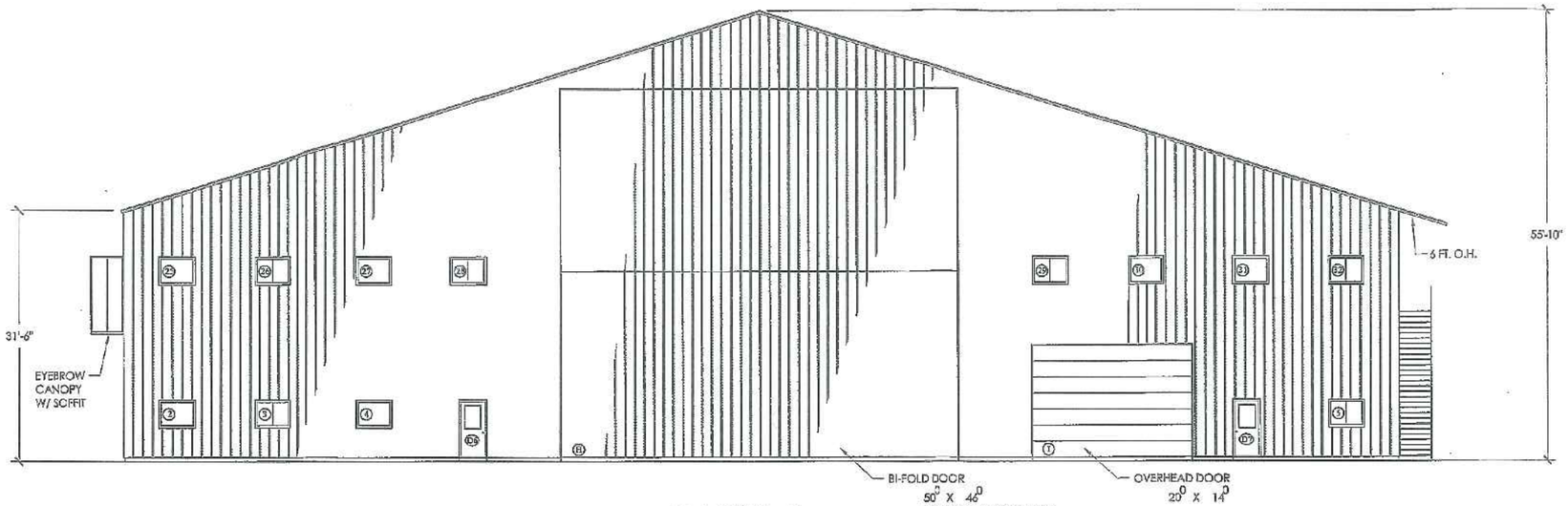
REVISIONS

JOB NUMBER:
DATE: 6-24-14
SCALE: 1/8"=1'-0"
DESIGNED BY:
CHECKED BY:
DRAWN BY: TC

Elevations

CANAL LANDING / NEW YARD LLC
100 WEST COMMERCIAL ST
Portland, Maine

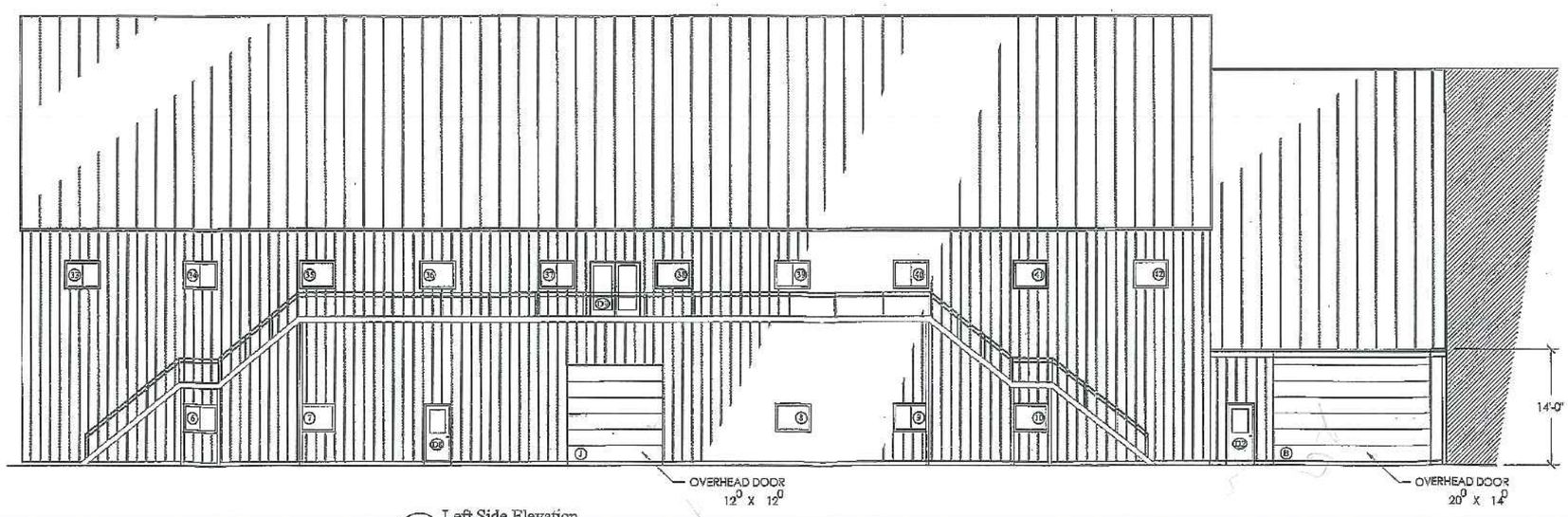
DWG
1.0



1 Back End Elevation
SCALE: 1/8"=1'-0"

WINDOW & DOOR SCHEDULE

NUMBER	TYPE	SIZE	NOTES
2 thru 10 25 thru 42	WINTEC SERIES 3000 THERMAL	4' X 3'	ALL WINDOWS
B	BI-FOLD O.H. DOOR	20' X 14'	
H	BI-FOLD O.H. DOOR	50' X 46'	
I	RICHARD WILCOX O.H. DOOR	20' X 14'	
J	RICHARD WILCOX O.H. DOOR	12' X 12'	
D2, D6 D7, D8	PDL BUILD. PROD. PASSAGE DOOR	3' X 7'	WITH (1) LITE
D9	SLIDING GLASS DOOR	6' X 6'8	



2 Left Side Elevation
SCALE: 1/8"=1'-0"

IRISHSPAN INDUSTRIES INC.
14 CLAIRE STREET
LEWISTON, MAINE 04240
207.288.2092 FAX: 207.312.5214

DESIGN BUILD
CONCRETE DESIGN
GENERAL CONTRACTING

REVISIONS

JOB NUMBER:
DATE: 6-24-14
SCALE: 1/8"=1'-0"
DESIGNED BY:
CHECKED BY:
DRAWN BY: TC

Elevations

CANAL LANDING / NEW YARD LLC
100 WEST COMMERCIAL ST
Portland, Maine

DWG
2.0

ATTACHMENT E

CONFORMITY WITH APPLICABLE STANDARDS

3.1 CONFORMITY WITH APPLICABLE DESIGN STANDARDS

The following statements are made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526.

3.1 OVERVIEW

This project conforms to all the applicable design standards of Section 14-526 as demonstrated in the following narrative.

(a) Transportation Standards

1. Impact on Surrounding Street Systems:

   The development will fit in with the existing street system, as it will use the Beach Street Intersection off Commercial Street. This intersection will be signalized as part of the IMT improvements. Based on the limited intensity of Boatyard use, the project is expected to have an insignificant impact on traffic in the neighborhood, particularly when the traffic signal is installed at the Beach Street intersection by the City within the site. The yard area has been designed to allow adequate maneuvering area for Boatyard activities including vessel placement, trailers, etc. be managed to always maintain sufficient emergency access conditions.

2. Access and Circulation:

   a. Site Access and Circulation.

      (i) The development provides access via Commercial Street. Gate controlled access will be provided within the IMT areas and ample turning movement is provided within the site and at each street entrance. Internal circulation has been reviewed and designed to accommodate the typical use of semitrailers and boat trailers.

      (ii) Access and egress have been designed to avoid conflicts with existing turning movements and traffic flows.

      (iii) The site does not feature drive up services as mentioned in this requirement.

   b. Loading and Servicing.

      (i) The site layout has been configured to accommodate the typical movements of large boat delivery vehicles and access to the boat ramps. Provisions have been made by the MaineDOT for the movement of large vessels on trailers from Gowen Marine to the site. These include hinged mast arms on the Beach Street signals.

   c. Sidewalks.

      (i) The applicant is requesting a waiver to provide a sidewalk along the property frontage. The New Yard site no longer has frontage on Commercial Street.

3. Access and Circulation:

   a. The development contains no residential uses therefore; Public Transit access is not applicable.

   b. A new Transit stop is not proposed.

   c. A new transit stop is not proposed.

   d. Waiver: The applicant requests a waiver of the transit facility requirement.

4. Parking:

   a. Location and Required Number of Vehicle Parking Spaces:

      (i) The applicant is providing parking for their employees within the boat parking area around the site. The applicant is seeking flexibility to move vehicular parking around the site to meet variable vessel parking demand therefore no specific vehicular spaces are identified on the plans.

      (ii) The applicant has not prepared a TDM strategy, as it is not applicable to the intended uses.

      (iii) The applicant proposes the amount of parking which is appropriate for the anticipated uses of this site.

      (iv) Parking spaces and aisles have been designed to meet the dimensional requirements of the Technical Manual.

      (v) Vehicle and vessel parking areas have been designed to withstand site conditions.

   b. Location and Required Number of Bicycle Parking Spaces:

      (i) The applicant is requesting a waiver of the bicycle parking requirements based on the site use. This waiver was previously granted by the Planning Board.

   c. Motorcycles and Scooter Parking:

      (i) The applicant is requesting a waiver of the motorcycle/scooter parking requirements based on the site use. This waiver was previously granted by the Planning Board.

   d. Snow Storage:

      (i) Snow storage management will employ two strategies;

         1. On-site snow storage around the perimeter of the site.

         2. Snow removal and offsite storage. Generally speaking, the nature of the proposed site use precludes the need for significant snow removal.

5. Transportation Demand Management (TDM):

    a. A TDM plan is not required for the project.

(b) Environmental Quality Standards

1. Preservation of Significant Natural Features:

    a. The existing site retains no prominent significant natural features therefore, no issue related to the preservation of these features applies.

    b. The applicant is not requesting a waiver from this standard.

2. Landscaping and Landscaping Preservation:

    a. Landscape Preservation.

        (i) The site's remaining tree population is limited therefore, there will be no substantial preservation of trees or landscape on the site. The applicant intends to plant new trees to offset the loss of some trees which need to be cleared to allow for boatyard operations and to buffer the property from IMT operations.

        (ii) Not applicable

        (iii) Not applicable

        (iv) The applicant will request a waiver from this standard.

    b. Site Landscaping.

        (i) Landscaped Buffers:

            (a) There are no service or loading areas observable from nearby sidewalks or residential properties.

            (b) The development is not subject to zoning setbacks or buffering requirements.

            (c) Not applicable.

        (ii) Parking Lot Landscaping:

            a) thru d) The applicant will be requesting a waiver of the parking lot landscaping standards based on site use.

3. Water Quality, Stormwater Management and Erosion Control:

    a. Stormwater:

        (i) The site's runoff conditions are primarily self contained and runoff sheets to the Fore River; therefore, issues related to offsite or downstream flooding are not applicable.

(ii) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.

(iii) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.

(iv) All stormwater runoff is proposed to discharge to the Fore River. The project will not adversely impact adjacent lots or the City street system.

b. The Stormwater Management Plan will meet the requirements and goals stated in Section 5 of the Technical Manual.

c. The project is not located in a watershed of an urban impaired stream as listed by the MeDEP.

d. N/A

e. The project is serviced by both a public wastewater system and public water supply systems. The project will not pose a risk of groundwater contamination.

f. The project will be connected to the public sanitary sewer system which is adequately sized for the project flows.

(c) Public Infrastructure and Community Safety Standards.

1. Consistency with City Master Plans:

   a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure.

   b. The applicant will coordinate with utility representatives for the continuation of easements related to utility infrastructure crossing the site.

2. Public Safety and Fire Prevention:

   a. The site has been designed to promote safe and inviting customer access. Controlled access into the interior yard area has been designed into the site plan through the use of emergency ready gates.

   b. Emergency access to the site will be via the signalized Beach Street Intersection.

   c. Fire hydrants are located within the adjacent street system. Additional fire hydrants are proposed within the site. Each building will contain a sprinkler system.

3. Availability and Adequate Capacity of Public Utilities:

   a. The applicant will secure letters from all applicable utilities stating their ability to serve this project. The project will require new utility service infrastructure to serve the new buildings.

   b. All on site electrical lines will be underground.

c. All new utility infrastructures will meet the provisions of the Technical Manual.

d. The project will require a new service connection to the sewer system that crosses the site.

e. The sanitary sewer collection system will be designed to meet all applicable sections of the Technical Manual.

f. Not applicable.

(d) Site Design Standards.

1. Massing, Ventilation and Wind Impact:

   a. The bulk, location and height of the proposed building will have been designed to not result in adverse impacts to abutting properties. The elevations depicting building massing are enclosed in the site plan package.

   b. HVAC venting is proposed to be directed to the building roof and directed away from public spaces.

2. Shadows:

   a. The development is located in the WPDZ Zone and this standard is not applicable.

3. Snow and Ice Loading:

   a. The proposed buildings will be designed and located such that accumulated snow and ice will not fall onto adjacent properties or public ways.

4. View Corridors:

   a. The project site is located outside the Downtown Vision View Corridor Protection Plan.

5. Historic Resources:

   a. The development is not located in a historic district, historic landscape district or City designated landmark.

   b. The development is not located adjacent to or within 100 ft. of a designated landmark, historic district, or historic landscape district.

   c. There are no known archaeological resources on the site except for the location of the former Cumberland and Oxford Canal. There are no known aspects of the Canal visible at the site. The applicant will seek guidance from Planning Staff as to any additional investigation that may be warranted for this element of the site.

6. Exterior Lighting:

   a. Site Lighting.

(i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual.

7. Noise and Vibration:

   The project noise levels will be designed to meet the permitted levels as outlined in the WPDZ Zone. All HVAC and mechanical equipment is proposed to be mounted on the roof, or otherwise ground mounted and concealed from nearby properties.

8. Signage and Wayfinding:

   a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

      (i) The project is not located in a historic district or subject to Article IX.

      (ii) Proposed commercial signage is still being designed and subject to a condition of approval.

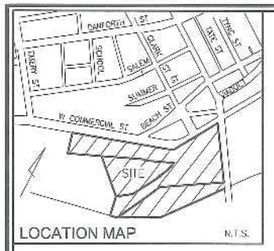
      (iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

9. Zoning Related Design Standards:

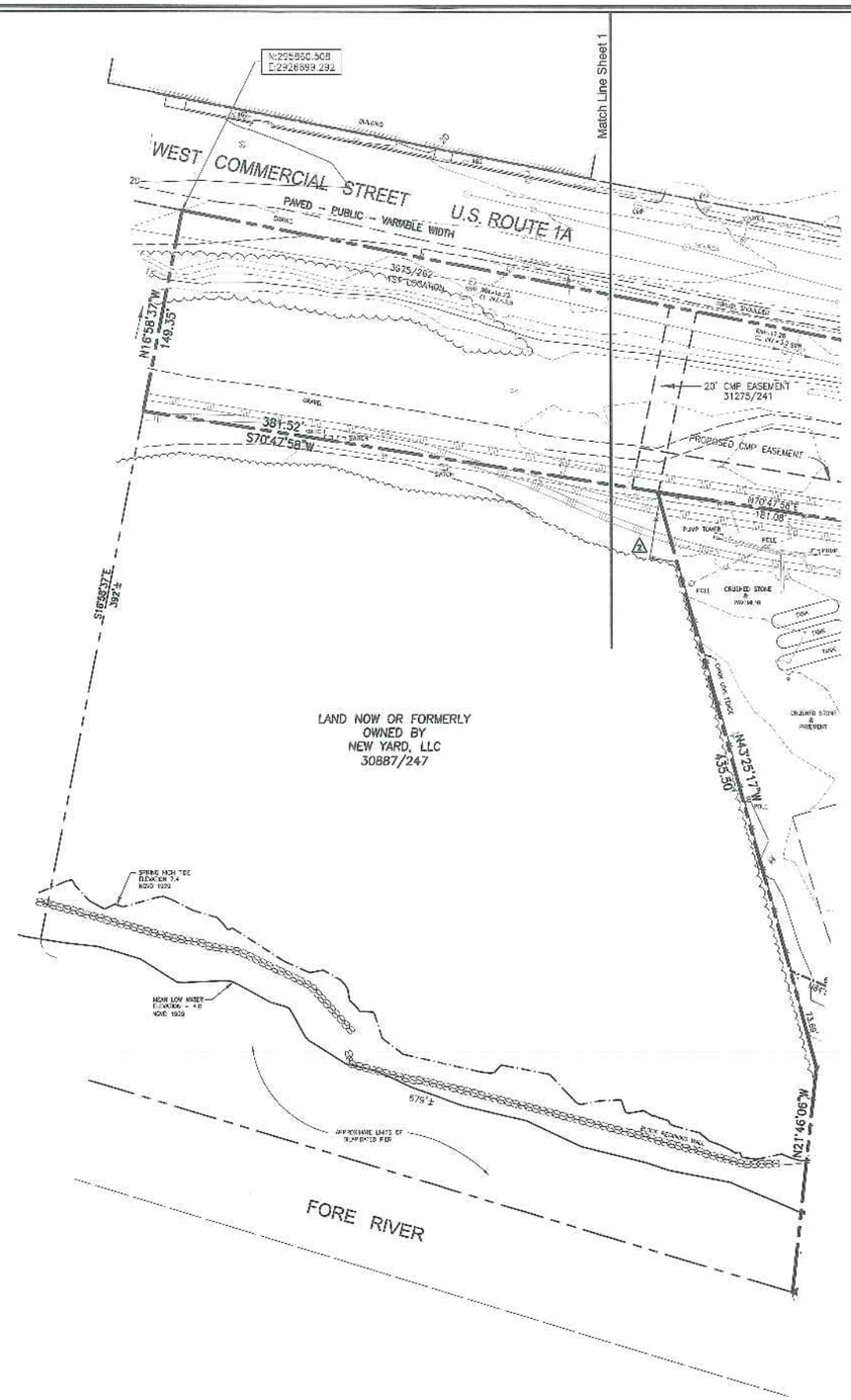
   a. The project is within the WPDZ and zoning related design standards are not applicable.

ATTACHMENT F

SURVEY PLAN



LOCATION MAP N.T.S.



UTILITY COMPANIES

SANITARY SEWER/STORM DRAIN:
CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
55 PORTLAND STREET
PORTLAND, MAINE 04101

GAS:
UNITIL
1075 FOREST AVENUE
PORTLAND, MAINE 04103
TEL. 207-797-8002
TEL. 1-855-933-3821

WATER:
PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PORTLAND, MAINE 04102
TEL. 207-761-8310

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 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-DIGSAFE 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
- MONITORING WELL
- FENCE
- CURB
- OHG — OVERHEAD WIRES
- UGE — UNDERGROUND ELECTRIC
- T — TELEPHONE
- W — WATER LINE
- G — GAS LINE
- SS — SANITARY SEWER
- SD — STORM DRAIN
- 10 — 1' CONTOUR

SCALE : 1" = 50'

0' 25' 50' 100'

RECORD OWNER

TAX MAP 59, BLOCK A, LOTS 1, 2, 5, 7, 8, 9 & 10
STATE OF MAINE DEPARTMENT OF TRANSPORTATION
C.C.R.D. BOOK 31470 PAGE 191

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.

RANDY R. LOUBIER
PROFESSIONAL LAND SURVEYOR NO. 2407
IN THE STATE OF MAINE

DATE OF PLAN: APRIL 4, 2014
REVISION DATE: JUNE 26, 2014

BOUNDARY & TOPOGRAPHIC SURVEY

WEST COMMERCIAL STREET
PORTLAND, CUMBERLAND COUNTY, MAINE
MADE FOR
HNTB & THE MAINE DEPARTMENT OF TRANSPORTATION

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424
PROFESSIONAL LAND SURVEYORS

Drwn By	RRL	Date	Job No.
Trace By	RRL	APRIL 4, 2014	2013-154P
Check By	JLW	Scale	Drwg. No.
Book No.	FILE	1" = 50'	2 OF 3

FIRE RISK MANAGEMENT, INC.
1 Front St., Bath, ME 04530
207/442-7200 [207/221-1295 (fax)]
www.fireriskmgt.com

Date: 16 July, 2014

Memo Report

From: W. Mark Cummings, P.E.

To: Mr. Steve Bushey, P.E.; Fay, Spofford & Thorndike, Inc. (FST)

Subject: **Fire / Life Safety Code Review, ICW Building "B" at Canal Landing Boatyard**

As requested, Fire Risk Management, Inc. (FRM) has reviewed the building information you provided with regards to the 2nd phase addition of the boat storage and repair building that is to be constructed at the Canal Landing Boatyard in Portland, ME. It is understood that this new building is to be directly connected to the west end of the steel and tensioned fabric building that currently exists at the site; effectively more than doubling the building space. Since there is to be no specific fire separation between the existing and new buildings, they will effectively be treated as a single building by the codes.

The focus for this review is to evaluate the necessary fire protection and life safety features that will be needed for both the new building itself and the overall site to ensure that all State-adopted and Municipal codes, regulations, and ordinances are adequately addressed within the proposed building design and site layout. This review is primarily based on the architectural Elevation drawings, Dwg's 1.0 & 2.0, dated 06/24/14, and the site's Amended Fire Protection Plan, Dwg C11.1, dated June 2014, that were provided by FST to support this assessment. Additional structural drawings were reviewed to assess the likely internal configuration for the building.

The primary codes and regulations used as reference for this review included;

1. The City of Portland Code of Ordinances; primarily Chapter 10, *Fire Prevention and Protection,*
2. City of Portland Fire Department Rules and Regulations, and
3. The Maine Uniform Building and Energy Code (MUBEC); inclusive of the 2009 International Building Code (IBC) and amendments.
4. The National Fire Protection Association's (NFPA's) Codes and Standards, including;
   a. NFPA 1 – Fire Code®,
   b. NFPA 10 – Standard for Portable Fire Extinguishers
   c. NFPA 13 – Standard for the Installation of Sprinkler Systems
   d. NFPA 24 – Standard for the Installation of Private Fire Service Mains and Their Appurtenances
   e. NFPA 72 – National Fire Alarm and Signaling Code®
   f. NFPA 101 – Life Safety Code®, and
   g. NFPA 303 – Fire Protection Standard for Marinas and Boatyards

The addition of the new structure (building) that is being connected to the existing maintenance building will result in the need to extend the fire access lanes to ensure that all aspects of NFPA 1, Chapter 18 and Annex E, continue to be met. The Amended Fire Protection Plan indicates that a fire access lane will be provided around the north side of the building complex, along with the addition of a new fire hydrant that will be located on the north side of the access road, at a point near the northeast corner of the new building. The location of the hydrant should be such that it is at least 40 ft away from the building to ensure compliance with NFPA 24 requirements. The site plan indicates that the access lanes are to provide at least 30 ft of clear width; well above the 20 ft minimum required by NFPA 1. The location of the fire access lanes are such that all portions of the building will easily be within the 450-foot maximum distance that is allowed by NFPA 1 for buildings with installed sprinkler systems. Additionally, the site plan is such that there will be sufficient space provided to allow for fire department vehicles to turn

around on the north side of the building complex, since this portion of the access lanes does constitute a "dead-end" that is more than 150 ft in length.

Based on the size and construction of the building complex, along with the fact that the building(s) will be fully protected with installed fire sprinkler systems, the required fire flow rate that must be provided by the fire water supply system is approximately 1350 gpm. Based on hydrant flow test data of the existing hydrants near this site, it is not anticipated that there will be any problems with the water supply system being able to meet the fire flow demands for this building.

Where the information provided for the new building is incomplete with regards to the specific internal design parameters, including installed electrical and mechanical systems, the code requirements that must be met will be highlighted within the following paragraphs of this report. The following represents a listing of the various fire and life safety code requirements that are applicable to this new building. For the majority of the code requirements listed below, only the requirements for the new building are addressed, since the existing building has previously been reviewed for code compliance. However, when addressing the overall building type and classification, along with the associated height and area limitations, the requirements for the entire facility (Building B plus the existing Maintenance Building) are evaluated based on the premise that this is a single building.

Building Information

Building Classification: Based on the use of this structure, it would be generally classified as an "Industrial" occupancy per NFPA 101 (§ 6.1.12) or a F-1, Factory Industrial per the IBC (306.2).

Height & Area: Based on the architectural elevation and site plan drawings provided, the new (combined) building is shown as having a maximum height of 58'-10" (2 Story) and having 46,800 ft^2 of floor area (footprint) for the combined buildings.

Construction type: The combined building will continue to generally be considered as a Non-combustible, unprotected structure; NFPA 101 Type II (0,0,0) or IBC Type IIB. The maximum permitted height for this structure is 3 stories and/or 75 ft and the maximum permitted area is approximately 65,000 ft^2 per floor as outlined in IBC Table 503 and Sections 504.2, 506.1 and 506.3, which provide for an increase in the allowable building area and height due to the installation of a fire sprinkler system and having fire department access on at least three (3) sides of the building. The height and area limitations of the IBC will not be exceeded by this newly combined building. No minimum construction type is required per NFPA 101 § 40.1.6.

Interior Finish: Minimum Class C permitted. The interior wall and ceiling finish is permitted to be Class A, B, or C in operating areas, with no requirements for the floor finish (NFPA 101 § 40.3.3.2 and IBC Table 803.9). Although the drawings provided for the new structure do not show any exit enclosures, future plans for this building do include the installation of 2nd floor levels. It will be necessary that exit enclosures be provided for the means of egress from the 2nd floor. The ceiling and wall finish within an exit enclosure must be a minimum of Class B. The floor finish in such enclosures must be a minimum of Class II.

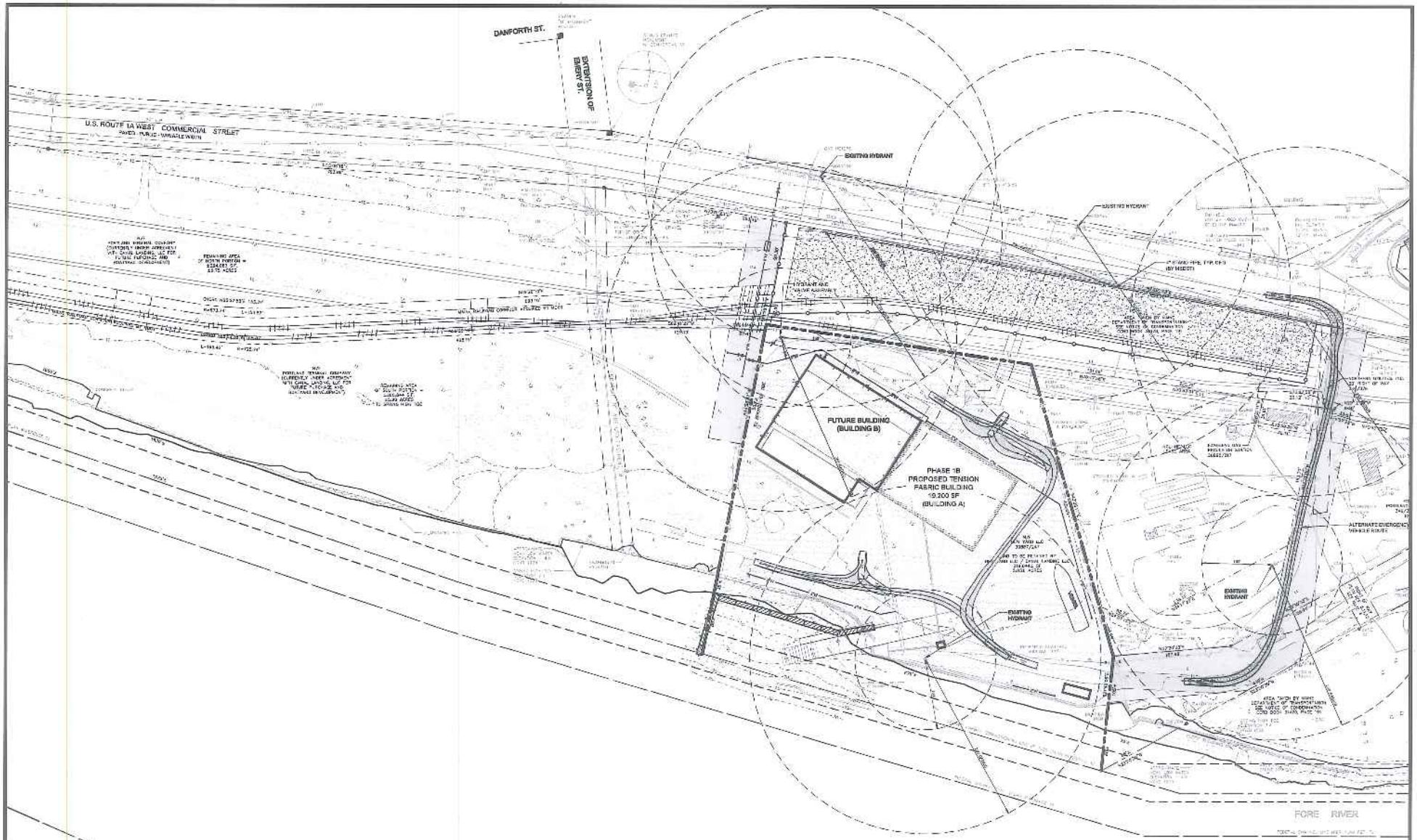
Extinguishment: No requirement exists in NFPA 101 to provide portable fire extinguishers in this building; NFPA 101 § 40.3.5. However, both the IBC (906.1) and NFPA 303 do include requirements to provide portable extinguishers as required by NFPA 10. This building would be classified as an "Ordinary" hazard occupancy and it is anticipated that Class B hazards (flammable / combustible liquids) will exist throughout this (new) building. As such, portable extinguishers should be located throughout the structure such that the maximum travel distance to an extinguisher does not exceed 50 feet.

Means of Egress

Occupant Load:	A maximum occupant load of 276 people is calculated for the main floor of the (new) building, based on an occupant load factor of 100 ft^2 per occupant; NFPA 101, Table 7.3.1.2 and the IBC, Table 1004.1. This calculation is based on the "gross" area of the main floor of the building and does not account for the fact that this building is likely to have numerous boats located inside that would result in a "net" floor area that is much less. However, for the calculation of the means of egress the use of the gross floor area represents a conservative approach. If/when the 2nd floor level is installed, whether used for additional shop or office space, these areas are also likely to use the same occupant load factor of 100 ft^2/person. Based on the drawings provided, it is estimated that the occupant load for the 2nd floor level, including both the north and south sides, would be approximately 165 persons.
Number of Exits:	It is required that two (2) exits be provided for all floors and/or portions thereof. The building plans include eight (8) exits from the ground floor level. The drawings available for this review did not provide any details regarding the proposed layout for the 2nd floor areas. The drawings do indicate a set of double doors in the south exterior wall that provide access to an exterior balcony at the 2nd floor level, but no others. The 2nd floor levels on both the south and north sides of the building will each need to have access to at least two (2) separate means of egress, whether leading directly to the exterior of the building at the 2nd floor level or via exit enclosures to a ground floor exit.
Egress Capacity:	At least one door is provided on each side of the new building. Based on the eight (8) personnel doors that are shown as being provided from the main floor level, the available exits can accommodate more than 1300 people; well above the calculated occupant load for the new building. This estimate is based on an assumption that each door is a "standard" 36-inch door with approximately 34 inches of clear width and using an egress factor of 0.2 inches per occupant as outlined in NFPA 101, Table 7.3.3.1. Although a set of double doors is shown on the south exterior wall at the 2nd floor level, which is more than adequate to accommodate the calculated occupant load for this side of the 2nd level, at least one additional means of egress will be required from this portion of the building, along with at least two means of egress for the north side of the 2nd floor.
Distance Limitations:	The maximum "common path of travel" allowed for this facility is 100 ft. Based on the location of the exit doors, there would be no areas of the main floor that would exceed this limitation; NFPA 101, Table 40.2.5. This restriction will also apply to the 2nd floor areas as well and must be considered when designing those areas. The maximum allowed exit access travel distance is 250 ft. Based on the size and proposed configuration of the building, it is not anticipated that any exit access travel distance within the new building will exceed this restriction; NFPA 101 Table 40.2.6 and IBC Table 1016.1. Distance limitations were determined using those allowed when a supervised, automatic sprinkler system is provided throughout the building.
Egress Marking:	Illumination throughout the building will need to be provided in accordance with NFPA 101 § 7.8 and IBC 1101.2. Emergency lighting should be provided in accordance with NFPA 101 § 7.9 and IBC 1006. Egress signs shall be provided in accordance with NFPA 101 § 7.10 and IBC 1011.1.

Fire Protection Systems

Fire Sprinkler System:	Based on the requirements outlined in NFPA 101 (§ 40.3.2 and 40.3.5) this building would not require an automatic sprinkler system. However, based on the requirements of NFPA 303 (§ 6.3.2) and the IBC (903.2.4), the (new)



NORTH

REV	DATE	DESCRIPTION
1	07/02/14	AMENDED SITE PLAN TO CITY OF PORTLAND

REVISIONS

P.E. STEPHEN BURBEY
LIC. # 7421

PROJECT: CANAL LANDING AMENDED SITE PLAN

SUBJECT: AMENDED FIRE PROTECTION PLAN

OWNER: NEW YARD LLC
58 FORE STREET
PORTLAND, ME 04101

FST
FAY, SPOFFORD & THORNDIKE
ENGINEERS • PLANNERS • SCIENTISTS
778 MAIN ST, SUITE 8 PORTLAND, ME 04103

DRAWN	DRW	DATE	JUNE 2014
DESIGNED	SRB	SCALE	1"=40'
CHECKED	SRB	JOB NO.	[illegible]
FILE NAME	58FT-FIRE PROTECTION		

SHEET C-11.1

August 5, 2014

Mr. Rick Knowland
Senior Planner
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

Subject: Canal Landing New Yard – Phase 1
100 West Commercial Street
Applicants: New Yard, LLC/Canal Landing LLC
Amended Site Plan Application- Response Letter #2

Dear Rick:

On behalf of New Yard, LLC (New Yard), we are responding to your e-mail transmission dated July 30, 2014 that contained staff review comments related to the Amended Site Plan application. The responses and supplemental information are provided to assist while you continue your ongoing review:

Comment 1:

Remove the two "future driveways" notation on the site plan. Concern has been expressed this could be misconstrued as approval at a later date.

Response:

The reference to the two "future driveways" has been removed from the accompanying site plan contained in Attachment A.

Comment 2:

Financial capacity letter needs to be updated for this project. The submitted letter is two years old.

Response:

The applicant is currently awaiting an updated letter from their financial institution. The letter will be e-mailed to you upon receipt.

Comment 3:

Show approved float plan layout and how much of it has been completed to date.

778 Main Street, Suite 8
South Portland, ME 04106
T: 207.775.1121
F: 207.879.0896
www.fstinc.com

FAY, SPOFFORD & THORNDIKE
Offices in: Massachusetts, New Hampshire, Maine, Connecticut and New York

Response:

The accompanying plan indicates the proposed float layout. As of this date, Floats B, E, F, G, and H have been installed.

Comment 4:

Tom Errico is satisfied with traffic data previously submitted. No need to submit additional traffic analysis

Response:

No further action necessary.

We appreciate the Planning Authority's consideration on these matters and look forward to presenting to the Board at their August 12, 2014 Public Hearing. We note that a Public Information meeting for the Amended Site Plan submission was held on August 4, 2014 at the Room with a View at Portland Yacht Services, 58 Fore Street. The attendance list and brief meeting minutes are attached.

If you have any questions or require any additional information, please contact our office.

Sincerely,

FAY, SPOFFORD & THORNDIKE, LLC

Stephen Bushey, P.E., C.P.E.S.C.
Senior Engineer

SRB/cmd

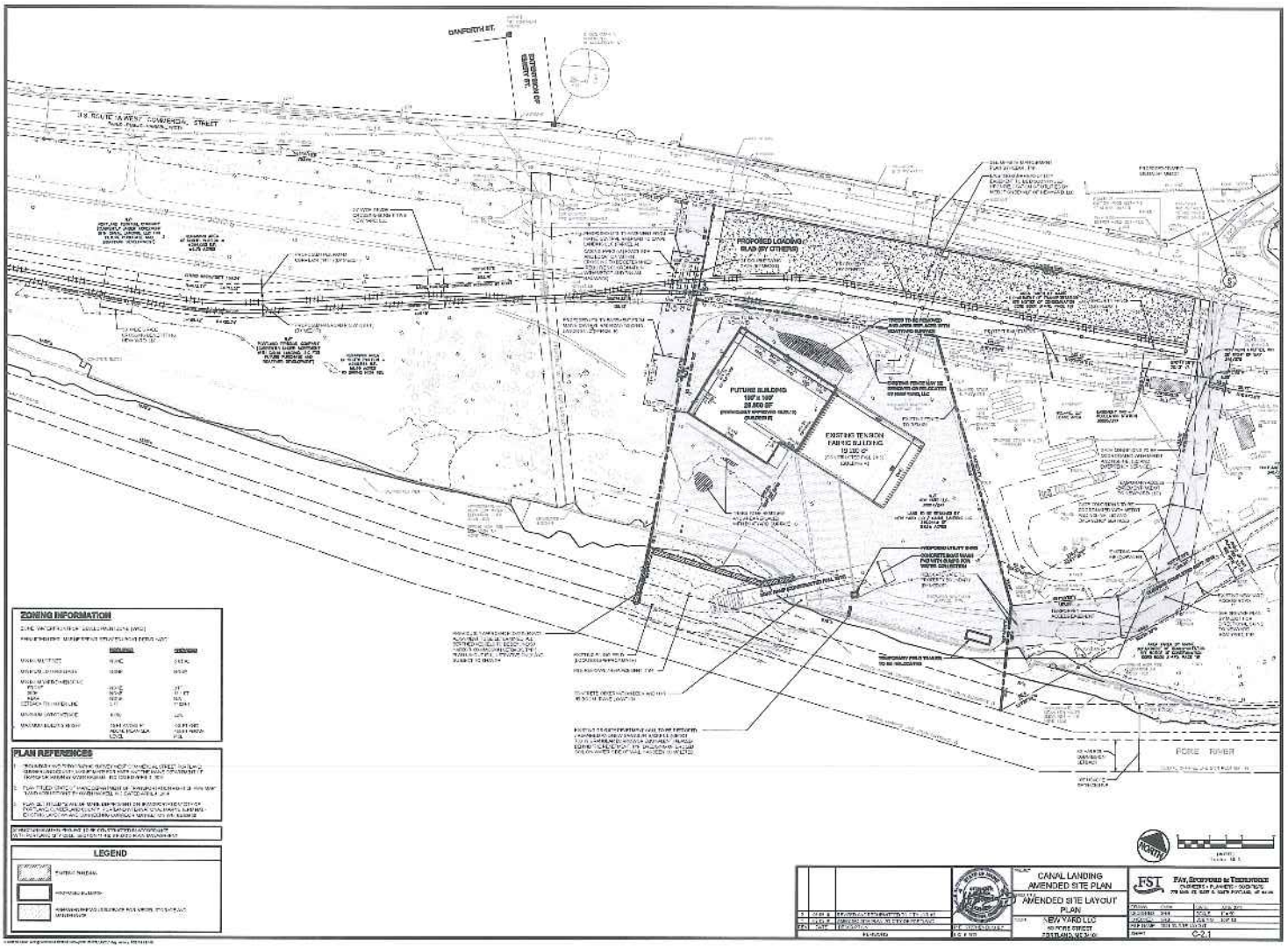
Enclosures:	Attachment A –	Revised Site plan
	Attachment B –	Float Layout
	Attachment C -	Public Information meeting minutes and attendance list

c: Phin Sprague, New Yard LLC
Bob Flight, New Yard LLC
Peter Plumb, Murray, Plumb and Murray

R:\3091.03 Canal Landing\Admin\Permitting\Com Res - Site Plan\3091.03 2014.08.05-Knowland (Com-Res #2).doc

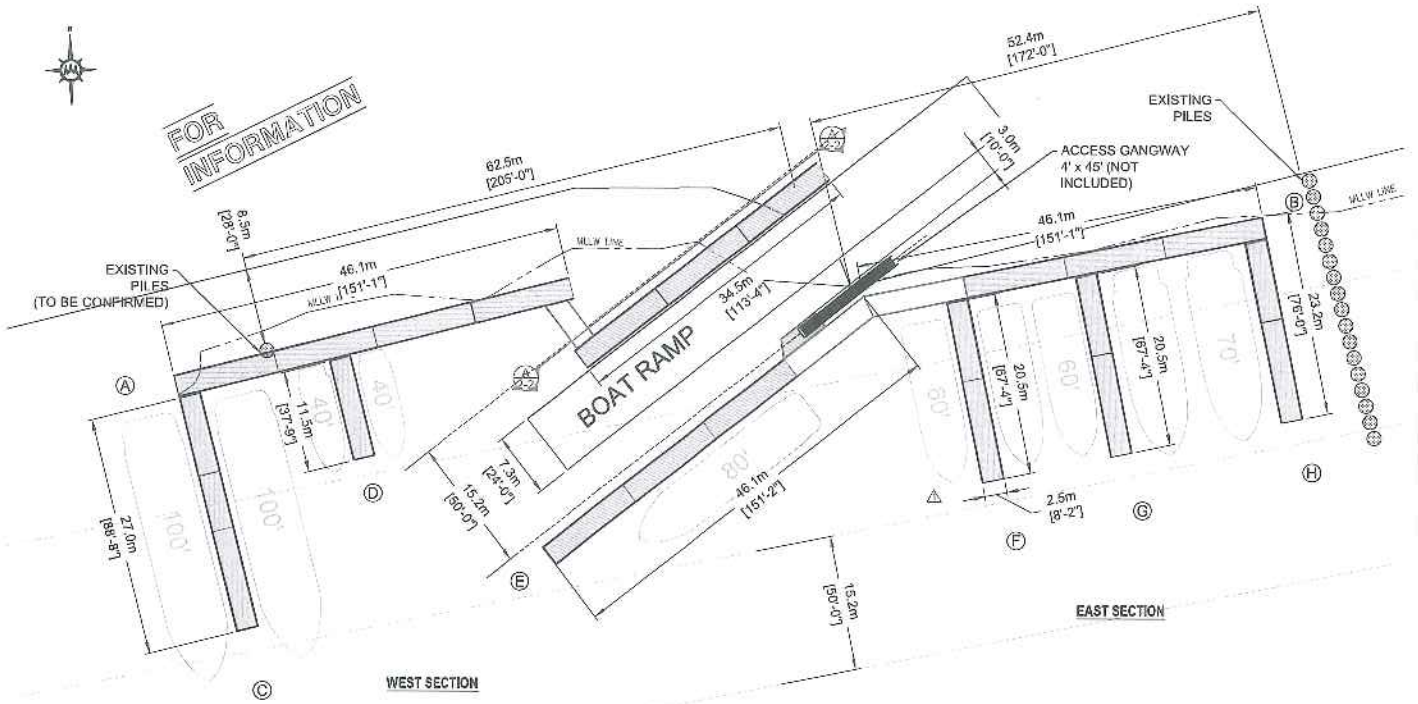
ATTACHMENT A

REVISED SITE PLAN


DANFORTH ST.
U.S. ROUTE 1A (WEST) COMMERCIAL STREET
PROPOSED LOCKBOX BLDG (BY OTHERS)
FUTURE BUILDING
EXISTING TENSION FABRIC BUILDING
FORE RIVER
ZONING INFORMATION
PLAN REFERENCES
LEGEND
CANAL LANDING
AMENDED SITE PLAN
AMENDED SITE LAYOUT PLAN
NEW YARD LLC
FST
C-2.1

ATTACHMENT B

FLOAT LAYOUT



GENERAL LAYOUT
PLAN VIEW 1:500

NOTE: WATER LEVEL TAKEN FROM DRAWING FST-11-46 NEW YARD LLC CIVIL.DWG

Structurmarine

3	03-04-2014	SECTION VIEW ADDED	T.L.
2	20-03-2014	FINGER LENGTH	T.L.
1	11-03-2014	EST SECTION PARALLEL TO CHNL LINE	T.L.

REVISION # | DATE | DESCRIPTION | DRAWN BY | APPROVED

PROPRIETARY INFORMATION

Copyright Structurmarine®. This drawing is the property of Structurmarine® and must not be reproduced or copied in any way without the written consent of Structurmarine®.

PROJECT: NEWYARD FLOATING DOCKS, PORTLAND, MAINE

7205

TITLE: GENERAL LAYOUT

SCALE: N.T.S

DRAWN BY: T.L.

DATE: 03-04-2014

DRAWING NO: 7205-GL-02

SHEET 1 / 2

ATTACHMENT C

PUBLIC INFORMATION MEETING MINUTES AND ATTENDANCE LIST

NEIGHBORHOOD MEETING CERTIFICATION

I, Steven Bushey, P.E., hereby certify that a neighborhood meeting was held on August 4, 2014 at the Room with a View at 58 Fore Street in Portland, Maine at 6:00 p.m.

I also certify that on July 24, 2014, invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development or within 1,000 feet of a proposed industrial subdivision or industrial zone change and the residents on the "interested parties" list.

Signed,

August 5, 2014 (DATE)

Steven R. Bushey, P.E. – FST

Attached to this Certification are:

1. Copy of the Invitation Sent
2. Sign in Sheet
3. Meeting Minutes

July 24, 2014

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for the Canal Landing Marine Maintenance Facility project which is a redevelopment of a former industrial site into a boat and ship repair and maintenance facility, and related marine mixed-use activities located at 100 West Commercial Street in Portland, Maine. The project will be considered by the Portland Planning Board at their August 12, 2014 Public Hearing for an Amended Site Plan approval. The previously approved Canal Landing project has been modified due to the proposed International Marine Terminal Expansion, also recently approved by the Planning Board.

Meeting Location:	**Portland Yacht Services, 58 Fore Street, Portland, Maine "Room with a View" Conference Room**
Meeting Date:	**Monday, August 4, 2014**
Meeting Time:	**6:00 PM**

The City Code requires that property owners within 500 feet (except notices must be sent to property owners within 1,000 feet for industrial zoning map amendments and industrial subdivisions) 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 feel free to contact me at 207-775-1121.

Sincerely,

FAY, SPOFFORD & THORNDIKE

Stephen R. Bushey, P.E., C.P.E.S.C.
Senior Principal Engineer

SRB/smk

R:\3091.03 Canal Landing\Admin\Permitting\2014.06.30 Amended Level II Site Plan\3091.03 2014.07.24 Neighborhood Mtg - Notice.doc

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Note: Under Section 14-32(C) and 14-525 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 three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plan 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

778 Main Street, Suite 8
South Portland, ME 04106
T: 207.775.1121
F: 207.879.0896
www.fstinc.com

FAY, SPOFFORD & THORNDIKE
Offices in: Massachusetts, New Hampshire, Maine, Connecticut and New York

CANAL LANDING
Public Info Meeting

8/4/14

Room w/ a View

NAME	ADDRESS	Contact INFO
Steve Bushey	FST	
Bob Flight	NEW YARD	
Phil Sprague	New Yard	
Mike Brosnan	Brosnan1986@gmail.com	
Bob Mittel + house Dawson	24 BRACKETT, Rio 3	775-3401
Victoria A. Dylewski	88 Salem St	Dylewskiva@GWI.NET
Jaspen Towle	100 SALEM	Portland ME
Vin Veroneau	36 Danforth St	04101
Sam Miller	96 Salem St.	Portland

RBC Wealth Management

Six Tower Bridge, Suite 500
181 Washington Street
Conshohocken, PA 19428-2068

Phone: 484-530-2800
Toll Free: 877-530-3060
Fax: 484-530-2842

August 6, 2014

TO: Rick Noland, Chief Planner
City Of Portland

FROM: RBC Wealth Management
Trevor P. Johnson, Sr. Vice President-Financial Advisor
Consulting Group

RE: Phineas Sprague

Mr. Sprague has been a client of mine at RBC Wealth Management since March of 2002. His accounts here at RBC total in excess of 5 million dollars.

Sincerely,

Trevor P. Johnson
Sr. Vice President-Financial Advisor
Consulting Group

RBC Wealth Management, a division of RBC Capital Markets, LLC, Member NYSE/FINRA/SIPC.

ATT. A

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrissette, Chair
Stuart O'Brien, Vice Chair
Timothy Dean
Bill Hall
Joe Lewis
David Silk
Patrick Venne

January 25, 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
Project ID:	#2012-575
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 December 18, 2012, the Planning Board considered New Yard at Canal Landing for approval of a 22 acre boat repair and service yard located at 40 West Commercial Street and the Fore River. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review, Shoreland Zoning Regulations, Flood Plain Management, and the Site Plan Ordinance, including Site Development of Location Act. The Planning Board voted 7-0 to approve the application with the following waiver(s) and condition(s) as presented below.

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 application **# 2012-575** relevant to the Portland's Land Use Code and Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. The Planning Board finds that two or more criteria for sidewalk waiver, as provided under Sec.14 –506 (b), **are** met, namely that: A safe alternative-walking route is reasonably available by way of a sidewalk on the other side of the street, and construction of the sidewalk will result in loss of significant features of greater value (truck circulation); and therefore **waives** the requirement for sidewalks along the southerly sideline of West Commercial Street.

2. The Planning Board finds that two or more criteria for granite curbing waiver, as provided under Sec.14 –506 (b), **are** met, namely that: construction of the curbing will result in loss of significant features of greater value (truck circulation); and that curbing is not necessary for stormwater management; and therefore **waives** the requirement for granite curbing along the southerly sideline of West Commercial Street.

3. The Planning Board **waives** the Technical Standard for flooding as provided Technical Manual III. 4. E.(2) Waiver of the flooding standard due to direct discharge into the ocean, a great pond, or major river segment.

4. The Planning Board **waives** the Technical Standard for Landscaping, Sec. IV. 5.4.5, for tree species and size to allow a naturalized replanting program consistent with the site's Shoreland Zone context.

5. The Planning Board **waives** the Technical Standard for site lighting Sec. XII. 2., illumination levels and uniformity levels.

6. The Planning Board **waives** the Technical Standard for Soil Infiltration Testing, Sec. V, Appendix D.4.(a) based on known conditions on the site and controlled materials to be installed with construction.

7. The Planning Board **partially waives** the requirement for Bicycle Parking, Site Plan Standard 14-526 a (4) b., based on an industrial use located in an outlying area.

   The Planning Board stipulates that half (4) of the required 8 bicycle parking spaces are provided.

8. The Planning Board **waives** the Technical Standard for driveway width, Sec I.7.1.4., 36 foot maximum width. 48 feet is allowed due to large truck and trailer turning movements.

b. Conditional Use in the Waterfront Port Development Zone:

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 application # **2012-575** relevant to the Conditional Use Standards of the Waterfront Port Development Zone for *marine product sales and boat storage*, and Section 14-474 of Land Use Code and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is** in conformance with conditional use standards of the land use code.

c. Site Plan:

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 application # **2012-575** relevant to the Site Plan Ordinance, standards for Site Location of Development, Shoreland Zone, Flood Plain Management, and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is** in conformance with applicable standards of the land use code, subject to the following conditions of approval:

Conditions of Approval

i. MDOT Shared Entrance: that prior to issuance of a building permit, the applicant provides for review and approval an easement between MDOT and New Yard for construction and use of a shared entry way.

ii. Beach Street Intersection Contributions: that prior to issuance of a building permit, the applicant contributes $5000 for Beach Street intersection improvements, including but not limited to pedestrian crossing and signalization.

iii. Combined Sewer Overflow Easement: that prior to issuance of a building permit, the applicant provides a 30 foot wide easement to the City for the combined sewer overflow line crossing the property from West Commercial Street to the Fore River as shown on the Deluca Hoffaman Site Development Plan, C-2.1, revision 4,dated 12-5-12.

iv. Other Agency Reviews: that any modifications to City approved plans to meet outside agency requirements must be identified and submitted to the Planning Authority for final review prior to issuance of a building permit. Outside agency permits include, NRPA wetland alternation permits, Maine DEP VRAP approvals, and Portland Harbor Commission approvals.

v. Rail Demolition: that prior to demolition of existing rail infrastructure, the applicant either provides evidence of rail abandonment or a legal opinion for the review and approval of Corporation Counsel that such abandonment is not required.

vi. Flood Plain Management: that prior to issuance of a building permit, the final site plan is revised to include a note requiring that structures on lots in the development

be constructed in accordance with Portland City Code, section 14-450.8, Flood Plain Management.

vii. Stormwater Management: that prior to issuance of a building permit, the applicant provides for review and approval a revised grading and drainage plan and supporting material consistent with consulting stormwater engineer, Dave Senus' review memo dated December 14, 2012, included as Attachment 4 of Planning Report #53-12.

viii. Fire Safety and Emergency Access: that prior to issuance of a building permit, the applicant submit a revised site plan for review and approval in compliance with the December 12, 2012 fire code analysis memo from Fire Risk Management, Inc. (Attachment U of Planning Report #53-12) The revised site plan will show emergency access routes to be kept clear of stored and trailered vessels, vehicle parking and snow storage.

ix. Utility Capacity: that prior to issuance of a building permit, that electrical, gas, and sewer capacity letters are provided to the Planning Authority.

x. Fencing: that the chain link fencing fronting West Commercial Street is provided with a black vinyl coating.

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 Morrissette, Chair
Portland Planning Board

Attachments:

1. Dave Senus, Woodard and Curran, storm water review memo dated December 14, 2012, included as Attachment 4 of Planning Report #53-12.
2. Planning Board Report #53-12
3. City Code: Chapter 32
4. 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 DiPierro, 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 Earley, 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

Level III Site Plan, Conditional Use, Shoreland Zone, Flood Plain,
and Site Location of Development Reviews

New Yard, LLC, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: December 18, 2012 Project #2012-575 CBL: 59-A-1,2,3,4,5,6,7,8,9,10,11,12	Prepared by: Bill Needelman, Senior Planner Date: December 14, 2012 Planning Board Report Number: #53-12

I. Introduction

At the request of New Yard, LLC, represented by Steve Bushey, Deluca Hoffman Associates, the Planning Board is requested to hold a Public Hearing to review the proposed site plan for a boat and ship repair and maintenance facility in the vicinity of 40 West Commercial Street. A boat sales area is also proposed.

The proposal is for approximately 42,000 square feet of building space for the repair facility and re-grading of up to7 acres of the site for boat storage and circulation.

The Planning Board held an introductory workshop on the proposal based on a preliminary application on September 11, 2010 and the applicant has provided an updated set of material as the basis for this Public Hearing. The revised material shows an expansion of interior building space from +/-20,000 square feet to +/-42,000 square feet with the addition of a 22,000 square foot "operations building." Other changes reflect city staff and Planning Board comments, changes to the water-side floats and docks, greater detail and engineering specificity, and responses to written review comments.

This hearing was advertised in the December 6 and 7, 2012 editions of the Portland Press Herald and was noticed by mail to 132 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 project is 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 is also reviewed under delegated local authority for a Site Location of Development permit. The subject review is limited to the first phase of development and additional reviews may be required for later phases.

The applicant is requesting waivers from the following provisions of the Land Use Code and Technical Standards

Waiver	**Code Reference**	**Comment**
Sidewalks and Granite Curbing:	Site Plan Standard 14-526(a)(2)c.1 (and 14-448 an d14-449, by reference)	*Sidewalk waiver is recommended by staff based on sidewalk criteria 1 (safe route across the street, and criteria 6 (loss of significant features of greater value). Curbing waiver is recommended based on criteria 4 (loss of significant site features of a greater public value,) and criteria 5 (runoff from the development site or within the street does not require curbing for stormwater management.)*
Site Lighting	Tech Standards Sec. XV. 5.4.A, Uniformity and 4.B, Illumination Levels.	*Waiver requested due to proposed dark areas on the site not meeting minimum illumination levels.*
Landscaping:	Tech Standards Sec. IV. 5.4.5 Tree Species and Size standards.)	*Waivers requested to allow a naturalized replanting program consistent with the site's Shoreland Zone context.* *Note: Other landscaping waivers are requested that staff has determined are not required by code.*
Flooding	Tech Standards Sec.V E, Flooding	*Waiver requested due to the capacity of the receiving body (the Fore River)*

Waiver	Code Reference	Comment
Soil Infiltration Testing	Tech Standards, Sec. V, Appendix D.4.(a)	*Based on known conditions on the site and controlled materials to be installed with construction.*
Bicycle Parking	Site Plan Standard 14-526 a (4) b.	*Based on an "industrial use located in an outlying area (waiver criteria)* *Note: Note staff recommends a partial waiver of this standard to half (4 spaces) of the zoning requirement*
Motorcycle and Scooter Parking	Site Plan Standard 14-526 a (4) c.	*Industrial yard layout will allow two wheeled parking throughout the site.* *Note: Staff recommends that based on the availability of parking generally on the site, that this waiver is not needed.*
Driveway width	Tech Standards, sec 1.7.1.4.	*Standard cites 36 feet maximum: 48 feet+/- requested. Waiver supported by the Consulting Transportation Engineer due to large truck and trailer turning movements.*

II. Project Data

Total Site Acreage:	22.5 acres
Total Proposed Disturbed area:	318,950 sq ft
Zone:	Waterfront Port Development Zone
Existing Uses:	Mostly Vacant. Propane distribution and rail sidings
Proposed Use:	Boat repair, storage, sales 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:	720 sq ft	Brokerage Building
	19,200 sq ft	Storage and Repair tension fabric shed
	22,417 sq ft	Operations Building

Existing Total Building Floor Area: 0 sq ft
Proposed Total Building Floor Area: 42,337 sq ft

Required Vehicle Parking:	42
Proposed Vehicle Parking:	As needed, see staff review page 5 and page 8
Required Bicycle Parking:	8
Proposed Bicycle Parking:	0 Spaces (waiver of City Ordinance requested)

III. Right, Title and Interest

The applicant has included a purchase and sale agreement documents for the subject parcels. The former gas plant parcels are subject to an option agreement for a 50 year lease to the applicant. Right title and interest documents are included in Attachment Q (with the schedules and exhibits omitted due to size.)

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. Totaling 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 on a somewhat reduced lot.

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 are requesting a waiver of curb and sidewalk, as was granted to the adjacent IMT complex by the Planning Board in 2011.

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.

The applicant's submission includes a detailed description of the property in Attachment F of this report.

V. Proposed Development

The material provided is separated into long-term master plan and phase 1 plans for permitting.

Phase 1 includes two boat ramps, a "travel lift" mobile crane with an excavated basin (for launching and hauling boats), a 19,000 square foot maintenance building, a 22,000 square foot operations building, a 720 square foot yacht brokerage shed, and extensive dockage along the Fore River. Adjacent to the shoreline, the plans also call for the location of a floating dry dock with landside access and supporting infrastructure.

Master Plan documents are shown on Plan 4 and described on Attachment C.2. Phase 1 elements are shown on Plan 2 and described on Attachment F and I of the applicant's submission. Attachment I additionally shows images and renderings describing buildings and equipment proposed.

Rail Line Removal and New Rail Corridor Created:
The applicant is proposing to remove existing rail lines from portions of the site east of the propane distribution facility. The revised plans, while continuing to show demolition of the tracks, have included a new 25 foot wide corridor located near West Commercial Street. This corridor is proposed to be a location for future rail if such service is extended to the adjacent IMT facility. Staff has asked the applicant to explore whether there is any formal abandonment procedure needed to remove the tracks east of the gas yard. A condition of approval is suggested *that the applicant either provide evidence of rail abandonment or a legal opinion for the review and approval of Corporation Counsel that such abandonment is not required.*

Shared Access with MDOT:
The proposed development includes a new access drive located at the far easterly boundary of the site located near to an abutting roadway accessing a MDOT bridge building located near to the water. The development includes a shared access drive for both properties and a boundary line adjustment providing MDOT with an additional 60 foot wide strip of land lying between the subject property and the adjacent IMT. A

condition of approval is suggested *that the applicant provide evidence of an access easement over the shared MDOT drive entrance.*

VI. Staff Review:

The application and supporting documents have been reviewed by City staff from the Departments of Planning and Urban Development, Fire Safety, Public Services, Parking and the Corporation Counsel's Office. The plans have also been reviewed by consulting engineers for civil engineering and traffic.

Notes on Boatyard Uses, Generally:
Boatyards are dynamic industrial spaces that typically exhibit a great deal of flexibility depending on the number and type of vessels currently being served. The applicants are requesting a site plan design that facilitates this flexibility.

While most site plans depend on specific areas being identified and designed for specific uses (such as parking lots for vehicle parking,) boat yards tend to defy such prescriptions. Vessels may remain stationary for extended periods of time or may move daily. Likewise, the size of vessels may vary from 8 foot dinghies to 100+ foot yachts and schooners.

The design approach requested shows general areas for distinct activities, but does not show parking lots or even clearly defined routes for circulation. This approach presents challenges to a typical site plan review; specifically regarding parking, pedestrian circulation, emergency access, and snow storage. Given the unique use and the large size of the site, the City review staff and consulting engineers support the approach taken. On a smaller site, it would probably be prudent to identify the specific location of parking to ensure that adequate supply is provided. On the subject site, there is sufficient land area to accommodate the 42 required parking spaces and employees and visitors will park in and among the boats. Pedestrians, almost all of which will be employees, will walk in available areas depending on the location of vessels at that time. Casual visitors and service customers will access the brokerage area and the operations building located at the north of the site and near the primary entrance. In short, people will park and walk, and the operators will store snow in areas that are free of boats.

What is needed and as yet not shown on the submitted plans are the areas where vessels, vehicles, and stored snow will be excluded to ensure necessary and safe access for emergency vehicles. Staff suggests that these issues are best addressed in an emergency access plan that ensures that safety equipment is provided open locations and routes, as needed. The Safety Plan should include a wayfinding plan and signage schedule directing operators, employees, and visitors away from emergency access routes and toward appropriate areas.

a. Zoning Review: WPDZ, Shoreland, Flood Plain

i. Waterfront Port Development Zone

The site is zoned Waterfront Port Development, which is the most restrictive of the City's waterfront zones. Uses in the WPDZ are mostly restricted to marine industry with limited options for non-marine uses.

Use: The project is located in a WPD Zone. The proposed boat repair yard uses are permitted uses in this zone. The yacht brokerage and boat storage uses are both conditional uses.

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 sales and storage uses as these uses to not necessarily require direct water access (though water access may be a component of both through launching and hauling.) While applicability the provision of 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. The height requirements allow for 45 foot buildings that also may be no more than 65 feet above sea level. The section drawing in Plan11 of the applicant's submittals shows compliance with this restriction.

Parking:

42 parking spaces are required for this development. While a formalized parking area is not identified, as noted above, the expectation is that employees and clients using the site will find more than adequate parking to fill both the zoning requirements and functional needs of the site.

ii. Shoreland Zone:

At the time of the previous workshop on this project, the extent to which Shoreland Zone Tree Clearance restrictions apply to marine development in the shoreland portions of the site were subject to an on-going conversation with Maine DEP. City Code exempts industrial and waterfront zones from the tree clearance provisions, while Maine State statute requires more stringent preservation. The applicants have worked with the staff at MeDEP to resolve this issue as it relates to the redevelopment of a rail yard with significant environmental contamination issues. The resolution proposed and approved by MeDEP, with the agreement of the City Zoning Administrator and the City Arborist, is to combine tree removal as needed with replacement with native species. The landscape plan, Plan 13 shows the latest result of the tree preservation/replacement discussion, based on MeDEP's agreement. The MeDEP agreement letter is included in Attachment 2.1.

In addition to the tree clearance standards, the Planning Board is asked to find on the following standards. Staff recommends that based on the discussions provided in the site plan review section of this report that the Shoreland Zoning standards have been met.

> *The Planning Board or planning authority shall approve a site plan located within a shoreland zone if it finds that the following standards, in addition to the standards set forth in section 14-526, are met:*
>
> *1. The proposal will maintain safe and healthful conditions;*
>
> *2. The proposal will not result in water pollution, erosion, or sedimentation to surface waters;*
>
> *3. The proposal will adequately provide for the*

disposal of all wastewater;

4. *The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*

5. *The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;*

6. *The proposal will protect archaeological and historic resources;*

7. *The proposal will not adversely affect existing commercial fishing or maritime activities;*

8. *The proposal will avoid problems associated with flood plain development and use; and*

9. *The proposal is in conformance with the standards set forth in this section.*

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'.

Portland's Flood Plain Management ordinance requires buildings within "A" flood zones have finished floors more than 2 feet above the base flood elevations. The proposed development is showing a minimum of elevation 13 for finished floors and is compliance with this provision

Any structure within the A2 area will need to comply with filling out floodplain applications and certificates of elevation as a requirement of Building Permitting. Based on the Site Plan review of the subject project, the following Flood Plan development standards have been met:

1. *All such proposals are consistent with the need to minimize flood damage.*

2. *All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.*

3. *Adequate drainage is provided so as to reduce exposure to flood hazards.*

4. *All proposals include base flood elevations, flood boundaries and, in a ravine flood plain, floodway*

data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

5. *Any proposed development plan must include a condition of plan approval requiring that structures on lots in the development be constructed in accordance with section 14-450.8 of this division. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or planning authority as part of the approval process.*

A condition of approval addressing Standard 5 above is included in the suggested motions.

iv. Vehicle Loading, Division 21: NA

v. Signage:

Separate permits are required for any new signage prior to installation.

b. Conditional Use Review for Marine Retail and Boat Storage in the WPDZ

As noted above, the proposal is subject to a conditional use review for boat storage and marine product sales 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:*

Of the proposed development's three buildings, the marine operations building is the most permanent, but as it will primarily be dedicated to the permitted use of boat repair and maintenance, these provisions do not apply. (Note a small portion of the Operations Building shows a retail area, as is typically found as an accessory to boat repair uses. Boat storage may occur in the tension fabric building, and this structure is designed to be relocatable. The brokerage shed is only 720 square feet and is located approximately 500 feet from the water and does not appear to be in conflict with this standard.

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.

The applicant has provided adequate information for the review under site plan for the three proposed buildings and associated site improvements.

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 easterly entrance drive located on the expanded MDOT parcel. As noted in the introduction to the Staff Review, the site plan is somewhat vague as to dedicated internal routing. Given the generously sized site and the variable use of the site, the development review staff supports the flexible proposal, subject to the emergency access suggestions described below.

Consulting Traffic Engineer, Tom Errico, provided the following review comments:

- I have reviewed the traffic analysis prepared by Gorrill-Palmer Consulting Engineers, Inc. and concur that the project will not significantly impact traffic conditions in the area.
- GPCEI has reviewed sight distance for the proposed driveway and has determined that adequate sight distance will be provided.

- The proposed driveway width exceeds City standards and therefore a waiver from the City's technical standards is required. I support a waiver given the type of vehicles entering and exiting the site.
- The site plan indicates that the proposed driveway will partially be located on abutting property. It appears an easement may be required.
- Documentation from MaineDOT should be provided noting that the provision of the share driveway configuration is acceptable.
- The applicant should conduct a sidewalk waiver analysis for the provision of a sidewalk along the property frontage on Commercial Street for consideration by the Planning Board. The City will be conducting a future planning study for West Commercial Street and that effort will identify transportation facility recommendations, including whether sidewalks are appropriate for both sides of the street. I would suggest that the following conditions of approval be considered:
  - If a sidewalk waiver is granted, no action is required by the applicant.
  - If criteria for a sidewalk waiver are not met, the applicant should make a monetary contribution equal to constructing a sidewalk along the property frontage. If the future planning study concludes that sidewalks on the south side of Commercial Street are not necessary, the contribution shall be returned to the applicant. If sidewalks are deemed appropriate, the funds shall be used to construct the subject sidewalk.
  - The City is currently in the process of seeking funds for the installation of a traffic signal at the Commercial Street/Beach Street intersection. Provision of a pedestrian crossing on Commercial Street between the Beach Street ramp and the project site was not included in the grant application. It is my recommendation that the applicant contribute $5,000.00 towards the future installation of pedestrian signal equipment (e.g. pedestal posts, pedestrian signal heads, push buttons) and facilities (e.g. paint, signs, sidewalk ramps, etc.) that will allow for a safe crossing. This crossing is necessary regardless of the installation of a sidewalk on Commercial Street. I would add that during field investigations of the study area, installation of an uncontrolled crosswalk in the vicinity of the proposed Phase I driveway is not recommended given high vehicle speeds and volumes (without significant infrastructure treatment).

Individual Transportation Standards are addressed below.

1. Impact on Surrounding Street Systems:

The project is anticipated to generate 11-12 trips in the peak hour and is not anticipated to negatively impact traffic on West Commercial Street.

2. Access and Circulation:

a. Site Access and Circulation.

(i) The development shall provide safe and reasonable access and internal circulation for the entire site for all users of the site.

Circulation

Pedestrians: As noted above, pedestrians are expected to safely

use the interior of the site provided reasonable caution is employed as would be anticipated in any industrial environment.

Pedestrian access to the street system is problematic given the high speeds and lack of sidewalks on West Commercial Street. These issues are given further consideration in the sidewalk waiver request discussion below.

Vehicles
As noted above, the site's circulation appears to meet applicable standards, subject to providing adequate definition for emergency vehicle access.

(ii) Points of access and egress shall be located to avoid conflicts with existing turning movements and traffic flows.

Access and egress to the site is located in the area with the best site lines and is supported by Mr. Errico's comments above.

(iii) Drive up features

NA

b. Loading and Servicing.

The entire site is designed to facilitate loading and servicing.

c. Sidewalks.

(i) All proposed developments shall provide sidewalks along all frontages in accordance with Sections 14-498 and 14-499 of the City Code.

The applicants are requesting a waiver of this sidewalk and granite curbing requirements for the entire site frontage. This waiver request is addressed above in Mr. Errico's comment as well as with the applicant's submittal in Attachment A.7. City Staff and the consulting engineers have held lengthy discussions on the sidewalk waiver request and ultimately recommend that the Board grant the waiver. Under most circumstances, leaving a site isolated from the city sidewalk network would be unsupportable; but in this instance several complicating conditions exist:

- There will be very limited pedestrian use generated by the development.
- If a sidewalk were constructed, such a segment would be isolated for the foreseeable future due to rail right of way in

West Commercial Street under the Casco Bay Bridge, the recent waiver of sidewalk for the IMT to the east, and the lack of pedestrian destinations to the west.

Sidewalk construction on West Commercial Street is further complicated by the industrial context of the area and the need for heavy vehicle use of the soft shoulder. Working waterfronts require truck staging areas and with the gentrification of the Central Waterfront, West Commercial Street has become increasingly important as a truck staging area. Within recent years, trucks waiting to load and unload on the piers of the Central Waterfront traditionally staged in Commercial Street at the head of the piers. Increased congestion in the street and transition to other uses on the piers have combined to make in-street staging problematic (many of these trucks are bait trucks and the majority of the congestion occurs in the warmer months.) In response to changes in Commercial Street, West Commercial Street' southerly sideline has increasingly become the de facto truck staging area for many Central Waterfront marine businesses. At this time without a long-term plan for West Commercial Street, it is unclear if there is room for both sidewalk (which would need to be curbed) and truck staging and circulation.

There is a sidewalk on the north side of West Commercial Street and there are plans to extend a multi-use path along the entire length of the northerly right of way from Harborview Park to the Fore River Parkway. Given the industrial context of the site and the planned improvements to signalize the Beach Street intersection, both the DPS and Planning staff recommend waiving sidewalks for the site and asking the applicant to contribute toward pedestrian improvements at the planned traffic signal.

As an interim, the applicant proposes that pedestrians who choose to access the site by foot can use the inactive rail line that runs from the subject site, in front of the IMT, to a mid-block crosswalk located near the easterly end of the IMT boundary with Deake's Wharf. While not ideal, this would appear to be the only reasonably safe access to the existing sidewalk network – with or without a sidewalk on the subject site.

Staff has provided a map of the interim pedestrian route below.

The entire Portland Peninsula is located in a brick material district for sidewalk construction and granite curbing would be required as room for a planted esplanade is not available. Department of Public Services estimates that a new brick sidewalk would cost +/- $135,000 and granite curbing could add +/-$50,000 to $60,000.

Based on the above discussion, staff recommends waiving both sidewalk and curbing. Sidewalk waivers criteria are provided below. Two criteria must be met to waive for each sidewalk and granite curbing.

Sidewalk Waiver Criteria

1. *There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.*

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.*

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 traveled.*

4. *The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.*

5. *The street has been constructed or reconstructed without sidewalks within the last 24 months.*

6. *Strict adherence to the sidewalk 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.*

Criteria 3 is clearly met with the exiting sidewalk located on the northerly side of West Commercial Street. Of the remaining criteria, staff supports use of Criteria 6. The open and curb-free sideline of West Commercial Street is suited to its industrial use and the introduction of curbed sidewalk could have significant and negative impact on marine uses on a range of working piers and wharfs located along Portland's waterfront. Criteria 2 could also be applied, if considered for only the south side of West Commercial Street.

Note on Future Phases: With the anticipated future study and evaluation of West Commercial Street, Staff's recommendation for waiver of Phase 1 sidewalk requirements should not be considered a determinative precedent for future phases of development. The applicant's master plan shows a significant marine retail facility and increased employment on the site overall. Furthermore, the future West Commercial Street is intended to provide the policy and design direction for the street and should inform future infrastructure decision making. Any future phase of development should conduct an independent analysis of the needs for and current policies for pedestrian accommodations at the time of application.

Curbing Waiver Criteria

1. *The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.*

2. *The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.*

3. *The street has been rehabilitated without curbing in the last 60 months.*

4. *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.*

5. *Runoff from the development site or within the street does not require curbing for stormwater management.*

Staff recommends waiving the requirement for granite curbing based on criteria 3, as per the sidewalk discussion above; and criteria 5, as recommended by the Department of Public Services.

(iii) Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings and primary building entrances on the site.

See the sidewalk waiver discussion, above.

3. *Public Transit Access:*
See *2.iii*, above.

4. *Parking:*

a. *Location and Required Number of Vehicle Parking Spaces:*

(i) Off-street parking

As noted above, adequate parking meeting the zoning requirement is anticipated to be provided in open areas of the site not used for boat storage or service. Parking location restrictions should be included in an emergency access plan. See below.

Parking Supply and Demand:

(ii) Where a parking study is required, the City encourages Transportation Demand Management (TDM) strategies to

be employed.

NA

(iii) Developments proposing to exceed minimum parking requirements by 10% or more must demonstrate through a parking analysis that the amount of parking is appropriate for the proposed use of the site.

NA

(iv) Parking spaces and aisles shall meet applicable dimensional standards as detailed in Section I of the Technical Manual.

The parking dimensional standards applicable to the proposed program.

(v) Parking lots, except for temporary lots to be used for less than one year, shall be constructed of a permanent and durable hard surface that is not subject to ponding or erosion.

The compacted crushed stone surface is designed to meet the above standard.

b. Location and Required Number of Bicycle Parking Spaces:

A waiver is requested for bicycle parking. As with vehicle parking, it is anticipated that any bicyclists accessing the site will have ample opportunity to find informal parking within the industrial structures or in the boatyard. Staff recommends a partial waiver, with a requirement for 2 bike hitch posts or loops with capacity for 4 bikes (half the zoning requirement.)

c. Motorcycle and Scooter Parking.

A waiver is requested for motorcycle and parking. As with the vehicle parking discussion above, staff does not believe that a waiver is needed.

d. Snow Storage.

Given the size of the site and the low level of exterior activity during the winter months, snow storage is not anticipated to be a problem on or off site. The applicant will be subject to MeDEP regulations if they intend to deposit snow in the Fore River and no

snow storage will be allowed on emergency access routes.

5. *Transportation Demand Management (TDM):* NA

(b) *Environmental Quality Standards*

1. *Preservation of Significant Natural Features:*

a. *Significant natural features by incorporating them into site design. Significant natural features shall be defined as:*

(i) *Populations of trees and plants listed on the Official List of Endangered and Threatened Plants in Maine, published by the Maine Natural Areas Program.* NA

(ii) *Habitat for species appearing on the official state of federal list of endangered or threatened animal species;* NA

(iii) *High and moderate value waterfowl and wading bird habitat including nesting and feeding areas, as defined by the Department of Inland Fisheries and Wildlife;* NA

(iv) *Aquifers* NA

(v) *Waterbodies* See Stormwater Management

2. *Landscaping and Landscape Preservation:*

The proposed landscape plan is included in Plan 13.

a. *Landscape Preservation*

The applicant has determined, with the agreement of the Zoning Administrator, that the project has met the requirements for tree preservation in the Shore Land Zone. See the MeDEP letter in Attachment 2.1.

b. *Site Landscaping.*

Where zoning set backs are not required for development in the WPDZ, the landscaping requirements for buffer areas do not apply. The plan shows naturalized clumps of native vegetation concentrated around areas where trees and shrubs are to be retained. The West Commercial Street sideline, the easterly boundary with MDOT and the south east shoreline receive the majority of treatment with broad areas of the site interior left

open as one would anticipate with a boatyard use. There is a screened dumpster located on the northerly side of the primary buildings separated from West Commercial Street by +/-200 feet. With the street-side plantings and the anticipated boats in the yard, it is unlikely that the dumpster will have any visual impact from West Commercial Street.

Street Trees: The Technical Standards require street trees along all street frontages with a spacing of 30-45 feet on center. With +/-1500 feet of frontage and assuming a 45 foot spacing, the project requires 33 street trees. The proposal shows planting and/or preservation of 21 tree located along West Commercial Street east of the propane yard entry and two large clumps of preserved trees located west of the propane yard entry. The City Arborist recommends approval of the plan as designed and the number of trees appears to meet the Technical Standard.

A waiver from the Technical Standards for tree species and size is requested to achieve the naturalized design proposed. The City Arborist supports the proposed design.

3. *Water Quality, Stormwater Management and Erosion Control:*

The subject parcels are relatively flat and grade generally south from West Commercial Street to the Fore River. The grade and soils appear to allow sufficient infiltration to avoid ponding and the site does not show evidence of channelized flow nor impacts to off-site properties. In the existing condition, there is no subsurface stormwater collection, but the site is crossed by a 24 inch municipal combined sewer overflow pipe that outlets into the river +/- 500 feet westerly from the Casco Bay Bridge.

The Stormwater and Erosion Control sections of the applicant's submission (Attachments J and O) describe the applicant's approach to managing stormwater and protecting the Fore River from pollutants and sedimentation. Board members should note that the industrial history of the site (with its coal tar contamination) and the proposed boat yard use both require an individualized approach for stormwater management.

The site's soils contamination, which is and will continue to be subject to MeDEP oversight through the VRAP program, requires containment and stabilization of the site, especially at the shoreline. While the former gasworks portions of the site have been previously stabilized, access to the former rail yard parcels has been limited and the subject project will be the first opportunity to correct an on-going problem with erosion on at the boundary between the abutting parcels. This project's proposal to aggregate abutting properties and provide a unified erosion control plan will address a long-standing contamination concern for the Fore River and Portland Harbor. VRAP constraints additionally may limit the extent and location of some excavation and use of otherwise predictable stormwater management practices. While the applicant's proposal, as may be

modified by review comments described below, appears to be a prudent and functional means to meet Site Plan and Site Location of Development standards, all surface, subsurface, and shoreline improvements to the site will require review and approval by the MeDEP and the VRAP program. Modifications to the proposed design may be necessary to meet DEP requirements. Likewise, wetlands alteration permits by the Army Corps of Engineers and the MeDEP may also lead to alterations of the proposed design. A condition of approval is suggested *that any modifications to City approved plans to meet outside agency requirements must be identified and submitted to the Planning Authority for final review prior to issuance of a building permit.*

The site's location along the Fore River obviates the need for stormwater volume controls, as the receiving body will not be negatively impacted by increased water volume or rate of discharge. The applicants have requested a waiver of the Technical Standards for Stormwater Flooding, as is typical for coastal shoreline projects. The stormwater quality standards, therefore, are the primary design concern.

The boat yard use additionally presents unique challenges to site design. Crushed stone, underlain by a compacted gravel layer, is the applicant's preferred surface treatment for the re-graded portions of the site - approximately 6 acres (total impervious area minus the building footprints.) Crushed stone is proposed as an affordable, durable surface that will additionally provide for a reasonable degree of stormwater storage and infiltration resulting in quality treatment. The applicants additionally propose infiltration swales along the easterly property boundary and along the easterly portions of the shoreline. Staff and consulting engineers agree that this approach as merit and is generally supportive. As noted below, consulting engineer, Dave Senus, PE, has concerns that over time the retention and infiltration capacity of the crush stone will diminish and that additional use of the infiltration swales, particularly along the shoreline, is merited to meet stormwater treatment standards over time as the crushed stone is compacted and displaced by use of the site. As of the writing of this report, Mr. Senus provided a revised review memo that addresses these issues and the suggested motions include a condition of approval stating *that prior to issuance of a building permit, the applicant provides for review and approval a revised grading and drainage plan and supporting material consistent with consulting stormwater engineer, Dave Senus' review memo dated December 14, 2012, included as Attachment 4 of Planning Report #53-12.*

Note: As noted above, the site is crossed by a 24 inch combined sewer overflow pipe outletting into the Fore River. The City Department of Public Services is requesting a drainage and maintenance easement to allow servicing of this public facility. The applicants have shown such an

easement on their revised utilities plan, Plan 7, and a condition of approval for receipt of the easement is suggested in the motions.

(c) *Public Infrastructure and Community Safety Standards.*

1. *Consistency with City Master Plans:*

   a. 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.*

   Captain Chris Pirone has indicated his approval of the project design as submitted for access of emergency vehicles from West Commercial Street, but additional definition is required for clear emergency routing. Additional discussion on this point is continued below.

   (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 a fire hydrant on West Commercial Street and the utility plan, attached Plan 7, shows an additional hydrant proposed for the interior of the site. All of the buildings are proposed to be fitted with sprinkler systems and the Portland Water District has provided a letter indicating adequate capacity to serve the fire suppression needs of the proposal.

Fire Safety Officer, Captain Chris Pirone has requested that the applicant conduct a fire code analysis of the project and the applicant provided a memo from Fire Risk Management, Inc. as of the writing of this report. The memo reports the recommendations of a licensed fire safety engineer and Captain Pirone has agreed with the findings of the memo. In addition to the building's fire code issues, which will be addressed during the building permit review, the major site issues involve the location of hydrants, clear access routes for emergency vehicles, and treatment of the floating wharfs and marine operations areas. The applicant's fire safety memo is included as Attachment U of this Report. Captain Pirone recommends a condition of approval *that prior to a building permit, the applicant submit a revised site plan for review and approval in compliance with the December 12, 2012 fire code analysis memo from Fire Risk Management, Inc. The revised site plan will show emergency access routes to be kept clear of stored and trailered vessels, vehicle parking and snow storage.*

3. *Availability and Adequate Capacity of Public Utilities:*

The site is served by all public utilities and a letter of water capacity has been provided. A condition of approval is suggested *that prior to issuance of a building permit, that electrical, gas, and sewer capacity letters are provided to the Planning Authority.*

(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:*

   a. *Developments affecting designated landmarks or within designated historic districts or historic landscape districts:* NA

   c. *Preservation and/or Documentation of Archaeological Resources.*

   Where the site was the origination/termination of the Cumberland and Oxford Canal, the subject property has significant historic interest; however, more recent grading and development has obliterated surficial evidence of the canal structure. Likewise, as noted in the Maine State Historic Preservation Commission letter, the site of the former Portland Glass Works is a significant resource, though its location appears to be sited westerly from the proposed phase one buildings. The proposed construction is not anticipated to disturb any evidence of the original canal structure or remains of either of these resources. The Site Plan standards additionally list historic rail beds as a specific resource for preservation and/or documentation. Given the fact that the rail and gasworks uses of the site resulted in a dense web of rail beds constructed and modified over 150 years, this standard is both applicable and nearly impossible to fully address. Numerous period maps and images of the site exist, which show the evolving network of rail sidings on and around the site, serve to document the rail history of the subject property and should serve to address this standard. Planning staff will provided at least one 1882 example to the Planning Board as an example.

6. *Exterior Lighting:*

The applicant's lighting plan is provided as Plan 14 with the fixture specifications provided as Attachment M. A waiver of the illumination levels and uniformity standards is requested as Plan 14 shows areas of the site that are not lighted to the minimum requirement. With these darker areas, the uniformity standard cannot be met while still keeping adequate light levels around the buildings and the marine operations areas.

The light fixtures requested are all compliant full cut off fixtures that are either building mounted or installed on 30 foot tall poles (the standard maximum height.) Lighting levels shown in the areas intended to be lit are all compliant with the site lighting standards of the Technical Manual and Staff supports the waiver request for illumination levels and uniformity.

7. *Noise and Vibration:*

Mechanical equipment will be reviewed with building permits. Based on the current Portland Yacht Services activities, exterior noise levels are anticipated to be within zoning requirements for sound levels.

8. *Signage and Wayfinding:*

Signage plans have not been provided, but will be reviewed and approved with the building permit applications for the site. No signage may be installed without such approval.

9. *Zoning Related Design Standards NA*

VIII. Staff Recommendation:

The applicants have demonstrated adherence to the applicable standards and Planning Staff recommends that the Planning Board approve the New Yard at Canal Landing, subject to the conditions provided below in the suggested motions.

IX. Recommended 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 application **# 2012-575** relevant to the Portland's Land Use Code and Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. The Planning Board finds that two or more criteria for sidewalk waiver, as provided under Sec.14 –506 (b), **(are/are not)** met, namely that: A safe alternative-walking route is reasonably available by way of a sidewalk on the other side of the street, and construction of the sidewalk will result in loss of significant features of greater value (truck circulation); and therefore **(waives/does not waive)** the requirement for sidewalks along the southerly sideline of West Commercial Street.

2. The Planning Board finds that two or more criteria for granite curbing waiver, as provided under Sec.14 –506 (b), **(are/are not)** met, namely that: construction of the curbing will result in loss of significant features of greater value (truck circulation); and that curbing is not necessary for stormwater management; and therefore **(waives/does not waive)** the requirement for granite curbing along the southerly sideline of West Commercial Street.

3. The Planning Board **(waives/does not waive)** the Technical Standard for flooding as provided Technical Manual III. 4. E.(2) Waiver of the flooding standard due to direct

discharge into the ocean, a great pond, or major river segment.

4. The Planning Board **(waives/does not waive)** the Technical Standard for Landscaping, Sec. IV. 5.4.5, for tree species and size to allow a naturalized replanting program consistent with the site's Shoreland Zone context.

5. The Planning Board **(waives/does not waive)** the Technical Standard for site lighting Sec. XII. 2., illumination levels and uniformity levels.

6. The Planning Board **(waives/does not waive)** the Technical Standard for Soil Infiltration Testing, Sec. V, Appendix D.4.(a) based on known conditions on the site and controlled materials to be installed with construction.

7. The Planning Board **(waives/does not waive)** the requirement for Bicycle Parking, Site Plan Standard 14-526 a (4) b., based on an industrial use located in an outlying area.

   Staff recommends a partial waiver requiring half (4) of the required 8 bicycle parking spaces.

8. The Planning Board **(waives/does not waive)** the Technical Standard for driveway width, Sec I.7.1.4. , 36 foot maximum width. 48 feet is requested due to large truck and trailer turning movements.

b. Conditional Use in the Waterfront Port Development Zone:

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 application **# 2012-575** relevant to the Conditional Use Standards of the Waterfront Port Development Zone for *marine product sales and boat storage*, and Section 14-474 of Land Use Code and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with conditional use standards of the land use code.

c. Site Plan:

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 application **# 2012-575** relevant to the Site Plan Ordinance, standards for Site Location of Development, Shoreland Zone, Flood Plain Management, and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with applicable standards of the land use code, subject to the following conditions of approval:

Conditions of Approval

i. *MDOT Shared Entrance: that prior to issuance of a building permit, the applicant provides for review and approval an easement from MDOT to New Yard for construction and use of a shared entry way.*

ii. *Beach Street Intersection Contributions: that prior to issuance of a building permit, the applicant contributes $5000 for Beach Street intersection improvements, including but not limited to pedestrian crossing and signalization.*

iii. *Combined Sewer Overflow Easement: that prior to issuance of a building permit, the applicant provides a 30 foot wide easement to the City for the combined sewer overflow line crossing the property from West Commercial Street to the Fore River as shown on the Deluca Hoffaman Site Development Plan, C-2.1, revision 4,dated 12-5-12.*

iv. *Other Agency Reviews: that any modifications to City approved plans to meet outside agency requirements must be identified and submitted to the Planning Authority for final review prior to issuance of a building permit. Outside agency permits include, NRPA wetland alternation permits, Maine DEP VRAP approvals, and Portland Harbor Commission approvals.*

v. *Rail Demolition: that prior to demolition of existing rail infrastructure, the applicant either provides evidence of rail abandonment or a legal opinion for the review and approval of Corporation Counsel that such abandonment is not required.*

vi. *Flood Plain Management: that prior to issuance of a building permit, the final site plan is revised to include a note requiring that structures on lots in the development be constructed in accordance with Portland City Code, section 14-450.8, Flood Plain Management.*

vii. *Stormwater Management: that prior to issuance of a building permit, the applicant provides for review and approval a revised grading and drainage plan and supporting material consistent with consulting stormwater engineer, Dave Senus' review memo dated December 14, 2012, included as Attachment 4 of Planning Report #53-12.*

viii. *Fire Safety and Emergency Access: that prior to issuance of a building permit, the applicant submit a revised site plan for review and approval in compliance with the December 12, 2012 fire code analysis memo from Fire Risk Management, Inc. (Attachment U of Planning Report #53-12) The revised site plan will show emergency access routes to be kept clear of stored and trailered vessels, vehicle parking and snow storage.*

ix. *Utility Capacity: that prior to issuance of a building permit, that electrical, gas, and sewer capacity letters are provided to the Planning Authority.*

Attachments

1. Public Comment
2. DEP Correspondence
3. 1882 City Atlas Excerpts, Rail Alignments
4. Consulting Stormwater Engineer, Dave Senus' review memo dated December 14, 2012

Applicant's Submission Packet

A. Response to City review comments, Dec. 6, 2012
B. Cover Letter and Application (B1- Site Plan, B2-Conditional Use)
C. Neighborhood Meeting Material
D. MeDEP Check List
E. Table of Contents (applicant's submittal)
F. Proposed Development Description
G. Site Photos
H. Context Maps
I. Building Renderings and Images
J. Stormwater Material
K. Utility Capacity Letters
L. Traffic Analysis
M. Lighting Fixtures
N. Solid Waste
O. Erosion Control
P. Technical Capacity
Q. Right, Title and Interest (Schedules and exhibits omitted due to size, available upon request)
R. Financial Capacity
S. Site Plan Standards Review Narrative
T. State Agency Contact
U. Fire Safety Report Memo, Fire Risk Management, Inc., December 12, 2012

Plans

Plan 1	Cover Page, Notes, and Legend
Plan 2	Survey and Existing Conditions
Plan 3	Demolition
Plan 4	Conceptual Master Plan, Long-term Build Out
Plan 5	Site Plan, Phase 1 (current permitting)
Plan 6	Grading and Drainage, Phase 1
Plan 7	Utilities
Plan 8	Erosion and Sedimentation Control
Plan 9	Details
Plan 10	Stormwater Strategy Section
Plan 11	Building Height Section
Plan 12	Building Sections and Floor Plans
Plan 13	Landscaping

Plan 14 Lighting Photometrics

ATT. B

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrissette, 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. *<u>MDOT Shared Entrance:</u> 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 Morrissette, 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 DiPierro, 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 Earley, 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

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 to7 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 a 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. Totaling 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

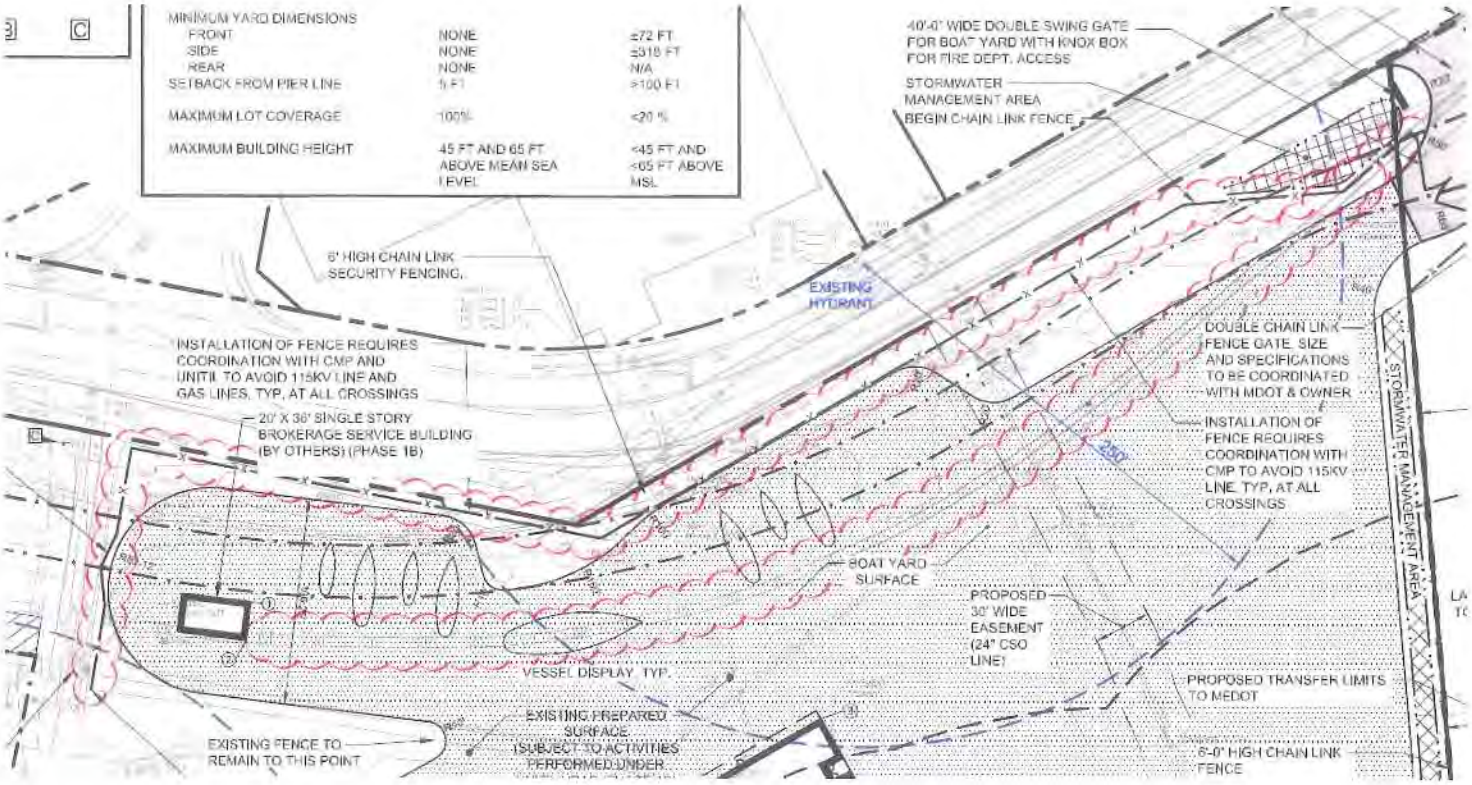
V. Proposed Development

The applicant's submission includes a detailed description of Phase 1a in Attachment B of this report.

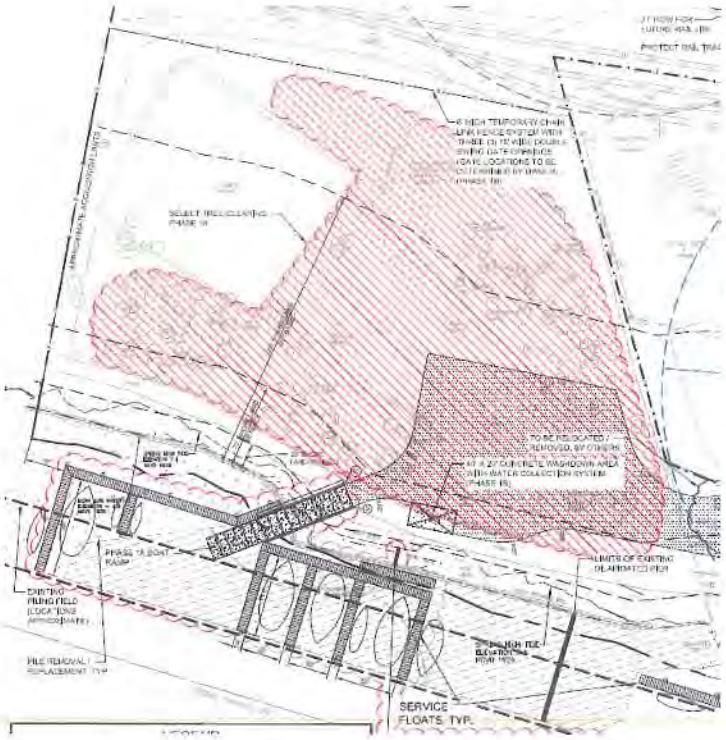
The proposed improvements included with the requested amendment are shown on Attachment P1 (Sheet C-2.1) Sheet C-2.1 shows the entirety of the previously approved improvements with the Phase 1a proposal marked with red balloons and cross hatching

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.*

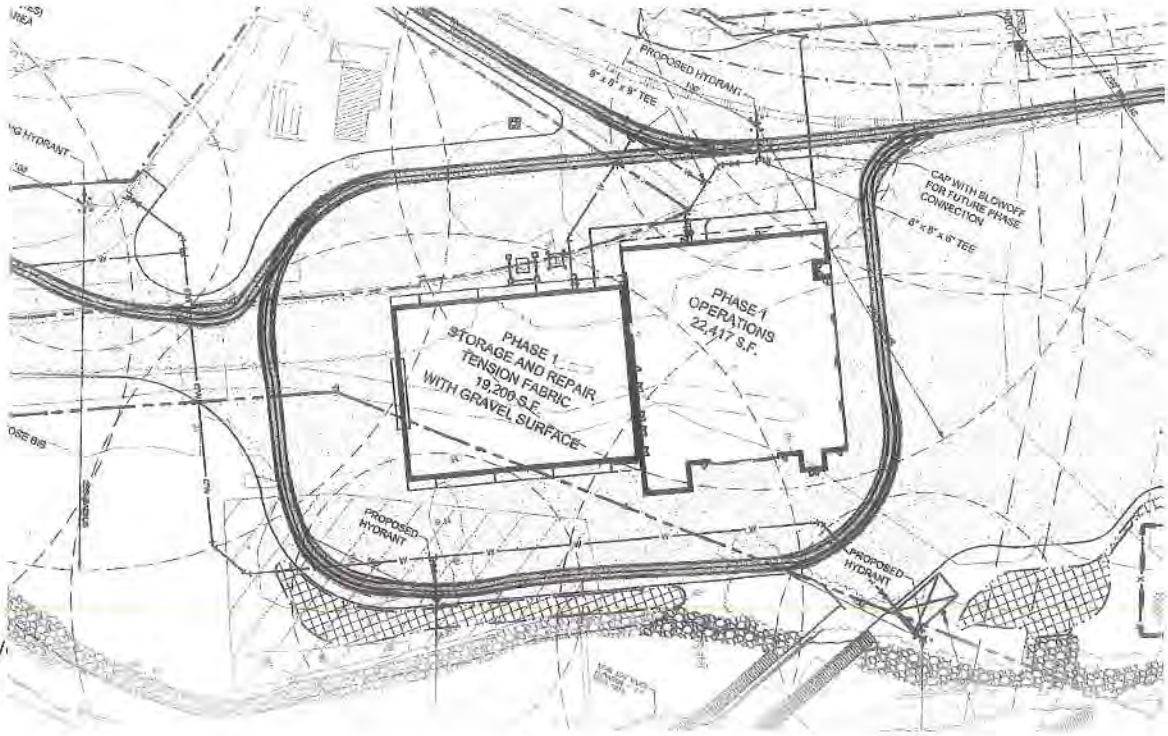
The site appears to sufficient access control through fencing, entry gates, and its location on the water.

(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.

6. *Exterior Lighting:*

No exterior lighting is proposed in Phase 1a.

7. *Noise and Vibration:*

Based on the current Portland Yacht Services activities, exterior noise levels are anticipated to be within zoning requirements for sound levels.

8. *Signage and Wayfinding:*

Signage plans have not been provided, but will be reviewed and approved with the building permit applications for the site. No signage may be installed without such approval.

9. *Zoning Related Design Standards NA*

VIII. Staff Recommendation:

The applicants have demonstrated adherence to the applicable standards and Planning Staff recommends that the Planning Board approve the phasing of the New Yard at Canal Landing, subject to the conditions provided below in the suggested motions.

IX. Recommended Motions:

b. Conditional Use in the Waterfront Port Development Zone:

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 application **# 2013-201** relevant to the Conditional Use Standards of the Waterfront Port Development Zone for *boat storage*, and Section 14-474 of Land Use Code and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with conditional use standards of the land use code.

c. Site Plan:

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 application **# 2013-201** relevant to the Site Plan Ordinance, Shoreland Zone, Flood Plain Management, and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with applicable standards of the land use code, subject to the following conditions of approval:

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 this report.*

Attachments

1. Approval Letter from December 18, 2012 Public Hearing
2. Planning Board Report #53-12, December 14, 2012

3.1 Previously approved Landscape Plan (showing tree preservation)
3.2. Previously approved Site Plan

Applicant's Submission Packet

A. Application and Project Information
B. Cover Letter with Phase 1a description, August 16, 2013
C. Response to Staff Comments, August 21, 2013
D. Deed from Portland Terminal Co to New Yard, LLC (replacing previous option document)
E. Conditions of approval compliance update letter, February 15, 2013

Plans

Plan 1 Phase 1a Plan (shown on updated Site Plan for full Phase 1 build out)

ATT C.

CITY OF PORTLAND, MAINE
PLANNING BOARD

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

December 2, 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:	#2013-224
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 October 22, 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 moving the two primary buildings (as approved on December 18, 2012 and amended on August 27, 2013) from the easterly to the westerly portion of the site with associated access and utility improvements. The previously approved boat ramp, associated floating docks, site grading, access drive, and fencing remain integral to the plan as approved features.

The Planning Board reviewed the amendments for conformance with the standards of the Conditional Use in the Waterfront Port Development Zone (Boat Storage and marine products sales,) Shoreland Zoning Regulations, Flood Plain Management, and the Site Plan Ordinance with delegated review as a Site Location of Development. The Planning Board voted 7-0 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 issuance of a building permit, the revised fire access and circulation plan, as may be amended, shall receive review and approval from City Fire Safety review staff.*

iii. *Landscaping: Prior to issuance of a building permit, that applicant shall submit for staff review and approval a revised landscaping plan that includes additional plantings at the shoreline and the site perimeter.*

iv. *Stormwater:*

a. Prior to issuance of a building permit, the applicant shall submit for staff review and approval information regarding the type of surface and construction details proposed for the improved traveled-way;

b. The Applicant shall verify that they have submitted a Notice of Intent to Comply with the Maine Construction General Permit to the Maine DEP; and,

c. The previously submitted Stormwater Inspection and Maintenance Manual still applies to the amended site.

v. *Previous Conditions of Approval: For development approved on December 18, 2012, all conditions of approval not previously addressed remain in effect as described in Attachment 1 of this report.*

vi. *Archeological Resources: If evidence of 19th century glass works, known to exist on the subject site, is discovered during subsurface utility work, the applicant shall contact the Planning Authority and make reasonable efforts document any resources discovered.*

vii. *Exterior Lighting: Prior to issuance of a building permit, that applicant shall submit for staff review and approval a revised exterior lighting plan.*

The original December 18, 2012 approvals remain in effect, except as modified by the current amendment, 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 Morrissette, 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 DiPierro, 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

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, Site Location of Development

New Yard, LLC, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: October 22 2013 Project # 2013-224 Amending # 2012-575 & # 2013-201 CBL: 59-A-1,2,3,4,5,6,7,8,9,10,11,12	Prepared by: Bill Needelman, Senior Planner Date: August 17,2013 Planning Board Report Number: #45-13

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.

This is the second amendment proposed for the New Yard Plan. In December 2012, the "New Yard at Canal Landing" was originally 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. In August of 2013, the Planning Board approved a phasing plan for the facility to allow limited improvements to move forward while the developer negotiated potential changes to the subject parcel associated with the easterly abutting uses at the International Marine Terminal.

The August 2013 approval allowed a first phase of development limited to brush clearing, concrete crushing, removal of derelict pilings and wharf structure, limited re-grading, and construction of a boat ramp and associated floats.

The subject amendment proposes to move the primary buildings and boat service activities to the westerly portion of the site, while making minimal changes to the site in the area of the originally approved buildings. Access would remain from the easterly gate locate at adjacent to the IMT and would follow the pathway established with the August amendment.

The subject amendment includes review for Level III Site Plan, Conditional Use in the WPDZ, Shoreland Zoning, Flood Plain Management, and an amendment to a Site Location of Development permit issued under delegated authority from the Maine Department of Environmental Protection.

Notice of this Public Hearing was mailed to 132 neighbors and interested parties and was advertised in the October 14 and 15, 2013 editions of the Portland Press Herald. The required Neighborhood Meeting was conducted as part of the original approval.

II. Project Status and Current Proposal

The applicant is requesting an amendment to the approved phased plan to reduce the overall site impact and to allow development activities to transition from the easterly to the westerly portions of the site.

Approval Status: 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. The majority of activity approved concentrated toward the easterly portion of the site. For the Board's information, the applicant also showed a "Phase 2" full build out scenario, which showed additional development and buildings on the westerly portion of the site. The approved December 2012 plan is provided as Attachment P1. The future master plan, showing planned development on both the easterly and westerly portions of the site, is provided as Attachment P2.

The August 2013 amendment kept the December 2012 approvals intact, while allowing a "Phase 1A" to proceed. Phase 1A was limited to minimal site improvements including installation of the westerly boat ramp to the Fore River, construction of associated floats, and regarded areas for boat storage and service. The extent of the Phase 1A improvements is shown in red hash marks on Attachment P1. The applicant has proceeded with the Phase 1A improvements and construction is on-going.

Waivers and Conditions of Approval:
The previous approval included various waivers and conditions of approval. The waivers are summarized in a table below.

The original approval also included several conditions of approval. Staff has provided a copy of the previous approval letter for the Board's reference. While most of the previous conditions of approval were satisfied prior to beginning of construction, several conditions of approval from December 2012 have been brought forward into this review for the Board's Consideration.

Waiver Summary: As part of the December 2012 approval, the application was granted the following waivers, which are assumed to remain in effect unless specifically amended or rescinded by the Board.

Proposed Building Footprint:	41,617 sq ft
Existing Total Building Floor Area:	0 sq ft
Proposed Total Building Floor Area:	41,617 sq ft

Required Vehicle Parking:	21
Proposed Vehicle Parking:	As needed in yard area
Required Bicycle Parking:	8
Proposed Bicycle Parking:	0 Waiver requested

III. Right, Title and Interest

The applicant previously provided a deed for land formally owned by the Portland Terminal Company (Pan Am) in Attachment D and an option agreement for a 50 year lease for the former gasworks properties.

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. Totaling over 22.5 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 and much of the shoreline bulkhead has been restored with recent activity associated with Phase 1A construction.

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.

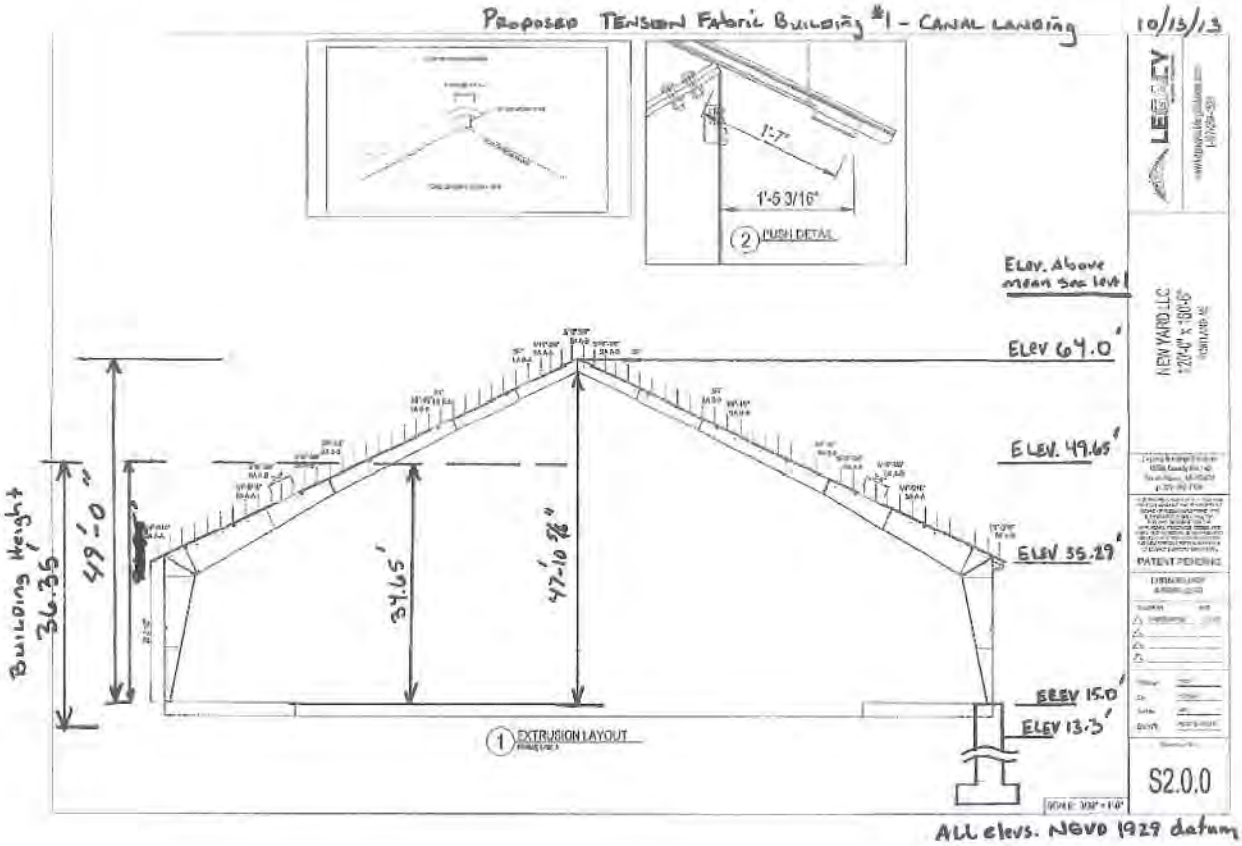
An additional vehicle entrance existed to the site adjacent to the IMT. This entrance is a shared access roadway serving the subject parcel and a MDOT maintenance building for the Casco Bay Bridge.

V. Proposed Development

The applicant's submission includes a detailed description of Phase 1B in Attachment A of this report.

The proposed improvements included with the requested amendment are shown on Attachment P8 (Sheet C-2.1).

Landside improvements in Phase 1a are largely limited to grading portions of the site for use, and placement of two buildings. The first building anticipated is a 160'x120' frame and fabric structure, the section drawing of which is shown below.



Marine improvements are reduced to the single boat ramp and supporting floating docks approved with Phase 1A. The marine improvements are consistent with approvals issued by the Portland Harbor Commission.

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.

Utility work includes new electric service (by one of two options proposed – either from a new pole located south of the existing rail lines with a transition to underground service to the building and marine operations area; or, from an extension of existing underground service in the gasworks site. New water lines for an expanded fire hydrant network are also proposed.

No sewer lines are proposed and portapotty service is assumed.

The applicant is not proposing to install any new landscaping with Phase 1b, but will adhere to the previously approved tree preservation plan.

VI. 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.

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.

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:

Parking within the WPDZ is at 1 space per 1000 square feet of building (+/-42 spaces required.) The applicant indicates that parking for +/-50 employees will be provided . While a formalized parking area is not identified, it is assumed 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. This condition was approved by the Board with the December 2012 review.

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. Currently, the WPDZ is exempt from Shoreland tree clearance standards under local ordinance and the recent legislation allows the City to apply this exemption. The current proposal preserves trees and existing shrub vegetation between the proposed buildings and the rail line. Staff recommends augmenting the preservation plan with additional plantings at the shore line and the site perimeter (see landscaping discussion, below.)

In addition to the tree clearance standards, the Planning Board found that the original plan met the applicable shoreland zone standards and the proposed amended 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'.

The proposed Phase 1B plan does not place buildings within the identified Flood Plain and meets applicable management standards, as previously approved.

*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 and Yacht Brokerage in the WPDZ***

As noted above, the proposal is subject to a conditional use review for boat storage and a yacht brokerage 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:*

While the proposed development's two buildings are considered permanent, they are designed and intended to serve the permitted uses of boat repair and maintenance in addition to the conditional use of boat storage. Given the intended uses, the "adaptable" provision of the 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:

As noted above in Shoreland, the applicant proposes to retain vegetation along the rail line, but otherwise proposes to clear the site. The approved 2012 landscape plan is provided as Attachment 3.1. Staff recommends a condition of approval that requires submission of a revised landscaping plan that includes additional plantings at the shoreline and the site perimeter.

3. Water Quality, Stormwater Management and Erosion Control:

As with the original approval, stormwater management is primarily proposed to utilize a gravel surface that is designed to hold and treat stormwater prior to exiting the site to the Fore River. 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 1B activity as the applicant proposes to reduce the existing impervious surface by +/-32,000 sq ft compared to the December 2012 approval

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.

Reviewing Engineer, Dave Senus, PE, Woodard and Curran, suggests the following:

1) Per FST's response to comments letter dated 10/15/2013, the Applicant is proposing a manmade pervious surface ("Boatyard Surface") for much of the improved area of the site to meet the General Standards. The amended plans do not indicate the type of surface proposed for the improved traveled-way, and no details were provided with the amended application to depict the construction requirements for this surface. Also, the entry driveway is noted to be gravel, which is not considered a pervious treated surface, please clarify.
2) The original application noted that the project was subject to the requirements of the Maine Construction General Permit. The Applicant should verify that they have submitted a Notice of Intent to Comply with the Maine Construction General Permit to the Maine DEP.

Mr. Senus recommends a condition of approval directing compliance with the above comments and further that the previously submitted Stormwater Inspection and Maintenance Manual still applies to the amended site.

(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 land-side 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.

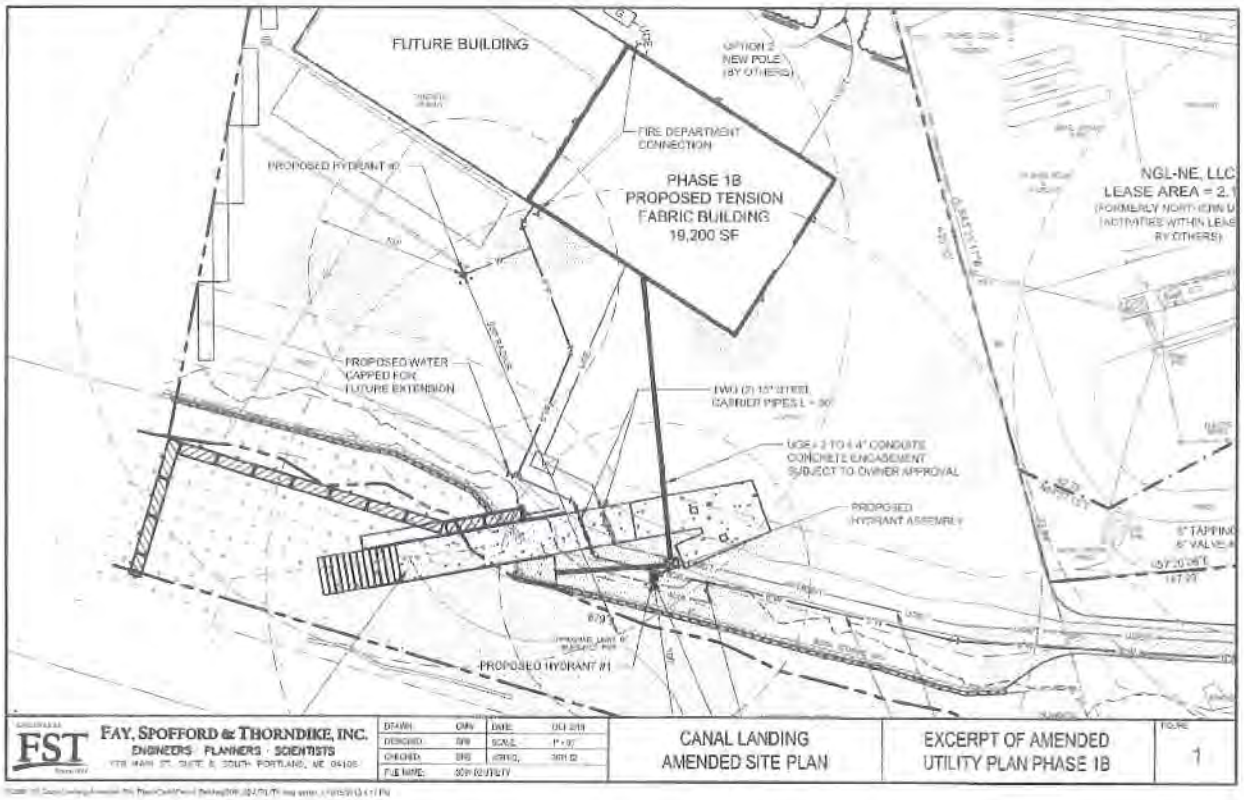
The use and maintenance of the facility as designed should sufficiently reinforce the site's identity as an active boat yard.

(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.

The applicant provided a revised fire access and circulation plan. Fire Safety reviewer, Captain Chris Pirone has not had opportunity to review the plan and a condition of approval is suggest that modifications to this plan may be needed pending further review.

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 utility plan, Attachment P10, (excerpted above) shows additional 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.

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 subsurface construction proposed, potential on-site historic and archeological resources will not be significantly impacted by the proposed amendment. The 19th century seawall is currently being restored in conjunction with the proposed marine improvements. The location of a 19th century glass works is known to exist on site and the applicant should document any evidence of its disturbance with the limited utility work proposed. A condition of approval is recommended.

6. *Exterior Lighting:*

No exterior lighting is proposed in Phase 1B. A condition of approval is suggested that requires submission of a lighting plan prior to installation.

7. *Noise and Vibration:*

Based on the current Portland Yacht Services activities, exterior noise levels are anticipated to be within zoning requirements for sound levels.

8. Signage and Wayfinding:

Signage plans have not been provided, but will be reviewed and approved with the building permit applications for the site. No signage may be installed without such approval.

9. Zoning Related Design Standards NA

VIII. Staff Recommendation:

The applicants have demonstrated adherence to the applicable standards and Planning Staff recommends that the Planning Board approve the amended plan for the New Yard at Canal Landing, subject to the conditions provided below in the suggested motions.

IX. Recommended Motions:

b. Conditional Use in the Waterfront Port Development Zone:

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 application **# 2013-224** relevant to the Conditional Use Standards of the Waterfront Port Development Zone for *boat storage, marine products sales,* and Section 14-474 of Land Use Code and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with conditional use standards of the land use code.

c. Site Plan:

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 application **# 2013-224** relevant to the Site Plan Ordinance, Shoreland Zone, Flood Plain Management, Site Location of Development, and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with applicable standards of the land use code, subject to the following conditions of approval:

Conditions of Approval

i. *<u>MDOT Shared Entrance:</u> 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. *<u>Fire Safety and Emergency Access:</u> Prior to issuance of a building permit, the revised fire access and circulation plan, as may be amended, shall receive review and approval from City Fire Safety review staff.*

iii. *Landscaping: Prior to issuance of a building permit, that applicant shall submit for staff review and approval a revised landscaping plan that includes additional plantings at the shoreline and the site perimeter.*

iv. *Stormwater:*

a. Prior to issuance of a building permit, the applicant shall submit for staff review and approval information regarding the type of surface and construction details proposed for the improved traveled-way;

b. The Applicant shall verify that they have submitted a Notice of Intent to Comply with the Maine Construction General Permit to the Maine DEP; and,

c. The previously submitted Stormwater Inspection and Maintenance Manual still applies to the amended site.

v. *Previous Conditions of Approval: For development approved on December 18, 2012, all conditions of approval not previously addressed remain in effect as described in Attachment 1 of this report.*

vi. *Archeological Resources: If evidence of 19th century glass works, known to exist on the subject site, is discovered during subsurface utility work, the applicant shall contact the Planning Authority and make reasonable efforts document any resources discovered.*

vii. *Exterior Lighting: Prior to issuance of a building permit, that applicant shall submit for staff review and approval a revised exterior lighting plan.*

Attachments

1. Approval Letter from December 18, 2012 Public Hearing
2. Planning Board Report #53-12, December 14, 2012

3.1 Previously approved Landscape Plan (showing tree preservation)

Applicant's Submission Packet

A. Application narrative and Project Information, September 23, 2013
B. Building Height and Flood Hazard permit information, October 13, 2013
C. Response to Staff Comments, October 15, 2013

Plans

Plan 1 Previously Approved Plan (December 18, 2012, Amended, August 2013)
Plan 2 Future Phase Master Plan, December 2012
Plan 3 to 13 Current Plan Set

LIST OF WAIVERS FROM DEC 18, 2012 PLANNING BOARD REPORT

ATT D

Applicable Reviews

The project is 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 is also reviewed under delegated local authority for a Site Location of Development permit. The subject review is limited to the first phase of development and additional reviews may be required for later phases.

The applicant is requesting waivers from the following provisions of the Land Use Code and Technical Standards

Waiver	Code Reference	Comment
Sidewalks and Granite Curbing:	Site Plan Standard 14-526(a)(2)c.1 (and 14-448 an d14-449, by reference)	*Sidewalk waiver is recommended by staff based on sidewalk criteria 1 (safe route across the street, and criteria 6 (loss of significant features of greater value). Curbing waiver is recommended based on criteria 4 (loss of significant site features of a greater public value,) and criteria 5 (runoff from the development site or within the street does not require curbing for stormwater management.)*
Site Lighting	Tech Standards Sec. XV. 5.4.A, Uniformity and 4.B, Illumination Levels.	*Waiver requested due to proposed dark areas on the site not meeting minimum illumination levels.*
Landscaping:	Tech Standards Sec. IV. 5.4.5 Tree Species and Size standards.)	*Waivers requested to allow a naturalized replanting program consistent with the site's Shoreland Zone context.* *Note: Other landscaping waivers are requested that staff has determined are not required by code.*
Flooding	Tech Standards Sec.V E, Flooding	*Waiver requested due to the capacity of the receiving body (the Fore River)*

Waiver	Code Reference	Comment
Soil Infiltration Testing	Tech Standards, Sec. V, Appendix D.4.(a)	*Based on known conditions on the site and controlled materials to be installed with construction.*
Bicycle Parking	Site Plan Standard 14-526 a (4) b.	*Based on an "industrial use located in an outlying area (waiver criteria)* *Note: Note staff recommends a partial waiver of this standard to half (4 spaces) of the zoning requirement*
Motorcycle and Scooter Parking	Site Plan Standard 14-526 a (4) c.	*Industrial yard layout will allow two wheeled parking throughout the site.* *Note: Staff recommends that based on the availability of parking generally on the site, that this waiver is not needed.*
Driveway width	Tech Standards, sec 1.7.1.4.	*Standard cites 36 feet maximum: 48 feet+/- requested. Waiver supported by the Consulting Transportation Engineer due to large truck and trailer turning movements.*

II. Project Data

Total Site Acreage:	22.5 acres
Total Proposed Disturbed area:	318,950 sq ft
Zone:	Waterfront Port Development Zone
Existing Uses:	Mostly Vacant. Propane distribution and rail sidings
Proposed Use:	Boat repair, storage, sales 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:	720 sq ft	Brokerage Building
	19,200 sq ft	Storage and Repair tension fabric shed
	22,417 sq ft	Operations Building

ATT. E

Rick Knowland - Zoning Approval for Site plan 2014-123

From: Ann Machado
To: Rick Knowland
Date: 7/30/2014 2:22 PM
Subject: Zoning Approval for Site plan 2014-123
Attachments: Zoning Approval for site plan 2014-123.pdf

Rick -

I have attached the zoning memo approval for the most recent site plan for New Yard.

The boat ramp previously permitted was in the A2 flood zone. The proposed building B is not in a flood zone. It is in Zone C.

Ann

MEMORANDUM

To: FILE

From: Richard Knowland

Subject: Application ID: 2014-123

Date: 7/30/2014

7/30/2014

The property is located in the WPDZ zone. There is no minimum lot size, street frontage, or yard dimension requirements.. There is 100% lot coverage. The maximunm building hegiht is 45 feet. Th information provided gives the height as 43.91' based on the average grade.. The property is located in the Shoreland zone, but section 14-449(a)(1)(b) states that no 75' setback is required for this zone. Part of the property is within Zone A2, but the proposed building is within Zone C as shown on panel 16.

COMMITMENT & INTEGRITY
DRIVE RESULTS

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

T 800.426.4262
T 207.774.2112
F 207.774.6635

ATT. F

MEMORANDUM

WOODARD &CURRAN

TO: Rick Knowland, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: August 5, 2014
RE: 40 West Commercial Street, Canal Landing New Yard – Phase 1 (Amended Application)

Woodard & Curran has reviewed the Amended Application for the Level II Site Plan for the New Yard Phase 1 development at 40 West Commercial Street in Portland, Maine. The project proposes to construct a boat repair and maintenance yard along with related marine uses. The amendment seeks to modify infrastructure elements impacted by the IMT expansion activities.

Documents Reviewed by Woodard & Curran

- Canal Landing New Yard – Phase 1 Amended Site Plan Application and Cover letter prepared by Fay Spofford & Thorndike on behalf of New Yard, LLC, dated July 2, 2014.
- Engineering Plans, Sheets C-1.0, 2.1, 3.1, 4.1, & 11.1; revised July 2, 2014, prepared by Fay Spofford & Thorndike on behalf of New Yard, LLC.

Comments

1) This project received a Site Plan approval in January of 2013, with amendments to the original approval in August and December 2013. Woodard & Curran performed a review of the original application and each subsequent amendment application. As noted in the current amendment application, only small changes are proposed from prior approvals to the boat yard surface and proposed building limits. Based on prior approvals and the information submitted in this amendment application, the proposed amendment is in conformance with the Basic Standards, General Standards, and has been granted and still qualifies for a waiver from the Flooding Standard.
2) The plans should include details for work within the City ROW, including a City standard trench repair detail (Figure II-12)
3) The original application noted that the project was subject to the requirements of the Maine Construction General Permit. The Applicant should verify that they have submitted a Notice of Intent to Comply with the Maine Construction General Permit to the Maine DEP.

ATT. G

Rick Knowland - New Yard Project

From: Tom Errico <thomas.errico@tylin.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 8/7/2014 12:01 PM
Subject: New Yard Project
CC: 'David Margolis-Pineo' <DMP@portlandmaine.gov>, Katherine Earley <KAS@po...

Rick – I have reviewed the application materials for the project and I find the project to be acceptable from a traffic perspective. Please note the following:

- The approval assumes that access and egress for the project will be via the existing driveway near the Casco Bay Bridge and impacts during the construction of the IMT Expansion Project can be expected. A construction management plan should be provided that illustrates how access will occur during the IMT construction.
- This approval does not include new driveways on West Commercial Street.
- Traffic levels from the project are expected to be low, as documented by the applicant, and therefore the project is not expected to create any safety or operational problems.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)
207.400.0719 (mobile)
207.781.4753 (fax)
thomas.errico@tylin.com
Visit us online at www.tylin.com
Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

ATT. H

Rick Knowland - New Yard

From: Chris Pirone
To: Rick Knowland
Date: 8/7/2014 2:50 PM
Subject: New Yard

Fire Comments:

Indicate on plans C 11.1 where the 30' access is for Fire Dept. vehicles.

Need confirmation for the address for the property. Is it 100 West Commercial?

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

Please consider the environment before printing this email.

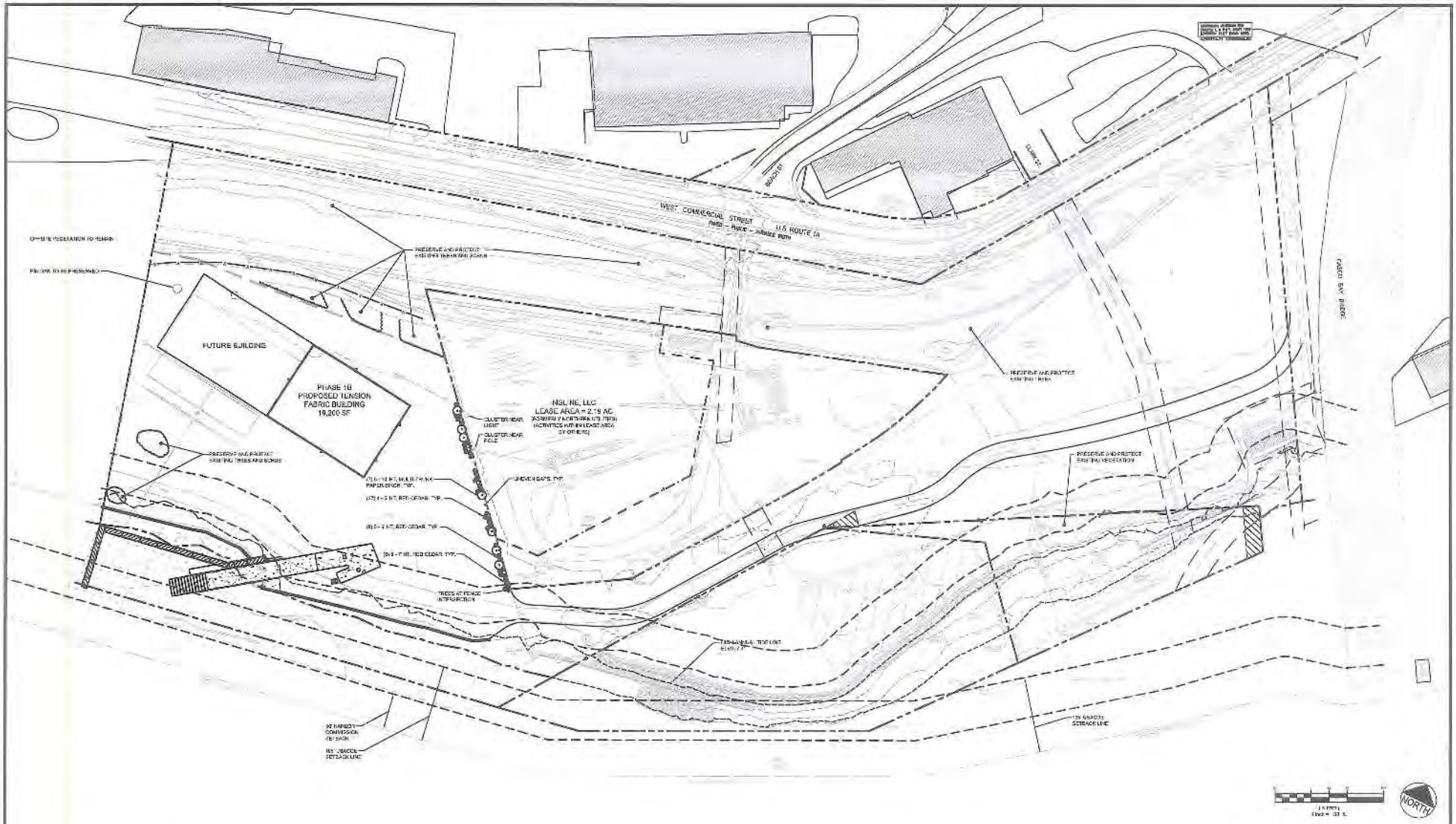
ATT I

Rick Knowland - Re: New Yard Site Plan

From: Rick Knowland
To: David Margolis-Pineo
Subject: Re: New Yard Site Plan

>>> David Margolis-Pineo Thursday, August 07, 2014 >>>
Sorry I didn't make your deadline.

Public Services has no comments.



PLANT LIST				
PLANT NAMES	SIZES			
	4 - 5' HT. B & B	5 - 6' HT. B & B	6 - 7 HT. B & B	8 - 10' HT. B & B
Salix pepolifolia Pepper Bush				1
Juniperus Virginiana Eastern Red Cedar	37	6	3	

LANDSCAPE NOTES

1. PLANT TREES 8 FEET APART, 3 FEET FROM FENCE.
2. ENSURE THAT PITS EQUAL TO DEPTH OF ROOT BALL HEIGHT FROM BASE OF TRUNK FLARE TO BASE. SET PLANT SO THE TRUNK FLARE IS FLUSH WITH EXISTING GRADE. BACKFILL WITH 1/3 COMPOST, 1/3 EXISTING SOIL AND ADD ALL OF THE RECOMMENDED FERTILIZER TABLETS AT THE RATE SUGGESTED BY THE MANUFACTURER.
3. MULCH BENEATH TREES WITH FINELY SHREDDED BARK MULCH 4" DEEP. DO NOT PLACE MULCH AGAINST TRUNKS. TAPER DEPTH AWAY.
4. ALL PLANTS SHALL BE GUARANTEED FOR ONE YEAR.
5. THE OWNER SHALL BE RESPONSIBLE FOR WATERING AND MAINTENANCE AFTER FINAL ACCEPTANCE OF THE LANDSCAPING.

APPROVED LANDSCAPING PLAN
DEC. 2013

ATT. 5

REV	DATE	DESCRIPTION
4	12.12.13	SUBMITTED FOR CITY REVIEW
3	2.11.13	SUBMITTED FOR "SPIRITEND"
2	2.11.13	ADDITIONAL TREES IN 150' SEA SPRUCE SUBSTITUTED
1	10.3.12	2 BULDINGS AND LTG. GRAVEL
	1.26.12	SITE PLAN ELEVATIONS TO CITY

REVISIONS

P.E. STEPHEN BUSHEY
LIC. # 14011

PROJECT: CANAL LANDING AMENDED SITE PLAN

SHEET TITLE: AMENDED LANDSCAPE PLAN PHASE "B"

REPORT: NEW YARD LLC
93 FORE STREET
PORTLAND, ME 04101

FAY, SPOFFORD & THORNDIKE, INC.
ENGINEERS · PLANNERS · SCIENTISTS
778 MAIN ST., SUITE 2, SOUTH PORTLAND, ME 04106

DRAWN:	DBW	DATE:	AUGUST 2012
DESIGNED:	SBW	SCALE:	1" = 40'
CHECKED:	SPB	JOB NO.	2011002.01-NN3-NAB
FILE NAME:	2011-324-LANDSCAPE		
SHEET:	L-1.0		

MEMORANDUM

To: FILE

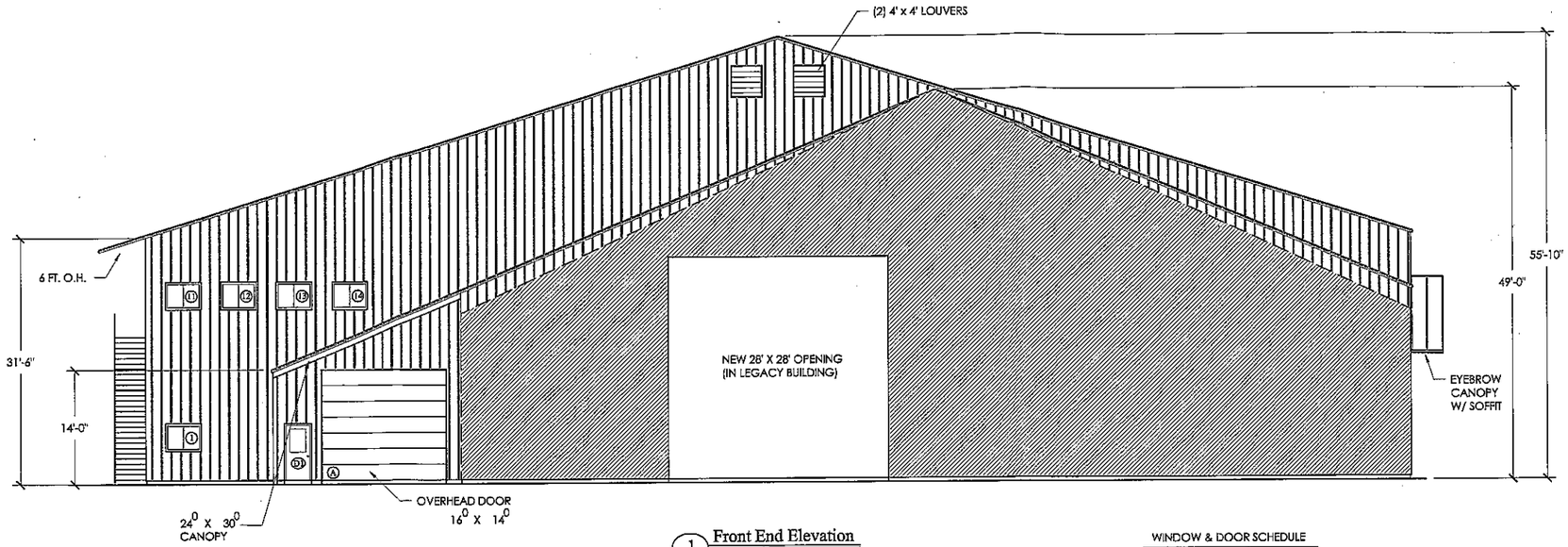
From: Richard Knowland

Subject: Application ID: 2014-123

Date: 8/12/2014

Comments Submitted by: Ann Machado/Zoning on 7/30/2014

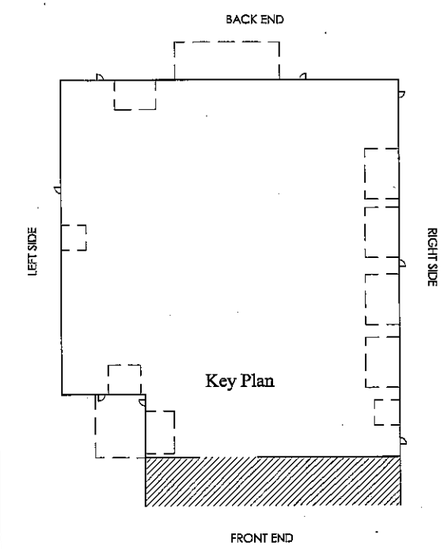
The property is located in the WPDZ zone. There is no minimum lot size, street frontage, or yard dimension requirements.. There is 100% lot coverage. The maximunm building hegiht is 45 feet. Th information provided gives the height as 43.91' based on the average grade.. The property is located in the Shoreland zone, but section 14-449(a)(1)(b) states that no 75' setback is required for this zone. Part of the property is within Zone A2, but the proposed building is within Zone C as shown on panel 16.



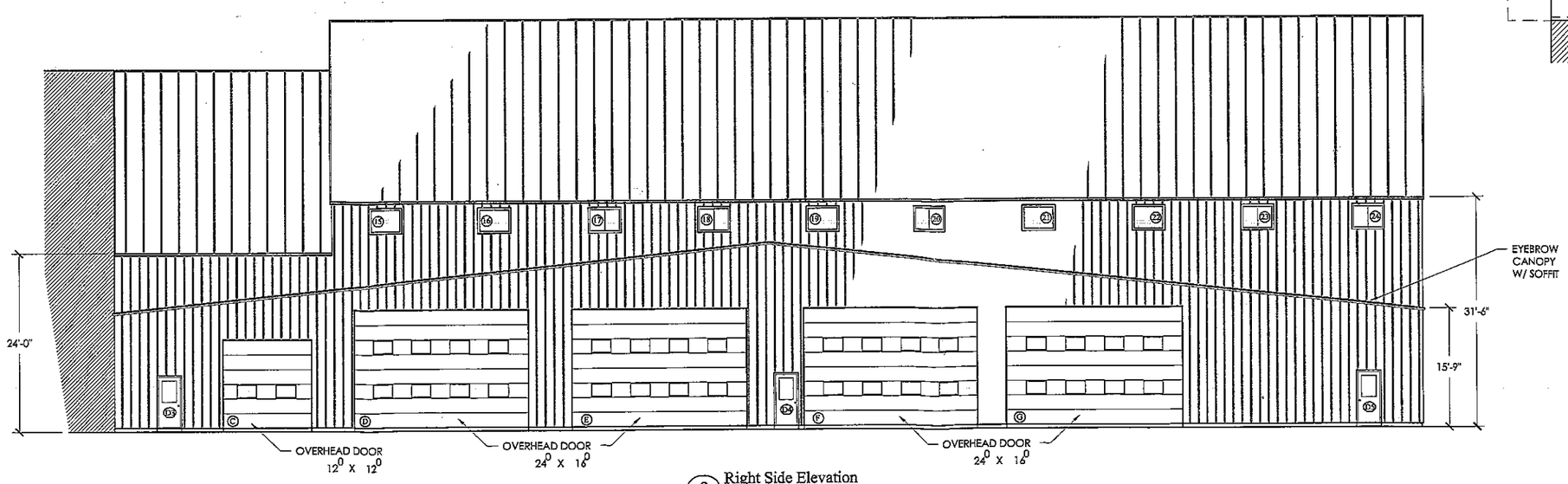
1 Front End Elevation
SCALE: 1/8"=1'-0"

WINDOW & DOOR SCHEDULE

NUMBER	TYPE	SIZE	NOTES
1, 11 thru 14 15 thru 24	WINTEC SERIES 3000 THERMAL	4⁰ X 3⁰	ALL WINDOWS
A	RICHARD WILCOX O.H. DOOR	16⁰ X 14⁰	
C	RICHARD WILCOX O.H. DOOR	12⁰ X 12⁰	WITH LITES
D,E,F,G	RICHARD WILCOX O.H. DOOR	24⁰ X 16⁰	WITH LITES
D1, D3 D4, D5	PDL BUILD. PROD. PASSAGE DOOR	3⁰ X 7⁰	WITH (1) LITE



Key Plan



2 Right Side Elevation
SCALE: 1/8"=1'-0"

IRISHSPAN INDUSTRIES INC.
14 CLAIRE STREET
LEWISTON, MAINE 04240
207.229.2092 FAX: 207.312.5214

DESIGN BUILD
CONCRETE DESIGN
GENERAL CONTRACTING

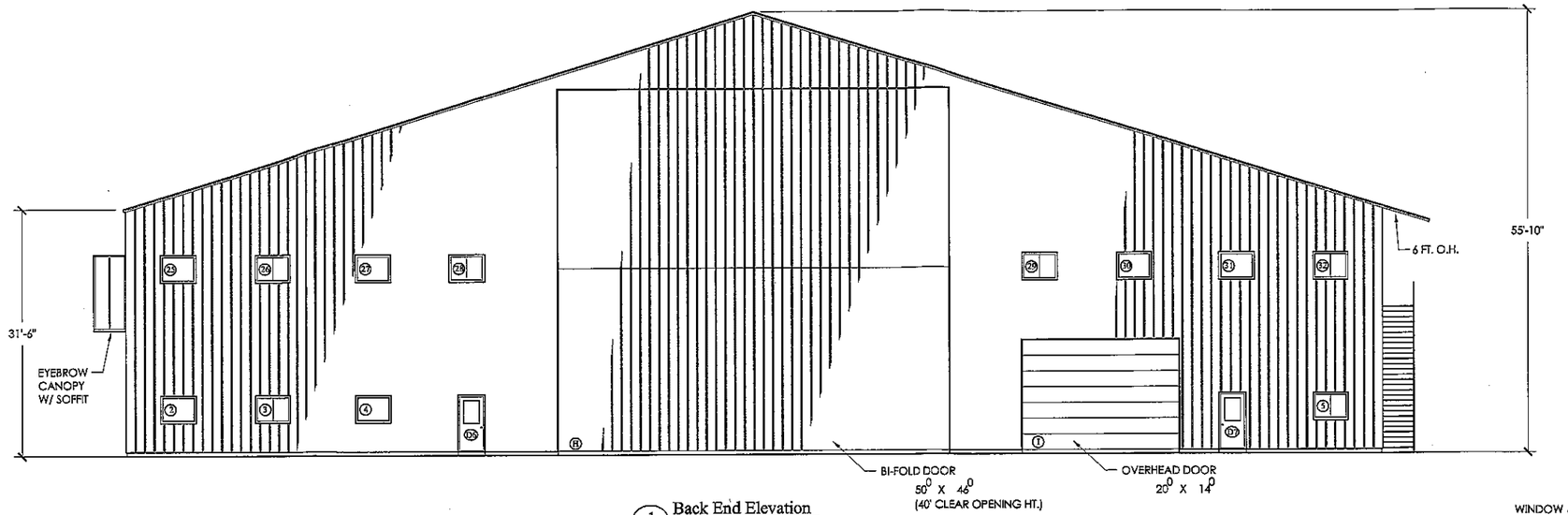
REVISIONS

JOB NUMBER:
DATE: 6-24-14
SCALE: 1/8"=1'-0"
DESIGNED BY:
CHECKED BY:
DRAWN BY: TC

Elevations

CANAL LANDING / NEW YARD LLC
100 WEST COMMERCIAL ST
Portland, Maine

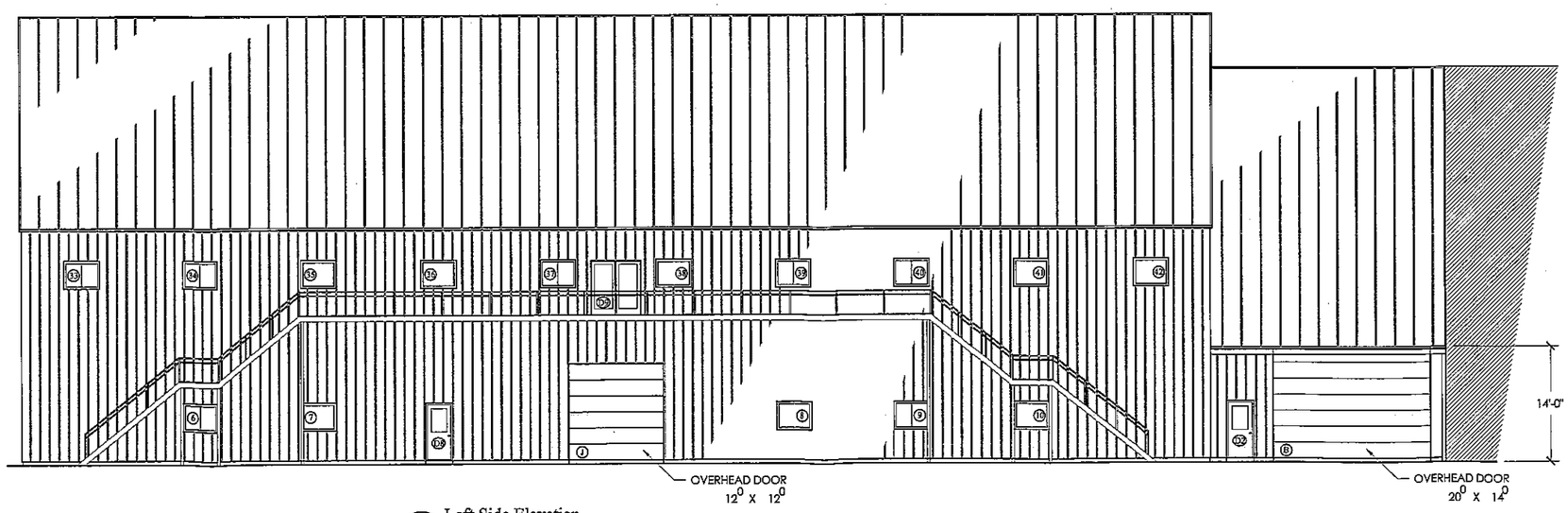
DWG
1.0



1 Back End Elevation
SCALE: 1/8"=1'-0"

WINDOW & DOOR SCHEDULE

NUMBER	TYPE	SIZE	NOTES
2 thru 10 25 thru 42	WINTEC SERIES 3000 THERMAL	4⁰ X 3⁰	ALL WINDOWS
B	BI-FOLD O.H. DOOR	20⁰ X 14⁰	
H	BI-FOLD O.H. DOOR	50⁰ X 46⁰	
I	RICHARD WILCOX O.H. DOOR	20⁰ X 14⁰	
J	RICHARD WILCOX O.H. DOOR	12⁰ X 12⁰	
D2, D6 D7, D8	PDL BUILD. PROD. PASSAGE DOOR	3⁰ X 7⁰	WITH (1) LITE
D9	SLIDING GLASS DOOR	6⁰ X 6⁸	



2 Left Side Elevation
SCALE: 1/8"=1'-0"

IRISHSPAN INDUSTRIES INC.
14 CLAIRE STREET
LEWISTON, MAINE 04240
207.229.2092 FAX: 207.312.5214

DESIGN BUILD
CONCRETE DESIGN
GENERAL CONTRACTING

REVISIONS

JOB NUMBER:
DATE: 6-24-14
SCALE: 1/8"=1'-0"
DESIGNED BY:
CHECKED BY:
DRAWN BY: TC

Elevations

CANAL LANDING / NEW YARD LLC
100 WEST COMMERCIAL ST
Portland, Maine

DWG
2.0

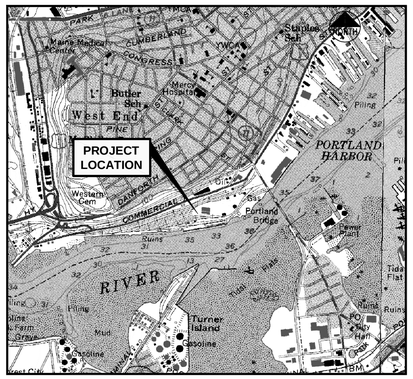
PROJECT PARCEL SITE			
ZONING: WATERFRONT PORT DEVELOPMENT ZONE (WPDZ)			
PORTLAND TAX ASSESSOR'S MAP AND LOT NUMBERS			
MAP	BLOCK	LOTS	OWNER
59	A	1, 2, 5, 6, 7,8, 9, 10, 11	MAINE DEPARTMENT OF TRANSPORTATION
59	A	3, 4	NEW YARD LLC

OWNER / APPLICANT:
NEW YARD, LLC / CANAL LANDING, LLC
58 FORE STREET
PORTLAND, ME 04101
ATTN: PHINEAS SPRAGUE, JR

REFERENCE PLANS:
1. STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP "LAND ACQUISITIONS" BY OWEN HASKELL, INC. DATED APRIL 2014.
2. "BOUNDARY AND TOPOGRAPHIC SURVEY - WEST COMMERCIAL STREET PORTLAND, CUMBERLAND COUNTY, MAINE" MADE FOR HNTB & THE MAINE DEPARTMENT OF TRANSPORTATION BY OWEN HASKELL, INC. DATED APRIL 4, 2014.

NOTES
1. IN ACCORDANCE WITH A SETTLEMENT AGREEMENT THE MAINE DEPARTMENT OF TRANSPORTATION ACQUIRED BY EMINENT DOMAIN TAKING APPROXIMATELY 17.9 ACRES OF LAND FORMERLY CONTROLLED BY NEW YARD, LLC AND AS DEPICTED ON SITE DEVELOPMENT PLANS ORIGINALLY APPROVED AND SUBSEQUENTLY AMENDED AND LAST APPROVED ON OCTOBER 22, 2013.
2. SEE DEVELOPMENT PLANS FOR PORTLAND INTERNATIONAL MARINCE TERMINAL BY HNTB AND THE MAINE DEPARTMENT OF TRANSPORTATION FOR INFORMATION RELATED TO IMT EXPANSION AND SITE DEVELOPMENT ACTIVITY.
3. THE AMENDED DRAWINGS AS INDICATED IN THE INDEX BELOW ARE INTENDED TO SUPERCEDE THE APPROVED PLANS DATED 09.20.2013. PREVIOUSLY APPROVED SHEETS, NOT OTHERWISE CONTAINED IN THIS SUBMISSION WILL CONTINUE TO APPLY.

AMENDED SITE DEVELOPMENT PLANS
FOR
CANAL LANDING NEW YARD
POST LAND TAKING BY
MAINE DEPT. OF TRANSPORTATION
100 WEST COMMERCIAL STREET
PORTLAND, MAINE
AMENDMENT APPLICATION
JULY 2014



LOCATION MAP
N.T.S.

INDEX

C-1.0 COVER SHEET
* C-1.1 GENERAL NOTES AND LEGEND
* C-1.2A ALTA/ACSM LAND TITLE SURVEY 1 OF 2
* C-1.2B ALTA/ACSM LAND TITLE SURVEY 2 OF 2
* C-1.3 EXISTING CONDITIONS PLAN
* C-1.4 AMENDED DEMOLITION AND REMOVALS PLAN
C-2.1 AMENDED SITE LAYOUT PLAN
* C-2.2 SITE DEVELOPMENT PLAN PHASE 1A (SUMMER/FALL 2013) AND 1B (DATE UNDETERMINED)
C-3.1 AMENDED GRADING AND DRAINAGE PLAN
C-4.1 AMENDED UTILITY PLAN
* C-6.1 AMENDED EROSION AND SEDIMENT CONTROL PLAN
* C-6.2 EROSION AND SEDIMENT CONTROL DETAILS 1 OF 2
* C-6.3 EROSION AND SEDIMENT CONTROL DETAILS 2 OF 2
* C-6.4 EROSION AND SEDIMENT CONTROL NARRATIVE
* C-6.5 EROSION AND SEDIMENT CONTROL NARRATIVE
* C-6.6 EROSION AND SEDIMENT CONTROL NARRATIVE
* C-7.0 LIGHTING PLAN
* C-8.0 SITE DETAILS 1 OF 2
* C-8.1 SITE DETAILS 2 OF 2
* C-8.2 WATER SYSTEM DETAILS
* C-8.3 UTILITY DETAILS
* C-8.4 STORM WATER DETAILS
* C-8.5 SHORE FRONT ELEMENT DETAILS
* C-9.0 STORMWATER MANAGEMENT STRATEGY SCHEMATIC
* C-10.0 NEIGHBORHOOD CROSS SECTION PLAN
* C-11.0 FIRE PROTECTION PLAN PHASE
C-11.1 AMENDED FIRE PROTECTION PLAN
* L-1.0 LANDSCAPE PLAN - PHASE 1

* NOT INCLUDED IN JULY 2014 AMENDMENT APPLICATION

UTILITIES

WATER
ATTN: RICO SPUGNARDI
PORTLAND WATER DISTRICT
22 DOUGLAS STREET
P.O. BOX 3533
PORTLAND, MAINE 04104
207.761.8310

SEWER
ATTN: DAVID-MARGOLIS-PINEO, P.E.
CITY OF PORTLAND
PUBLIC SERVICES ENGINEERING DEPT.
55 PORTLAND STREET
PORTLAND, MAINE 04102
207.874.8840

POWER
ATTN: PAUL DUPERRE
CENTRAL MAINE POWER
162 CANCO ROAD
PORTLAND, MAINE 04103
207.828.2882

TELEPHONE
ATTN: SUE SERRETTE
FAIRPOINT COMMUNICATIONS
ONE DAVIS FARM ROAD
PORTLAND, MAINE 04103
207.797.1842

CABLE
ATTN:
TIME WARNER CABLE
118 JOHNSON ROAD
PORTLAND, MAINE 04102
877.546.0962

NATURAL GAS
ATTN: RICHARD FRANCAZIO
UNITIL / FORMERLY NORTHERN UTILITIES

CALL BEFORE YOU DIG:
1.888.DIGSAFE (1.888.344.7233)
DIG SAFE MAINE

PERMITS / APPROVALS

LOCAL	GOVERNING BODY	STATUS
SITE PLAN, SHORELAND ZONING AND SUBDIVISION REVIEW	CITY OF PORTLAND PLANNING AUTHORITY CITY HALL 389 CONGRESS STREET PORTLAND, MAINE 04101 207.874.8725 CONTACT: RICK KNOWLAND	PRELIMINARY PLAN SUBMISSION 08.21.12 FINAL PLAN APPROVED 12.18.12 AMENDED SITE PLAN SUBMISSION 08.27.13 AMENDED SITE PLAN APPLICATION FOR PHASE 1B 10.22.13 AMENDED SITE PLAN APPLICATION FILED 06.27.14
BUILDING AND DEMOLITION PERMITS	CITY OF PORTLAND CODE ENFORCEMENT OFFICE CITY HALL 389 CONGRESS STREET PORTLAND, MAINE 04101 207.874.8703	TO BE FILED PRIOR TO CONSTRUCTION BY CONTRACTOR TENSION FABRIC BUILDING (BLDG A) PREVIOUSLY APPROVED AND OPERATING WITH TEMPORARY CERTIFICATE OF OCCUPANCY AS OF 06.27.14 SUBMISSION.
STREET OPENING PERMIT	CITY OF PORTLAND PUBLIC SERVICES DIVISION 55 PORTLAND STREET PORTLAND, MAINE 04101 207.874.8801	TO BE FILED PRIOR TO CONSTRUCTION BY CONTRACTOR
PORTLAND HARBOR COMMISSIONER REVIEW	BOARD OF HARBOR COMMISSIONER 2 PORTLAND FISH PIER (SUITE 105) MARINE TRADE CENTER PORTLAND, MAINE 04101 207.772.8121 CONTACT: JEFF C. LIICK	APPROVED 01.10.13

STATE	GOVERNING BODY	STATUS
SITE LOCATION OF DEVELOPMENT	CITY OF PORTLAND PLANNING AUTHORITY DELEGATED AUTHORITY CITY HALL, 389 CONGRESS STREET 207.874.8722 CONTACT: RICK KNOWLAND	FILED UNDER CITY OF PORTLAND DELEGATED REVIEW
NATURAL RESOURCES PROTECTION ACT (NRPA) / MAINE CONSTRUCTION GENERAL PERMIT	MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION 312 CANCO ROAD PORTLAND, MAINE 04103 207.822.6300 CONTACT: MARYBETH RICHARDSON	FILED NOVEMBER 2012 APPROVED PERMIT ORDER #L-25823-4E-A-N
SUBMERGED LANDS LEASE	DEPARTMENT OF CONSERVATION BUREAU OF PARKS AND LANDS 22 STATE HOUSE STATION AUGUSTA, MAINE 04333 CONTACT: CAROL DIBELLO	FILED NOVEMBER 2012 APPROVED 03.01.13

FEDERAL	GOVERNING BODY	STATUS
U.S. ARMY CORPS OF ENGINEERS SECTION 404 PERMIT	U.S. ARMY CORPS OF ENGINEERS RR2 BOX 1855 MANCHESTER, MAINE 04351 207.623.8367 CONTACT: JAY CLEMENT	FILED NOVEMBER 2012 APPROVED PERMIT ORDER #NAE-2012-02469

CONSULTANT LIST

CIVIL ENGINEER:
Fay, Spofford & Thorndike, Inc
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
ATTN: STEPHEN BUSHEY, P.E.
www.fstinc.com

LANDSCAPE ARCHITECT:
Mohr and Seredin
18 PLEASANT STREET
PORTLAND, ME 04101
207.871.0003
ATTN: SHELLEY BRUNELLE, R.L.S.
www.mohrseredin.com

TRAFFIC ENGINEER:
Gorrill-Palmer Consulting Engineers, Inc
P.O. BOX 1237
GRAY, ME 04039
207.657.6910
ATTN: THOMAS GORRILL, P.E.
www.gorrillpalmer.com

SURVEYOR:
Owen Haskell, Inc
390 U.S. ROUTE 1, UNIT 10
FALMOUTH, ME 04105
207.774.0424
ATTN: JOHN SWAN, P.L.S.
www.owenhaskell.com

GEOTECHNICAL:
S.W. Cole Engineering, Inc
286 PORTLAND ROAD
GRAY, ME 04039
207.657.2866
ATTN: TIM BOYCE, P.E.
www.swcole.com

ENVIRONMENTAL:
Credere Associates, LLC
776 MAIN STREET
WESTBROOK, ME 04092
207.828.1272
ATTN: RIP PATTEN
www.crederellc.com

STRUCTURAL:
Baker Design Consultants
11 STONY BROOK LANE
YARMOUTH, ME 04096
207.846.9724
ATTN: BARNEY BAKER, P.E.

Gagnon Engineering, Inc.
10 SOLOMON DRIVE
GORHAM, ME 04038
207.839.8085
ATTN: ROGER GAGNON, P.E.

ATTORNEY:
Murray, Plumb and Murray
P.O. BOX 9785
PORTLAND, ME 04104
207.773.5651
ATTN: PETER PLUMB
www.mpmlaw.com

ELECTRICAL DESIGN:
Bartlett Design
942 WASHINGTON STREET
BATH, ME 04530
207.443.5447
ATTN: LARRY BARTLETT

I HEREBY ACKNOWLEDGE THAT THESE PLANS AND SPECIFICATIONS WERE PREPARED UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MAINE AND THAT I AM COMPETENT TO PREPARE THIS DOCUMENT.

ALL PERMITS ARE ANTICIPATED TO HAVE CONDITIONS ATTENDANT WITH THEIR APPROVAL. THE CONTRACTOR SHALL REVIEW ALL PERMITS AND THE CONDITIONS ATTENDANT WITH APPROVALS PRIOR TO THE START OF THE WORK. UNLESS OTHERWISE STIPULATED BY THE CONTRACT DOCUMENTS, THE CONTRACTOR IS REQUIRED TO COMPLY AND FULFILL ALL CONDITIONS OF APPROVAL.

REV	DATE	DESCRIPTION
1	07.02.14	AMENDED SITE PLAN TO CITY OF PORTLAND

REVISIONS

STATE OF MAINE — STEPHEN R. BUSHEY — No. 7429 — PROFESSIONAL ENGINEER
P.E. STEPHEN BUSHEY
LIC. # 7429

PROJECT: CANAL LANDING AMENDED SITE PLAN
SHEET TITLE: COVER SHEET
CLIENT: NEW YARD LLC, 58 FORE STREET, PORTLAND, ME 04101

FST — FAY, SPOFFORD & THORNDIKE — ENGINEERS · PLANNERS · SCIENTISTS — 778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN:	CMW	DATE:	JUNE 2014
DESIGNED:	SRB	SCALE:	AS NOTED
CHECKED:	SRB	JOB NO.	3091.03
FILE NAME:	3091.03-COV		
SHEET	C-1.0		

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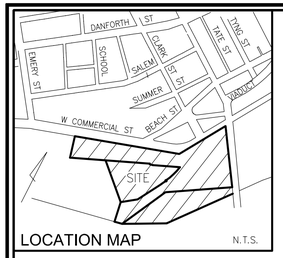
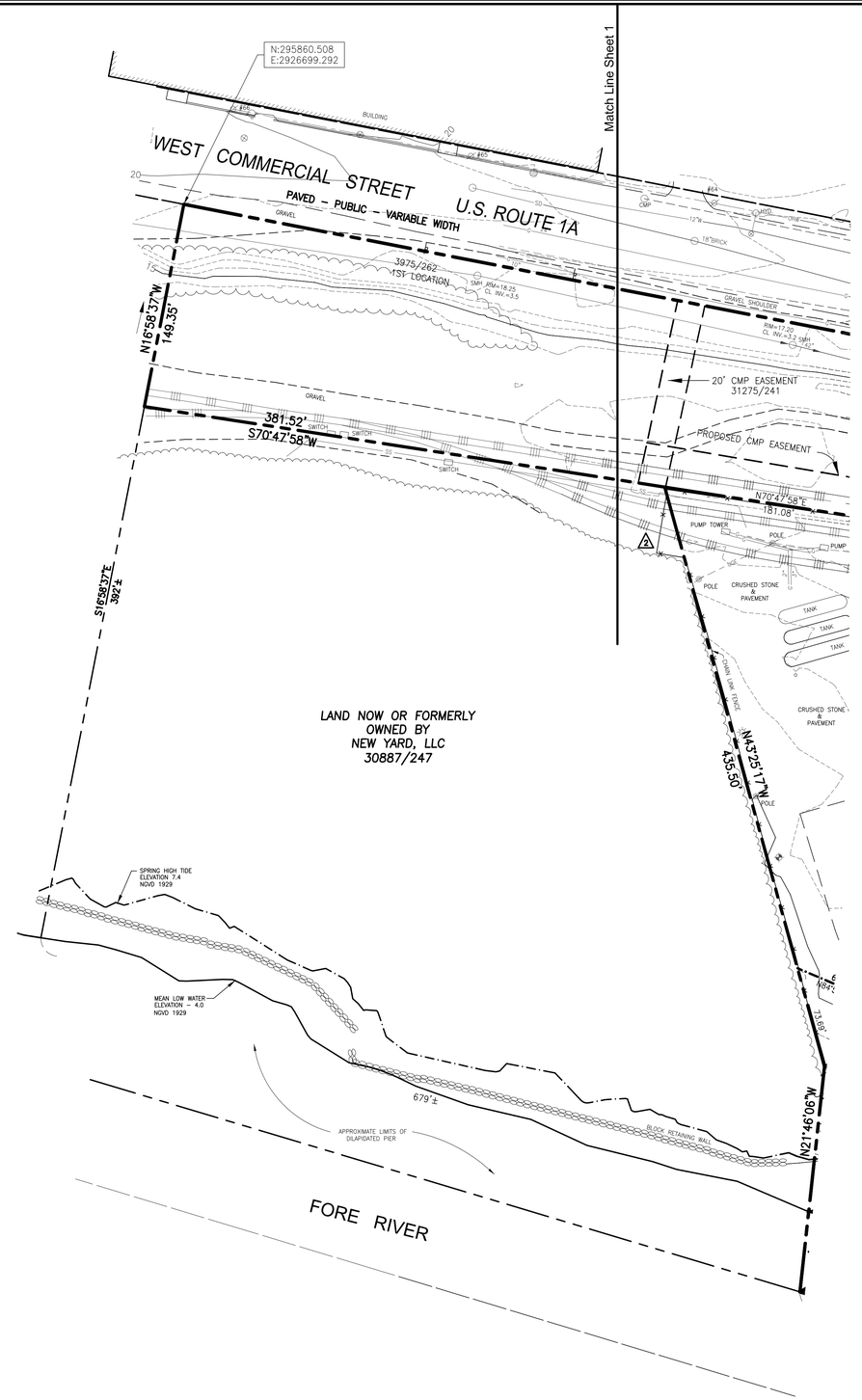


LOCATION MAP N.T.S.

MAINE STATE PLANE NAD 1983 WEST ZONE SEE NOTE 3



UTILITY COMPANIES

SANITARY SEWER/STORM DRAIN:
CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
55 PORTLAND STREET
PORTLAND, MAINE 04101

GAS:
UNITIL
1075 FOREST AVENUE
PORTLAND, MAINE 04103
TEL. 207-797-8002
TEL. 1-866-933-3821

WATER:
PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PORTLAND, MAINE 04102
TEL. 207-761-8310

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 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-DIGSAFE 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
- MONITORING WELL
- FENCE
- CURB
- OHW — OVERHEAD WIRES
- UGE — UNDERGROUND ELECTRIC
- T — TELEPHONE
- W — WATER LINE
- G — GAS LINE
- SS — SANITARY SEWER
- SD — STORM DRAIN
- 10 — 1' CONTOUR

SCALE : 1" = 50'

0' 25' 50' 100'

RECORD OWNER

TAX MAP 59, BLOCK A, LOTS 1, 2, 5, 7, 8, 9 & 10
STATE OF MAINE DEPARTMENT OF TRANSPORTATION
C.C.R.D. BOOK 31470 PAGE 191

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.

RANDY R. LOUBIER
PROFESSIONAL LAND SURVEYOR NO. 2407
IN THE STATE OF MAINE

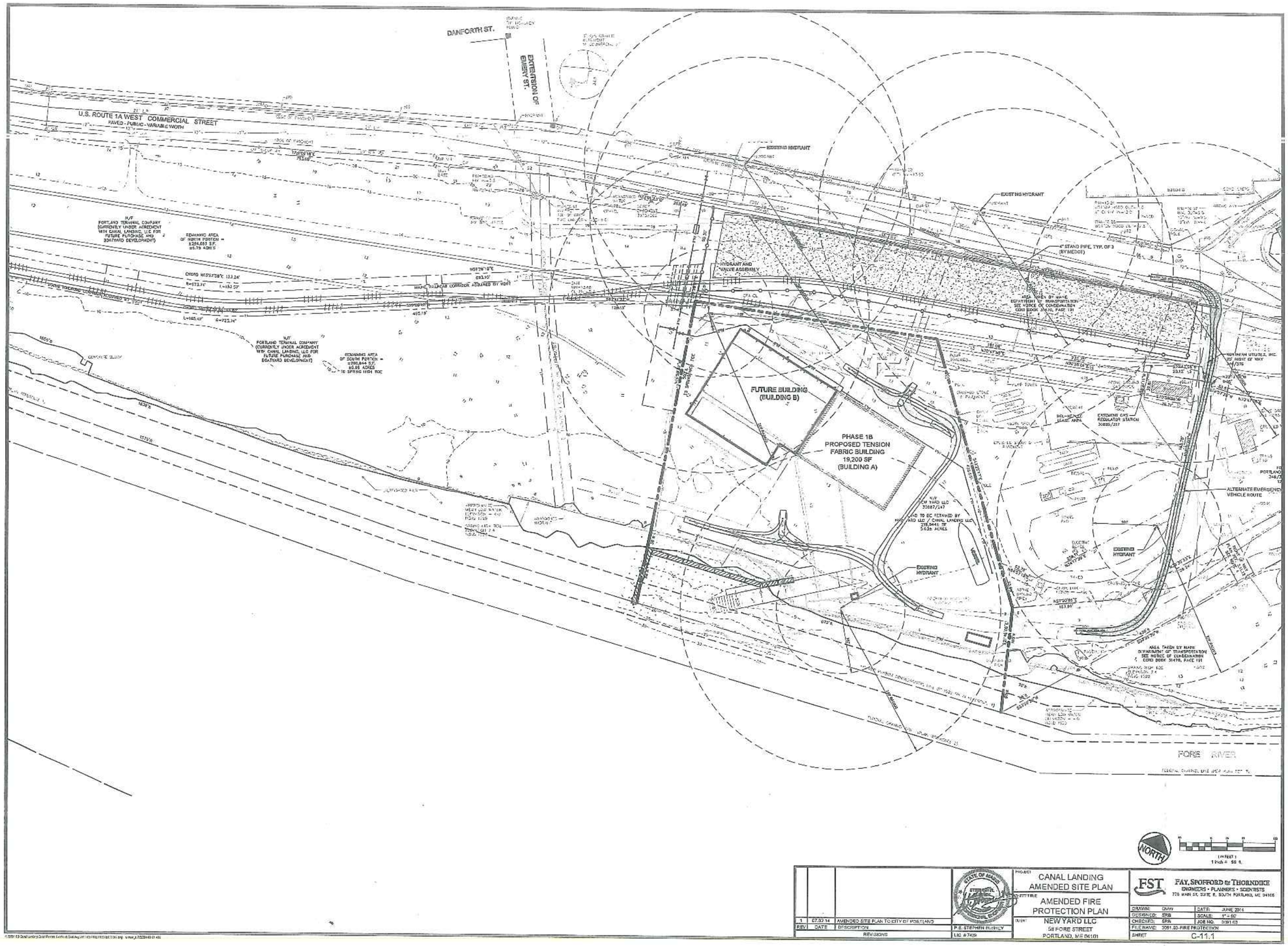
DATE OF PLAN: APRIL 4, 2014
REVISION DATE: JUNE 26, 2014

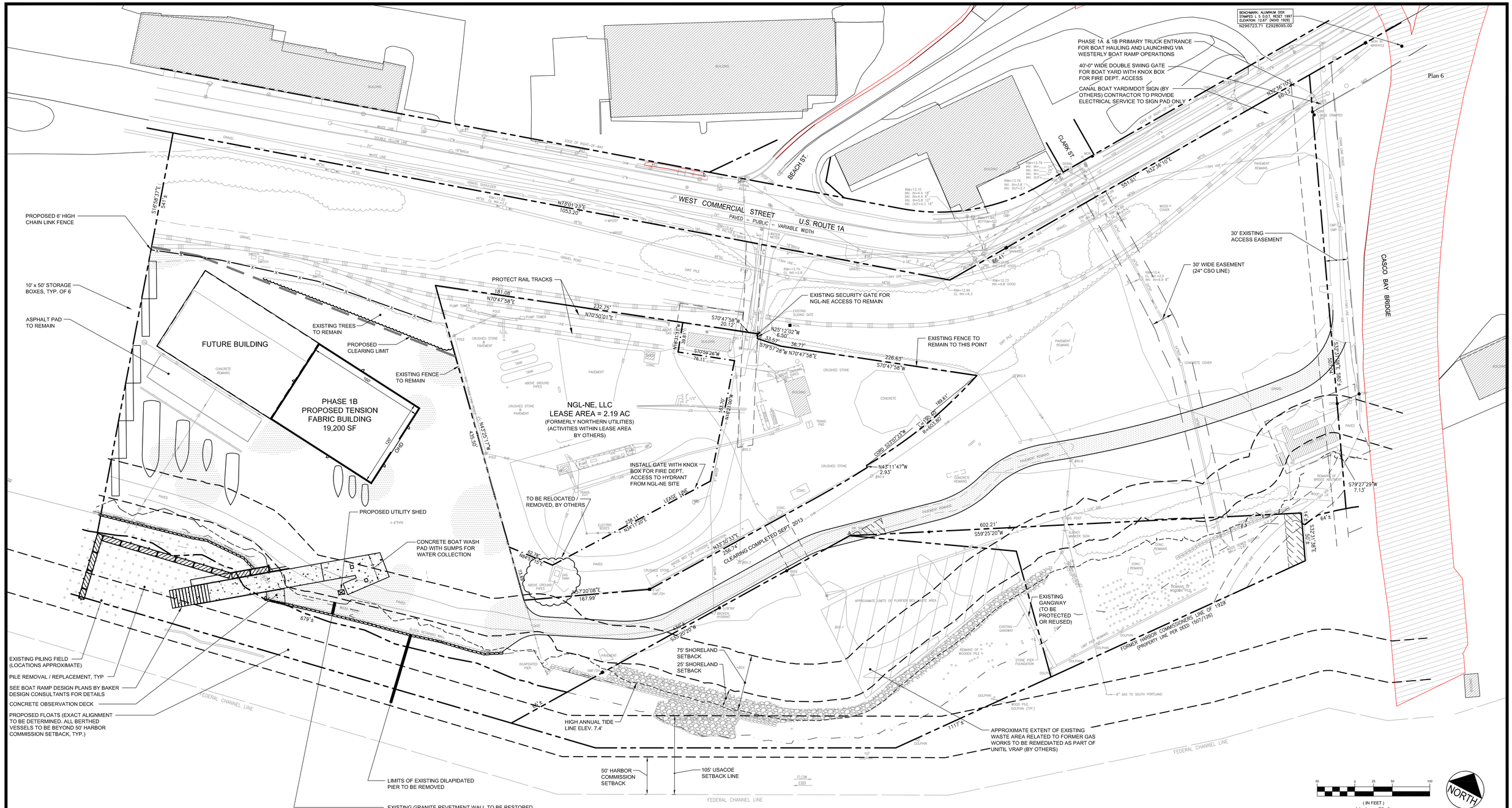
BOUNDARY & TOPOGRAPHIC SURVEY

WEST COMMERCIAL STREET
PORTLAND, CUMBERLAND COUNTY, MAINE
MADE FOR
HNTB & THE MAINE DEPARTMENT OF TRANSPORTATION

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424
PROFESSIONAL LAND SURVEYORS

Drwn By	RRL	Date	Job No.
Trace By	RRL	APRIL 4, 2014	2013-154P
Check By	JLW	Scale	Drwg. No.
Book No.	FILE	1" = 50'	2 OF 3


DANFORTH ST.
EXTENSION OF EMERY ST.
U.S. ROUTE 1A WEST COMMERCIAL STREET
PAVED - PUBLIC - VARIABLE WIDTH
EXISTING HYDRANT
EXISTING HYDRANT
4" STAND PIPE, TYP. OF 3 (BY MEDOT)
HYDRANT AND VALVE ASSEMBLY
FUTURE BUILDING (BUILDING B)
PHASE 1B PROPOSED TENSION FABRIC BUILDING 19,200 SF (BUILDING A)
EXISTING HYDRANT
EXISTING HYDRANT
ALTERNATE EMERGENCY VEHICLE ROUTE
FORE RIVER
NORTH
1 IN FEET 1 inch = 50 ft.
CANAL LANDING AMENDED SITE PLAN
AMENDED FIRE PROTECTION PLAN
NEW YARD LLC
58 FORE STREET
PORTLAND, ME 04101
FAY, SPOFFORD & THORNDIKE
ENGINEERS • PLANNERS • SCIENTISTS
778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106
DRAWN: DMW
DATE: JUNE 2014
DESIGNED: SRB
SCALE: 1" = 50'
CHECKED: SRB
JOB NO. 3091.03
FILE NAME: 3091.03-FIRE PROTECTION
SHEET C-11.1
1 07.02.14 AMENDED SITE PLAN TO CITY OF PORTLAND
REV DATE DESCRIPTION
REVISIONS
P.E. STEPHEN RUSHLEY
LIC. #7429



ZONING INFORMATION

ZONE: WATERFRONT PORT DEVELOPMENT ZONE (WPDZ)

PERMITTED USES: MARINE REPAIR SERVICES / BOAT REPAIR YARD

	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	22.0 AC
MINIMUM LOT FRONTAGE	NONE	±1525 FT
MINIMUM YARD DIMENSIONS		
FRONT	NONE	±72 FT
SIDE	NONE	±318 FT
REAR	NONE	N/A
SETBACK FROM PIER LINE	5 FT	>100 FT
MAXIMUM LOT COVERAGE	100%	<20 %
MAXIMUM BUILDING HEIGHT	45 FT AND 65 FT ABOVE MEAN SEA LEVEL	<45 FT AND <65 FT ABOVE MSL

PHASE 1A TO INCLUDE:

- PREPARE SELECTED SITE AREA FOR CONSTRUCTION INCLUDING SELECT CLEARING OF EXISTING VEGETATION.
- GENERAL SITE CLEAN UP.
- PLACEMENT OF FENCE ALONG PORTION OF COMMERCIAL STREET.
- CREATION OF COMBINED ACCESS DRIVE FROM COMMERCIAL STREET WITH GATES BENEFITING MDOT AND CANAL LANDING.
- CONSTRUCTION OF WEST BOAT RAMP, LIMITED FLOATING DOCKS.
- PLACEMENT OF PORTABLE TEMPORARY TRAILER.
- PILE REMOVAL AND REPLACEMENT
- REVETMENT REPAIRS AND GROUND STABILIZATION.

PHASE 1B TO INCLUDE:

- CONSTRUCTION OF 19,200 SF CLEAR SPAN BUILDING OR ALTERNATIVE METAL FRAMED STRUCTURE.
- CONSTRUCTION OF WESTERN BOAT RAMP & FLOATING DOCKS.
- EXTENSION OF UTILITIES TO SERVICE THE PROPOSED BUILDING
- COORDINATION WITH GAS COMPANY INFRASTRUCTURE DEMOLITION, REMOVAL AND OR RELOCATION
- CONSTRUCTION OF TWO CONCRETE WASHDOWN AREAS.

STRUCTURES WITHIN PROJECT TO BE CONSTRUCTED IN ACCORDANCE WITH PORTLAND CITY CODE, SECTION 14-450.8 FLOOD PLAIN MANAGEMENT.

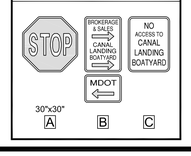
NORTHERN UTILITIES, INC. d/b/a UNITIL, WILL CONTINUE TO MAINTAIN, STORE, OPERATE, REPLACE, AND MODIFY ITS ABOVE GROUND AND BELOW-GROUND NATURAL GAS FACILITIES ON THE SITE, AND MAY CONSOLIDATE, RELOCATE, OR OTHERWISE MODIFY ITS FACILITIES ACCORDING TO ITS NEEDS. IN COLLABORATION WITH NEW YARD INCLUDING PIPE STORAGE. THE CONTRACTOR IS EXPECTED TO COOPERATE WITH UNITIL'S REPRESENTATIVES INCLUDING ENGINEERS, CONTRACTORS AND RELATED PERSONNEL AT NO EXTRA EXPENSE TO NEW YARD LLC.

LEGEND

PROPOSED BUILDING (PHASE 1B)

PREPARED PERVIOUS SURFACE FOR VESSEL STORAGE AND MAINTENANCE (PHASE 1B)

SIGN LEGEND



PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
12	09.20.13	REVISED PHASE 1B BUILDING ALIGNMENT & RESUBMITTED TO CITY
11	09.03.13	REVISED FOR PHASE 1A & 1B
10	08.22.13	ADDED WATER MAIN AND HYDRANT FOR PHASE 1A
9	08.21.13	ADDED CONSTRUCTION TRAILER
8	08.16.13	ANNOTATED FOR PHASE 1A - SUBMITTED TO CITY FOR APPROVAL
7	02.14.13	ADDED NOTE PER CITY CONDITION OF APPROVAL #6
6	02.01.13	RELEASED FOR BIDDING
5	12.27.12	REVISED SERVICE FLOAT LAYOUT
4	12.05.12	REVISED AND RESUBMITTED TO CITY
3	11.30.12	PROGRESS PLAN TO CLIENT FOR REVIEW
2	10.31.12	FINAL SITE PLAN APPLICATION SUBMISSION
1	08.10.12	SUBMITTED TO CLIENT FOR REVIEW

REVISIONS

STATE OF MAINE
STEPHEN R. BUSHEY
LICENSED
PROFESSIONAL ENGINEER

P.E. STEPHEN BUSHEY
LIC. # 7429

PROJECT
CANAL LANDING
AMENDED SITE PLAN

SHEET TITLE
AMENDED SITE LAYOUT
PLAN PHASE 1B

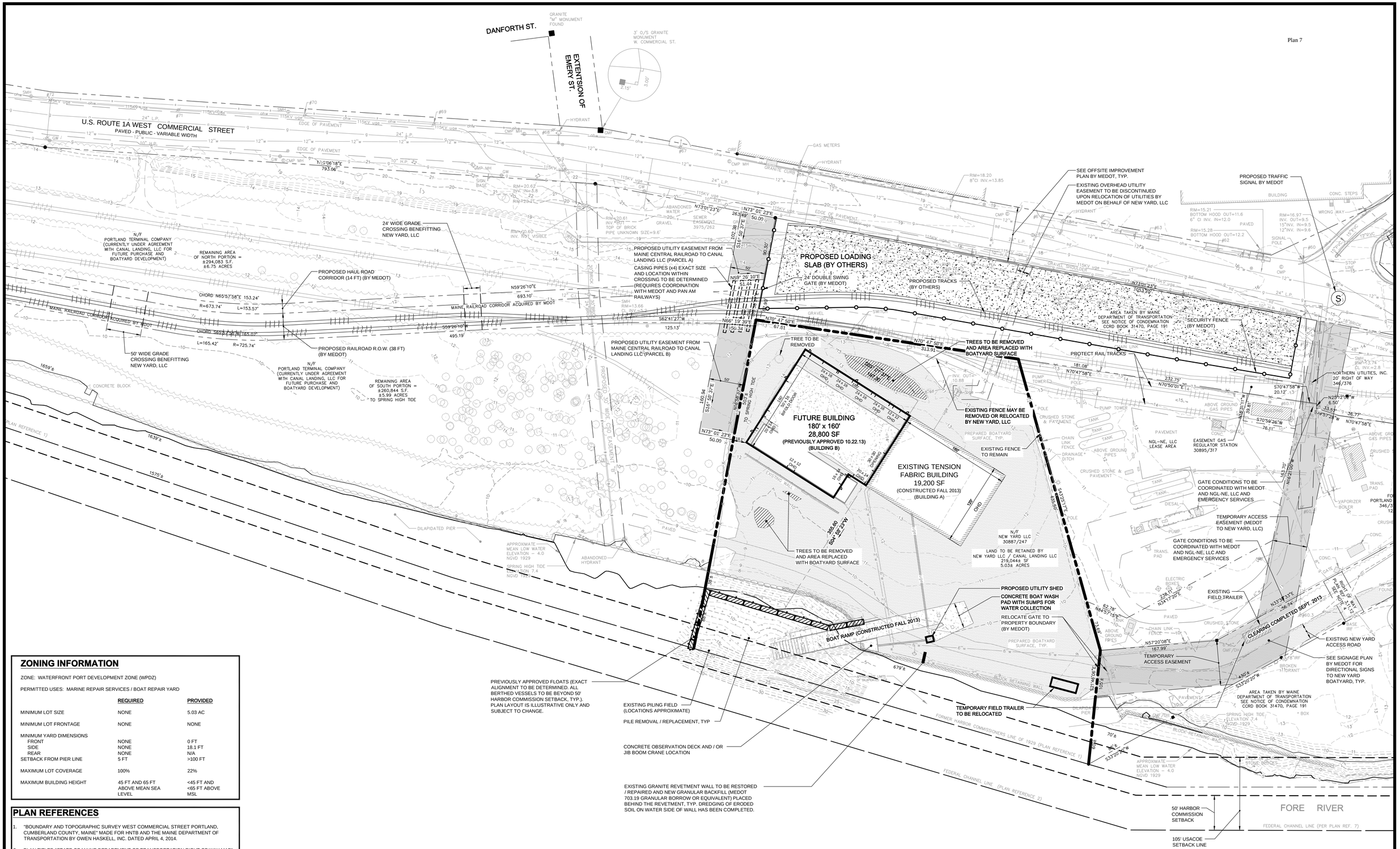
CLIENT
NEW YARD LLC
58 FORE STREET
PORTLAND, ME 04101

ENGINEERS FST Since 1914

FAY, SPOFFORD & THORNDIKE, INC.
ENGINEERS · PLANNERS · SCIENTISTS
778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN:	CMW	DATE:	AUGUST 2013
DESIGNED:	SRB	SCALE:	1" = 50'
CHECKED:	SRB	JOB NO.	3091.02 / SP-M040B
FILE NAME:	3091.02-SITE LAYOUT		
SHEET	C-2.1		

R:\3091.02-Canal Landing-Amended Site Plans\Cadd\Permit Set\dwg\3091.02-SITE LAYOUT.dwg winter_c 9/23/2013 11:12 AM



ZONING INFORMATION

ZONE: WATERFRONT PORT DEVELOPMENT ZONE (WPDZ)

PERMITTED USES: MARINE REPAIR SERVICES / BOAT REPAIR YARD

	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	5.03 AC
MINIMUM LOT FRONTAGE	NONE	NONE
MINIMUM YARD DIMENSIONS		
FRONT	NONE	0 FT
SIDE	NONE	18.1 FT
REAR	NONE	N/A
SETBACK FROM PIER LINE	5 FT	>100 FT
MAXIMUM LOT COVERAGE	100%	22%
MAXIMUM BUILDING HEIGHT	45 FT AND 65 FT ABOVE MEAN SEA LEVEL	<45 FT AND <65 FT ABOVE MSL

PLAN REFERENCES

1. "BOUNDARY AND TOPOGRAPHIC SURVEY WEST COMMERCIAL STREET PORTLAND, CUMBERLAND COUNTY, MAINE" MADE FOR HNTB AND THE MAINE DEPARTMENT OF TRANSPORTATION BY OWEN HASKELL, INC. DATED APRIL 4, 2014.
2. PLAN TITLED "STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP" "LAND ACQUISITIONS" BY OWEN HASKELL INC. DATED APRIL 4, 2014.
3. PLAN SET TITLED "STATE OF MAINE DEPARTMENT ON TRANSPORTATION" CITY OF PORTLAND, CUMBERLAND COUNTY, PORTLAND INTERNATIONAL MARINE TERMINAL - EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION WIN: 022809.20

STRUCTURES WITHIN PROJECT TO BE CONSTRUCTED IN ACCORDANCE WITH PORTLAND CITY CODE, SECTION 14-450.8 FLOOD PLAIN MANAGEMENT.

LEGEND

- EXISTING BUILDING
- PROPOSED BUILDING
- PREPARED PERVIOUS SURFACE FOR VESSEL STORAGE AND MAINTENANCE

REV	DATE	DESCRIPTION
2	08.05.14	REVISED AND RESUBMITTED TO CITY LOR #2
1	07.02.14	AMENDED SITE PLAN TO CITY OF PORTLAND

REVISIONS

STATE OF MAINE — STEPHEN R. BUSHEY — LICENSED PROFESSIONAL ENGINEER

P.E. STEPHEN BUSHEY
LIC. # 7429

PROJECT: CANAL LANDING AMENDED SITE PLAN

SHEET TITLE: AMENDED SITE LAYOUT PLAN

CLIENT: NEW YARD LLC, 58 FORE STREET, PORTLAND, ME 04101

FAY, SPOFFORD & THORNDIKE
ENGINEERS · PLANNERS · SCIENTISTS
778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN:	CMW	DATE:	JUNE 2014
DESIGNED:	SRB	SCALE:	1" = 50'
CHECKED:	SRB	JOB NO.	3091.03
FILE NAME:	3091.03-SITE LAYOUT		
SHEET	C-2.1		

R:\3091.03 Canal Landing\Cadd\Permit Set\West End\dwg\3091.03-SITE LAYOUT.dwg writer_c 8/5/2014 8:16 AM

PHASE 1 TO INCLUDE:

- PREPARE ENTIRE SITE FOR CONSTRUCTION INCLUDING SELECT CLEARING OF EXISTING VEGETATION.
- CONSTRUCTION OF 19,200 SF CLEAR SPAN BUILDING OR ALTERNATIVE METAL FRAMED STRUCTURE.
- CONSTRUCTION OF 22,417 SF OPERATIONS BUILDING.
- CONSTRUCTION OF 720 SF BROKERAGE SERVICE BUILDING.
- PLACEMENT OF FENCE ALONG PORTION OF COMMERCIAL STREET.
- CREATION OF COMBINED ACCESS DRIVE FROM COMMERCIAL STREET WITH GATES BENEFITING MDOT AND CANAL LANDING.
- CONSTRUCTION OF 273,622 SF OF GRAVEL / STONE BOAT STORAGE / TRAVEL AREAS.
- CONSTRUCTION OF STORM WATER MANAGEMENT AREAS TO SERVE PHASE 1 DEVELOPMENT.
- CONSTRUCTION OF BOAT RAMPS, FLOATING DOCKS, DRY DOCK AND TRAVEL LIFT BASIN (TRAVEL LIFT SUBJECT TO COORDINATION WITH UNITIL VRAP).
- EXTENSION OF UTILITIES TO SERVICE THE PROPOSED BUILDING
- COORDINATION WITH GAS COMPANY INFRASTRUCTURE DEMOLITION, REMOVAL AND OR RELOCATION
- CONSTRUCTION OF THREE CONCRETE WASHDOWN AREAS.

LAYOUT DATA TABLE

ID	NORTHING	EASTING
1	296054.46	2927576.27
2	296035.77	2927583.37
3	296139.04	2927865.49
4	296057.14	2927993.54
5	295806.23	2927825.34
6	295870.89	2927724.25

LAYOUT DATA TABLE

ID	NORTHING	EASTING
7	295990.03	2928098.23
8	295988.97	2928078.26
9	295420.38	2927129.79
10	295433.53	2927114.71
11	295575.10	2927547.90
12	295579.02	2927508.09

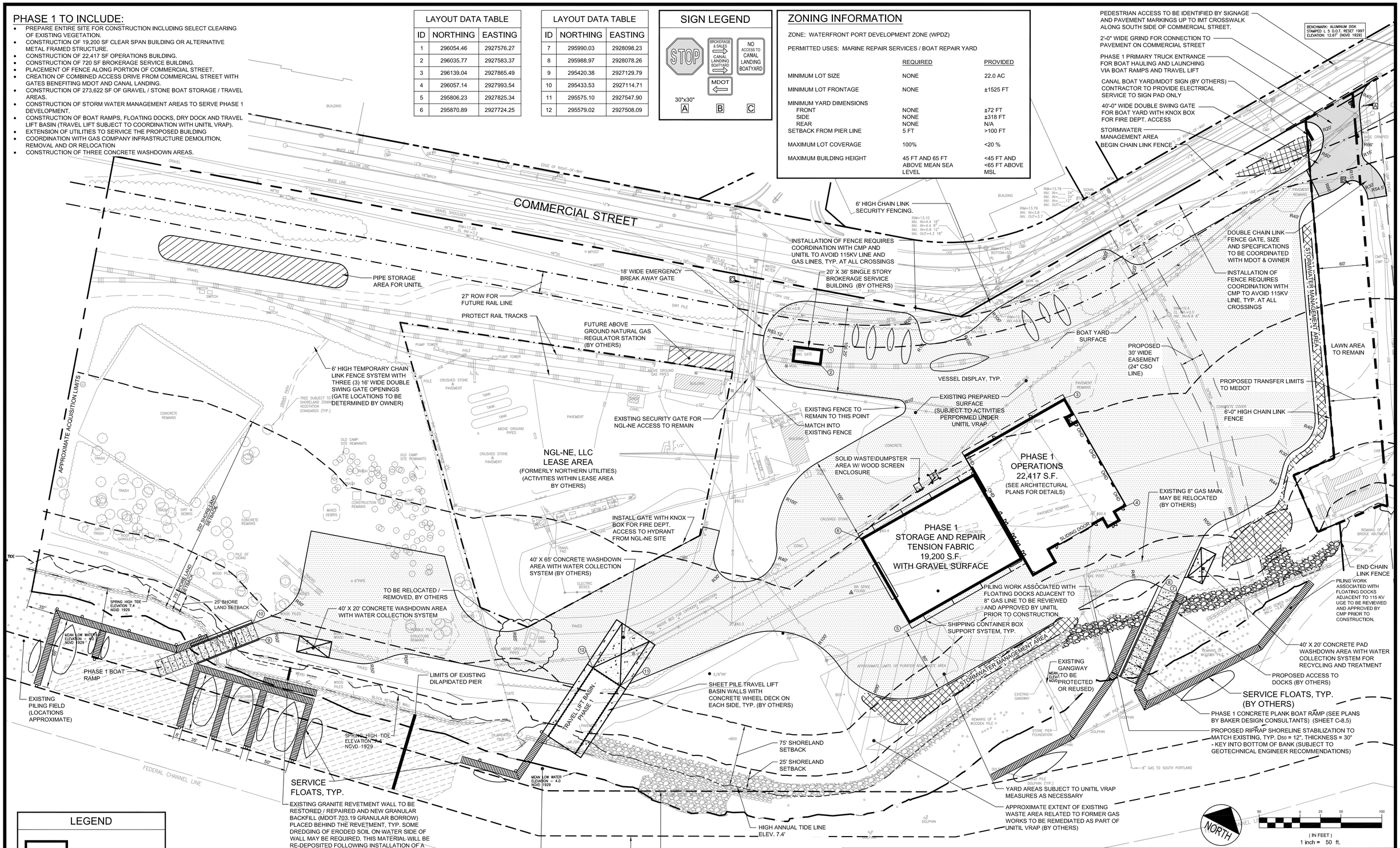
SIGN LEGEND

ZONING INFORMATION

ZONE: WATERFRONT PORT DEVELOPMENT ZONE (WPDZ)

PERMITTED USES: MARINE REPAIR SERVICES / BOAT REPAIR YARD

	REQUIRED	PROVIDED
MINIMUM LOT SIZE	NONE	22.0 AC
MINIMUM LOT FRONTAGE	NONE	±1525 FT
MINIMUM YARD DIMENSIONS		
FRONT	NONE	±72 FT
SIDE	NONE	±318 FT
REAR	NONE	N/A
SETBACK FROM PIER LINE	5 FT	>100 FT
MAXIMUM LOT COVERAGE	100%	<20 %
MAXIMUM BUILDING HEIGHT	45 FT AND 65 FT ABOVE MEAN SEA LEVEL	<45 FT AND <65 FT ABOVE MSL



LEGEND

- PROPOSED BUILDING
- PREPARED PERVIOUS SURFACE FOR VESSEL STORAGE, MAINTENANCE AND TRAVEL
- PROPOSED PAVEMENT

STRUCTURES WITHIN PROJECT TO BE CONSTRUCTED IN ACCORDANCE WITH PORTLAND CITY CODE, SECTION 14-450.8 FLOOD PLAIN MANAGEMENT.

NORTHERN UTILITIES, INC. d/b/a UNITIL, WILL CONTINUE TO MAINTAIN, STORE, OPERATE, REPLACE, AND MODIFY ITS ABOVEGROUND AND BELOW-GROUND NATURAL GAS FACILITIES ON THE SITE, AND MAY CONSOLIDATE, RELOCATE, OR OTHERWISE MODIFY ITS FACILITIES ACCORDING TO ITS NEEDS, IN COLLABORATION WITH NEW YARD INCLUDING PIPE STORAGE. THE CONTRACTOR IS EXPECTED TO COOPERATE WITH UNITIL'S REPRESENTATIVES INCLUDING ENGINEERS, CONTRACTORS AND RELATED PERSONNEL AT NO EXTRA EXPENSE TO NEW YARD LLC.

REV	DATE	DESCRIPTION
7	02.14.13	ADDED NOTE PER CITY CONDITION OF APPROVAL #6
6	02.01.13	RELEASED FOR BIDDING
5	12.27.12	REVISED SERVICE FLOAT LAYOUT
4	12.05.12	REVISED AND RESUBMITTED TO CITY
3	11.30.12	PROGRESS PLAN TO CLIENT FOR REVIEW
2	10.31.12	FINAL SITE PLAN APPLICATION SUBMISSION
1	08.10.12	SUBMITTED TO CLIENT FOR REVIEW

REVISIONS

STATE OF MAINE — STEPHEN R. BUSHEY — LICENSED PROFESSIONAL ENGINEER

P.E. STEPHEN R. BUSHEY
LIC. #7429

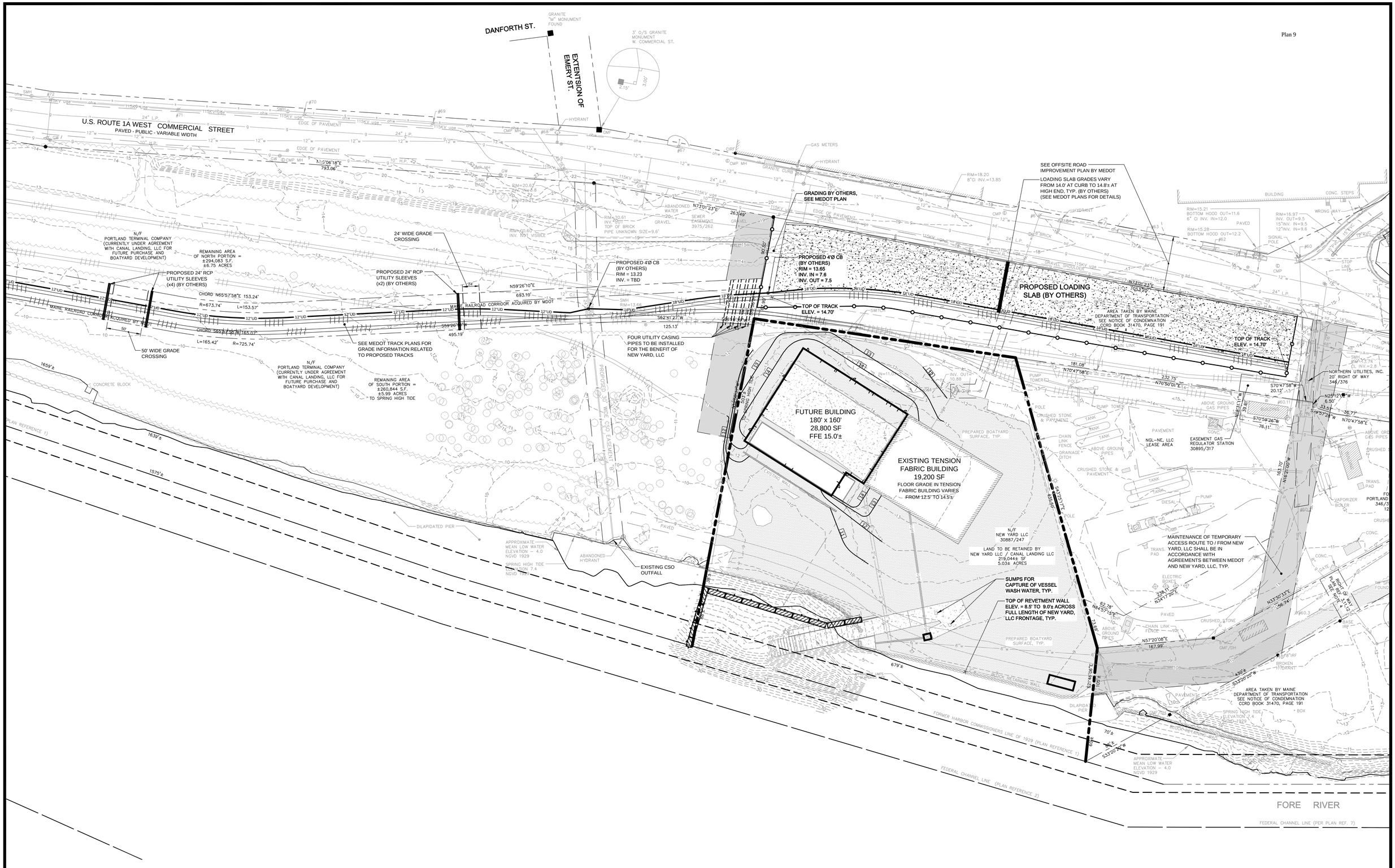
PROJECT: CANAL LANDING

SHEET TITLE: SITE DEVELOPMENT PLAN PHASE 1

CLIENT: NEW YARD LLC, 58 FORE STREET, PORTLAND, ME 04101

DeLUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN:	CMW	DATE:	APR 2012
DESIGNED:	RJW	SCALE:	1" = 50'
CHECKED:	SRB	JOB NO.	3091
FILE NAME:	3091-SITE LAYOUT-ALT		
SHEET	C-2.1		



NORTH

(IN FEET)
1 inch = 50 ft.

REV	DATE	DESCRIPTION
1	07.02.14	AMENDED SITE PLAN TO CITY OF PORTLAND

REVISIONS

STATE OF MAINE — STEPHEN R. BUSHEY — LICENSED PROFESSIONAL ENGINEER

P.E. STEPHEN BUSHEY
LIC. # 7429

PROJECT: CANAL LANDING AMENDED SITE PLAN

SHEET TITLE: AMENDED GRADING AND DRAINAGE PLAN

CLIENT: NEW YARD LLC
58 FORE STREET
PORTLAND, ME 04101

FST — FAY, SPOFFORD & THORNDIKE
ENGINEERS · PLANNERS · SCIENTISTS
778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN:	CMW	DATE:	JUNE 2014
DESIGNED:	SRB	SCALE:	1" = 50'
CHECKED:	SRB	JOB NO.	3091.03
FILE NAME:	3091.03-GRADING		
SHEET	C-3.1		

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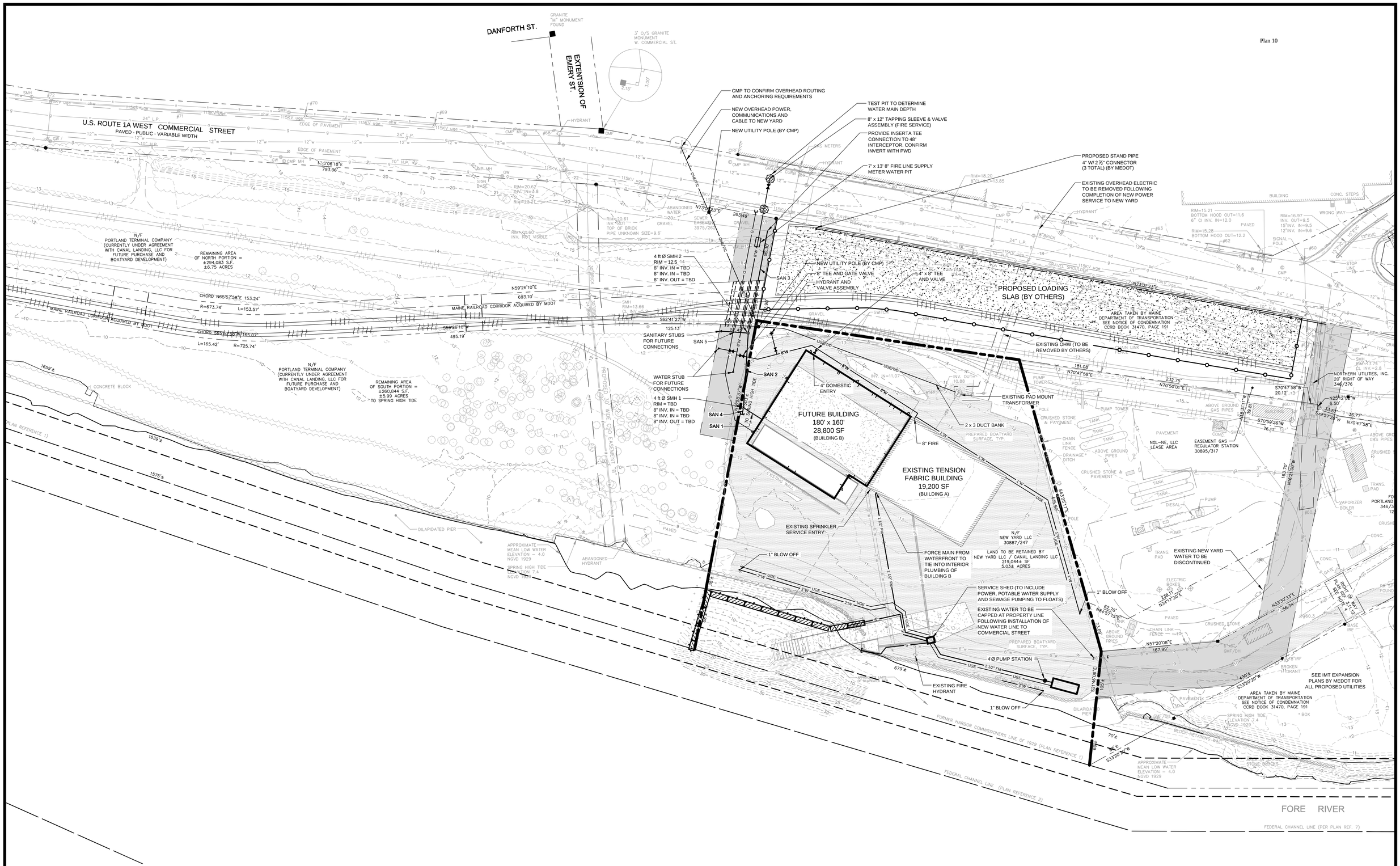

UTILITY PLAN REFERENCE / NOTES:

1. SEE CONTRACT NO. 3 LOWER FORE RIVER INTERCEPTOR PLAN SET BY CAMP. DRESSER & McKEE, INC. PREPARED FOR PORTLAND WATER DISTRICT LAST REVISED 08.81 - REVISED FOR RECORD DRAWING. AVAILABLE FROM PORTLAND WATER DISTRICT.
2. ALL UTILITY LOCATIONS ON THIS PLAN SHALL BE CONSIDERED APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE SERVICING UTILITY. NORTHERN UTILITIES SHALL CONFIRM LOCATION AND CONDITION OF OLD GAS MAINS IN THE PROJECT VICINITY.
3. EXACT LOCATION OF NEW YARD POWER / COMMUNICATIONS / CABLE SERVICE TO BE COORDINATED WITH MEDOT. ADDITIONAL UTILITY MANHOLES FOR TELECOMMUNICATIONS MAY BE REQUIRED.

REV	DATE	DESCRIPTION
1	07.02.14	AMENDED SITE PLAN TO CITY OF PORTLAND

REVISIONS

STATE OF MAINE — STEPHEN R. BUSHEY — LICENSED PROFESSIONAL ENGINEER

P.E. STEPHEN BUSHEY
LIC. # 7429

PROJECT: CANAL LANDING AMENDED SITE PLAN

SHEET TITLE: AMENDED UTILITY PLAN

CLIENT: NEW YARD LLC, 58 FORE STREET, PORTLAND, ME 04101

FST — FAY, SPOFFORD & THORNDIKE
ENGINEERS · PLANNERS · SCIENTISTS
778 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN:	CMW	DATE:	JUNE 2014
DESIGNED:	SRB	SCALE:	1" = 50'
CHECKED:	SRB	JOB NO.	3091.03
FILE NAME:	3091.03-UTILITY		
SHEET	C-4.1		

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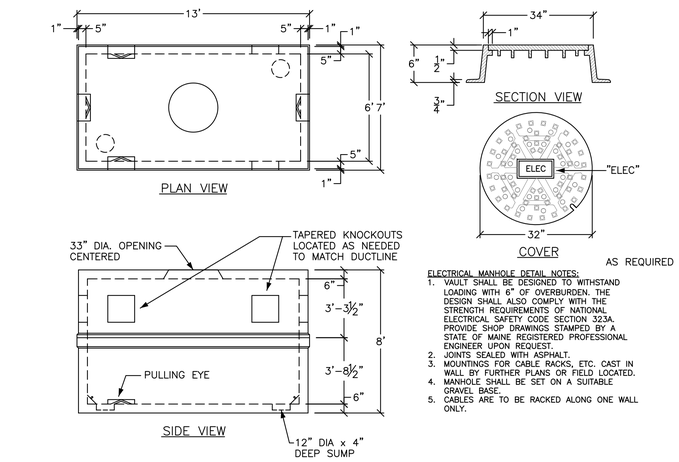
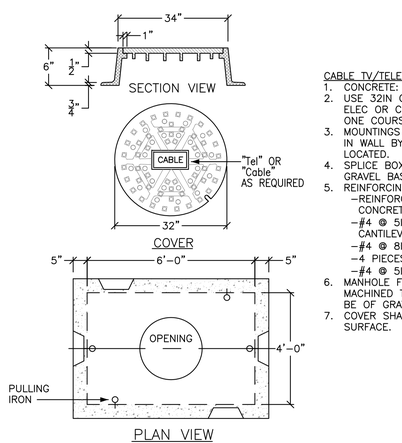


ELECTRICAL MANHOLE DETAIL NOTES:
1. VAULT SHALL BE DESIGNED TO WITHSTAND LOADING WITH 6" OF OVERBURDEN. THE DESIGN SHALL ALSO COMPLY WITH THE STRENGTH REQUIREMENTS OF NATIONAL ELECTRICAL SAFETY CODE SECTION 323A. PROVIDE SHOP DRAWINGS STAMPED BY A STATE OF MAINE REGISTERED PROFESSIONAL ENGINEER UPON REQUEST.
2. JOINTS SEALED WITH ASPHALT.
3. MOUNTINGS FOR CABLE RACKS, ETC. CAST IN WALL BY FURTHER PLANS OR FIELD LOCATED.
4. MANHOLE SHALL BE SET ON A SUITABLE GRAVEL BASE.
5. CABLES ARE TO BE RACKED ALONG ONE WALL ONLY.

ELECTRICAL MANHOLE

NOT TO SCALE

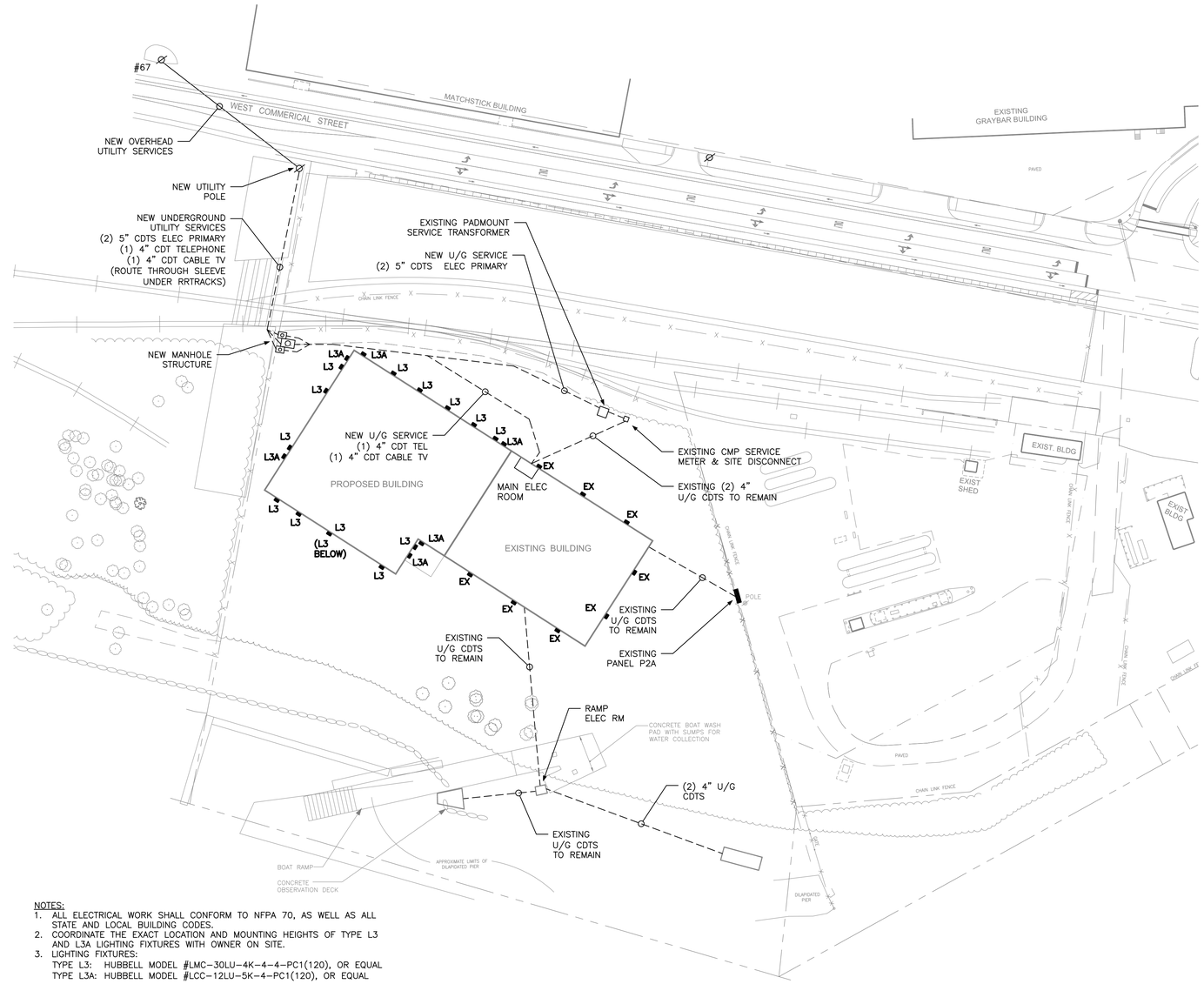


CABLE TV/TELEPHONE MANHOLE DETAIL NOTES:
1. CONCRETE: 4,000 PSI @ 28DAYS.
2. USE 32IN COVER AND FRAME MARKED ELEC OR COMM AS REQUIRED. MINIMUM ONE COURSE BRICK TO GRADE.
3. MOUNTINGS FOR CABLE RACKS ECT, CAST IN WALL BY FUTURE PLANS OR FIELD LOCATED.
4. SPLICE BOX SHALL BE SET ON A SUITABLE GRAVEL BASE.
5. REINFORCING: GRADE 60 REBAR:
   - REINFORCING PLACED IN CENTER IF CONCRETE SLAB, WALLS, & ROOF.
   - #4 @ 5IN O.C. VERTICAL IN WALLS, CANTILEVERED OVER TOP OF OPENING
   - #4 @ 8IN O.C. HORIZONTALLY IN WALLS
   - 4 PIECES #4 SURROUNDING OPENING
   - #4 @ 5IN O.C. EACH WAY ON TOP
6. MANHOLE FRAMES AND COVERS ARE TO BE MACHINED TO A SMOOTH FIT AND SHALL BE OF GRAY CAST IRON.
7. COVER SHALL HAVE DIAMOND TOP SURFACE.

TELEPHONE & CABLE MANHOLE

NOT TO SCALE

MANHOLE DETAILS | 2



NOTES:
1. ALL ELECTRICAL WORK SHALL CONFORM TO NFPA 70, AS WELL AS ALL STATE AND LOCAL BUILDING CODES.
2. COORDINATE THE EXACT LOCATION AND MOUNTING HEIGHTS OF TYPE L3 AND L3A LIGHTING FIXTURES WITH OWNER ON SITE.
3. LIGHTING FIXTURES:
   TYPE L3: HUBBELL MODEL #LMC-30LU-4K-4-4-PC1(120), OR EQUAL
   TYPE L3A: HUBBELL MODEL #LCC-12LU-5K-4-PC1(120), OR EQUAL

SCALE: 1" = 60'-0"

ELECTRICAL SITE PLAN | 1

STATE OF MAINE
LAWRENCE E. BARTLETT
No. 7928
LICENSED
PROFESSIONAL ENGINEER
7/28/14

Bartlett Design
LIGHTING & ELECTRICAL ENGINEERING
942 WASHINGTON STREET, BATH, ME 04530
TEL (207) 443-5447 FAX (207) 443-5560

date drawn:	11/18/13
date issued:	11/19/13
drawn by:	LEB
scale:	AS NOTED

project: CANAL LANDING BOAT YARD
PORTLAND, MAINE

drawing title: ELECTRICAL SITE PLAN & DETAILS

project no. 13-0049

revisions:
3. Issued for Revision to Utility Services 07/27/14

E1.0
sheet number

SCALE: 1" = 30'-0"

PHOTOMETRIC LIGHTING PLAN | 1

NOTES:
1. LIGHTING LEVELS REPRESENT INITIAL FOOTCANDLE LEVELS AT GRADE.
2. THE MOUNTING HEIGHTS FOR LIGHTING FIXTURES USED IN LIGHTING CALCULATIONS ARE AS INDICATED ON PLAN. COORDINATE THE EXACT LOCATION AND MOUNTING HEIGHTS OF LIGHTING FIXTURES WITH OWNER ON SITE.
3. MAXIMUM LIGHTING LEVEL CALCULATED: 5.5 FOOTCANDLES.
4. LIGHTING FIXTURES:
   TYPE L3: HUBBELL MODEL #LMC-30LU-4K-4-4-PC1(120), OR EQUAL
   TYPE L3A: HUBBELL MODEL #LCC-12LU-5K-4-PC1(120), OR EQUAL

STATE OF MAINE
LAWRENCE E. BARTLETT
No. 7928
LICENSED
PROFESSIONAL ENGINEER
Lawrence E. Bartlett
7/28/14

Bartlett Design
LIGHTING & ELECTRICAL ENGINEERING
942 WASHINGTON STREET, BATH, ME 04530
TEL (207) 443-5447 FAX (207) 443-5560

date drawn:	07/28/14
date issued:	07/28/14
drawn by:	LEB
scale:	AS NOTED

project: CANAL LANDING BOAT YARD
PORTLAND, MAINE

drawing title: PHOTOMETRIC LIGHTING PLAN

project no. 13-0049
revisions:

E1.1
sheet number

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: August 5, 2014

Re: 14-139(b) Text Amendment re: Small Residential Lot Development; Ref: 100 Sheridan Street, Sheridan CER, LLC

Project #: 2014-073 CBL: 013 J016001

Meeting Date: August 12, 2014

Background
On June 10, 2014, the Planning Board heard and considered a proposal by Ron Gan of Sheridan CER, LLC to amend the zoning definition of "Lot" and to add a definition of "Lot of Record" . The intent behind these proposed amendments was to clarify and amend the zoning ordinance to reverse the requirement that lots under common ownership would be considered merged unless each lot independently meets all zoning dimensional requirements.

After public testimony and discussion by the Board, (see attached notes of June 10, 2014 meeting), the applicant was directed to work with staff to focus more narrowly on the issue of lot merger in the R-6 zone. The Board was receptive to the argument that in this part of Portland, the lot merger provision was inhibiting small lot development that is consistent with the existing patterns of development in R-6 and consistent with policies of the comprehensive plan to encourage urban infill development. The Board was concerned, however, that upcoming proposed amendments to the R-6 zone are pending, and this proposed change might be premature. Given the applicant's appeal to move forward, the direction was to limit the changes to the R-6. The Board did not have enough information, nor could this be reasonably assembled in a short time, to evaluate the proposed lot definition amendment for its city wide implications.

Following that workshop, staff has worked with the applicant and his attorney, Barbara Vestal, to arrive at a revised proposal that is an amendment to Section 14-139(b), regarding *small residential lot development.* This provision was established in 2003 at the request of the then Housing Committee of the City Council, to address the issue of difficulties to develop in the R-6 zone on small lots under the prevailing setback and lot size requirements. We continue to work on efforts to reduce the mismatch between the R-6 zone and the traditional built development pattern, and are substantially reworking the R-6 zone dimensional requirements to finally resolve this problem. That effort is

fairly extensive, and we are using this summer to do outreach to all of the peninsula neighborhoods to discuss the changes before bringing a proposal forward to the Planning Board early this fall. Meanwhile Mr. Gan is seeking more timely changes in the direction of allowing more infill R-6 development prior to that initiative moving forward.

Revised Proposal

The proposal now put forward by Mr. Gan would amend Section 14-139(b) to allow lots under common ownership to be developed for residential use under the small residential lot provisions. [Note that the title of this amendment still refers to the original proposal to amend the lot definition. The public hearing title will be revised to reflect the revised proposal.] These small residential lot provisions substantially relax the dimensional requirements for lots under 10,000 sf that are vacant or occupied by a nonresidential structure so that they will be able to reasonably accommodate a new residential structure. No minimum lot size, street frontage, or front yard is required, and the side and rear yards are reduced, and are scaled to the proximity and height of adjacent structures, and the density is increased to 725 square feet per dwelling unit (60 units per acre) from the standard R-6 density of 37 units per acre.

By allowing these provisions to apply to any lot of record, notwithstanding the implied lot merger provision previously at issue, a resolution is at hand that accomplishes the objective from 2003 when the small lot provision was created, meets the objectives of the applicant, without yet confronting and addressing the issue of lot merger comprehensively. We agree that the lot merger is a city wide issue that deserves further policy analysis and consideration, and will be revisiting that when we bring forward the R-6 amendments this fall.

One additional amendment proposed for the small lot provisions allows an adjustment of lot lines between two contiguous lots of record so long as there is sufficient street frontage (40 feet) remaining on either of the contiguous lots. This would allow, for example, an additional side yard on a developed lot, or additional width on a building lot, without increasing or creating a street frontage nonconformity or increasing any other nonconformity.

Public Comment

Following the Planning Board workshop on June 10, we received a communication from a neighbor to another of Mr. Gan's properties on Sumner Court. This communication presents a previous development proposal which did not go forward because of the two factors of lot merger putting the combined parcels over 10,000 square feet plus lack of proof of required street frontage due to the circumstances of Sumner Court, a narrow right of way serving the lots. In the event that the proposed amendments go forward, both the lot merger and street frontage issues would likely be resolved in a manner that would enable these lots to be developed. We will have further input on this issue from Marge Schmuckal in time for the workshop discussion. The outcome of this question does not necessarily support or not support the merits of the proposed amendment to the R-6 small lot provision, but should be considered as another example of the implications

of the amendment in creating more buildable lots. In this case, there is a neighbor concern about these implications which we acknowledge and take under consideration.

Next Steps
Finalize the language for the proposed text amendment for advertising purposes and schedule a public hearing on the proposal.

Attachments:
1. Applicant's Submission
2. Email comment dated 06-13-13 from Pamela Jack and Devon Platte
3. Notes from June 10, 2014 Planning Board Workshop
4. Gan Concept Plan for 100 Sheridan Street

CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

107 Congress Street, Portland, Maine 04101
Telephone (207) 772-7426 Fax (207) 761-5822

EDWIN P. CHESTER
BARBARA A. VESTAL
MICHAEL P. DIXON
NICOLE R. BISSONNETTE

chester@chesterandvestal.com
vestal@chesterandvestal.com
dixon@chesterandvestal.com
nicole@chesterandvestal.com

August 5, 2014

Stuart O'Brien, Chair
Portland Planning Board
389 Congress Street
Portland, Maine 04101

Re: Proposed Text Amendment, Sheridan CER, LLC, Applicant

Dear Chair O'Brien and Members of the Planning Board

You may recall that at the June 10, 2014 Planning Board workshop, the applicant proposed text amendments to lot and lot of record that would have applied across the entire zoning ordinance. In response to the comments at that workshop from the Board and the public, the applicant has revised his proposal to substitute the attached proposed amendment, which applies only to small lot development in the R-6. An explanation is included.

Thank you for your consideration of this matter.

Very truly yours,

Barbara A. Vestal

BAV/om
Enclosures
cc: Ron Gan
Alexander Jaegerman
Barbara Barhydt
Marge Schmuckal
Jen Thompson, Esq.
Jeff Levine

Proposed Amendment to City of Portland, Code of Ordinances, Chapter 14, LAND USE, Article III, Zoning, Section 14-139. Dimensional requirements.

Submitted by Sheridan CER, LLC, 7/3/2014

EXPLANATION OF SUBSTITUTE PROPOSED AMENDMENT

The applicant, Ron Gan, proposed to amend the definition of "lot" and to add a new definition of lot of record. The purpose of those amendments was to clarify that subdivision concepts of treating a lot as all contiguous land in common ownership did not and should not be carried over into the zoning ordinance. The amendment would have removed the implied policy of "merger" in interpreting the zoning ordinance. The applicant is withdrawing those proposed amendments and offering a substitute that focuses just on the R-6 small lot provisions.

At the June 10, 2014 Planning Board Workshop on the applicant's proposed amendment, eleven members of the public spoke about their frustration with not being able to develop a lot solely because it was adjacent to another lot owned by them. In each case they asserted that had the vacant lot been owned by a stranger, it could have been developed for housing. However since the City was taking the position that the vacant lot had "merged" with a nonconforming developed lot, they were prevented from improving the vacant lot as a separate development. Several observed that they could have built on the vacant lot by designing a large addition to the existing structure, but that was contrary to what they are hoping to build and would not fit with the historic pattern of development. All except one of the speakers focused on the R-6 zone.

The Planning Board seemed to generally agree with the premise that regulating development patterns on the basis of the identity of the land owner rather than on land use policy is problematic. The Board expressed a willingness to explore the issue further. However the Board was concerned about unintended consequences of the proposed amendment, particularly in zones other than the R-6.

After reviewing the comments and meeting with staff, the applicant decided it was best to narrow the scope of the proposed amendment to only the R-6 zone. However, instead of narrowing the application of the proposed definitions of "Lot " and "Lot of record" to only the R-6 zone, the applicant has instead opted to substitute a different amendment to the R-6 small lot provisions to essentially reach the same result. The reason for this shift is that it seems best for basic definitions to be consistent across all zones. Addressing the unintended merger problem through the small lot provisions should address the concerns of the R-6 owners who spoke at the workshop and those who are similarly situated. The applicant's substitute proposed amendment clarifies that the implied merger policy is not to be applied to applications proposing to utilize the R-6 Small Residential Lot Development provisions.

The applicant still believes Portland's zoning ordinance needs to be revised and clarified so that there is a clear and distinct lot merger policy that is not based upon interpretation and is fair to all landowners. However he believes that discussion should be handled during the broader zoning revisions currently in process. A merger policy should be expressed clearly so it is enforced uniformly and landowners are put on clear notice. However, the applicant is willing to defer this merger policy/lot definition overhaul (e.g. a look at impact in other zones; clarification of applicability of merger to adjacent lots in common ownership which are both developed, both vacant, or one developed and one vacant; development of appropriate definitions) to the broader zoning revision effort being conducted under the auspices of the Housing and Community Development Committee.

When the small lot provisions were first considered in 2003, the Planning Staff prepared an analysis for the Planning Board and City Counsel projecting the potential impact of the amendment. One of the products was a list of vacant lots, parking lots and lots with accessory structures based on tax assessor data, that potentially could qualify for development under the revised R-6 standard. It listed about 170 R-6 vacant lots, 68 R-6 parking lots, and 27 R-6 vacant lots with accessory buildings that might be able to use the new small lot development standards, for a total of 265 potentially qualifying lots. The analysis did not include any discussion of a "merger" provision as a potentially disqualifying policy.

This zoning amendment was intended on encourage infill development consistent with the historic pattern of development and to encourage more housing in R-6 areas, consistent with the comprehensive plan. In fact, disappointingly, since 2003 only a tiny fraction of those lots have been developed under small lot provisions.

One of the reasons for the lack of success of these small lot amendment is that the word "lot" in the R-6 small lot provision has, in recent years, been read to imply a merger of an adjacent lot with a developed lot if that developed lot does not conform to the current 4,500 minimum lot size (as few lots in the R-6 zone do). Even though those lots which were adjacent to a lot in the same ownership were not excluded in the 2003 analysis, current policy precludes small lots from being developed if an adjacent lot is in common ownership and that lot is not at least 4,500 square feet.

There is currently no merger language or reference to contiguous lots in common ownership in 14-139 (b) (small residential lot development). A merger requirement has been read in only through implication in the phrase " . . . if all of the following conditions are met: The **lot** is . . ." (emphasis added). Merely through the use of the word "lot", the subdivision (Article IV) definition is read into the zoning (Article III) provisions to imply a merger of adjacent lots in contiguous ownership if the developed lot is not conforming as to a 4,500 minimum lot size and sometimes other dimensional requirements. The reasoning seems to be if the adjacent lots have "merged" by virtue of the developed lot not meeting the 4,500 square foot minimum lot size, there is no separate lot to which the R-6 small lot provisions may be applied.

This was not the original intent. Looking at the 2003 analysis, the applicant has determined that 77 lots of the 170 lots identified as potentially being able to take advantage of the R-6 small lot amendments are located east of Franklin Street. Of those, only 14 meet the current R-6 guidelines for lot size. 35 of the 77 are owned by an adjacent property owner, thus would be considered unbuildable under the R-6 small lot provisions as now interpreted, with implied merger. Of the remaining 42 that are owned separately, 22 of those lots are less than 2500 square feet and may have constraints in accommodating a structure large enough for a dwelling unit.

The proposed amendment clarifies that, as originally intended, a lot that can otherwise meet the R-6 small lot development standards would not be precluded from making use of those provisions merely because an adjacent lot is or has been owned by the same owner.

The final amendment, standard 9, codifies what has been currently allowed practice. It allows adjustment of a shared boundary line between two parcels so long as the larger is not made less conforming. It stipulates that a lot does not lose its lot of record status under the R-6 small lot provisions merely because of small conveyances between abutters. These small adjustments may make a lot easier to develop from a practical perspective, without having to resort to easements or other reallocation of rights of use without conveying the fee.

PROPOSED TEXT AMENDMENT: SHERIDAN CER, LLC, 7/3/14

Proposed text amendment: (proposed additions are underlined and in red; proposed deletions are ~~struck through~~ and in red. Portions not underlined or struck through remain unchanged from the current ordinance.)

14-139 (b)

(b) *Small residential lot development*: Any lot of record, regardless of whether it is or has been in common ownership with any other contiguous lot, and notwithstanding any other ordinance or law, including but not limited to sections 14-422, 14-433, and 30-A M.R.S. Section 4401(6) to the contrary, ~~Residential uses on small, vacant lots~~ located in the R-6, ~~are~~ is subject to site plan review, and may be developed for residential use ~~and may~~ usinge the dimensional requirements below if all of the following conditions are met:

The lot is:

Vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005; and the lot existed as of January 1, 2005.

1. *Minimum lot size*: None

2. *Maximum lot size*: Ten thousand square feet.

3. *Yard dimensions*:

a. *Front yard*:

No more than ten (10) feet.

b. *Rear yard*:

None, except that rear yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings

and proposed buildings divided by five (5), whichever is greater; and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line.

c. *Side yard*:

None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the existing buildings and proposed buildings divided by five (5), whichever is greater and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; Provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line. On a corner lot no side yard is required on that side of the lot which abuts any street. A principal structure on a corner lot shall not be more than ten (10) feet from the street.

4. *Minimum principal structure height*: Two (2) stories of living space above the grade of the adjacent street frontage, except for porches, entryways, attached garages and accessory detached structures.

5. *Maximum principal structure height*: Forty-five (45) feet.

6. *Open space requirement*: All lots used for residential purposes shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent. The designated open space, if provided, shall have a minimum width and length of at least fifteen (15) feet, a slope of no greater than ten (10) percent and

shall be used exclusively as recreational open space i.e. it shall not be used for vehicular circulation, parking, etc. . All required decks, porches, patios or balconies shall meet the requirements of the Planning and Development Design Manual.

7. *Minimum lot width*: None.

8. *Minimum land area per dwelling*: Seven hundred and twenty-five (725) square feet.

9. *Conveyance to abutter*: If the street frontage of the lot proposed to be developed as a small residential lot or the street frontage of a lot abutting that lot is greater than forty (40) feet, without losing the lot of record status, either lot owner may convey a portion of their land to the other provided the street frontage is not reduced to less than forty (40) feet and the conveyance will not cause or increase any nonconformity in either lot. The dimensional requirements above shall be applied to the lot post-conveyance.

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From: Alex Jaegerman
To: Alex Jaegerman
Date: 8/8/2014 10:23 AM
Subject: Fwd: Ron Gan 14-47 Zoning Text Amendment Proposal
Attachments: Interpretation Appeal App.pdf; Sumner Court Letter of Opposition.pdf

>>> On 6/13/2014 at 1:19 PM, in message <CAOn=y8KNeGEWdywOuLxJhGEMEPQZJOZPF2giqcOKwr28Lx33Og@mail.gmail.com>, Pamela Jack <pamjack1@gmail.com> wrote:

Dear Mr. Jaegerman:

We are writing on behalf of a group of fellow property owners and residents on Munjoy Hill regarding Ronald Gan's proposed zoning text amendment to Section 14-47 (Project # 2014-073, CBL: 013 J016001).

Our group has only just been made aware of this issue, and understand there was a meeting for the Planning Board to discuss and review Mr. Gan's proposal on June 10, 2014. We are concerned that a single citizen — who in this case is also a developer — can propose important changes to current zoning text that could have sweeping and potentially negative consequences for other property owners without public knowledge or input. It is important to note that Mr. Gan's proposal is less about his recently acquired property at 100 Sheridan Street, than it is about his long-standing plans to develop land he has owned and attempted to develop for years on nearby Sumner Court, a tiny 12' passageway off of North Street that is an unaccepted city street.

Mr. Gan's last attempt to develop his Sumner Court property was two years ago, in June 2012, when he went before the Zoning Board of Appeals asking them to reverse a February 24, 2012 decision by Zoning Administrator Marge Schmuckal that precluded his ability to develop that property. (A copy of that decision is attached here.) The Zoning Board of Appeals June 21, 2012 decision was unanimous in its support of Ms. Schmuckal's original decision.

By pushing to amend the definition of *Lot* and changing the definition of *Lot of Record* -- which as currently written is the reason Mr. Gan lost his last effort to develop his Sumner Court property — he is not only trying to develop his newly acquired lots at 100 Sheridan Street but, more importantly, he is attempting to set precedent that would then allow him to resurrect and move forward with his long-standing plans to develop his lots on Sumner Court.

We are disturbed that Mr. Gan says in his text amendment request, "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 Counsel Workshop and public hearing process." This new text amendment request by Mr. Gan is a thinly veiled attempt to override decisions made against him by Zoning Administrator Schmuckal, and subsequently by the Zoning Board of Appeals.

Attached is a document that was prepared and submitted to the Zoning Board of Appeals by our group of neighbors in June 2012 related to Mr. Gan's Sumner Court appeal and Practical Difficulty Variance request. It is obvious from a review of this information why Mr. Gan is proposing to quickly and quietly change the zoning text language without neighborhood feedback, and without going through the Planning Board and City Counsel Workshop and public hearing processes. However, those processes are in place to specifically protect the rights and interests of the public at large against the self-serving needs of a single property owner/developer.

Since our Munjoy Hill group was not made aware of Mr. Gan's proposed changes to the zoning text until today (June 13, 2014), he is well ahead of us on this important issue. Thus, we respectfully request adequate time to review and understand the issue and its potential implications more thoroughly before any hasty decisions are made by the Planning Board that could have unintended negative consequences for our Munjoy Hill neighborhood going forward. We further request that this issue be properly and publically vetted through all normal processes, and preferably as part of the ongoing overall revision process to the R-6 zone, instead of being rushed through in advance of that work at the request of one individual. It is important for the public to be a part of this important process, and to have the opportunity to weigh in with comments.

Please let us know how best to proceed on this particular issue and how to continue to remain informed.

Respectfully,

Pamela Jack Devon Platte
26 North Street 26 North Street
Portland, Maine 04101 Portland, Maine 04101

#1

City of Portland, Maine
Department of Planning and Urban Development
Zoning Board of Appeals
Interpretation Appeal Application

Applicant Information:

Ronald Gan
Name

Sumner Court Land Company LLC
Business Name

202 Washington Avenue
Address

Portland, ME 04102

773-919-7078
Telephone **Fax**

Subject Property Information:

5-7 Sumner Court, rear 53-55 Cumberland Ave
Property Address

13-K-49, 13-K-71
Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone **Fax**

Applicant's Right, Title or Interest in Subject Property

Owner
(e.g. owner, purchaser, etc.):

Current Zoning Designation: R-6

Disputed Provisions from Section 14 - 139(2)

Existing Use of Property:

Vacant Parking Lot

Order, decision, determination, or interpretation under dispute:

Zoning Administrator's Letter dated February 24, 2012

Type of Relief Requested:

Determination that lot qualifies for R-6 Small Residential Lot under Sec. 14-139(2)

RECEIVED
MAR 23 2012
Dept. of Building Inspections
City of Portland Maine

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for the relief above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

John Wall, attorney for Applicant — 3/23/12

Signature of Applicant — Date

JEWELL & BOUTIN, P. A.
Attorneys at Law
477 Congress Street
Suite 1104
Portland, ME 04101-3427

Thomas F. Jewell
Daniel W. Boutin

E-mail: tjewell@jewellandboutin.com

Telephone: 207-774-6665
Fax: 207-774-1626

March 23, 2012

Zoning Board of Appeals
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Sumner Court

Dear Chair and Members of the Board:

Please accept this letter as an Interpretation Appeal of the decision of the Zoning Administrator dated February 24, 2012 regarding the following lots: 5-7 Sumner Court, 13-K-49; and rear 71 Cumberland Avenue, 13-K-71. A check for $150.00 is enclosed.

5-7 Sumner Court is a buildable lot under Sec. 14-139(2)

We disagree with the determination that the lot may only be developed under Sec. 14-139(1). We contend that the owner has the ability to develop the lot at 5-7 Sumner Court (also identified as Lot A in the Zoning Administrator's letter referenced above) under the R-6 small residential lot development provisions of Sec. 14-139(2). The lot at rear 71 Cumberland Avenue is not suitable for development because of the steep slopes and it is subject to a slope easement in favor of the City of Portland and therefore the Applicant is only seeking to develop the lot at 5-7 Sumner Court.

The Zoning Administrator contends that because the lots do not qualify as "lots of record" under Section 14-433 because they have not been in separate ownership. As a result, she concludes that the resulting merged lots exceed the maximum lot size provision of 10,000 square feet and therefore the property does not qualify for small residential lot development under Sec.14-139(2). However, this reading of the Ordinance fails to account for the difference under the Ordinance between a "lot" and a "lot of record."

The "lot of record" is defined in Section 14-433, but the definition of "lot" is found in the generally definition section 14-47 and reads as follows:

> Lot: except when reference is made herein to a lot of record, a lot is a single tract 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 tract to be used, developed, or built upon as a unit under single ownership or control.

Most significantly, unlike a "lot of record" under Sec. 14-433, "separate and distinct ownership" is not required for a "lot." Also the general definition of "lot" is based upon the ownership at the time of application. Under 14-139(2), in order to qualify for small residential lot development, the Ordinance requires only that the application have a lot, not a lot of record. That provision reads as follows:

> The lot is: Vacant or is used exclusively for parking .....; and the lot existed as of January 1, 2005 [deleted inapplicable language]

The applicant identifies 5-7 Sumner Court as the lot to be developed. As of January 1, 2005, the title was in Sumner Court Land Company, LLC, pursuant to deed of Sheldon Ashby dated June 27, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46. That deed describes Lots 13-K-49 and 13-K-71 as separate parcels. Under the parameters of Sec. 14-139(2), that is all that is needed to define a lot.

It was the intent of the applicant to hold title to these two lots in separate deeds. In August 2007, a corrective deed and affidavit were recorded in Book 25457, Page 130 and Page 131. The affidavit makes it clear that it was the intent of the Grantee to hold title in separate names and due to the error of the attorney preparing the deeds that the two lots were put under one owner. If the corrective deed is given its due retroactive effect, then these parcels would be under separate ownership as of January 1, 2005, and would clearly qualify as separate lots under Sec. 14-139(2).

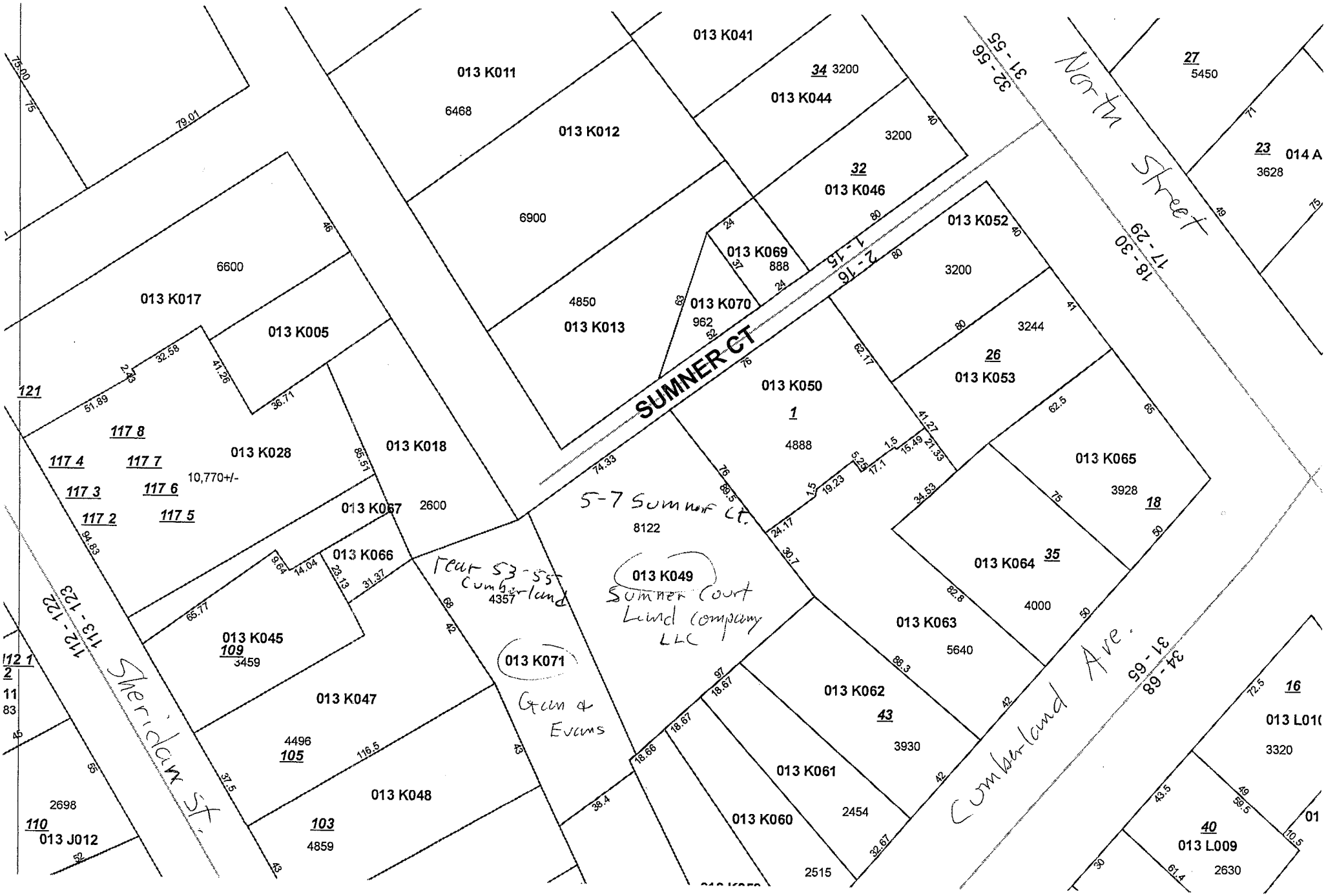
We are not seeking to split the lots, which as pointed out by the Zoning Administrator is prohibited under Sec. 14-422, just to develop one of the lots, that being lot 13-K-49, under the provisions of the R-6 small residential lot development as set forth in Sec. 14-139(2).

Thank you for your consideration of this matter.

Yours truly,

Thomas F. Jewell, Esq.

TFJ/t
Enclosures


SUMNER CT
North Street
Cumberland Ave.
Sheridan St.
013 K011
6468
013 K012
6900
013 K041
34 3200
013 K044
3200
32
013 K046
013 K069
888
013 K070
962
4850
013 K013
013 K052
3200
3244
26
013 K053
013 K050
1
4888
013 K065
3928
18
013 K064
35
4000
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5640
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43
3930
013 K061
2454
013 K060
2515
013 K049
Sumner Court Land Company LLC
5-7 Sumner Ct.
8122
Rear 53-55 Cumberland
4357
013 K071
Gun & Evans
013 K018
2600
013 K067
013 K066
013 K028
10,770+/-
117 8
117 4
117 7
117 3
117 6
117 2
117 5
121
013 K017
6600
013 K005
013 K045
109
3459
013 K047
4496
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013 K048
103
4859
2698
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013 J012
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5450
23
014 A
3628
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40
013 L009
2630
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2-16
31-65
34-68
112-122
113-123

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Thomas F. Jewell
Daniel W. Boutin

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E-mail: dboutin@jewellandboutin.com

Telephone: 207-774-6665
Fax: 207-774-1626

January 4, 2012

Marge Schmuckal, Zoning Administrator
Portland Planning Department
389 Congress Street
Portland, Maine 04101

Dear Marge,

I am requesting a zoning determination regarding the following lots: 5-7 Sumner Court, 13-K-049 and rear 71 Cumberland Avenue, 13-K-71. A check for $150.00 is enclosed.

I have reviewed section 14-139(2) Small residential lot development. The conditions listed in the ordinance state that the lot shall be: "Vacant or is used exclusively for parking or contains structures not used for residential purposes as of January 1, 2005 and the lot existed as of January 1, 2005." In addition, it goes on to say that such a lot shall be no larger than 10,000 square feet in size.

I believe both of these lots meet the requirements listed above. 5-7 Sumner Court is 8,122 square feet, has no structures on it and has been solely used for parking since 1959.

71 Cumberland is 4,357 square feet, has never had a structure on it and has been vacant since 1877.

Both lots have had the same deed description as of and prior to January 1st, 2005.

I am attaching herewith a letter dated December 15, 2006, which you wrote to Barbara A. Vestal regarding a similar set of circumstances at 71 and 77 St. Lawrence Street, in which you gave an opinion that has allowed a single family house to be built at 71 St. Lawrence utilizing the Small Residential Lot Guidelines.

Your attention to this matter is greatly appreciated.

Yours truly,

Thomas F. Jewell, Esq.

TFJ/t
Enclosures

Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

December 15, 2006

Barbara A. Vestal
Chester & Vestal
107 Congress Street
Portland, Maine 04101

revised

RE: 71 and 77 St. Lawrence Street – 16-E-23 and 16-E-12 – R-6 Zone

Dear Barbara,

I am in receipt of your request for a zoning determination concerning the lots located at 71 and 77 St. Lawrence Street, and in more particular the vacant lot at 71 St. Lawrence Street.

Both lots are owned in common as you have stated in your letter. As you also stated, the developed lot, 77 St. Lawrence Street, is a conforming lot in size, street frontage, lot width, and lot size per dwelling unit. Apparently the side setback abutting the vacant lot at 71 St. Lawrence is also being met.

I have reviewed section 14-139(2) Small residential lot development. The conditions listed in the ordinance state that the lot shall be: "Vacant or is used exclusively for parking or contains structure not use for residential purposes as of January 1, 2005 and the lot existed as of January 1, 2005". It goes on to say that such a lot shall be no larger than 10,000 square feet in size.

71 St. Lawrence Street, 016-E-023, has existed with the same deed description prior to and as of January 1, 2005. That same lot is vacant and has not been used for residential purposes as of January 1, 2005. This same lot is 5,250 square feet in size.

I have determined that 71 St. Lawrence Street, 016-E-023, is eligible for development under 14-139(2) small residential lot development. Please note that this determination letter is not an approval to start construction. Prior to development required permits with appropriate plans shall be submitted for review and approval.

Very truly yours,

Marge Schmuckal

Marge Schmuckal, Zoning Administrator

PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • *www.portlandmaine.gov*

Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator

February 24, 2012

Thomas F. Jewell, Esquire
Jewell & Boutin, P.A.
477 Congress Street
Suite 1104
Portland, ME 04101-3427

RE: 5-7 Sumner Court – 13-K-49 – called "A"
R. 53-55 Cumberland Avenue – 13-K-71- called "B"

Dear Tom,

I am in receipt of your request for a determination letter concerning the property owned by your client at 5-7 Sumner Court and R. 53-55 Cumberland Avenue.

I reviewed the copy of the 2006 determination letter addressed to attorney Barbara Vestal that was submitted with your request. The 2006 letter does not have the same or similar circumstances as the situation concerning the above property and in my opinion is inapplicable to this matter. In that instance one lot was developed and one lot was undeveloped. Both lots met the R-6 minimum lot size and yard dimensions. Your situation is different. In your case, however, both of the described properties are undeveloped. One of the properties does not meet the R-6 zone requirements and the other property appears to meet the requirements

The deed descriptions subsequently submitted seem to be incomplete. One description identified with the Assessor's chart-block-lot (CBL) of 013-K-049 is fully described in the deed by meets and bounds and which I will refer to as lot "A". The other lot, CBL 013-K-071 which I will refer to as lot "B" is not sufficiently described. The reference in the deed states that it is; "a lot numbered 2 on a plan of lots of Fort Sumner Terrace, otherwise known as the Anderson Estate….". I have not been given a copy of the Fort Sumner Terrace or Anderson Estate Subdivision for verification. If the current property "B" differs from the described lot number 2 on the Fort Sumner Terrace or Anderson Estate subdivisions, then this determination may be invalid.

Despite these errors, I have considered the original deed and the corrective deed submitted by you for review. Both properties "A" and "B" were previously owned in common by Sheldon Ashby. Historically, both properties were conveyed to Sumner Court Land Company LLC on 6/27/2003 and recorded 7/2/2003. Subsequently, a corrective deed (signed on 8/31/2007 and recorded on 9/10/2007) was recorded which attempts to reach back four (4) years and split the tract or original parcel of land into two

separate parcels, by conveying property "B" to Ronald L. Gan and Stephanie A. Evans and property "A" to Sumner Court Land Company, LLC. There is an accompanying affidavit by the attorney, Eric J. Schaeffer, who witnessed the original conveyance in 2003. The affidavit is witnessed and signed on August 14, 2007. Attorney Schaeffer affirms that the original intent of the 2003 transaction was to split the properties into two separately owned properties.

I am troubled by the corrective deed. In 2003, the corrective deed had the effect of creating a property that that was nonconforming and violated zoning requirements. Section 14-422 of the city of Portland's Land Use Code states, "No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit and space for off-street parking and/or off-street loading shall be less than the minimum required under this article". The act of splitting the properties in 2003 would allow property "B" to be nonconforming in required lot size and lot frontage.

I have determined that both of the described properties, "A" and "B", merged before Sumner Court Land Company, LLC purchased the property. This is because both parcels were held in the same ownership by Sheldon Ashby and therefore are a single tract or parcel of land under the City Code and Maine law. See 30-A M.S.R.A. section 4401(6). Consequently, section 14-139(2) does not apply since the lot in question is 12,479 square feet in size. Instead, the dimensional requirements contained in section 14-139(1) are applicable.

Your client has the right to appeal my decision concerning this matter. If he wishes to exercise his right to appeal, he has thirty (30) days from the date of this letter in which to appeal. If he should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,

Marge Schmuckal

Marge Schmuckal
Zoning Administrator

WARRANTY DEED

SHELDON ASHBY

of 37 William Street, Portland, ME 04103

for consideration paid, grants to

SUMNER COURT LAND COMPANY, LLC

A Maine Limited Liability Company with a mailing address of 4646 North Hermitage, Chicago, IL 60640, with WARRANTY COVENANTS, the following described real property in Portland, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this June 27, 2003.

Sheldon Ashby

State of Maine
Cumberland, ss.

June 27, 2003

Personally appeared before me the above-named Sheldon Ashby and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Attorney-at-Law ~~Notary Public~~
ERIC SCHAFFER

SUMNER

EXHIBIT A

A certain lot or parcel of land situated on Sumner Court, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Commencing on the southerly line of a passageway leading from North Street at right angles to said street at a point one hundred fifty-six (156) feet from North Street; thence

Southerly parallel with North Street eighty-nine and one-half (89 1/2) feet, more or less, to the southerly line of Lot No. 16, Plan A in the division of estate of Lemuel Dyer; thence

Westerly by said line, ninety-seven (97) feet, more or less, to land Anderson called the covered way; thence

Northerly by said covered way, ninety-nine and five twelfths (99 5/12) feet, more or less, to the southerly line of passageway from North Street; thence

Along said line easterly, seventy-four and four twelfths (74 4/12) feet to the point of beginning.

Also the right of way and unobstructed use of a passageway leading from North Street, being part of a lot of land deeded to C.W. Baker by H.H. Shaw by deed dated April 21, 1884, recorded in the Cumberland County Registry of Deeds in Book 505, Page 395.

lot 4

Also a certain lot or parcel of land situated on the southerly side of said Cumner Court in said City of Portland and being lot numbered 2 on a plan of lots of Fort Sumner Terrace, otherwise known as the Anderson Estate, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 63, being the same lot as corrected by deed dated January 29, 1912, recorded in the said Registry of Deeds in Book 898, Page 183.

lot 7

SUMNER

Received
Recorded Register of Deeds
Jul 02,2003 02:41:46P
Cumberland County
John B. O Brien

After Recording Return to:
Hopkinson, Abbondanza & Backer
511 Congress Street, Ste. 801
Portland, Maine 04101
(207) 772-5845

CORRECTIVE WARRANTY DEED

SUMNER COURT LAND COMPANY, LLC

a Maine limited liability company with a mailing address of 15 Longfellow Street, Portland, Maine 04103

for consideration paid, grants to

RONALD L. GAN and **STEPHANIE A. EVANS**

their mailing address being 15 Longfellow Street, Portland, Maine 04103, with WARRANTY COVENANTS, as Joint Tenants and not as tenants in common, the following described real property in the City of Portland, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

IN WITNESS WHEREOF Sumner Court Land Company, LLC has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Ronald L. Gan its duly authorized member this 31st of August 2007.

Witness:

Sumner Court Land Company, LLC

By: Ronald L. Gan
Its: Member

State of Maine
County of Cumberland, ss.

August 31, 2007

Personally appeared before me the above-named Ronald L. Gan, Member of Sumner Court Land Company, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of Sumner Court Land Company, LLC.

Before ~~me,~~

~~Notary Public/~~Attorney at law
Name: Nicholas J. Manil
~~Commission Expiration:~~

EXHIBIT A

A certain lot or parcel of land situated on the southerly side of said Sumner Court in said City of Portland and being lot numbered 2 on a plan of lots of For Sumner Terrace, otherwise known as the Anderson Estate, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 63, being the same lot as corrected by deed dated January 29, 1912, recorded in the Cumberland County Registry of Deeds in Book 898, Page 183. lot 7

Being a portion of the premises as conveyed by Sheldon Ashby to Sumner Court Land Company, LLC by virtue of a Warranty Deed dated June 27, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46.

The purpose of this Corrective Warranty Deed is to vest title to the above-described parcel of land in the name of Ronald L. Gan and Stephanie A. Evans. It was the intent of Ronald L. Gan and Stephanie A. Evans, both individually and as Members of Sumner Court Land Company, LLC, on June 27, 2003 to take title to the above-described parcel of land in his individual name, while taking title to the other land described in the Warranty Deed recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46 in the name of Sumner Court Land Company, LLC.

G:\CLIENTS\G\Gan\Sumner Court\Corrective Warranty Deed.doc

Received
Recorded Register of Deeds
Sep 10,2007 03:34:34P
Cumberland County
Pamela E. Lovley

AFFIDAVIT OF ERIC J. SCHAEFFER

NOW COME the Affiant, Eric J. Schaeffer, and depose as follows:

1. My name is Eric J. Schaeffer, I am an attorney duly licensed to practice law in the State of Maine.

2. I have personal knowledge of each of the matters stated herein.

3. On June 27, 2003, I witnessed and acknowledged a Warranty Deed executed Sheldon Ashby, to my client, Sumner Court Land Company, LLC, said Warranty Deed being recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46 (the "Deed").

4. As attorney for Sumner Court Land Company, LLC it was my understanding that the second parcel as described in the Deed, said second parcel being lot numbered 2 on Plan Book 11, Page 63 recorded in the Cumberland County Registry of Deeds, was to be vested in Ronald L. Gan and Stephanie A. Evans, and not Sumner Court Land Company, LLC.

5. To honor the intent of the transfer there has been prepared a Corrective Warranty Deed by Sumner Court Land Company, LLC to Ronald L. Gan and Stephanie A. Evans conveying the second parcel as described in Paragraph 4 of this Affidavit.

6. The purpose for this Affidavit is to outline the facts and circumstances surrounding the execution, delivery and recording status of the Deed.

7. The Corrective Warranty Deed by Sumner Court Land Company, LLC to Ronald L. Gan and Stephanie A. Evans is being recorded simultaneously with this Affidavit.

Received
Recorded Register of Deeds
Sep 10,2007 03:33:28P
Cumberland County
Pamela E. Lovley

Dated: August 14 2007

Eric J. Schaeffer

STATE OF MAINE
COUNTY OF CUMBERLAND

August 14, 2007

Personally appeared before me the above-named Eric J. Schaeffer and made oath that the facts stated in this Affidavit are true to the best of his personal knowledge and belief and made oath that his signature on this document is his voluntary act and deed.

Before me,

Lori A Morin

Notary Public/~~Attorney-at-Law~~

My Commission Expires 1/25/20

G:\CLIENTS\G\Gan\Sumner Court\AFFIDAVIT.Eric Schaeffer.doc

June 11, 2012

Zoning Board of Appeals
City of Portland
389 Congress Street
Portland, ME 04101

Re: Sumner Court/Ron Gan Interpretation Appeal & Practical Difficulty Variance Request

Dear Chairman & Members of the Board:

We are concerned property owners and residents of the North Street and Cumberland Avenue neighborhood on Munjoy Hill who would be directly impacted by Ron Gan's proposed Sumner Court development. We are writing to inform you of our opposition to Ron Gan's Interpretation Appeal, Practical Difficulty Variance request, and to his overall Sumner Court development in general.

Regarding the Interpretation Appeal, Zoning Administrator Marge Schmuckal's Interpretation Letter to Ron Gan's Attorney, Tom Jewell (dated 02/24/12), states that Ron Gan's Lots 49 & 71 (per the City Zoning Map) had already merged into one lot before he purchased the property in June 2003, because they were already owned in common by the previous owner (Sheldon Ashby). This makes the property in question 12,479 sq. ft., which is well in excess of the 10,000 sq. ft. maximum lot size requirement of Section 14-139(2). This fact alone disqualifies the Sumner Court property for development under the current City of Portland Code of Ordinances.

Additionally, Mr. Gan's attorney makes contradictory arguments in his appeal letter: Although Ron Gan took title to both lots in common when he purchased them in June 2003, he apparently had a change of heart more than four (4) years later when he no doubt realized that having done so may not support his ultimate goal of developing the Sumner Court property. Thus, he directed his attorney at the time, Eric Schaeffer, to draft a "Corrective Deed," stating that it was Mr. Gan's original intent to take title to the two lots separately. This Corrective Deed was recorded in September 2007. Although it is highly questionable whether this maneuver is legitimate or legally binding -- Marge Schmuckal herself found it "troubling" in her Interpretation Letter (dated 02/24/2012) -- Mr. Gan is asking the Board to overturn Ms. Schmuckal's ruling and accept his retroactive corrective deed as legitimate. This argument is the only way that Lot 49 can be considered a lot of record as of June 1, 2005, and therefore qualify for development under Section 14-139(2). Since Lot 49 was clearly not a lot of record as of January 1, 2005, this is the second fact that disqualifies the Sumner Court property for development under the current City of Portland Code of Ordinances.

Even if the Board *were* to accept Ron Gan's corrective deed as legitimate, perhaps the bigger issue here is that the conveyance of one of the lots to another entity in Mr. Gan's Corrective Deed effectively split the merged lot into two (2) separate lots, thus creating a non-conforming lot (Lot 71), which violates Section 14-422 of the zoning requirements due to inadequate lot size and road frontage**.** This is the third fact that disqualifies the Sumner Court property for development under the current City of Portland Code of Ordinances.

Ron Gan's attorney states in his Interpretation Appeal letter (dated 03/23/12) "If the corrective deed is given its due retroactive effect, then these parcels would be under separate ownership as of January 1, 2005, and would clearly qualify as separate lots under Sec. 14-139(2)." Mr. Jewell then contradicts himself by going on to say, "We are not seeking to split the lots, which as pointed out by the Zoning Administrator is prohibited under Sec. 14-422…" By stating that Mr. Gan is not attempting to split the lots, Lots 49 & 71 must then obviously be considered as one lot, consisting of 12,479 sq. ft., which again disqualifies it for consideration under Section 14-139(2). This is the fourth fact that disqualifies the Sumner Court property for development under the current City of Portland Code of Ordinances.

Ron Gan cannot have his cake and eat it too. He either split the lots or he did not split the lots. It cannot be both. Under either scenario, there are clear City Code issues that disqualify Mr. Gan's Sumner Court property from being developed under the provisions of the R-6 Small Residential Lot Development as set forth in Sec.14-139(2). Thus we, the Munjoy Hill neighbors directly impacted by this proposed development, respectfully request that the Board uphold Zoning Administrator Marge Schmuckal's original decision, and deny Ron Gan's Interpretation Appeal.

Regarding Ron Gan's request for a Practical Difficulty Variance, he is asking the Board to grant a variance reducing the forty (40) feet of minimum street frontage requirement on North Street to only twelve (12) feet. This argument is predicated on Mr. Gan's declaration that he owns Sumner Court. In fact, Mr. Gan does not own Sumer Court, despite his assertions to the contrary. Sumner Court abutter John Carolan (28 North Street) owns one half of Sumner Court adjacent to his property according to his deed. (ATTACHED HERE AS EXHIBIT A.) As a true and legitimate owner of Sumner Court, John Carolan has rights and thus should be consulted on any additional Sumner Court development, as it would directly affect his interests and property values. Mr. Gan has nothing more than a right of way to use Sumner Court to access his existing parking lot on Lot 49. There is no ownership of Sumner Court mentioned in Ron Gan's deed for Lots 49 and 71, nor is any portion of Sumner Court included in the legal description for the property. (ATTACHED HERE AS EXHIBIT B). Mr. Gan has never been assessed nor has he paid any property taxes for Sumner Court. The City of Portland has maintained Sumner Court by way of snowplowing in the winter and filling potholes and grading during the summer months. Mr. Gan plows his parking lot on Lot 49 during the winter months for his tenants, but does not plow or maintain Sumner Court.

Furthermore, since Mr. Gan does not own Sumner Court as referenced above, this Practical Difficulty appeal does not even apply, since Mr. Gan's street frontage for Lot 49 is actually on Sumner Court, and not on North Street. The City Tax Map shows that Lot 49 has 74.33 feet of frontage on Sumner Court. (ATTACHED HERE AS EXHIBIT C.) According to Sec. 14-403 of the City Code of Ordinances, "No building intended for use as a habitation shall be erected on a lot which has its only street frontage on a street less than thirty-five (35) feet wide. No building shall be erected on a lot, except on the islands in Casco Bay, which does not abut a street meeting the minimum requirements for street improvements set forth in this section." Since Sumner Court is only twelve (12) feet wide and is not a City-accepted street (nor will it ever be), it does not meet the minimum requirements for street improvements under this section of the Code. Therefore, Mr. Gan does not meet the zoning requirements necessary to build any dwelling on Lot 49 according to this section of the Code.

Aside from these important facts, our group of concerned neighbors has the following additional issues related to the eight (8) conditions listed on the Practical Difficulty Variance checklist:

#2: "Strict application of the provisions of the Ordinance would create a practical difficulty, meaning it would both (1) preclude a use of the property which is permitted in the zone in which it is located and also would (2) result in significant economic injury to the applicant. ("Significant economic injury" means the value of the property if the variance was denied would be substantially lower than its value if the variance were granted."

- Lot 49 has been a parking lot since the 1950s, when the last structure on it burned down. It was a parking lot when Ron Gan bought it in 2003 for $20,000 (for Lots 41 & 71 combined). Mr. Gan's taxes on the lot are under $300/year. Mr. Gan apparently uses the lot to rent parking spaces to his tenants at 1 Sumner Court, and to neighborhood residents, where parking is a premium in one of Portland's most densely populated neighborhoods. According to Mr. Gan's reported figures for parking fees ($20/month), he can earn nearly $2,000/year in parking fees alone. (It is worth noting that Mr. Gan's reported parking rate is significantly lower than other paid spots on Munjoy Hill, which average $40 per month, thus perhaps he should consider raising his parking rates to market value, thereby increasing his current profit margin.)

According to Mr. Gan, Lot 49 is already being used to generate revenue as a paid parking lot. It is worth no less than what he paid for it if the variance is denied, thus no "significant economic injury" has been demonstrated and the request for a variance should be denied.

#4: "The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of the abutting properties."

- PHYSICAL DAMAGE TO ABUTTING PROPERTIES: Given that Sumner Court is only twelve (12) feet wide, the direct abutters on both sides of Sumner Court (John Carolan/28 North Street and the Cowie families/32 North Street) are very concerned about physical damage to the walls of their homes, foundations, siding, windows, pipes, retaining walls, fences, etc. due to increased vehicular traffic, as well as potential heavy use of the narrow dirt alley by large construction vehicles. John Carolan's bay window facing Sumner Court was removed for just this reason, to avoid being hit by vehicles passing inches from it. Blasting, pile-driving, etc. during construction is also of serious concern to all nearby property owners, since homeowners insurance does not cover any damage caused by "earth movement." Property damage to all adjacent homes is of high concern given the significant age and close proximity of all neighboring homes.

- NO FIRE TRUCK ACCESS/FIRE & SAFETY HAZARD: Sumner Court is only twelve (12) feet wide. It is a narrow dirt alley bordered on both sides by the brick walls of abutters' homes that have stood for over one hundred years since Sumner Court was created as a pedestrian passageway lit by gas lanterns. (PHOTOGRAPHS ATTACHED AS EXHIBIT D.) The Portland Fire Department cannot physically access Sumner Court with fire trucks due to the narrow width of the alley and the fact that they cannot make the turn onto Sumner Court because of cars always parked on both corners of and across

congested North Street. (This information comes from the Munjoy Hill firehouse.) Since the last structure at the end of Sumner Court burned down more than 50 years ago -- the "twin sister" to Ron Gan's 6 unit building at 1 Sumner Court -- no structure has been rebuilt on the lot since, for obvious practical and safety reasons. Those two buildings were erected in 1920, long before cars, big ladder fire trucks, sprinkler systems and city zoning laws came into being. Clearly the fire prevention methods in place in the 1950s were not adequate to save the 6 unit building that was destroyed by fire. Sumner Court has not gotten any wider, and although Ron Gan's 6 unit structure at 1 Sumner Court is grandfathered, it would be negligent to allow the construction of additional non-conforming dwelling units on Sumner Court under these unsafe conditions. The current buildings are already so close to each other that there is a big concern among residents that fire would quickly jump from one building to the next. None of the existing buildings adjacent to the proposed development have sprinkler systems. When contacted for comment regarding Ron Gan's proposed development, acting City Fire Chief Stephen Smith stated: "I support the City Codes as written." Additionally, City Fire Prevention Officer, Captain Chris Perone, stated that at only twelve (12) feet wide, Sumner Court certainly does not meet the minimum standards for a city street.

- NO ACCESS FOR OTHER LARGE SERVICE TRUCKS: In addition to fire trucks being unable to fit down Sumner Court, the ever-present cars parked on congested North Street at the mouth of Sumner Court prevent other large trucks from properly serving current tenants as well. Heating oil trucks, large trash trucks, delivery trucks, etc. all struggle to squeeze down this narrow dirt alley, and most simply double-park on North Street because they cannot make the turn onto Sumner Court. This issue is exacerbated in winter when snow/ice accumulation narrows the alley even more. Currently, only small snowplows can access Sumner Court, and where to put the accumulated snow is already an issue. As previously stated, the owners of the properties that abut Sumner Court are very concerned about damage caused by any increase in large vehicle traffic. Clearly all of these issues would all be exacerbated even further if additional dwellings were built on Sumner Court, thus making an already congested and unsafe situation worse.

- PEDESTRIAN SAFETY: There are no sidewalks on Sumner Court, nor is there a stop sign at the end of this narrow passageway where it "intersects" with North Street. Current tenants race vehicles in and out of this dirt alley, already causing a hazard to pedestrians, bicyclists, and motor vehicles alike. As one of the East End's busiest arteries, North Street services the East End Elementary School, a high school bus stop at the "intersection" of Sumner Court and North Street, the Sumner Court Trail, etc. and has long been on the list of areas to improve by former City Councilor Will Gorham, current City Councilor Kevin Donohue, and the Munjoy Hill Neighborhood Organization. Granting a variance to add more dwelling units on Sumner Court will guarantee an increase in traffic and thereby increase the threat to pedestrian and overall public safety.

- SUMNER COURT TRAIL: Sumner Court is the trailhead of the Sumner Court Trail, which the immediate neighborhood maintains in conjunction with Portland Trails. This is a regular pedestrian path up/down Munjoy Hill that connects Sheridan Street to Sumner Court and on to North Street. This hiking path is used regularly by pedestrians, hikers, high school students who catch their school bus at the intersection of Sumner Court and North Street, etc. Ron Gan's proposed development would adversely affect this

established hiking trail, and the increased vehicular traffic on narrow Sumner Court would pose serious safety concerns to the pedestrians in the area who use this trail.

- QUALITY OF LIFE: The quiet enjoyment and quality of life of all property owners and residents adjacent to Mr. Gan's proposed development would most certainly be negatively impacted during the year-long construction phase of his building, and permanently beyond. Many buildings are only a few feet away from the proposed construction site. The property owners and residents of 28 & 32 North Street would be most directly impacted by the increase in cars and large trucks squeezing down the Sumner Court alley along the lengths of both buildings. The construction of any additional dwelling units would bring an increase not only in the number of cars onsite, but would also forever increase traffic and commotion due to guests, delivery vehicles, service and maintenance vehicles, snow plows, trash and recycling vehicles, etc.

- FAIR MARKET VALUES: The property values of 28 & 32 North Street would be permanently and most negatively impacted by the development of new dwelling units on Sumner Court due to the permanent increase in noise, commotion and traffic alongside their buildings on Sumner Court. In addition, any new building constructed on Lot 49 would effectively serve to create the "fourth wall," surrounding the small single family home that exists between the 3-story buildings at 39 Cumberland Avenue and 1 Sumner Court. (SEE ATTACHED CITY TAX MAP AS EXHIBIT C.) This single family home was previously owned by Mr. Gan until he sold it in December 2009. The area on Lot 49 is currently the only open space adjacent to this tiny structure. Completely surrounding the single family home with tall buildings would have a negative and permanent impact on its value.

The narrow dirt alley on Munjoy Hill known as Sumner Court does not provide suitable access for any new development. Current City Codes require a minimum of forty (40) feet of street frontage for any new development in the R-6 zone. At only twelve (12) feet wide, Sumner Court does not even come close to this requirement. For anyone not familiar with Sumner Court, we urge you to make a site visit to see for yourself how inappropriate a development would be in this location. Ron Gan's proposed development would certainly produce an undesirable change in the character of the neighborhood, and would have an unreasonably detrimental effect on both the use and fair market value of abutting properties. Mr. Gan's request for a variance should be denied.

#5: "The practical difficulty is not the result of action taken by the applicant or a prior owner."

- As previously mentioned, Lot 49 has been a parking lot for over 50 years. It was a parking lot when Ron Gan bought the property in 2003. The zoning laws in place at that time are still in place today. Mr. Gan should have known that Lot 49 was not a suitable site for development at the time he purchased the property based on the zoning laws. Ron Gan is not entitled to develop a property that does not meet current zoning rules, nor is he entitled to a zoning rule change simply to accommodate his current desire to develop the property.

Mr. Gan's self-created hardship is not the responsibility of the City or the residents and property owners in the neighborhood to resolve. Mr. Gan's request for a variance should be denied.

#6: "No other feasible alternative is available to the applicant, except a variance."

- Although the neighbors of Mr. Gan's proposed development are very much against *any* development on Sumner Court for the reasons aforementioned, Mr. Gan has not disclosed in his variance request that he owns an abutting lot at 47 Cumberland Avenue that connects to Lot 49. Thus, Sumner Court is not Mr. Gan's only alternative. (SEE ATTACHED CITY TAX MAP AS EXHIBIT C.)

- Given the 2003 purchase price and current assessed value of Lot 49 (approximately $16,200), several of the concerned neighbors near Sumner Court are possibly willing to buy Lot 49 for the purpose of creating a community garden and possibly connecting it to the adjacent City Green Space, if ever presented the opportunity. By doing so, this densely populated neighborhood would continue to have the open space, parking, Sumner Court Trail access, possible community garden, and the additional Green Space it truly needs. This would be a legitimate improvement to the neighborhood, as opposed to the development of more non-conforming buildings.

There are alternatives available to Mr. Gan that have not been explored, thus his request for a variance should be denied.

#7. "The granting of the variance will not have an unreasonable adverse effect on the natural environment."

- As previously mentioned, Sumner Court is the trailhead of the Sumner Court Trail, which the neighborhood maintains in conjunction with Portland Trails. This is a regular pedestrian path through the area's largest undisturbed natural habitat, which connects Sumner Court to Sheridan Street, and is used regularly by the general public and by students who catch their school bus at the intersection of Sumner Court and North Street. Ron Gan's proposed development would adversely affect this established hiking trail by cutting off access during a long, heavy construction process, and possibly forever. Further study would be necessary in order to determine whether the proposed development at the end of Sumner Court would disturb or permanently displace existing plants and wildlife in the area.

- In his letter to this Board dated 03/23/2012, Mr. Gan's attorney, Tom Jewell, states: "The property is currently a dirt parking lot, so most anything would be an improvement to the natural environment." Ron Gan is not a resident of our neighborhood, and has no direct knowledge of the negative impact his proposed development would have on our neighborhood and our quality of life. Mr. Gan is purely considering his own economic gain. As property owners and residents of the neighborhood, we have long appreciated and enjoyed the rare open space that Lot 49 has provided for over fifty years in an otherwise extremely densely populated area. We are not in favor of seeing this open space

turned into more buildings, especially since that cannot be accomplished without the City changing the current zoning rules in favor of Ron Gan's latest development.

The granting of a variance will indeed have an adverse effect on the natural environment around Sumner Court. Thus, Mr. Gan's request for a variance should be denied.

In conclusion, no property owner is entitled to develop his property simply because he desires to do so. As with any property owner, Ron Gan does has the right to develop his property, provided he can do so within the rules of the current City Codes. Mr. Gan clearly does not meet the necessary zoning criteria with his Sumner Court proposal. Established zoning rules that have long been in place specifically to protect residential neighborhoods from this very kind of inappropriate development should not be overridden, especially when it serves the needs of one individual to the clear detriment of dozens of surrounding neighbors.

Thus, we respectfully ask that the Zoning Board continue to protect the interests of the tax-paying property owners and residents in our Munjoy Hill neighborhood by upholding the current zoning rules in the City of Portland Code of Ordinances. We ask the Board to uphold Zoning Administrator Marge Schmuckal's original Interpretation Opinion, denying Mr. Gan's Interpretation Appeal. We further ask that Mr. Gan's request for a Practical Difficulty Variance also be denied.

Respectfully,

Douglas Cowie
32 North Street, #1

Ann Cowie
32 North Street, #1

Will Gorham
340 Eastern Promenade

David Cowie
32 North Street, #3

Louise Little
32 North Street, #3

Brad Boehringer
35 Cumberland Avenue, #3

John Carolan
28 North Street, #3

David Martin
49 Cumberland Avenue, #2

Devon Platte
26 North Street, #3

Pamela Jack
26 North Street, #3

Gil Helmick
39 Cumberland Avenue, #3

Ani Helmick
39 Cumberland Avenue, #3

0050614 BK14906PG339

MAINE REAL ESTATE TAX PAID

WARRANTY DEED
Maine Statutory Short Form

Know all Persons by these Presents,

That I, Alfred T. Fuller, of Portland, County of Cumberland, State of Maine, for consideration paid, grant to:

John D. Carolan

of Portland, County of Cumberland, and State of Maine, whose mailing address is: 28 North Street, Portland, Maine 04101, with ~~warranty covenants~~, the land in Portland, County of Cumberland, and State of Maine, described as follows:

See attached Exhibit A for legal description.

Witness my hand and seal this 14th day of July, 1999.

Signed, Sealed and Delivered in the presence of

Rachel L. Bouchard

Alfred T. Fuller

Alfred T. Fuller

State of Maine, County of Cumberland ss. July 14, 1999

Then personally appeared before me the above named Alfred T. Fuller and acknowledged the forgoing instrument to be his free act and deed.

Rachel L. Bouchard

Attorney at Law/~~Notary Public~~
Printed Name: Rachel L. Bouchard

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated on the westerly side of North Street, in said Portland, and being premises numbered 28 on said street and being bounded and described as follows:

Commencing at the westerly side of said North Street at a point one hundred and seven (107) feet northerly from the northwesterly corner of North Street and Cumberland Avenue; thence westerly at right angles with North Street, eighty (80) feet; thence northerly parallel with North Street, forty (40) feet to a court or passageway leading westerly from said North Street and at right angles with said street; thence easterly by said passageway, eighty (80) feet to North Street; thence southerly by North Street, forty (40) feet to the point begun at; also one-half in common and undivided of a court or passageway twelve (12) feet wide on the northerly side of the above described land and between it and the land formerly of Anderson, running westerly at right angles with North Street to the northwesterly corner of the above described lot, to be kept open and unobstructed forever for the benefit of the adjoining and rear lots.

Being the same premises conveyed to Alfred T. Fuller and Assunta T. Fuller, as joint tenants, by virtue of a warranty deed from Annie H. Tobiasson, formerly known as Annie H. Johnson, and Ethel I. Bunting dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 341. The said Assunta T. Fuller deceased August 1, 1989 leaving Alfred T. Fuller as surviving joint tenant.

RECEIVED
RECORDED REGISTRY OF DEEDS
1999 JUL 15 PM 3:24
CUMBERLAND COUNTY
John B. O'Brien

Exhibit B

WARRANTY DEED

SHELDON ASHBY

of 37 William Street, Portland, ME 04103

for consideration paid, grants to

SUMNER COURT LAND COMPANY, LLC

A Maine Limited Liability Company with a mailing address of 4646 North Hermitage, Chicago, IL 60640, with WARRANTY COVENANTS, the following described real property in Portland, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this June 27, 2003.

Sheldon Ashby

State of Maine
Cumberland, ss.

June 27, 2003

Personally appeared before me the above-named Sheldon Ashby and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Attorney-at-Law ~~Notary Public~~
ERIC SCHAFFER

SUMNER

EXHIBIT A

A certain lot or parcel of land situated on Sumner Court, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Commencing on the southerly line of a passageway leading from North Street at right angles to said street at a point one hundred fifty-six (156) feet from North Street; thence

Southerly parallel with North Street eighty-nine and one-half (89 1/2) feet, more or less, to the southerly line of Lot No. 16, Plan A in the division of estate of Lemuel Dyer; thence

Westerly by said line, ninety-seven (97) feet, more or less, to land Anderson called the covered way; thence

Northerly by said covered way, ninety-nine and five twelfths (99 5/12) feet, more or less, to the southerly line of passageway from North Street; thence

Along said line easterly, seventy-four and four twelfths (74 4/12) feet to the point of beginning.

Also the right of way and unobstructed use of a passageway leading from North Street, being part of a lot of land deeded to C.W. Baker by H.H. Shaw by deed dated April 21, 1884, recorded in the Cumberland County Registry of Deeds in Book 505, Page 395.

lot 4

Also a certain lot or parcel of land situated on the southerly side of said Cumner Court in said City of Portland and being lot numbered 2 on a plan of lots of Fort Sumner Terrace, otherwise known as the Anderson Estate, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 63, being the same lot as corrected by deed dated January 29, 1912, recorded in the said Registry of Deeds in Book 898, Page 183.

lot 7

SUMNER

Received
Recorded Register of Deeds
Jul 02,2003 02:41:46P
Cumberland County
John B. O Brien

After Recording Return to:
Hopkinson, Abbondanza & Backer
511 Congress Street, Ste. 801
Portland, Maine 04101
(207) 772-5845

CORRECTIVE WARRANTY DEED

SUMNER COURT LAND COMPANY, LLC

a Maine limited liability company with a mailing address of 15 Longfellow Street, Portland, Maine 04103

for consideration paid, grants to

RONALD L. GAN and STEPHANIE A. EVANS

their mailing address being 15 Longfellow Street, Portland, Maine 04103, with WARRANTY COVENANTS, as Joint Tenants and not as tenants in common, the following described real property in the City of Portland, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

IN WITNESS WHEREOF Sumner Court Land Company, LLC has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Ronald L. Gan its duly authorized member this 31st of August 2007.

Witness:

Sumner Court Land Company, LLC

By: Ronald L. Gan
Its: Member

State of Maine
County of Cumberland, ss.

August 31, 2007

Personally appeared before me the above-named Ronald L. Gan, Member of Sumner Court Land Company, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of Sumner Court Land Company, LLC.

Before ~~me,~~

~~Notary Public/~~Attorney at law
Name: Nicholas J. Manil
~~Commission Expiration:~~

EXHIBIT A

A certain lot or parcel of land situated on the southerly side of said Sumner Court in said City of Portland and being lot numbered 2 on a plan of lots of For Sumner Terrace, otherwise known as the Anderson Estate, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 63, being the same lot as corrected by deed dated January 29, 1912, recorded in the Cumberland County Registry of Deeds in Book 898, Page 183. lot 7,

Being a portion of the premises as conveyed by Sheldon Ashby to Sumner Court Land Company, LLC by virtue of a Warranty Deed dated June 27, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46.

The purpose of this Corrective Warranty Deed is to vest title to the above-described parcel of land in the name of Ronald L. Gan and Stephanie A. Evans. It was the intent of Ronald L. Gan and Stephanie A. Evans, both individually and as Members of Sumner Court Land Company, LLC, on June 27, 2003 to take title to the above-described parcel of land in his individual name, while taking title to the other land described in the Warranty Deed recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46 in the name of Sumner Court Land Company, LLC.

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Received
Recorded Register of Deeds
Sep 10,2007 03:34:34P
Cumberland County
Pamela E. Lovley

AFFIDAVIT OF ERIC J. SCHAEFFER

NOW COME the Affiant, Eric J. Schaeffer, and depose as follows:

1. My name is Eric J. Schaeffer, I am an attorney duly licensed to practice law in the State of Maine.

2. I have personal knowledge of each of the matters stated herein.

3. On June 27, 2003, I witnessed and acknowledged a Warranty Deed executed Sheldon Ashby, to my client, Sumner Court Land Company, LLC, said Warranty Deed being recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46 (the "Deed").

4. As attorney for Sumner Court Land Company, LLC it was my understanding that the second parcel as described in the Deed, said second parcel being lot numbered 2 on Plan Book 11, Page 63 recorded in the Cumberland County Registry of Deeds, was to be vested in Ronald L. Gan and Stephanie A. Evans, and not Sumner Court Land Company, LLC.

5. To honor the intent of the transfer there has been prepared a Corrective Warranty Deed by Sumner Court Land Company, LLC to Ronald L. Gan and Stephanie A. Evans conveying the second parcel as described in Paragraph 4 of this Affidavit.

6. The purpose for this Affidavit is to outline the facts and circumstances surrounding the execution, delivery and recording status of the Deed.

7. The Corrective Warranty Deed by Sumner Court Land Company, LLC to Ronald L. Gan and Stephanie A. Evans is being recorded simultaneously with this Affidavit.

Received
Recorded Register of Deeds
Sep 10,2007 03:33:28P
Cumberland County
Pamela E. Lovley

Dated: August 14 2007

Eric J. Schaeffer

STATE OF MAINE
COUNTY OF CUMBERLAND

August 14, 2007

Personally appeared before me the above-named Eric J. Schaeffer and made oath that the facts stated in this Affidavit are true to the best of his personal knowledge and belief and made oath that his signature on this document is his voluntary act and deed.

Before me,

Lori A Morin

Notary Public/Attorney-at-Law

My Commission Expires 1/25/20

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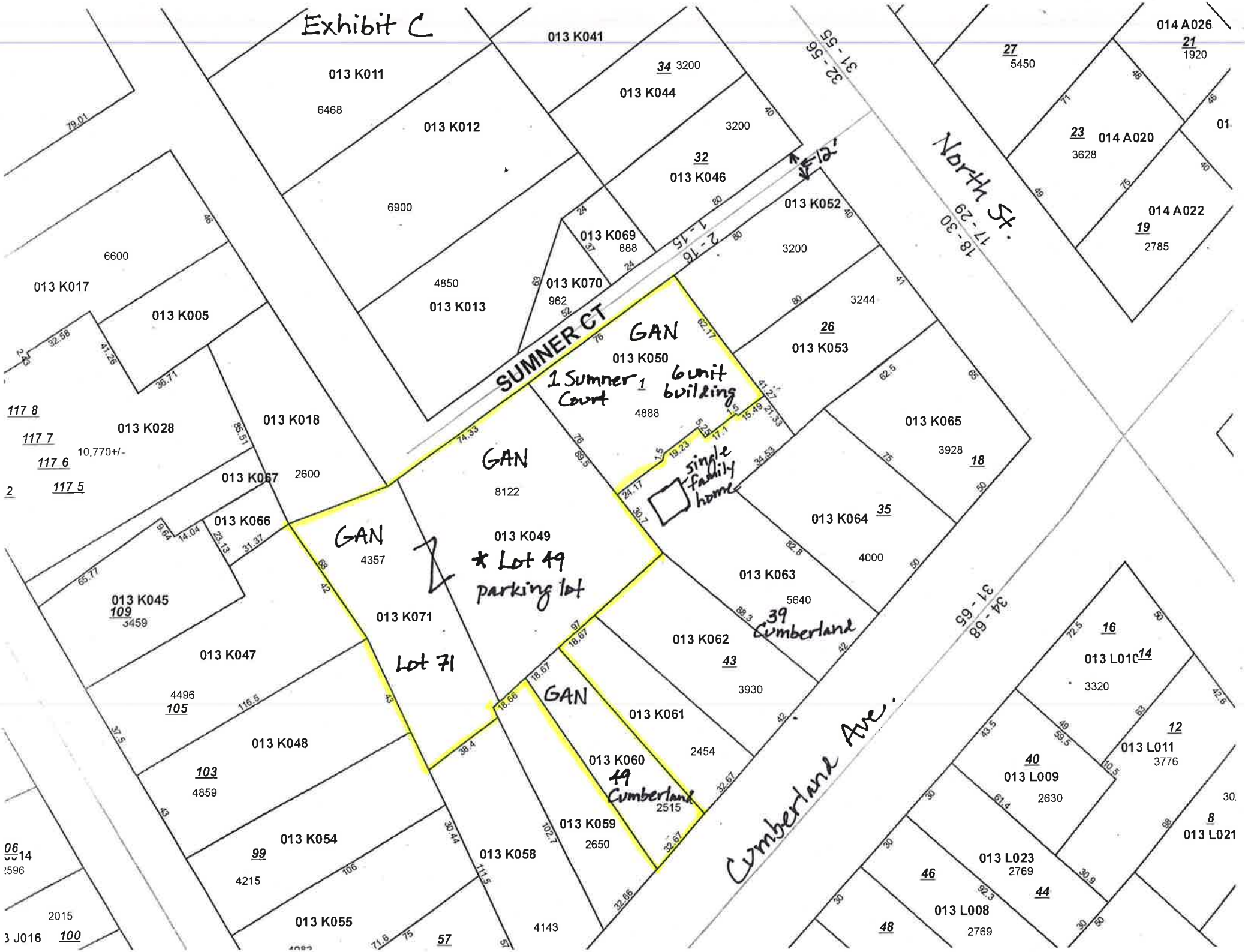
Exhibit C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GAN
013 K050
1 Sumner Court
1
4888
6 unit building
single family home
GAN
8122
013 K049
* Lot 49
parking lot
GAN
4357
013 K071
Lot 71
SUMNER CT
1 - 15
2 - 16
12'
32 - 55
31 - 55
18 - 30
17 - 29
North St.
27
5450
014 A026
21
1920
23
014 A020
3628
014 A022
19
2785
31 - 68
34 - 68
Cumberland Ave.
16
013 L010
14
3320
12
013 L011
3776
40
013 L009
2630
8
013 L021
013 L023
2769
46
44
013 L008
2769
48
79.01
2015
100

EXHIBIT D

EXHIBIT D (CONT.)

EXHIBIT D (CONT.)

Notes from June 10, 2014 Planning Board Workshop on Lot Merger Amendment Proposal by Sheridan CER, LLC.

Applicant Ron Gan presented proposed amendment stating that he is looking for clarity on the three issues of lot merger, lots of record, and lot definition. There are not presently clear definitions of lot merger or lot of record.

Applicant's attorney Barbara Vestal presented the amendments, and explained how the lot merger interpretation by Marge Schmuckal is tied into the subdivision definition of tract of land.

Responding to Board questions, staff attorney Jennifer Thompson acknowledged that the code could be improved and made more clear on the subject.

Public Comment:

1. Evan Carroll, 5 Everett St.; architect; this would affect his property; clients cannot understand the ordinance; should be comprehensible without professional advice; blindsided by merger requirement;
2. Jed Rathband; 9 Everett St.; R.E. Broker; can't find development sites; 5 parcels withihn a block are all nonconforming; potential good house lot sites if not for lot merger; change is consistent w/ comp plan and should go forward;
3. Mary Conolly; 28 Atlantic St. ; owns a house with an adjacent "buildable lot"; was also blindsided by merger provision; receives separate tax bills; was not notified that the lots was merged; not fair; if owned by someone else, it would be buildable;
4. Larry Gross; 91 St. Lawrence St. ; purchased two 5,000 sf lots 30 years ago; believed that separate lot was buildable but it is not under merger provision; 4- unit home on existing lot or 1 lot subdivision; first lot to conform would need 10' sideyard, currently 2'; that would consume 800 sf, leaving 4,300 sf which would be hard to build upon; receives 2 tax bills, separate lots for financing purposes;
5. Peter Bass; 29 Waterville St. ; hard to understand why different ownership would result in different rules for land use; traditional patterns of development [are not allowed]; zoning is more suburban; it is critical to have zoning conform to existing patterns of development;
6. Don Peterson; 74 Watson St.; R-3; fonts on island and Watson, ca. 1920; back half of original lot abutting lot could be developed otherwise; concerned about injustice and fairness; develop or not depends on coincidence of ownership; if could build on second lot; OK to put multiple units attached to existing 2-family house [probably not allowed] but not another single family house;
7. Ralph Perseph; 76 Atlantic St.; Novice to zoning; owns house and lot; lot not buildable. Lives in a 3-unit, 1,100 sf apartment; 3,900 sf lot and can't build on it; would build a separate house on side lot and stay on the Hill;

8. Robert Haines, Holm Ave.; this might apply to his own properties; if he buys 2 adjacent parcels, is careful to title them in separate owner names; Waterville also has such a merger requirement; Opposed to the amendment as written; take the time to look carefully; lots of record merged and transferred; Can they be un-merged?
9. Mary Joe Dette; 17-21 Kellogg St.; 21 is the lot that was merged; it had an existing house, was purchased in the late 1960's, house was torn down; property was merged unbeknownst to her, when, why, and why was property owner not notified?
10. Mark Keffner; works in Portland, on Munjoy Hill; looking for a lot to build a small house; would allow him to find a lot to build a home for selves; fairness issue; business opportunities are being missed for builders, workers, homeowners;
11. Rita Yarnold; RE Broker; born & raised on Munjoy Hill; Hill was a dense place int the 1940's; Many houses were torn down in 1960's and 70's; 1: work from the same set of rules; sometimes zoning answers vary; 2: Represent families on peninsula who could stay in homes if they could; Speaking for 68 – 72 Daniels family who couldn't ve here for health reasons; has a situation of a lot that can't be sold due to merger;

Board Comments:

O'Brien:

1. In principle, is this something we favor?
2. What additional information do we need?
3. What is the best mechanism to go forward?

Look at this comprehensively and stay consistent with the larger zoning direction

Boepple:

Need to consider the larger implications of a city wide change; Sympathetic to concerns expressed, but not convinced with the approach being proposed; should revisit lot sizes, and if there is a specific lot dimension problem, not appropriate to alter the entire ordinance; The lot of record definition will provide confusion; needs to be carefully drafted; Not seeing this as a step in the direction of clarification; Focus on the R-6; if work is being done, is underway, complete that work and see if it will adequately address concerns; Look at the lot merger provision but prefer to look at R-6; Second choice would be definitions limited to the R-6 zone.

Dundon:

This seems piecemeal since we aren't yet reviewing the upcoming R-6 amendments; the definitions [of lot of record] need work; Agrees with Peter Bass that it should be land use and not ownership; Likes direction re: comp plan; On principle, likes the proposal. Work with staff to bring this to the finish line;

Soley:

Dislikes lack of clarity in the zoning; clarity is not there now; it is possible to game the system which gives unfair advantage to sophisticated owners; Agrees in principle, consistent w/ comp plan; look at lots of record in various zones; avoid unintended consequences; should be city wide;

Hall:

Agrees with Jack; in principle a good idea; More information needed about consequences in other zones; Lot mergers purpose is to eliminate nonconformities, so we will need to adjust the zoning or we will be increasing the nonconformities;

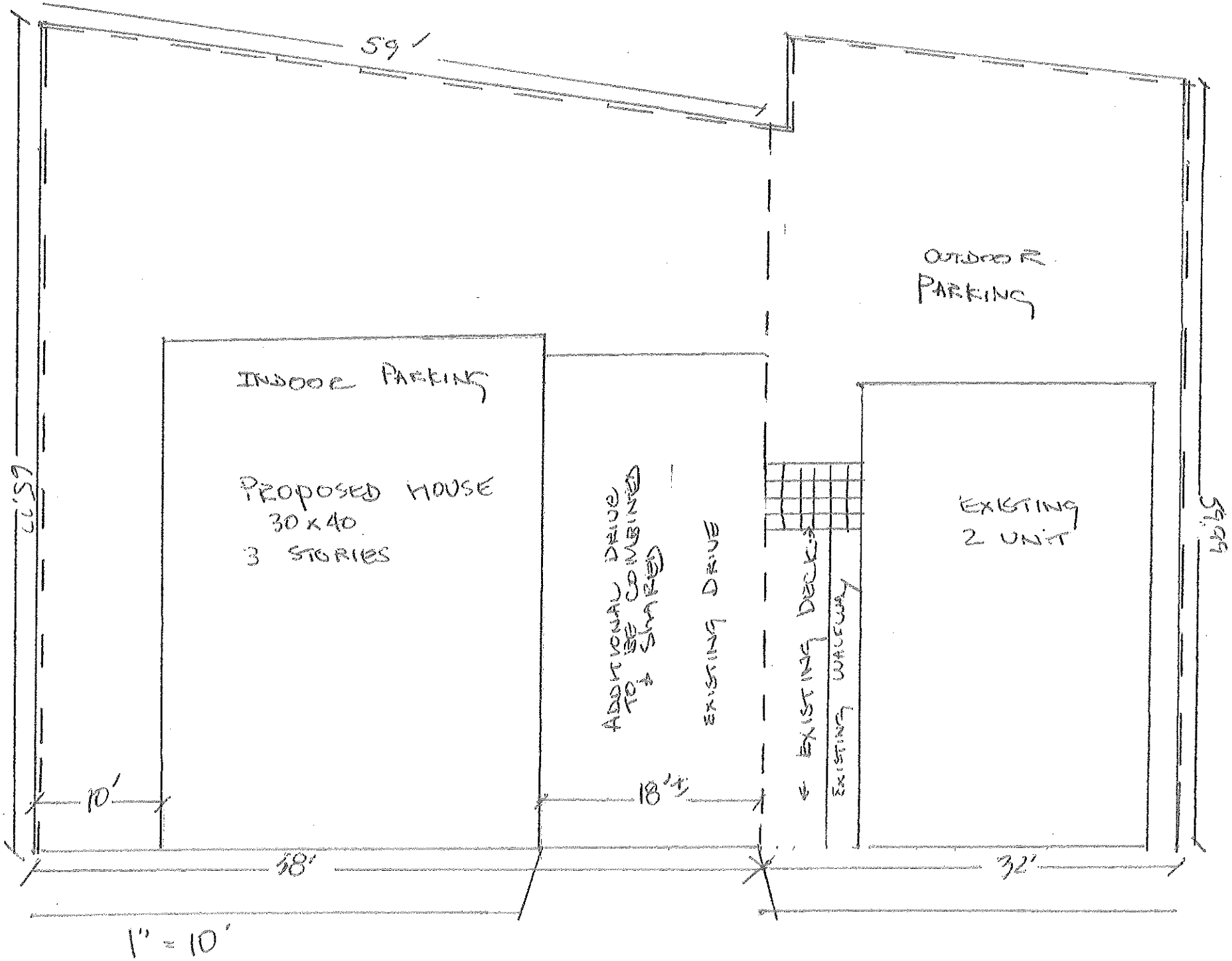
Dean:

Supports in principle because the merger causes inequity and should focus on land use versus ownership; address city wide but not necessarily the same solution city wide; Consider unintended consequences; do not increase nonconformities or treat properties differently due to owner of record.

O'Brien:

Agrees with Beth but finds the current ordinance massively confusing; this is an important thing to fix for equity reasons to treat like parcels similarly; Separate cross referencing of zoning and subdivision statutes;

a. More on merger concept as it works in other zones. There may be distinct policy differences in various zones;
b. Fix the R-6 first; if we can get a solution here, it will inform the work city wide



SHERIDAN SITE PLAN

Att. 4