

1. Legal Ad

Documents: [PB LGL AD 10-21-14.PDF](#)

2. Agenda

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3. 58 Fore Street

3.I. Memo

Documents: [FORE ST. - 58 \(PB MEMO\).PDF](#)

3.II. Memo Attachments

Documents: [FORE ST. - 58 \(MEMO ATTACHMENTS\).PDF](#)

3.III. Applicants Submittal

Documents: [FORE ST. - 58 \(APPLICANTS SUBMITTAL\).PDF](#)

3.IV. Public Comment

Documents: [FORE ST. - 58 \(PUBLIC COMMENT\).PDF](#)

3.V. Plans

Documents: [FORE ST. - 58 \(PLANS\).PDF](#)

4. House Island Historic District Designation

4.I. PB Memo And Attachments

Documents: [HOUSE ISLAND \(PB MEMO AND ATTACHMENTS\).PDF](#)

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on October 21, 2014, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at the public hearing.**

The agenda includes the following items:

Evening Workshop – 6:00 p.m.

- i. House Island, Nomination of House Island as a Local Historic District; Portland's Historic Preservation Board, Applicant. The Board will consider the Historic Preservation Board's recommendation to designate House Island as Local Historic District per Article IX of the Land Use Code.
- ii. 58 Fore Street; Zoning Map Amendment; CPB2, LLC. and CPB2 Management, LLC., Applicants. The Board will consider A zoning map amendment to rezone the Waterfront Special Use Zone (WSUZ) which includes the property at 58 Fore Street (known as the Portland Company Complex) and adjoining parcels along the waterfront, to the B-6 Eastern Waterfront Mixed Zone and the Eastern Waterfront Port Zone (EWPZ). The proposed map amendments would eliminate the WSUZ zone. The application includes proposed text amendments to the Shoreland regulations and to add permitted uses in both the B-6 and EWPZ zones.

There are no public hearing items.

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE
PLANNING BOARD

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

AGENDA
PORTLAND PLANNING BOARD

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There is no Public Hearing portion of this meeting.

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STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD



Memorandum

Planning and Urban Development Department

Planning Division

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

From: Christine Grimando, Senior Planner

Date: October 8, 2014

Project #: PEZ.2014-153

CBLs: 018 A001001, 018 A002, 018 A003, 018 A013, 019 A014, 446 A001, 446 A003, 446 A004, 002 X001, 002 A018

Re: Zoning Map and Text Amendments for 58 Fore Street

Meeting Date: October 21, 2014

I. INTRODUCTION

The applicant, CPB2 LLC, is requesting zoning map and text amendments for property at 58 Fore Street, the site of the Portland Company complex. Established in a 1846 for the manufacture of railroad equipment, it continued as the Portland Company, and as an industrial center, continuing to manufacture steel into 1978. It is now occupied by a variety of tenants. The property is currently zoned Waterfront Special Use Zone (WSUZ), and includes warehouses, storage buildings, and a marina with associated parking and laydown areas. The request for a zoning map amendment also encompasses State of Maine Property, two City-owned parking areas, and submerged lands. The zones being requested in place of WSUZ are the B-6, Eastern Waterfront Mixed Zone, and the Eastern Waterfront Port Zone (EWPZ). There are also proposed text amendments for the B-6, EWPZ and Shoreland Overlay zones.

Applicant: CPB2 LLC

Property Owner: CPB2 LLC

Consultants: Woodard & Curran, David Senus/ Bernstein Shur

Public Notice: Public notice of the workshop appeared in the Portland Press Herald on October 13 and October 14, 2014, was posted on the web site and was sent by mail or e-mail to 234 property owners and interested citizens.

A neighborhood meeting was held on September 16, and notes and documentation from that meeting are attached (Applicant's Submittal G). Written public comment is included in the packet (Public Comment PC1 through 3).

II. Background

Current Uses. The property is currently occupied by a range of uses, including a full service marina, parking, warehouses, boat storage, a blacksmith facility and some accessory office space. The property is also bisected by a 50' wide strip of Maine State property land that encompasses both the Maine Narrow

Gauge Railway and a public, multi-use trail that is an extension of the Eastern Promenade, maintained by Portland Trails and the City of Portland. The application also includes two adjacent City-owned lots.

Surrounding Uses. The property is contiguous with active waterfront uses to the west, bordered by the Ocean Gateway Terminal, and east of that, at the foot of Commercial and Franklin Streets, the Maine State Pier, both serving deep water dependent large vessels, including cruise ships. To the east is the Eastern Promenade. The neighborhood to the immediate north is residential, with Waterville, St. Lawrence and Atlantic Streets perpendicular to the Fore Street-side boundary of the property, and abutted by Munjoy South apartments. Also to the north but immediately west of this residential area is the India Street neighborhood, which contains residential uses and a diverse mix of commercial uses – Shipyard Brewery, parking garages, the shops of India Street, a Marriot Residence Inn, and the Eastern Cemetery.

Zoning Context. The immediately adjacent zones to 58 Fore Street are R-6 (Residential) to the east and north, ROS (Recreation and Open Space) to the east, B-6 to the west, and EWPZ to the west and south. The property is also partially in the Shoreland Zone, and partially in a flood zone.

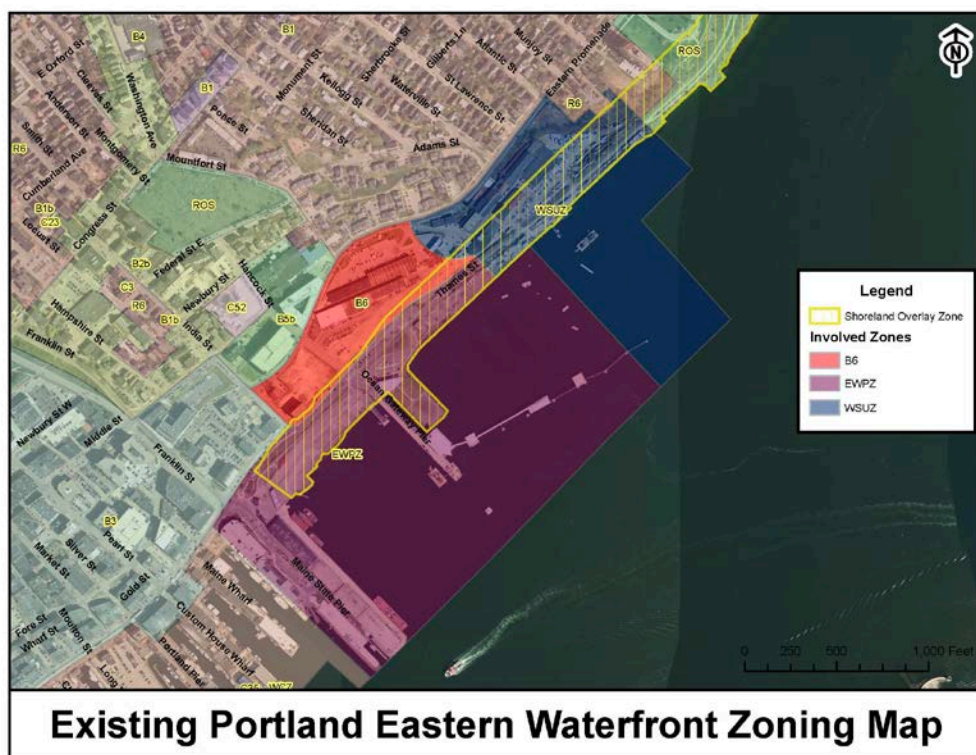


Figure 1

III. PROPOSED DEVELOPMENT

The applicant has not submitted a development proposal for the property. They are requesting that the zoning map and text changes be evaluated independent of a development proposal. Though not how zoning amendments are customarily presented to the Planning Board, presenting an accompanying development concept with the zoning changes is information requested in the application form, but is not a submission requirement by ordinance. The applicant has submitted an existing conditions plan to accompany the application in lieu of a development plan.

IV. PROPOSED MAP AMENDMENT

Current Zoning:	Waterfront Special Use Zone (WSUZ), Shoreland Overlay
Proposed Zoning:	B-6, Eastern Waterfront Port Zone (EWPZ), Shoreland Overlay
Current Uses:	Warehouses, storage buildings, marina, associated parking. State of

Maine Property, currently utilized by the Maine Narrow Gauge Railroad and a section of the paved, public Eastern Promenade Trail maintained by Portland Trails/City of Portland. The City Property includes gravel and paved parking areas.

Proposed Uses: None proposed at this time
Total Parcel Area: Approximately 12 acres, + submerged lands
Area to be Rezoned: Approximately 12 acres, + submerged lands

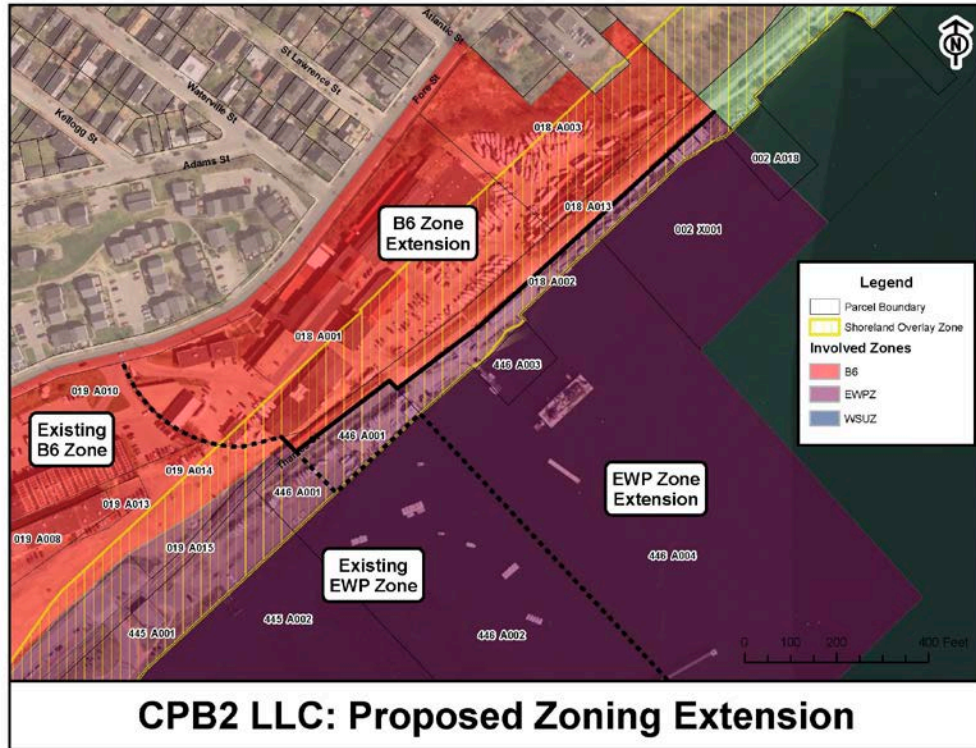


Figure 2

V. PROPOSED TEXT AMENDMENTS

The application includes text amendments to the following sections of the Land Use Code:

- **Sec. 14-48. Establishment of Zones (Division 1)**
Reference to WSUZ is struck.
- **B-6 Eastern Waterfront Mixed Zone (Division 15.1)**
The following permitted uses are proposed to be added to the B-6 zone:
 - Private clubs or nonprofit social and recreational facilities, as defined in 14-47.
 - Educational facilities.
 - Temporary events, provided that all such events on a lot do not exceed a combined total of (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time.
 - Museums and art galleries.

An exemption from the noise standard has been modified to include temporary activities, festivals, events and concerts.

Mediation is proposed to be changed to *Meditation* – staff and the applicant view this as correction of an existing typo.

- **Eastern Waterfront Port Zone (Division 17.5)**

The following changes to the use standards are proposed:

- A permitted marine use that references a maximum fuel storage of 20,000 gallons has been substituted with similar language that appears in other zones, and provides for similar functions, except that the maximum of 20,000 gallons has been removed.
- Marinas are proposed as a permitted use east of the Ocean Gateway facility (referenced by deed). Marinas are currently a conditional use – the application proposes they remain conditional west of Ocean Gateway.
- To be added: Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.
- To be added: A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

- **Waterfront Special Use Zone (Division 18.7)**

The body of section is struck, replaced by *Reserved*.

- **Signs (Division 22)**

References to WSUZ are struck.

- **Shoreland Regulations (Division 26)**

References to WSUZ are struck, and references to B-6 are inserted. These changes to the Shoreland zone reduce minimum setbacks for the B-6 zone from 75ft to 25 ft for structures, roads and driveways.

The applicant has submitted a summary of the proposed changes, and the text edits in the context of their respective sections. Both are included as Applicant's Submittal C and D, respectively. Attachments C and D were part of a submission made on October 9th, and supersede the original submission. The key differences in the October 9th submission are: a new use of underground fuel storage in B-6 and a reduced setback from pier line east of Ocean Gateway, as well as some modifications of the original wording in the text changes. The Oct. 9th submission also included a modified zoning map, with a change in where the B-6/EWPZ is drawn, with a modest amount more area devoted to B-6, and a submission of a proposed amendment to the B-6 height and building envelope overlay.

VI. ZONING ANALYSIS

Purpose of WSUZ, B6, EWPZ. The purpose of the WSUZ is defined by its constraints, as a zone sandwiched between high density residential to the north, parkland to the east, and industrial uses to the west, and the need to be compatible between these diverse land uses. It sets minimum expectations for development in the zone to be compatible with water-related and water-dependent uses, and that uses be compelled to contribute to maintenance and improvement of waterfront infrastructure.

The purpose of the B-6, eastern waterfront mixed zone is to establish a zoning district for the upland portion of the eastern waterfront area. The B-6 zone encourages this district to acquire a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a range of uses to achieve twenty-four hour urban vitality and shared use of parking infrastructure as recommended in the Eastern Waterfront Master plan for redevelopment. The B-6 is described as a zone that abuts a waterfront zone, not as having a water-dependent purpose itself.

The purpose of the EWPZ is more explicit in its purpose as a waterfront zone than the WSUZ, and quite detailed. It exists to nurture a wide range of deepwater-dependent industry and commerce. Piers, uplands, and circulation patterns consistent with the transportation needs of marine facilities are mentioned, as well as the encouragement of non-marine uses that support deepwater activities, provided that they do not conflict or

compete for limited space with existing or anticipated deepwater-dependent needs. It's primary emphasis, however, is on the berthing and support of large vessels. The purpose statement ends on a recognized hierarchy of uses:

- (a) *The first priority of this zone is to protect and nurture existing and potential deepwater dependent uses (those uses requiring a minimum of 15 feet of water depth);*
- (b) *The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure; and*
- (c) *Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.*

The full text of the purpose statements is included in Attachment 4.

Comparison of Allowed Uses. Both the WSUZ and the EWPZ contain a prohibition on uses that have adverse impacts on marine uses (Sec. 14-320.5.5 & Sec. 14-300.1), including uses that will displace an existing water-dependent use; uses that will reduce existing commercial vessel berthing space; uses, structures or activities that will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or the siting of uses that will substantially reduce or inhibit existing public access to marine or tidal waters. B-6, being an upland zone, does not contain a parallel section.

The WSUZ distinguishes allowed uses according to their location north and south of the railway tracks. The marine-related and marine-dependent uses allowed on both sides of the tracks in the WSUZ include a full slate of uses:

Marine	Marine products, wholesaling, distribution and retailing
	Marine repair services and machine shops
	Tugboat, fireboat, pilot boat and similar services
	Harbor and marine supplies and services, chandlery, and ship supply such as fueling and bunkering of vessels
	Marine industrial welding and fabricating
	Shipbuilding and facilities for construction, maintenance and repair of vessels
	Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis
	Cargo handling facilities, including docking, loading and related storage
	Boat repair yards
	Boat storage facilities, including rack storage facilities
	Seafood processing
	Seafood packing and packaging
	Seafood loading and seafood distribution
	Fabrication, storage and repair of fishing equipment
	Ice-making services
	Facilities for marine construction and salvage
	Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices
	Fabrication of marine-related goods
	Fishing and commercial vessel berthing
	Noncommercial berthing
	Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers

	Public landings
	Marinas
	Intermodal transportation facilities
Public	Pedestrian and bicycle trails
Industrial	Industrial uses which meet the performance standards of the I-2 zone

The uses permitted north of those tracks fall under the following conditions: in (a) buildings in existence on January 4, 1993, or (b) one (1) new structure per parcel, which parcel was in existence on January 4, 1993, of up to five thousand (5,000) square feet in total floor area. No construction of a new structure of more than five thousand (5,000) square feet in total floor area or in excess of one (1) per parcel for uses other than those specified in subsections (1) through (3) above is allowed without approval of a conditional use ...No residential construction is allowed either as a permitted use or as a conditional use.

Commercial	Professional, business, and general offices;
	Business service establishments
	Restaurants, provided that food service and consumption shall be the primary function of the restaurant
	Cabinet and carpentry shops
	Cold storage facilities
	Museums and art galleries
Other	Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses or temporary exhibition uses, provided that all such exhibition uses on a lot do not exceed a combined total of sixty (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time;
	Parking: Parking shall be permitted as long as it does not impede access to water by existing or potential marine uses
	Institutional uses including marine research, education and laboratory facilities. Such uses shall not include any type of overnight accommodations.
Public	Wind energy systems, as defined and allowed in Article X, Alternative Energy.
	Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures, provided that such structures are located more than one hundred (100) feet from the water
	Municipal uses
Industrial	Landscaped pedestrian parks, plazas and similar outdoor pedestrian spaces, including without limitation pedestrian and bicycle trails.

Conditional Uses are as follows:

Conditional Uses	Warehousing and wholesaling
	Any use permitted in section 14-320.6(d)2, 4, 5 or 6, (e), (f) or (g), in one (1) new structure of more than five thousand (5,000) square feet, but not more than ten thousand (10,000) square feet in total floor area per parcel.*
	Temporary wind anemometer towers
	Wind energy systems, as defined and allowed in Article X, Alternative Energy.

EWPZ permits the following uses:

Marine Passenger	Intermodal marine passenger facilities
	Cruise ship home port and port of call berthing and support
	International and domestic ferries
Marine Commercial	Transient and long-term commercial berthing
	Marine-related warehousing
	Marine related construction, manufacturing, fabrication, salvage and repair
	Storage and repair of fishing equipment
	Ship and other marine vessel construction, building, servicing, and repair
	Boat and marine equipment storage
	Marine fuel storage and dispensing provided that on-site fuel storage structures shall be used solely for the purpose of fueling vessels and shall be limited, cumulatively, to 20,000 gallons of storage capacity within the zone
	Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis
	Ship and off-shore support services, including but not limited to tug boats, pilot boats, and chandleries
	Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices
Commercial	Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.
	Temporary events, except festivals as otherwise governed under section 14-301I3 below.
	Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:
	a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of sixty (60) days between May 1st to October 31st;
	b. No temporary event may continue for more than 14 days of continuous operation;
	c. Any temporary event that anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.
	Festivals subject to City license
	Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code
Public	Fire, police and emergency services
	Governmental agency emergency operations/crisis centers;
	Research, military and visiting attraction vessel berthing
	Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails

Other	Wind energy systems, as defined and allowed in Article X, Alternative Energy.
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In conjunction with the standard conditions of approval for all conditional uses (Section 14-474), conditional uses in the EWPZ are allowed provided the uses impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, in addition to the following additional conditional use standards:

- a. *Marine compatibility:* The proposed use shall be compatible with existing and potential marine uses in the vicinity, as required by section 14-304(n) and (o) (compatibility of non-marine uses with marine uses and functional utility of piers and access to the water's edge); and
- b. *Parking and traffic circulation:*
 - i. *Parking and traffic circulation plan:* All applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the planning board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

Marine	Marine products, wholesaling and retailing
	Ice-making services
	Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight
	Marine educational facilities
	Seafood retailing, wholesaling, packaging and shipping
	Seafood processing for human consumption, subject to the performance standards of the IL zone set forth in section 14-236 in addition to the performance standards of section 14-304
	Commercial marinas serving commercial and recreation boats, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater dependent vessels accessing existing or potential deepwater berthing
	Fish byproducts processing, provided that:
	a. Any fish byproducts processing facility has a valid rendering facility license under chapter 12 of the Portland city code; and b. Any fish byproducts facility shall employ current and appropriate odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone (section 14-252); and c. The processing other material wastes or byproducts shall not be deemed a lawful accessory use Permitted herein.
Commercial	Structured parking available to the general public
	Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006
	Passenger support services supporting a marine passenger use listed under 14- 301(a)(marine passenger). Total ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor area of the principle associated marine passenger use and no more than 35,000 sf cumulative within the EWPZ:
	i. Retail;

	ii. Restaurants/food service other than street vendors;
	iii. Retail service;
	iv. Passenger information services.
Industrial (subject to IM performance standards)	Non-marine related warehousing in structures existing as of September 18, 2006
	Facilities for combined marine and general construction
	Low impact industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities
Public	Utility substations: Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations, are permitted under the following conditions:
	a. The facility is located more than 100 feet from the water's edge;
	b. The facility occupies no more than 50 square feet of structure above ground;
	c. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine related uses, including but not limited to parking, travel ways, and/or storage; and
	d. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.
	Maritime museums, limited to 5,000 square feet of ground floor footprint.
Parking for non-marine uses	No parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted as permitted and conditional marine uses which are or may be located on the subject property. The remainder of parking required, if any, for such non-marine uses shall be provided off-site.
Other	Temporary wind anemometer towers
	Wind energy systems, as defined and allowed in Article X, Alternative Energy

As with other zones, uses not enumerated are not permitted. Additionally, the following uses are specified as prohibited: residential uses, amusement/theme parks, bulk freight facilities, on-site gambling casinos not accessory to and located aboard either a ferry or inter-port cruise ship.

The B-6 zone allows the following uses:

Commercial	Professional, business and general offices
	Restaurants and other eating and drinking establishments
	Hotels and inns limited to no more than 150 rooms
	Craft and specialty shops, including the on-premises production of handcrafted goods
	Retail and retail service establishments, excluding those with gas pumps
	Theatres
	Banking services, excluding vehicular drive-up services*
	Cabinet and carpentry shops

	Personal services
	Business services
	Offices of business trades people
	Miscellaneous repair services, excluding all types of automotive repair except for automobile repair and service establishments
	Telecommunication and broadcast and receiving facilities*
	Brew pubs and microbreweries without associated bottling facilities; and brewpubs and microbreweries with associated bottling facilities limited to 5,000 bottles per year output.
	Electronic data storage
	Marine products wholesaling and retailing
	Harbor and marine supplies and services, chandlery and ship supply
	Bakeries, coffee roasters, and commercial kitchens with building footprints limited to fifteen thousand (15,000) square feet of contiguous building space.
	Printing establishments.
Residential	Attached dwellings including row houses, two-family and multifamily dwellings
	Handicapped family units
	Combined living/working spaces, including but not limited to artist residences with studio space
	Mixed use residential and commercial structures
Public	Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures
	Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces
	Pedestrian and multi-use trails
Other	Studios for artists, photographers and craftspeople including but not limited to, painters, sculptors, dancers, graphic artists and musicians
	Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses*
	Health clubs, martial arts and mediation facilities
	Intermodal transportation facilities
	Nursery schools, kindergartens, and daycare facilities or home babysitting services
	Wind energy systems, as defined and allowed in Article X, Alternative Energy

B-6 conditional uses include meeting and exhibition facilities up to a total of 20,000 gross sf; wholesaling, providing the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building footprint of less than 15,000 square feet; drive-up banking facilities located in the interior of parking structures, subject to multiple criteria; surface and structured parking, subject to multiple criteria, including ground floor commercial requirements for structured lots; and temporary wind anemometer towers.

As with other zones, uses not enumerated are not permitted. Additionally, the B-6 use requirements specifically prohibit ground mounted telecommunication towers; waste, scrap, and/or byproduct storage and processing facilities; auto service stations; and drive-up facilities, excepting bank drive-ups in interior parking structures.

In sum, neither the WSUZ nor the EWPZ allow residential uses or anything but ancillary non-residential, non-marine uses. They tackle this issue through different tools – the WSUZ allowing a greater range of non-marine-dependent uses north of the rail line that splits the zone and through limits on new construction, and EWPZ through a narrower list of combined possible uses and strong language regarding the necessary marine compatibility of non-marine uses. The emphasis in the list of permitted uses for EWPZ is on marine-dependent uses, with most marine-related uses being conditionally allowed. The allowed uses of the B-6 zone read like many other mixed-use urban zones, with no particular marine emphasis, except for its noted adjacency, and upland-intended application.

Dimensional Requirements Summary:

	WSUZ	EWPZ	B-6
Min. Lot Size	None	None	None
Min. Street Frontage	None	None	
Min. Front Yard	None	None	
Min. Rear Yard	None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty-five (25) feet.	None	None
Min. Side Yard	None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty-five (25) feet.	None	
Max. Setback from Street Line			10 ft., excepting parking garages, public trans. facilities, and subject to the building height envelopes of Eastern Waterfront Building Height Overlay Map. See Sec. 14-272 c.2 for exemptions.
Min. Length of Building Wall required to be located along street frontage of lot			70% of lot street frontage or 25% of building perimeter. For buildings fronting on 2+ streets, building wall on one street may be decreased so long as it is proportionally increased on others and the building wall on the secondary street is not reduced to less than 25 ft.
Min. Setback from Pier Line	5 feet from the edge of any pier, wharf or bulkhead. The setback may be utilized for activities related to the principal uses carried on in the structure, subject to 14-313/14-314, but shall not be utilized for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).	5 feet from the edge of any pier, wharf or bulkhead. The setback may be utilized for activities related to the principal uses carried on in the structure, subject to 14-313/14-314, but shall not be utilized for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).	
Max. Structure Height	45-100 ft. (see Sec. 14-320.9.e)	45 ft, except for cranes and gantries, rooftop appurtenances (see Sec. 14-303.e for full exemptions)	65 ft. or as otherwise governed by a Building Height Overlay Map
Minimum Building Height for New Construction			3 floors of habitable space above the average adjacent grade within 25 ft. of any public street. See Sec. 14-272 c.3.g for exemptions.
Max. Lot Coverage			100%
Max. Impervious Surface		100%	

VII. POLICY ANALYSIS

Comprehensive Plan Volume 1 (2002/2004) gives an overview of the years of waterfront planning efforts of the City, and addresses redevelopment of Waterfront East specifically. It outlines four redevelopment principles for development in this area (these four principles are restated in the Eastern Waterfront Masterplan): Character and Impact of Development, with particular emphasis on compatibility with surrounding areas – residential, maritime, and natural environment; Mixed-use as a component of an active, vibrant urban area; maintaining Maritime Resources; and Economically Responsible Development that benefits the city and the region. Volume 1 references the Eastern Waterfront Masterplan (adopted 2002 and

amended 2004 & 2006). The study boundary is shown in red in Figure 3 below (also [Attachment 1](#)), which is the specific policy document for this area, which also consists, by reference, of two other documents: the Eastern Waterfront Design Guidelines and the Eastern Waterfront Building Height Study.

The Eastern Waterfront Masterplan makes specific reference to the Portland Company property:

The Portland Company complex, a mid-nineteenth century manufacturing facility, occupies the easterly end of the Eastern Waterfront. As an early manufacturing center, the site is home to several large brick and granite industrial buildings of architectural significance with potential for adaptive reuse. The Portland Company property is currently designated as eligible for inclusion in the National Register of Historic Places.

The property is highly developed, but in need of significant structural and cosmetic repair. Importantly, the complex is the only private property in the study area with direct water access. Currently, the Portland Company houses a variety of commercial uses, including a marina, boatyard, boat repair, general office, exhibition space, and the Narrow Gauge Railroad Museum.

Future parking enhancements and better vehicular and pedestrian access to the central redevelopment area will better integrate the Portland Company complex with the Eastern Waterfront and the Commercial Street business district, spurring the adaptive reuse and restoration of the historic structures.

Development Considerations

- *Historic 19th Century industrial complex.*
- *Promote the continuation of boat yard and yacht support services.*
- *Encourage the adaptive reuse and sensitive rehabilitation of historic structures.*
- *Increase connections to Commercial Street and promote shared parking with abutting uses.*
- *Expand recreational boating and active public use of the water.*

The applicant provides a summary of the alignment of their project with the Eastern Waterfront Masterplan in section 2.4 of their application. The application accurately cites support in that document for zoning changes that foster upland mixed use development as well as water dependent and marine uses in this area.

In discussion of Marine Compatibility, in section IX., below, the specific location of the B-6/EWPZ boundary as it relates to marine resources is highlighted. The Eastern Waterfront Masterplan makes specific reference to priority areas for water dependent uses: *Maritime Resources: Development in the eastern waterfront on piers, bulkheads, and on land within 75 feet of mean high water line will give priority to compatible water-dependent and maritime uses.* Though this application is generally consistent, this is one specific area that warrants a detailed discussion of consistency of the Comprehensive Plan with the proposed zone boundaries.

The Eastern Waterfront Design Guidelines will be a pertinent policy document when a development proposal is brought forward, but doesn't have bearing on the zoning application. The Eastern Waterfront Building Height Study (Height Study), however, has implications for the proposed zone change. The Height Study does not only include maximum height recommendations, but incorporates other tools for preserving and enhancing view corridors for a topographically varied area of Portland. It includes recommendations for street extensions and greater connectivity with the surrounding neighborhoods, maintaining view corridors through the delineation of building envelopes, as well as areas where "towers" could be built – areas where the maximum height could be exceeded – provided that those towers met particular spacing and dimensional requirements.

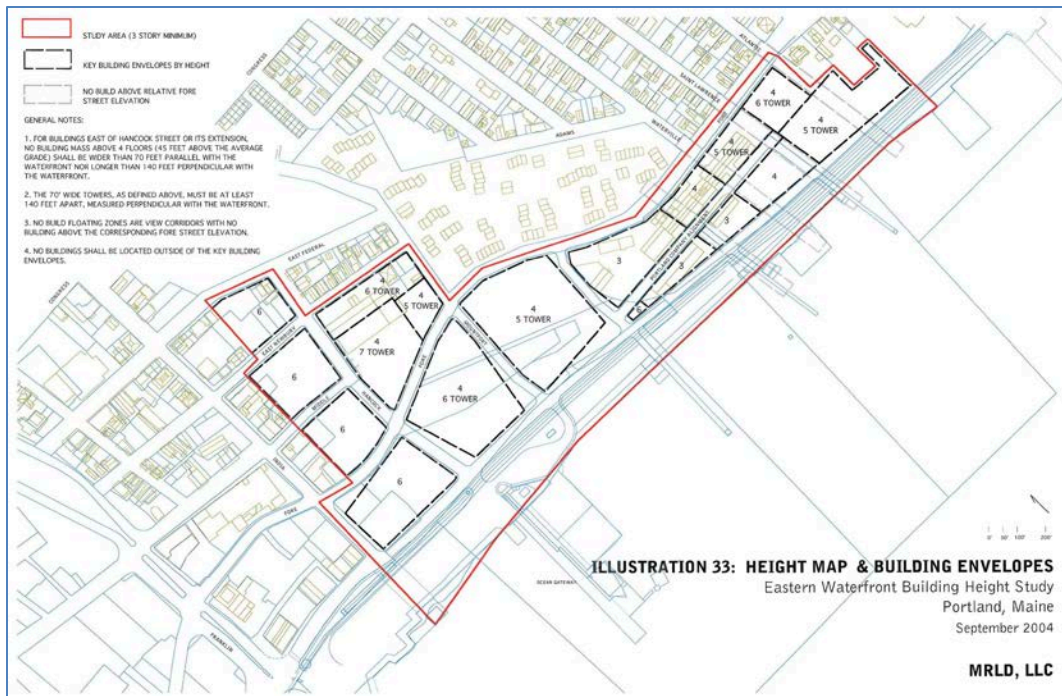


Figure 3, Eastern Waterfront Building Height Study, Illustration 33.

The B-6 Building Height Overlay & Building Envelopes was adopted in 2004 as a direct outgrowth of the policy recommendations of the Height Study, and regulates heights and building areas within the current B-6 boundaries (Figure 4 and Attachment 2). The B-6 zone and the Height Study are currently in alignment. A simultaneously amended B-6 Building Height Overlay and B-6 zone extent would maintain Comprehensive Plan consistency.

The Height Study, and Illustration 33, do not extend to the southerly boundary of where this application extends the B-6 to, leaving a gap between the Height Study and the developable area of the proposed B-6 zone.

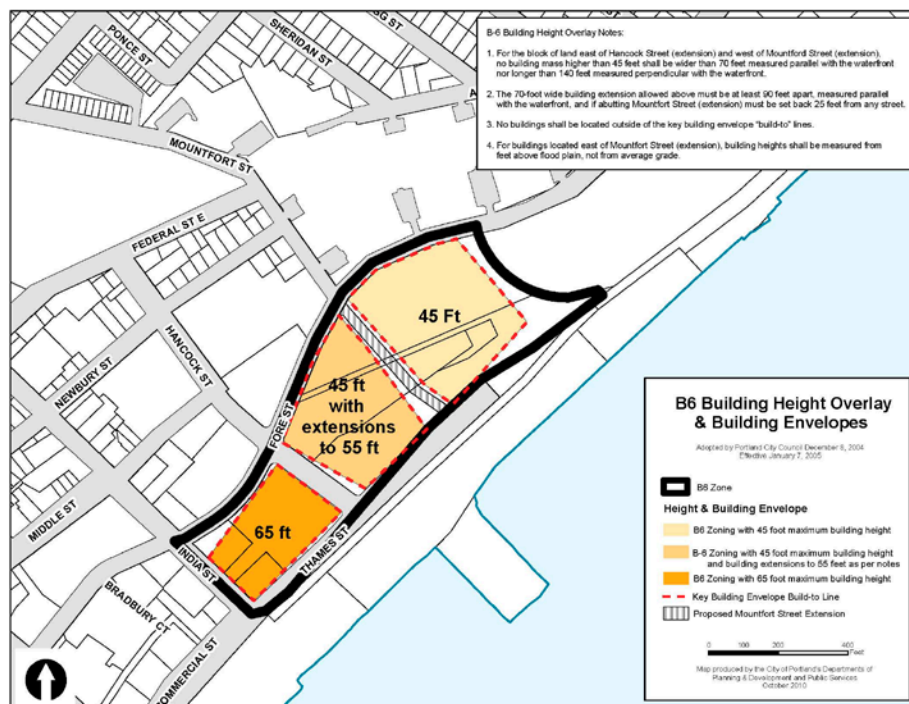
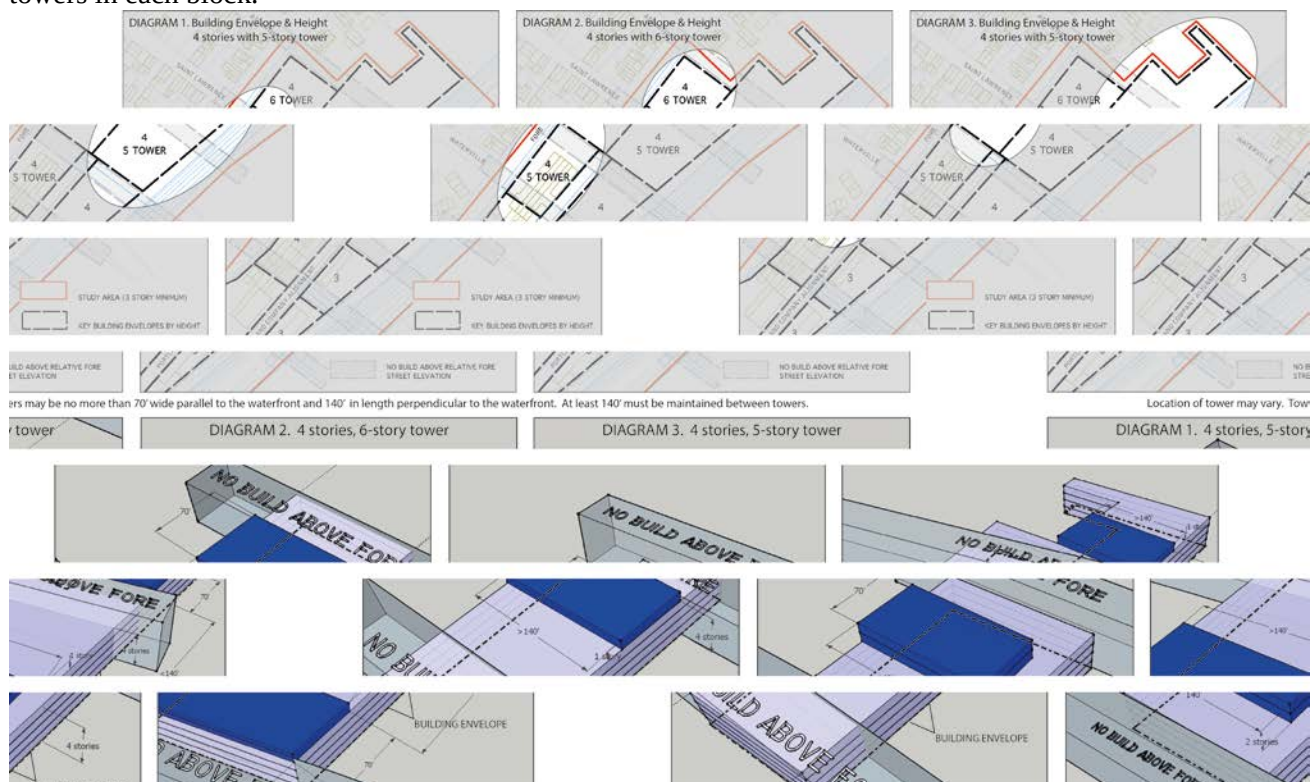


Figure 4

VIII. DISCUSSION

Height. The B-6 Building Height Overlay & Building Envelopes map is the regulatory fulfillment of one geographic area, just the west of the Portland Company land, of Illustration 33 (Figure 3 above and Attachment 1). An extension of the B-6 zone will require a continuation of the B-6 Building Height Overlay & Building Envelopes map in order for an expansion of B-6 to be compliant with Comprehensive Plan policy. Planning staff has had discussion about the height/building envelopes component of this proposal, and the applicant has submitted a proposal for discussion. B-6 currently allows for 65 ft. maximum feet, except that the B-6 zone (Sec. 14-272) currently states that *Notwithstanding sections 1. and 2. above, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension, shall build to the key building envelopes shown on the Eastern Waterfront Building Height Overlay Map.* An extension of the zone outside the boundary of the Height Overlay map would default to the maximum allowed height of 65 feet because the map stops before 58 Fore Street, creating a gap between the Height Study, which as an adopted component of the Eastern Waterfront Masterplan is an element of the Comprehensive Plan, and enacted Zoning. Staff recommends that the B-6 Building Height Overlay & Building Envelopes map be amended concurrently with an amendment to the zoning map, so that Comprehensive Plan consistency is maintained.

The conversion of the Height Study recommendations to the B-6 Building Height Overlay involved some interpreting of terms used in the Height Study. The Height Study makes recommendations for # of stories, and elsewhere in the document defines a story as 11 feet. The B-6 Building height Overlay therefore reflects this as maximum number of feet, so that a recommendation for 4 stories (or floors) was implemented as 45 feet. The Height Study uses the term “towers” to describe areas where the maximum height can be exceeded. These towers have both dimensional and locational limits, so as to avoid blocking identified view corridors and monolithic, uniform building heights. Towers were recommended to be no wider than 70’ parallel with the waterfront nor longer than 140’ perpendicular, and no closer than 140 feet apart. Because this language is potentially confusing, we have prepared a diagram below, and included as Attachment 2, which depicts the opportunity for a tower in the various blocks presented in Illustration 33, showing the dimensional limits for towers in each block.



The B-6 Building Height Overlay drops the tower terminology, but adopts the recommended dimensional and spacing standards. Building envelopes and view corridors are carried over, as well. The building envelope east of Mountfort St. was not implemented with height extensions above 4 stories, as originally recommended. This same building envelope has a different means of calculating height than the other envelopes – maximum building height is calculated from feet above floodplain in deference to the steep grades of this eastern section of the study area, rather than the standard measurement from average surrounding grade. As can be seen from the topographic map of the area (Figure 5 and [Applicant's submission Plan 1](#)), the difference in resulting building heights when measured from average grade versus feet above flood plain could be significant.

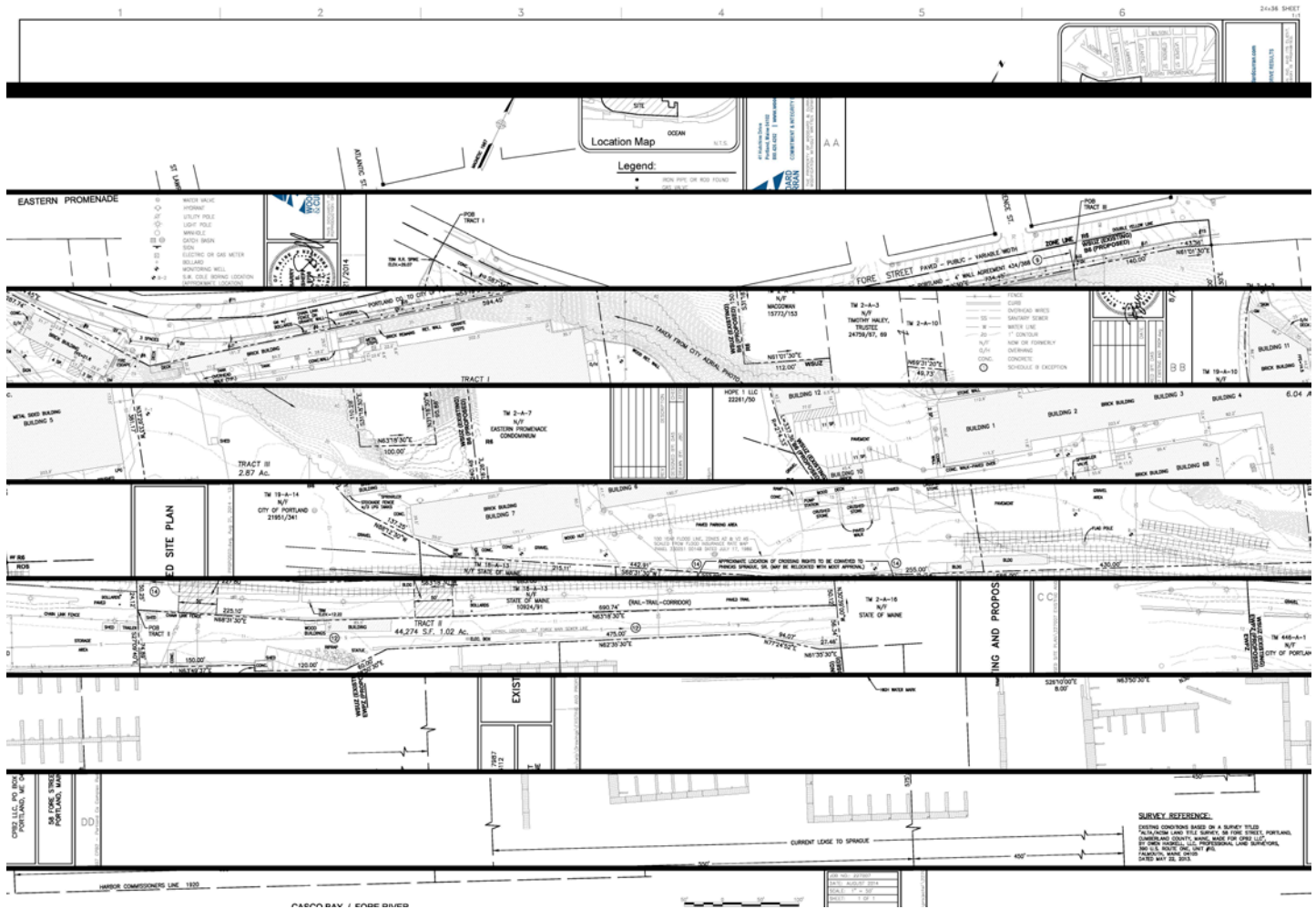


Figure 5

Height Study recommendations east of the B-6 Height Overlay continue to the eastern limits of the Portland Company complex, with a northern boundary on Fore Street and a southern boundary stopping north of the rail/trail ROW. It includes protected view corridors, and recommended heights ranging from 3-6 stories (minimum 3, and maximums are tower inclusive).

On October 9th a supplement to the original submission was made to include a proposal for an amended B-6 Height Overlay & Building Envelopes map (Figure 6 and [Applicant's submission Plan 2](#)). The applicant's proposed height map does not carry over the height measurement above flood plain east of Mountfort Street extension to the 58 Fore Street site. Given the topography of the site, a measurement from average adjoining grade could result in substantially higher building forms than were predicated for this area, as we read the plan. This is an issue for further discussion.

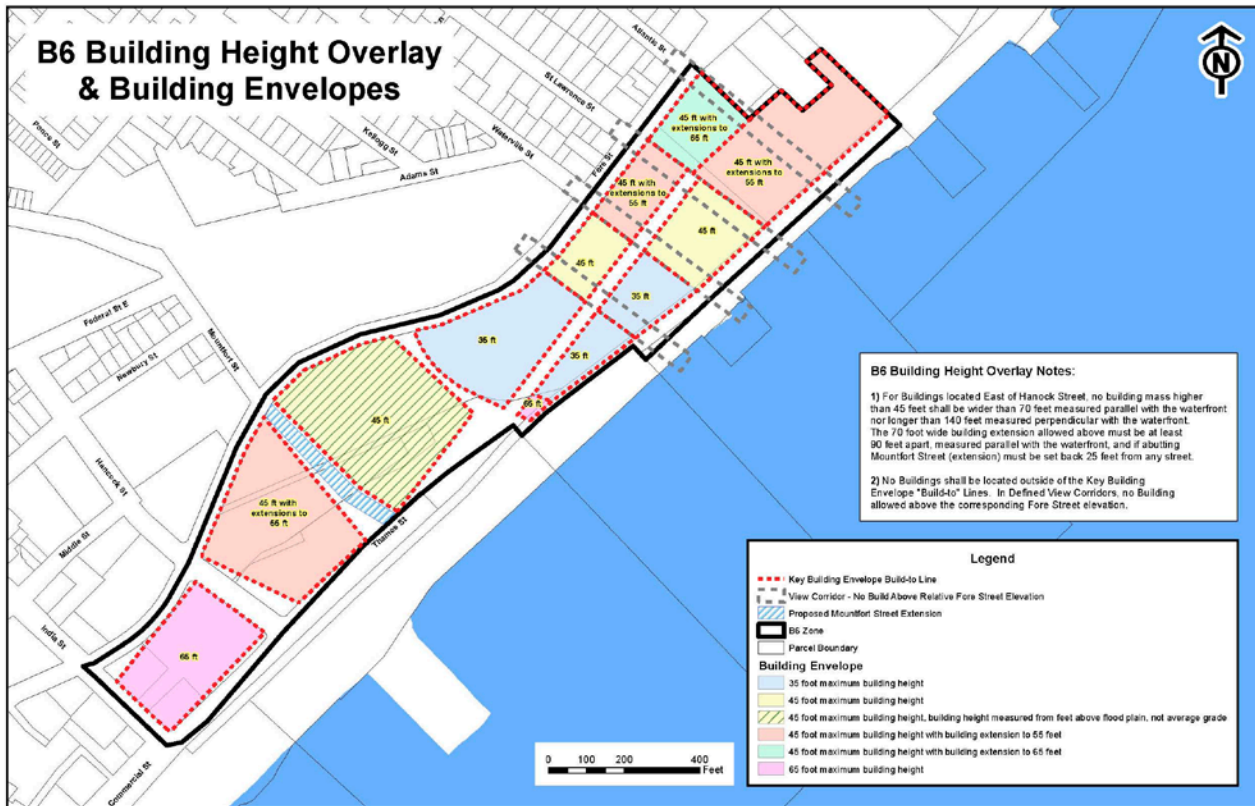


Figure 6

Marine Compatibility. Two topics arose in discussion between Planning staff and Bill Needelman, Waterfront Coordinator, that warrant consideration at the upcoming workshop – 1) the proposed change in EWPZ to have marinas be allowed as a permitted use east of Ocean Gateway, rather than the current conditional use for all marinas in this zone, and 2) the southerly boundary of the B-6 zone.

The conditional use standards for marinas remain pertinent east of Ocean Gateway, as they control for possible interference with the large vessels the EWPZ prioritizes. The EWPZ is primarily concerned with the needs of water-dependent, not water-related, deep water vessel needs, and the conditional use standards work to maintain this balance. As a conditional use, marinas in EWPZ must demonstrate that they *are located in areas that do not conflict with the navigation and handling of deepwater dependent vessels accessing existing or potential deepwater berthing*. They are also subject to marine compatibility standards, as are all conditional uses in this zone.

The proposed B-6 zone boundary is drawn within or at 25' from the water's edge, breaking south of the existing rail ROW. By pulling the southerly edge of the B-6 zone so near to the water, and leaving a relatively narrow band of EWPZ, there remains little area dedicated to marine activity. The proposed southerly B-6 boundary replaces an active waterfront area with a mixed-use, not marine-related area. This aspect of the application constitutes an important policy change for the Board to consider, and should be a discussion item at the October 21st workshop. The B-6 rezoning anticipates the possibility of relocating the rail-trail corridor towards the water's edge, a topic yet to be evaluated by the City, and one with implications for the upland needed to support a water dependent EWPZ. At this stage, the Board should consider whether this State-owned corridor should be rezoned to EWPZ rather than B-6.

Related to the proposed zone boundary are the proposed Shoreland zone changes, which reduce the minimum setback to 25 ft. for B-6. These changes run in tandem with the map change as a whole, and if, through the course of review, another zone boundary is agreed to between B-6 and EWPZ, Shoreland changes will need to be evaluated for consistency with the base zones and approved by DEP.

Historic Preservation

There is no action required on historic preservation or formal role for the Historic Preservation Board at this stage, but the historic significance of the site, and the interests of that Board and the community are such that it warrants mention at the outset of this process.

Prior to and concurrent to the zoning application, there has been significant activity related to the historic significance of the property. Before the submission of the rezoning application, the developer had studies conducted of the historic character of the buildings on site (available in full at this link: <http://www.portlandmaine.gov/1341/58-Fore-Street-Portland-Company>), and a structural assessment of the same. A full survey of the historic significance of the site was conducted, as well, and a review of the structural assessment is under way. Portland Landmarks has requested that the Historic Preservation Board nominate the site for designation as a Historic District (Attachment 5). On this last event, Planning staff has to date recommended that the rezoning request be considered prior to action on the Historic District nomination, so that the issues can be considered sequentially rather than in tandem.

Portland's Historic Preservation submitted correspondence dated October 15, 2014 for the Planning Board's consideration (Attachment 6). The Historic Preservation Board outlines their review standards and process. In addition the Board suggests a joint site walk be scheduled in the near future, which "...would be both efficient and of mutual benefit.

IX. NEXT STEPS

- Provide initial feedback on zoning map and text amendment requests.
- Schedule Site Visit
- Schedule second workshop, if needed.

X. ATTACHMENTS

Report Attachments

1. Illustration 33
2. Diagram of Tower Spacing
3. B-6 Building Height Overlay & Building Envelopes Map
4. WSUZ, EWPZ, B-6 Purpose Statements
5. Portland Landmarks Correspondence
6. Portland Historic Preservation Board Correspondence

Applicant's Submittal

- A. Application
- B. Applicant's Cover Letter – 2014.10.09
- C. Applicant's Revised Text Amendment Summary – 2014.10.09
- D. Full Revised Text Amendments – 2014.10.09
- E. Proposed Zoning Extent – 2014.10.09
- F. DOT Correspondence
- G. Neighborhood Meeting Documentation

Public Comment

- PC1. Paula Guillemette Agopian 10-8-14
- PC2. Everett and Susan Ingalls
- PC3. Karen Snyder 10-12-14
- PC4. Brian Burwell 10-16-14

Plans

- Plan 1. Existing Conditions Plan
- Plan 2. Proposed B-6 Height Overlay – 2014.10.09
- Plan 3. Proposed B-6 Height Overlay w/Aerial – 2014.10.09

-  STUDY AREA (3 STORY MINIMUM)
-  KEY BUILDING ENVELOPES BY HEIGHT
-  NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

- GENERAL NOTES:
1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, NO BUILDING MASS ABOVE 4 FLOORS (45 FEET ABOVE THE AVERAGE GRADE) SHALL BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
 2. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.
 3. NO BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.
 4. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.

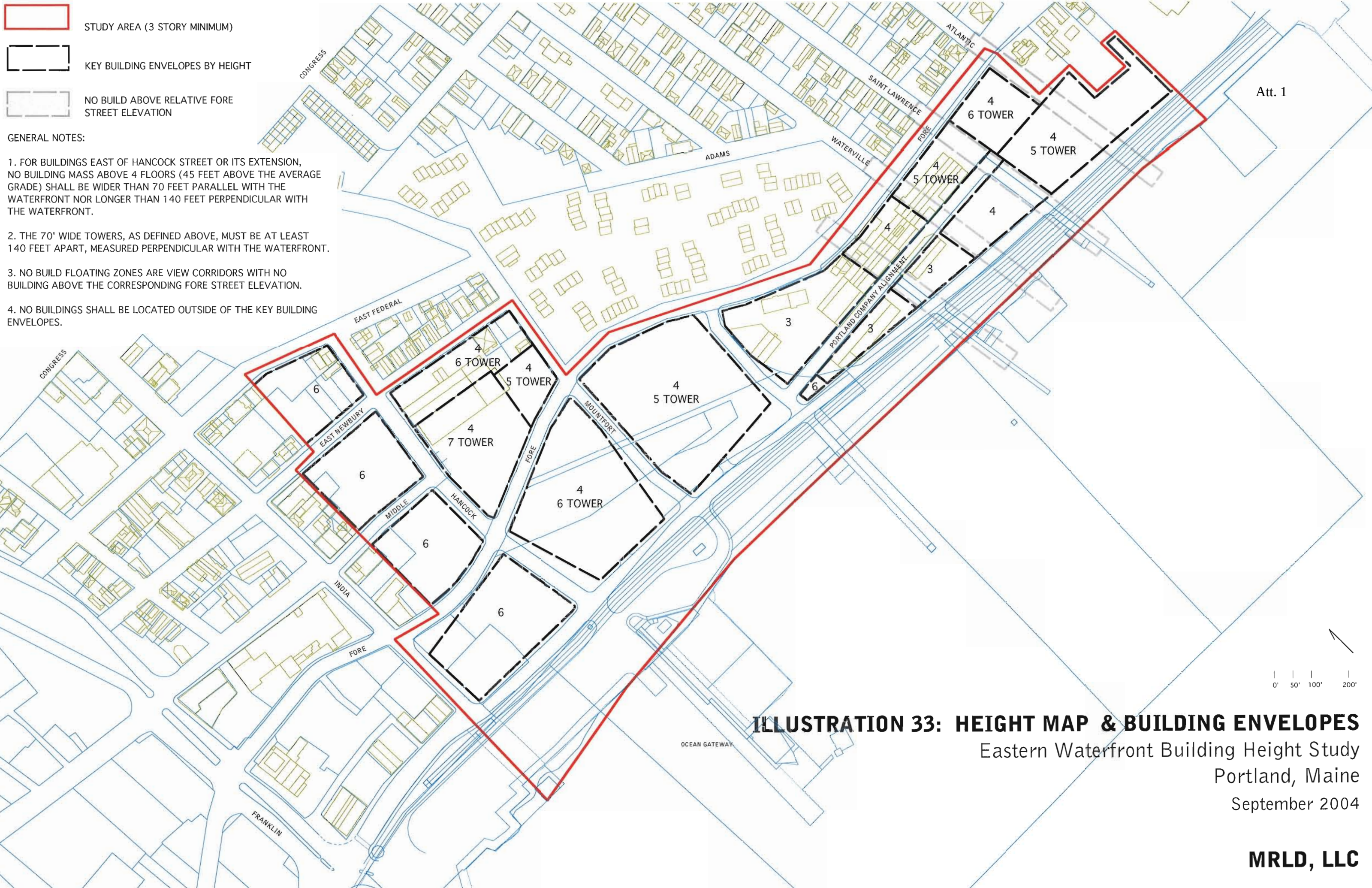
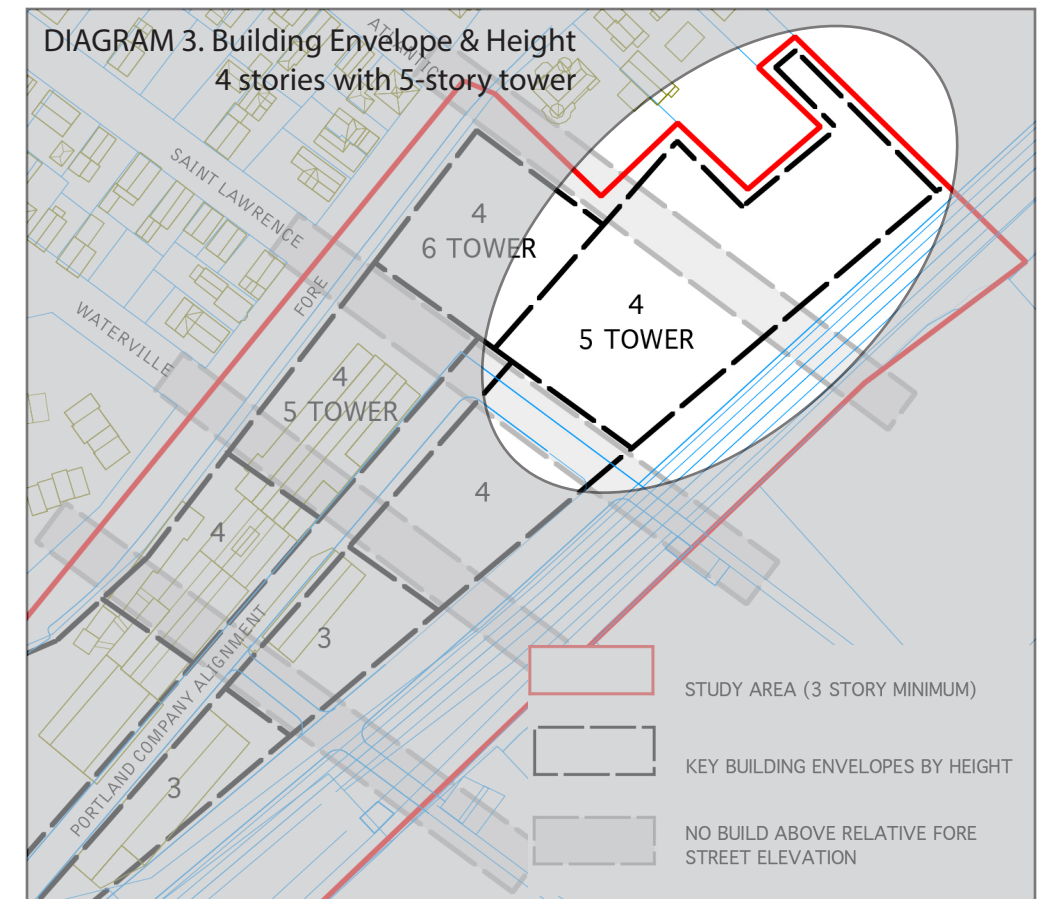
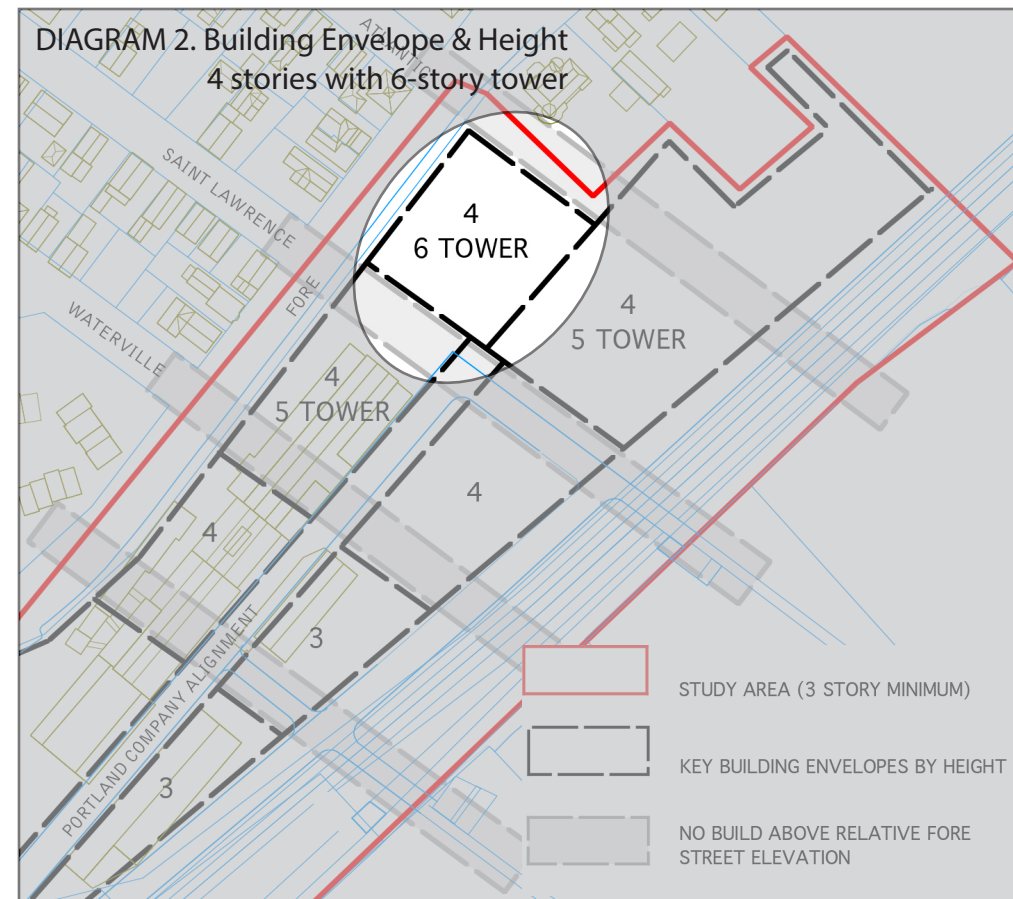
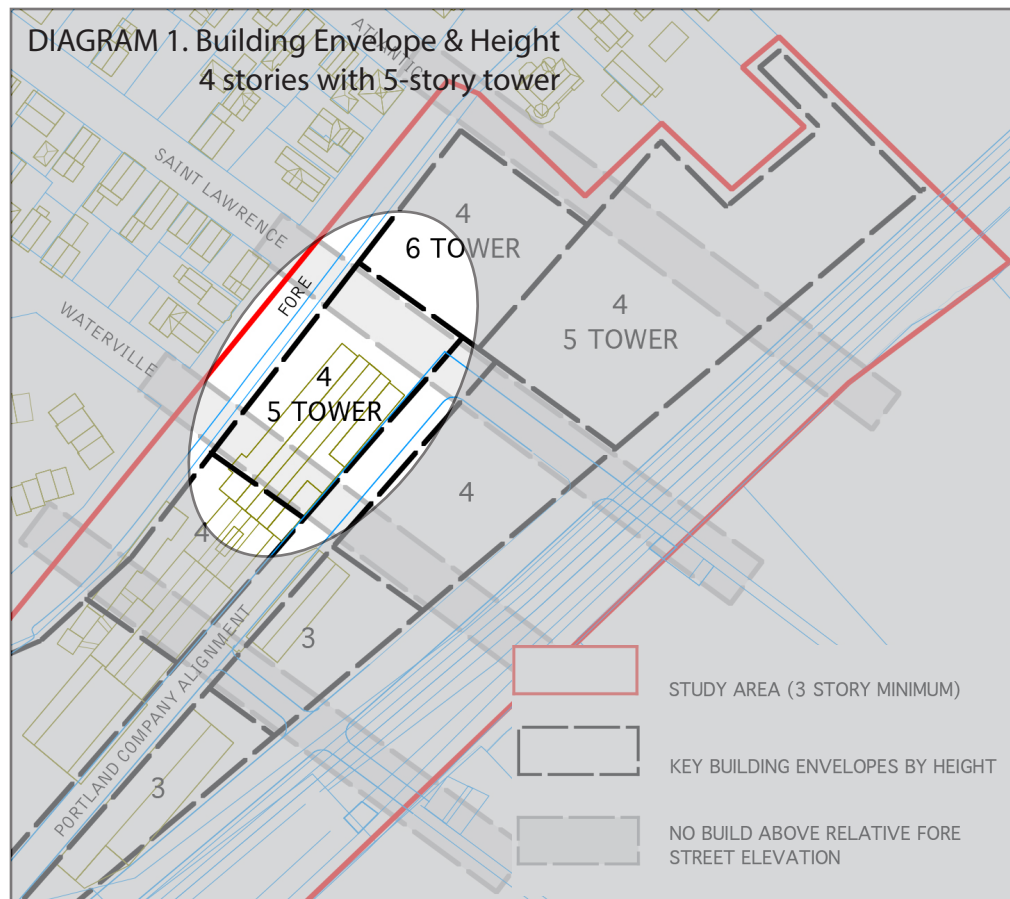
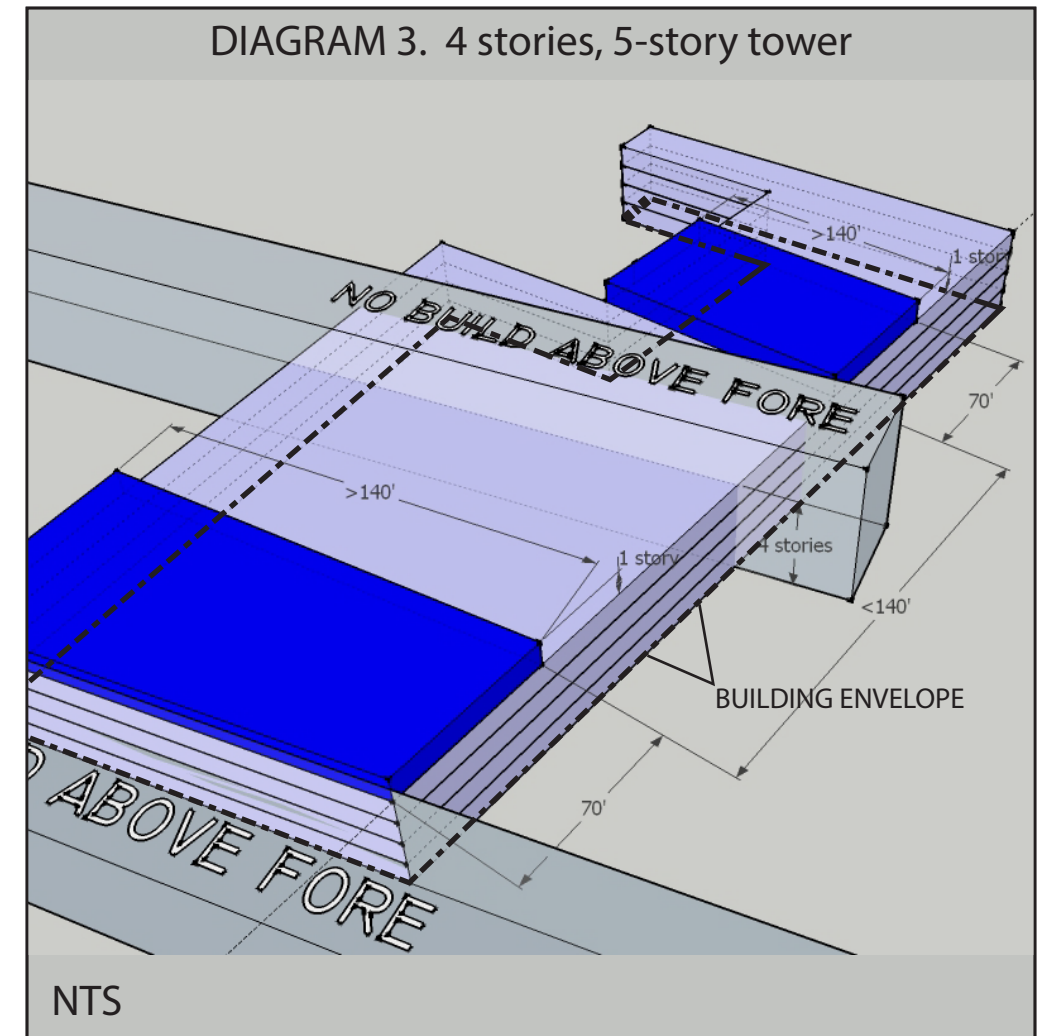
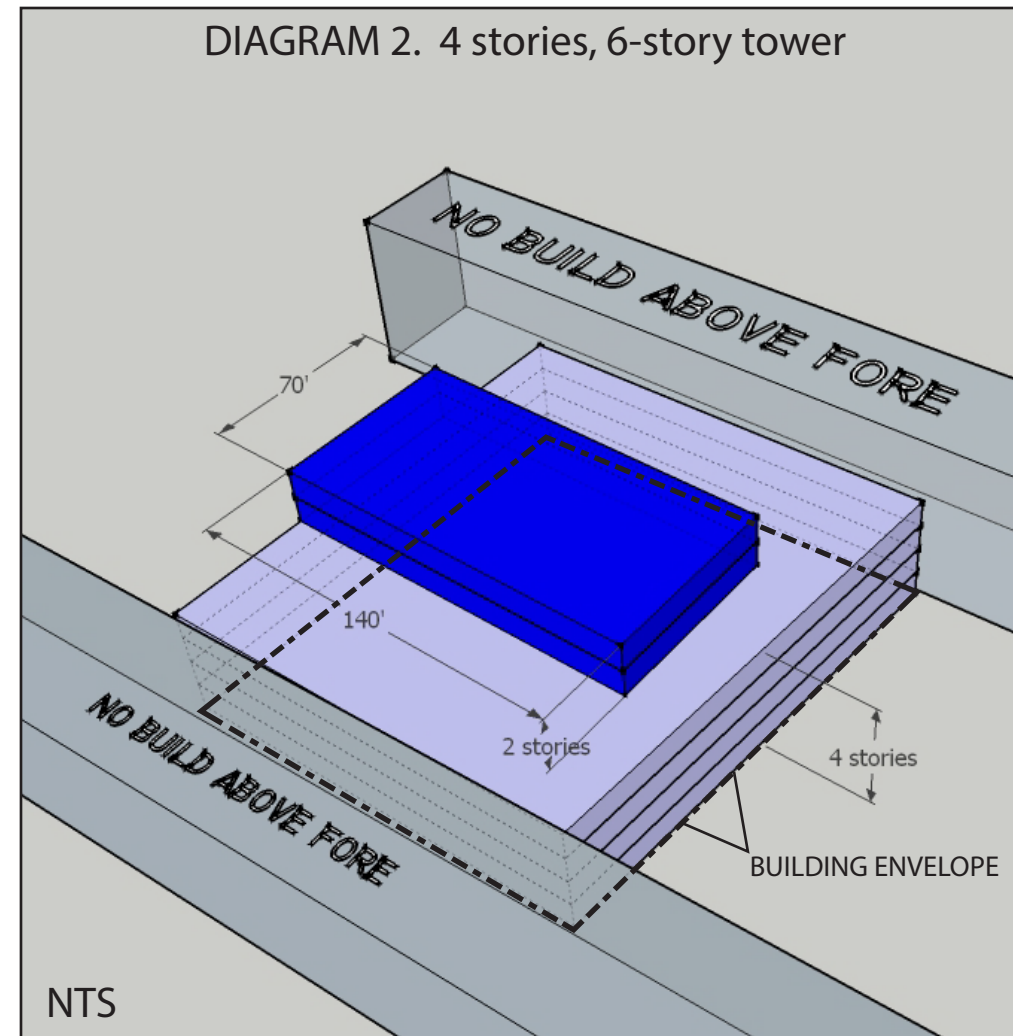
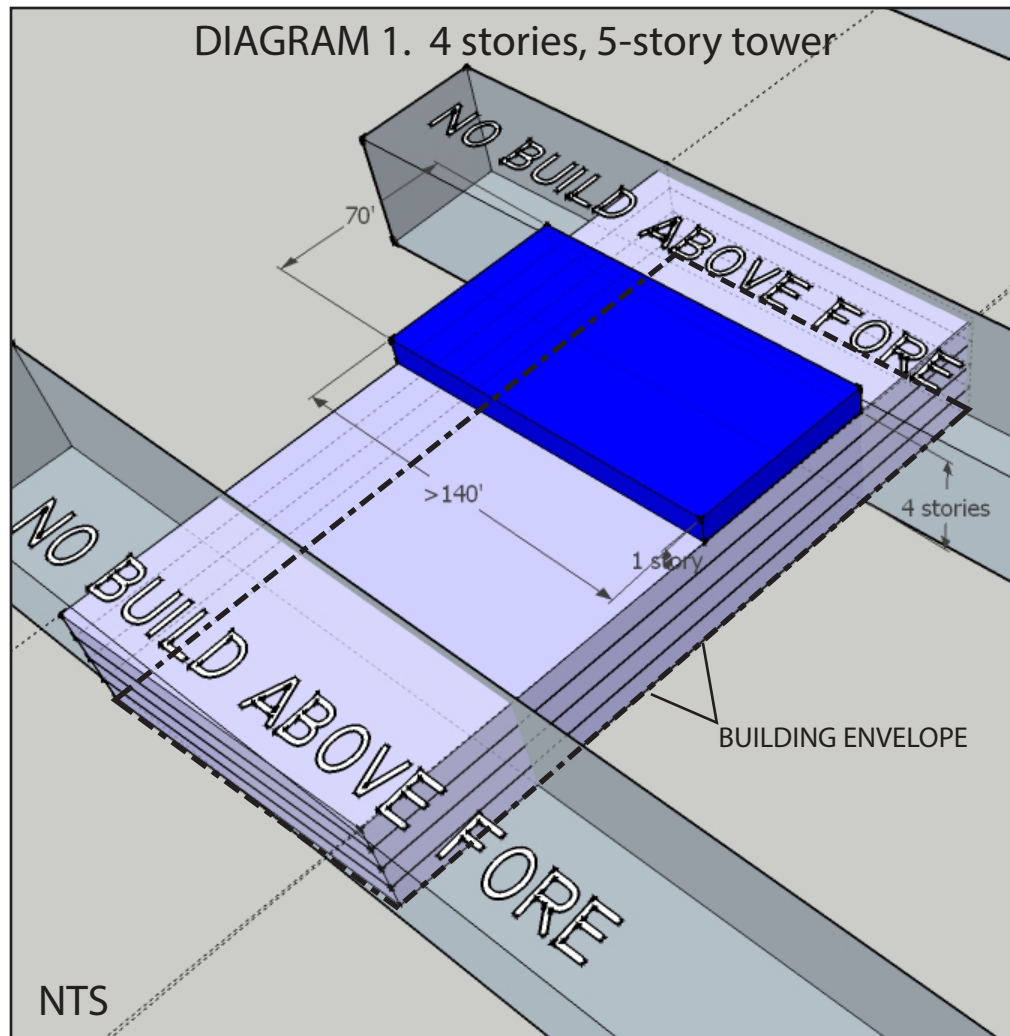
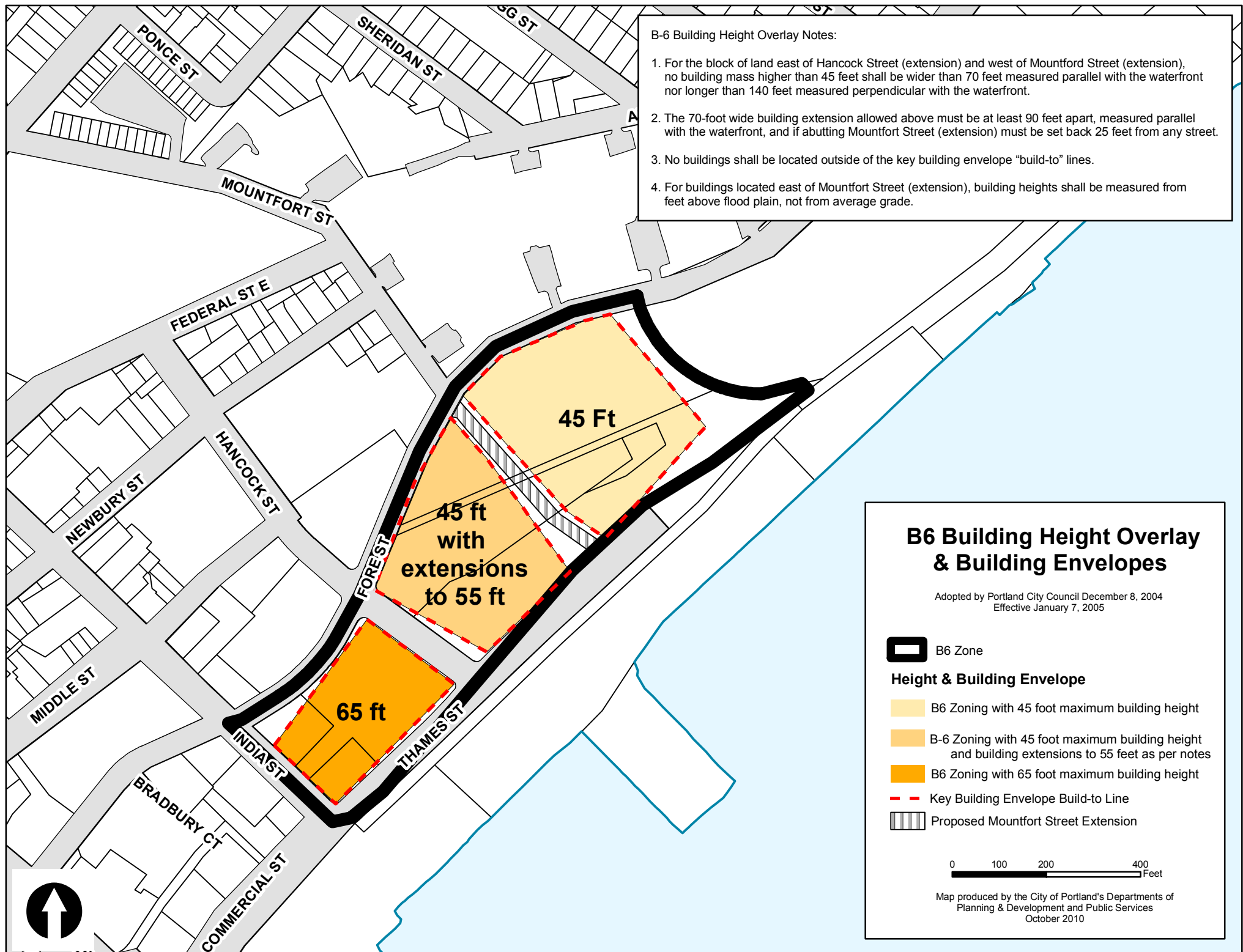


ILLUSTRATION 33: HEIGHT MAP & BUILDING ENVELOPES
 Eastern Waterfront Building Height Study
 Portland, Maine
 September 2004



Location of tower may vary. Towers may be no more than 70' wide parallel to the waterfront and 140' in length perpendicular to the waterfront. At least 140' must be maintained between towers.





WSUZ/B-6/EWPZ Purpose Statements**Waterfront Special Use Zone Purpose (Sec. 14-320.5):**

The waterfront special use zone recognizes that the uses appropriate in this zone are constrained by its proximity to heavy industrial use on the western end, a high-density residential neighborhood on the north, and park and R-OS land to the east. Uses to be located in this zone must be compatible with these existing neighborhood uses.

At a minimum, parcels in this zone generally enjoy visual access to the port. It is further recognized that this area has historically been used for marine uses and that some of the parcels have the capacity to accommodate active water-dependent uses. While physical access to the water may not currently be legally available to all parcels in this zone, it is anticipated that developments in this zone may be able to negotiate easements for access. At a minimum, development in this zone should not be incompatible with marine and water-dependent uses. Uses which contribute to the maintenance and improvement of the infrastructure along the water's edge as a condition of use are strongly encouraged.

B-6 Eastern Waterfront Mixed Zone Purpose (Sec. 14-268):

The purpose of the B-6, eastern waterfront mixed zone is to establish a zoning district for the upland portion of the eastern waterfront area. The B-6 zone encourages this district to acquire a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a range of uses to achieve twenty-four urban vitality and shared use of parking infrastructure as recommended in the eastern waterfront master plan for redevelopment.

The zone language established herein provides regulatory framework to promote the mixed-use development pattern envisioned for urban land on Portland's peninsula. Specific development criteria, including building height overlays and design standards, may be established for this district to supplement the provisions of this section. District-specific design standards and overlay maps can be found at the city planning and development office.

Eastern Waterfront Port Zone Purpose (Sec. 14-300):

The Eastern Waterfront Port Zone is created to nurture deepwater dependent activity within the context of the established waterfront. The transport of goods and passengers by water is an important component of both the local and regional economies and this transport and other forms of marine industry are dependent upon land and piers with direct access to Portland Harbor. Given the existing pier infrastructure, proximity to deep water, and urban context, Portland's Eastern Waterfront is uniquely situated to support a wide range of water-dependent industry and commerce through a variety of marine activities.

The support and expansion of Portland's marine industry requires piers, uplands, and circulation consistent with the transportation purpose and use of marine facilities. The growth of Portland's marine passenger industry also requires supporting services and activities to provide a safe, convenient, and enjoyable travel experience for users of marine passenger facilities. Non-marine uses that complement the marine passenger industry, are compatible with existing and future water-dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged.

The primary use of the deep-water resources must be for the berthing and support of large vessels. Non-marine uses that complement and support the deepwater infrastructure and do not conflict or compete for limited space with existing or anticipated deepwater-dependent uses are encouraged. Existing and future pier infrastructure and upland support areas should be designed and maintained to support a variety of marine uses and be responsive to future technologies and trends in the marine industry.

Given the need to nurture and support deepwater-dependent uses and the need for non-deepwater dependent uses to complement the marine passenger industry and to support the maintenance and repair of pier infrastructure, the Eastern Waterfront Port Zone recognizes the following hierarchy of uses:

- (a) The first priority of this zone is to protect and nurture existing and potential deepwater dependent uses (those uses requiring a minimum of 15 feet of water depth);
- (b) The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure; and
- (c) Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.



93 High Street
Portland, ME 04101

207-774-5561
info@portlandlandmarks.org
www.portlandlandmarks.org

TRUSTEES

Robert E. Cleaves, IV
Malcolm L. Collins
Joseph Conforti
James Cram
Francesca Galluccio-Steele
Richard Gilbane
Ed Gardner
Kate Griffith
Nancy Ladd
Julie Larry
Candice Thornton Lee
Patrick Morin
Nicholas Noyes
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First Vice President

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Second Vice President

Thomas Dowd
Treasurer

Michael Mertaugh
Secretary/Clerk

Sharon Miller
Member-at-Large

September 2, 2014

Deb Andrews
Manager, Historic Preservation Program
City of Portland
389 Congress Street
Portland, ME 04101

Dear Deb:

I write on behalf of Greater Portland Landmarks to request that the City of Portland Historic Preservation Board nominate the Portland Company complex as a local historic district.

The Portland Company complex is the only relatively intact 19th century waterfront industrial site surviving on the Portland peninsula. Its landmark quality buildings illustrate the story of 19th century Portland's industrial prowess in both rail and marine transportation, which helped establish Portland's prominence in international business and trade. The City's recent study commissioned from Sutherland Conservation and Consulting identified fourteen historic buildings built between the mid-1840s and the 1950s which survive on the ten acre site along the waterfront. The Sutherland study provides extensive documentation of the historic significance of the site locally and nationally in the context of the American Industrial Revolution. The whole complex has been determined eligible for the National Register of Historic Places by the Maine Historic Preservation Commission.

From 1845 - 1978, the Portland Company produced 630 steam railroad locomotives, boilers and engines for over 350 marine vessels, machinery for the paper industry, armor plate for gunboats for the Civil War (including the USS Monitor), and equipment to build the Panama Canal. In addition, the Company produced a variety of forged and cast iron objects needed for the metropolitan industrial age, such as decorative cast iron building storefronts, streetlights, gates, grates, and manhole covers. The Portland Company manufactured all the cast iron details of the Greek Revival style Portland Breakwater Light, or "Bug Light" (1875) in South Portland. The Portland Company was one of the largest employers in the state of Maine, providing jobs for hundreds of workers, contributing to the local and state economies for more than 130 years.

The Portland Company complex currently lacks any protection of its historic resources, which are at risk as development pressure increases on Portland's peninsula. The complex helps introduce and define the City of Portland from the water, and the character of any development on the site will have tremendous impact on the surrounding neighborhoods and the City as a whole. Therefore, we believe that the protections afforded by historic district designation would be essential to managing change, including new development on the site.

Thank you for your consideration.

Yours sincerely,

Hilary Bassett
Executive Director


 Portland, Maine

Yes. Life's good here.

Planning & Urban Development Department

MEMORANDUM

TO: Chair O'Brien and Members of the Planning Board

FROM: Rick Romano, Chair and Members of the Historic Preservation Board

CC: Jeff Levine, Director, Department of Planning & Urban Development
 Alex Jaegerman, Planning Division Director
 Christine Grimando, Senior Planner
 CPB2 Partners Jim Brady, Kevin Costello, Dick Prentice, Casey Prentice

DATE: October 15, 2014

RE: Review Process for 58 Fore Street – Portland Company Site

On September 24, 2014, the Historic Preservation Board held a workshop to learn the findings of a recently completed historic and architectural assessment of the Portland Company complex at 58 Fore Street. The study was commissioned by the Planning Department and prepared by Sutherland Conservation & Consulting. In a powerpoint presentation, Scott Hanson of Sutherland Conservation & Consulting reviewed the history of the company, its place in the history of Portland and its significance in the history of manufacturing and transportation at the local, state and national levels. Mr. Hanson also reviewed the development history of the building complex itself and provided an assessment of the individual extant structures as to their relative significance and level of architectural integrity.

Included in the Board's packet for the workshop was a memorandum dated 9/17/14 from Planning Division Director Alex Jaegerman (copy attached). In the memo, Mr. Jaegerman recommends that the Historic Preservation Board postpone consideration of potential historic district designation for the former Portland Company complex at 58 Fore Street until after a decision is made regarding the property owner's requested zoning map and text amendments. The basis for the recommendation provided in the memo states that "without (the) map amendments the developer is very unlikely to move forward." At the Historic Preservation Board's 9/24/14 meeting Mr. Jaegerman also explained that it was staff's wish to pace and sequence the project review in a manner consistent with available municipal resources. In addressing the rezoning request first, Mr. Jaegerman assured the board that zoning changes would be managed so as not to prejudice the review and findings of the Historic Preservation Board as it considered the potential for historic designation of the property. Board members expressed some reservations about this approach and noted that zoning criteria often relate directly to Historic Preservation Board concerns. Board members explained that their principal concern at this point is that Planning Board members, Planning Division staff and the property owner understand at the outset of the rezoning process that the criteria for

Historic Preservation Board review is in addition to basic zoning requirements, and that neither existing nor amended zoning requirements supersede or otherwise compromise historic preservation ordinance review criteria, which criteria in some circumstances may result in more restrictive limits as to dimensional or other standards than may otherwise be imposed by zoning.

Members of the Historic Preservation Board agreed to cooperate with the staff recommendation for the sequencing of review provided the above position is recognized and honored.

Following up on the Sutherland report, the next step in the Historic Preservation Board's consideration of the Portland Company complex is to schedule a site walk with appropriate participants, including a representative of Sutherland Conservation & Consulting. Assuming the Planning Board will also need to conduct a site walk as it considers the future of the existing industrial complex and the larger parcel, Historic Preservation Board members suggest that a joint site walk would be both efficient and of mutual benefit. To that end, the Historic Preservation Board requests that a joint site walk be scheduled at the earliest opportunity.

Staff has informed the Historic Preservation Board that just as the Planning Department commissioned an independent historic and architectural assessment of the Portland Company complex (the Sutherland report), the Department has also commissioned an independent structural analysis of the 16 structures that comprise the Portland Company complex. The Board looks forward to reviewing the results of the structural analysis.

Cc: 9/17/14 memo from Alex Jaegerman to Historic Preservation Board



MEMORANDUM

TO: Chair Romano and Members of the Historic Preservation Board

FROM: Alex Jaegerman, Planning Division Director

DATE: September 17, 2014

SUBJECT: Review Process for 58 Fore Street – Portland Company Site

At the September 24 workshop you will receive a presentation on the Sutherland Consultants *Historic Significance and Integrity* report on the Portland Company site. You have also received a letter from Greater Portland Landmarks requesting that the Board initiate a historic district designation process for this site. The owners of the site, CBP2 LLC, have filed an application for certain zoning map and text amendments for this site, which are currently under review by the Planning Division and Planning Board.

The Planning Office has met with the property owners to review their anticipated process for development review, and how that review should relate to consideration of Historic District designation.

At a staff level, we believe that the zoning map and text amendments proceed first, with the historic designation discussion to follow. The proposed map amendments are most appropriately handled first, because without those map amendments the developer is very unlikely to move forward. After that decision is resolved, the issue of designation can be discussed as part of a collaborative exchange in which the preservation goals can be viewed in the context of the adaptive reuse and redevelopment prospects for the site. It should be noted that we do not envision initiation of the formal review process for the Master Development Plan or further Level III Site Plan review until the historic designation process has completed.

Please let me know if you have any questions.



58 Fore Street

Zoning Map/Text
Amendment
Application

41 Hutchins Drive
Portland, ME 04102
800-426-4262

woodardcurran.com
COMMITMENT & INTEGRITY DRIVE RESULTS

227007.00
CPB2 LLC
August 21, 2014



August 21, 2014

Department of Planning and Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: 58 Fore Street
Zoning Map/Text Amendment Application

To Whom It May Concern:

On behalf of CPB2 LLC, we are pleased to submit an application for a Zoning Map/Text Amendment. Enclosed, please find one paper copy and one PDF copy (on CD) of the Application Package and associated attachments, which includes a written narrative and figures describing the proposed zoning map and text amendments. The \$3,000 application fee check made payable to the City of Portland from CPB2 LLC was previously submitted and can be applied to this Application package. It is our understanding that the City of Portland will coordinate the necessary public notices and that the fee for public notices and other review services will be billed to CPB2 at a later date. Once a neighborhood meeting has been scheduled, mailing labels will be purchased from the Planning Division and neighborhood meeting invitations will be sent out.

We look forward to discussing this project further. If you have any questions or require additional information, please contact me at any time at (207)774-2112 or by email dsenus@woodardcurran.com.

Sincerely,

WOODARD & CURRAN INC.

David Senus, P.E.
Project Manager

227007

Enclosures: Zoning Map/Text Amendment Application (1 paper copy, 1 PDF copy)

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APPENDICES

Appendix A:	Tax Maps
Appendix B:	Existing & Proposed Zoning Maps
Appendix C:	Proposed Text Amendments
Appendix D:	Existing and Proposed Site Plan
Appendix E:	Right, Title or Interest

1. APPLICATION FORM



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. APPLICATION 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
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

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

PROJECT ADDRESS: 58 Fore Street

CHART/BLOCK/LOT: Chart 18/ Block A/ Lots 1, 2, 3

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Applicant proposes to extend the existing B-6 and EWPZ zones to include the area shown on the attached figures; this area is currently within the WSUZ zone. In addition, various zoning text amendments to the B-6 and EWP Zones, and elimination of the WSUZ zone are also proposed.

CONTACT INFORMATION:

	Applicant's Contact for electronic plans Name: Woodard & Curran, c/o David Senus, PE e-mail Address dsenus@woodardcurran.com work # 207-774-2112
Applicant – must be owner, Lessee or Buyer Name: Jim Brady, Casey Prentice, Kevin Costello Business Name, if applicable: CPB2 LLC Address: PO Box 7987 City/State : Portland/ME Zip Code: 04112	Applicant Contact Information Work # (207) 653-9990 (Jim's cell) Home# (207) 358-1994 (Casey's cell) Cell # (617) 821-0262 (Kevin's cell) Fax# e-mail: casey.prentice@cpb2.com; kevin.costello@cpb2.com; jameshbrady@gmail.com
Owner – (if different from Applicant) Name: CPB2 LLC, c/o CPB2 Management LLC Address: PO Box 7987 City/State : Portland/ME Zip Code: 04112	Owner Contact Information Work # (207) 653-9990 (Jim's cell) Home# (207) 358-1994 (Casey's cell) Cell # (617) 821-0262 (Kevin's cell) Fax# e-mail: casey.prentice@cpb2.com; kevin.costello@cpb2.com; jameshbrady@gmail.com
Agent/ Representative Name: Woodard & Curran, c/o David Senus, PE Address: 41 Hutchins Drive City/State : Portland/ME Zip Code: 04102	Agent/Representative Contact information Work # 207-774-2112 Cell # 207-210-7035 e-mail: dsenus@woodardcurran.com
Billing Information (Same as Applicant) Name: Address: City/State : Zip Code:	Billing Information Work # Cell # Fax# e-mail:
Engineer Name: Woodard & Curran, c/o David Senus, PE Address: 41 Hutchins Drive City/State : Portland/ME Zip Code: 04102	Engineer Contact Information Work # 207-774-2112 Cell # 207-210-7035 Fax# 207-774-6635 e-mail: dsenus@woodardcurran.com

Surveyor Name: N/A Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect Name: N/A Address: City/State : Zip Code:	Architect Contact Information Work # Cell # Fax# e-mail:
Attorney Name: Bernstein Shur, c/o Mary Costigan Address: 100 Middle Street, PO Box 9729 City/State : Portland, Maine Zip Code: 04104-5029	Attorney Contact Information Work # (207) 774-1200 Cell # Fax# (207) 774-1127 e-mail: mcostigan@bernsteinshur.com

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

The "Owner" owns the property associated with Tax Map 18-A, Lots 1, 2 & 3, which are proposed to be rezoned under this Application; herein referred to as CPB2 Property. Copies of the deeds are appended herein. This rezone request includes a 50' wide strip of land owned by the State of Maine that bisects the Applicant's property (part of Tax Map 18-A, Lot 13); herein referred to as State of Maine Property. The Applicant has been in discussions with MaineDOT and anticipates receiving a letter confirming acceptance of the proposal to rezone this land from the MaineDOT. This rezone request also includes two small gravel and paved parking areas of City-owned land on the east edge of TM 19-A-Lot 14 and TM 446-A-Lot 1; herein referred to as City Property. A copy of the Submerged Lands Lease is also appended covering 4 lots.

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 CPB2 Property includes warehouses, storage buildings, and a marina with associated parking and laydown areas. The majority of the CPB2 Property is currently occupied by Portland Yacht Services, which provides full-service boatyard operations and a marina. The State of Maine Property includes railroad tracks utilized and maintained by the Maine Narrow Gauge Railway and a section of the paved, public Eastern Promenade Trail maintained by Portland Trails/City of Portland. The City Property includes gravel and paved parking areas.

Current Zoning Designation(s):

Waterfront Special Use Zone (WSUZ)

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 existing uses of the CPB2 Property, the State of Maine Property, and the City Property will continue unchanged for the immediate future. There are no set plans at this time for redevelopment or construction on the CPB2 Property; however, planning for future development would maintain consistency with the proposed B6 and EWPZ zone extensions. The requested rezone will inform the future development planning for these areas.

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)	Fees Paid (office use) ___	The City invoices separately for the following: • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
Zoning Text Amendment ___ \$2,000.00 (to Section 14-_____) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (<u>example</u>) and language to be added is depicted as underline (<u>example</u>))	___	
Combination Zoning Text Amendment and Zoning Map Amendment <u>X</u> \$3,000.00	___	
Conditional or Contract Zone ___ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	___	

Signature of Applicant: See Below	Date: August 18, 2014
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Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

CPB2 LLC

By: CPB2 Management LLC, Manager

By: 

Name: Casey W. Prentice

Title: Manager

2. PROJECT DESCRIPTION

2.1 PROJECT SITE & BACKGROUND

The proposed rezoning area includes (i) three parcels identified as Lots 1, 2, and 3 on Map 18-A of the City of Portland Tax Maps (attached in Appendix A) owned by CPB2 LLC (the ‘CPB2 Property’); (ii) a portion of Lot 13 on Map 18-A owned by the State of Maine (the ‘State of Maine Property’); (iii) two (2) small areas of City-owned land on the west edge of the adjacent City-owned lots, specifically portions of Map 19-A, Lot 14 and Map 446-A, Lot 1 (the ‘City Property’); and, (iv) four (4) lots covering areas of submerged lands leased to the Owner, specifically Map 446-A, Lots 3 and 4, Map 2-X, Lot 1, and a portion of Map 2-A, Lot 18.

The CPB2 Property, commonly referred to as the “Portland Company Complex”, is located at 58 Fore Street in Portland, Maine and is currently zoned Waterfront Special Use Zone (WSUZ) with a Shoreland Overlay Zoning over the waterfront portion of the property. CPB2 LLC acquired the CPB2 Property from the previous owner in two (2) installments, the first occurring in July 2013 and the second occurring in April 2014 (see Section 3 of this application for additional information on Right, Title or Interest); during the past 12 months, CPB2 LLC has been evaluating rezoning of the CPB2 Property to align it with the goals of the Master Plan for Redevelopment of the Eastern Waterfront (Master Plan).

On the CPB2 Property, Map 18-A Lots 1 and 3 have frontage along Fore Street, while Lot 2 is located along the waterfront. Lots 1 and 3 are separated from Lot 2 by the State of Maine Property, which is currently utilized by the Maine Narrow Gauge Railroad and Portland Trails. The City of Portland Online Assessor’s Database and GIS parcel maps combine Lots 1 and 2 together as 6.92 acres, and list Lot 3 as 2.87 acres. A recent survey of the CPB2 Property indicates that Lots 1 and 2 are approximately 0.14 acres greater than the City’s Assessor’s Database. Lots 1 and 3 are proposed to be rezoned from WSUZ to B-6 Zone; Lot 2 is proposed to be rezoned from WSUZ to Eastern Waterfront Port Zone (EWPZ). The exact location of the proposed zone boundary between the B-6 zone and the EWPZ has not been determined at this time; we anticipate further discussions with City Staff to help define this boundary location.

Four (4) lots covering areas of submerged lands leased to the Owner, specifically Map 446-A, Lots 3 and 4, Map 2-X, Lot 1, and a portion of Map 2-A, Lot 18, are proposed to be rezoned from WSUZ to EWPZ (see Section 3 of this application for additional information on Right, Title or Interest).

The State of Maine Property, Map 18-A Lot 13, is a continuous strip of land that extends beyond the proposed area to be rezoned; a total of 1.35 acres of Lot 13 is proposed to be rezoned from WSUZ to B-6 under this application. In addition, 0.01 acres of City Property (Map 19-A Lot 14) is proposed to be rezoned from WSUZ to B-6, and 0.5 acres of City Property (Map 446-A Lot 1) is proposed to be rezoned from WSUZ to EWPZ.

Redevelopment in the eastern waterfront area of Portland, near the CPB2 Property, has intensified over the last 5 to 10 years, however, the property at 58 Fore Street and the properties immediately adjacent to the CPB2 Property have remained largely unchanged during this period. The CPB2 Property primarily slopes from northwest to southeast towards the waterfront. A steep grade change exists along Fore Street from northwest to southeast. The northeastern corner of the CPB2 Property is comprised of a steep, vegetated embankment. Retaining walls and buildings have been constructed along much of the boundary with Fore Street. A driveway from Fore Street on the western end of the CPB2 Property provides the primary means of site access. The CPB2 Property is also connected to Hancock Street and Thames Street by gravel parking lots and driveways located on adjacent parcels to the west.

2.2 AREA DEVELOPMENT

2.2.1 Recent Adjacent Projects

The City-owned Ocean Gateway facility with international ferry accommodations on Pier 2 Berth 1 was completed in 2008, and construction of the facility's cruise ship accommodations on Pier 2 Berth 2 was completed in 2011; this project is located within the Eastern Waterfront Port Zone and the adjacent B-6 Eastern Waterfront Mixed Zone. The Ocean Gateway project included the construction of roadway extensions in the vicinity of the subject property. The Ocean Gateway facility is currently used as a terminal for Nova Star Cruises, which provides international ferry service to Nova Scotia, and as an event center and transient berthing for cruise ships and other vessels. Renewed use of the terminal for regular international ferry service to Nova Scotia began in May 2014 under Nova Star Cruises; previous international ferry service provided by the Bay Ferries Cat ended operations in 2009.

The roughly 750-space privately-owned Ocean Gateway parking garage was constructed in 2008 at the northwest corner of the Fore and Hancock street intersection, located within the B5b Urban Commercial Business Zone. In the last several years, a roughly 180-key Marriott Residence Inn was completed on the northeast corner of the Fore and Hancock street intersection, located in the B5b Urban Commercial Business Zone. In 2012, a roughly 120-key Hampton Inn with ground-floor restaurant and residential condominiums was completed at northeast corner of the intersection of Fore and Franklin Streets, at the former Jordan's Meats site, located in the B3 Commercial Business Zone. Phase one of a two phase project referred to as the "The Bay House" was recently completed on the east side of the block formed by Hancock, Newbury, Middle and India Streets in a Contract Zone (C52). Phase I of the project included two buildings containing 84 residential condominium units and street level commercial space.

2.2.2 Existing Use & Zoning

The existing CPB2 Property is developed with warehouse and storage buildings on Lots 1 and 2 with associated parking and laydown areas, and similar parking and laydown areas on Lot 3 and the adjacent City-owned lots. The State of Maine Property, the 50' wide strip of land that bisects the CPB2 Property, includes railroad tracks owned, utilized and maintained by the Maine Narrow Gauge Railway as well as a section of the paved, public pathway, The Eastern Promenade Trail, maintained by Portland Trails/City of Portland. The majority of the existing 15 buildings on the CPB2 Property are currently occupied by Portland Yacht Services, which provides full-service boatyard operations accompanied by marina operations. The remainder of the CPB2 Property is leased to various other tenants. The CPB2 Property also serves as exhibition and event space, hosting events ranging from wedding receptions to several well recognized annual events, including the Maine Boatbuilders Show and the Portland Flower Show.

The CPB2 Property is currently located in the City's Waterfront Special Use Zone (WSUZ), and is partially within the Shoreland Overlay Zone. A figure showing the existing zoning map for the area around and including the CPB2 Property is provided in Appendix B of this Report. WSUZ permits the following marine-related uses:

- Marinas, boat repair yards, boat storage;
- Seafood processing, packing and packaging, loading and distribution;
- Commercial marine transport and excursion services, ferries, captained charter services, sport fishing and water taxis;
- Marine office, including offices of owners of wharves or their agents, and naval architects, and seafood brokers;
- Marine wholesaling, distribution, retailing, marine repair services;

- Harbor and marine supplies and services, ship supply such as fueling and bunkering of vessels;
- Marine industrial welding and fabricating, shipbuilding and facilities for construction, maintenance, and repair of vessels; and
- Cargo handling facilities, including docking, loading, and related storage.

The following commercial uses are permitted on Lots 1 and 3, on the north side of the railroad track (State of Maine Property, Lot 13) in existing buildings or in a new building that meets a zoning-defined square footage requirement:

- Professional, business, and general offices;
- Business service establishments;
- Restaurants;
- Cabinet and carpentry shops;
- Cold storage facilities; and
- Museums and art galleries.

2.3 PROPOSED ZONE MAP & TEXT AMENDMENTS

The Owner of the CPB2 Property is requesting a zone map amendment with associated text edits for the CPB2 Property and the abutting State of Maine Property and City Property. Specifically, the Owner is requesting an extension of the B-6 Zone and Eastern Waterfront Port Zone (EWPZ) to cover the CPB2 Property, four lots comprising submerged lands leased to the Owner, two small areas on adjacent City-owned lots (City Property), and a portion of Lot 13 (State of Maine Property), as originally contemplated during the development of the Master Plan. Extending these existing zones over these properties will eliminate the need for the Waterfront Special Use Zone (WSUZ). The former owner of the CPB2 Property objected to the extension of the B-6 zone to his property, and the WSU Zone was created, as a compromise, for only the CPB2 Property (and the adjacent State and City Properties noted herein) in order to protect the then-owner's right to operate and expand his boat repair business, which use was not permitted under the B-6 zone, and to continue his other non-marine uses. No changes are proposed to the existing Shoreland overlay zone. A figure showing the proposed zoning map for the CPB2 Property is provided in Appendix B of this Report.

As shown by the existing zoning map, the neighboring property to the west of the CPB2 Property is zoned as B-6. The B-6 zone encourages development that emphasizes quality pedestrian experience, promotes public transport, and demonstrates exemplary urban design.

The Purpose of the B-6 Zone, as stated in Sec. 14-268. of the City of Portland Code of Ordinances is as follows:

The purpose of the B-6, eastern waterfront mixed zone is to establish a zoning district for the upland portion of the eastern waterfront area. The B-6 zone encourages this district to acquire a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a range of uses to achieve twenty-four urban vitality and shared use of parking infrastructure as recommended in the eastern waterfront master plan for redevelopment.

The zone language established herein provides regulatory framework to promote the mixed-use development pattern envisioned for urban land on Portland's peninsula. Specific development

criteria, including building height overlays and design standards, may be established for this district to supplement the provisions of this section.

Proposed text amendments to the B-6 and EWPZ zones are provided in Appendix C of this Application. These text amendments include the addition of zone-appropriate uses and clarifications to text. Our team has reviewed the proposed text amendments with City Staff at our Pre-Application Meeting, and welcomes discussion of any revisions that may be suggested by Staff to ensure that structure, context, and consistency is maintained in the City's Land Use Code.

2.4 COMPLIANCE WITH THE CITY OF PORTLAND COMPREHENSIVE PLAN

This request for a zone map amendment is in compliance with the City of Portland Comprehensive Plan, as it is directly aligned with the goals, objectives, and recommendations of the Master Plan, an adopted element of the Comprehensive Plan. As stated in the City's Comprehensive Plan, the Master Plan focused, in part, on the potential for high-value, mixed-use development on the upland areas of the Eastern Waterfront. The Master Plan also included zoning recommendations designed/intended to increase opportunities for a mix of residential, commercial, and office uses.

The Eastern Waterfront Development and Master Planning Committee worked to create a consensual, unified vision for private and public development in the study area. The Master Planning process sought involvement from all stakeholders in an open, participatory process and considered both impacts and opportunities presented for the Eastern Waterfront.

The Master Plan was adopted by the City Council in December of 2004 and focused on four adopted principles to guide redevelopment and land use policy in the eastern waterfront:

The principles and objectives reported here are of equal value and should be applied uniformly during the evaluation of proposed land use policies and development for the Eastern Waterfront.

- *Character and Impact of Development:* *Development within the eastern waterfront will be compatible with the surrounding areas, neighborhoods, natural environment, and maritime uses;*
- *Mixed Use:* *Development within the eastern waterfront will create a vital and active mixed use urban area that generates life and use every day of the year and all hours of the day;*
- *Maritime Resources:* *Development in the eastern waterfront on piers, bulkheads, and on land within 75 feet of mean high water line will give priority to compatible water-dependent and maritime uses; and*
- *Economically Responsible Development:* *Development within the eastern waterfront will provide a significant benefit to the City and regional economy.*

The Master Plan notes that "Mixed Use" includes, but is not limited to residential, commercial, public, institutional, marine, park, trail, and industrial uses (all as generally defined in the B-6 zone of the City of Portland Land Use Code).

The B-6 Eastern Waterfront Mixed Use Zone, was adopted concurrently with the adoption of the Master Plan in December of 2004, and in September of 2006, the City Council adopted the EWPZ. At the time, the City adopted a Waterfront Special Use Zone for the Property in accommodation of the desires of the prior landowner.

The City of Portland Future Land Use Map indicates that the Site is located within the area designated as "Redevelopment/Study Area B – Waterfront East". It is the Owner's understanding, as verified by City Staff and other key contributors to the Master Plan, and its process, that the CPB2 Property was intended to be rezoned to include the Mixed Use (upland) and Maritime Resource (waterfront) objectives of the Master Plan, upon agreement from the landowner, and upon determination of a more appropriate zone

designation. The B-6 and EWPZ zones were created to achieve the Mixed Use and Maritime Resource objectives of the Master Plan respectively, as these zones were established as a direct recommendation of the Master Plan. As stated in the Master Plan and its associated design guidelines document, *“the [design] guidelines [established in the plan] have [the] intended application [of] a policy basis for future zoning and land use ordinance changes for the Eastern Waterfront”*.

As stated in the City’s Land Use Code, the purpose of the B-6 Eastern Waterfront Mixed Zone is to establish a zoning district for the upland portion of the eastern waterfront area. The B-6 zone encourages this district to acquire a distinctly urban feel through development that emphasizes quality pedestrian experiences, promotes public transit, demonstrates exemplary urban design, and encourages uses which/that achieve 24-hour urban vitality. The rezoning of the CPB2 Property to B-6 and EWPZ would ensure that the development be compatible with the surrounding neighborhood, as the neighboring property to the west of the CPB2 Property has since been rezoned to B-6 and EWPZ, and the residential uses of the B-6 zone complement the Munjoy Hill neighborhood zoned R-6 to the north and east of the CPB2 Property. Furthermore, the new zoning would encourage mixed use development on the 10 acre CPB2 Property, and 13 acre marina, which would provide significant benefit to the local economy, sustain and strengthen water-dependent uses, and enhance the economic viability of the Eastern Waterfront’s property and facilities. For these reasons, the proposed zoning amendments are consistent with the goals and intent of the City’s Comprehensive Plan for the Eastern Waterfront. CPB2 LLC, the new landowner of the CPB2 Property, welcomes this zone change.

In summary:

- The Master Plan for Redevelopment of the Eastern Waterfront development process headed by the Eastern Waterfront Development and Master Planning Committee informed the creation of the B-6 Zone and EWPZ to achieve the vision for the public and private properties on the Eastern Waterfront.
- The CPB2 Property was intended for mixed use rezoning (B-6 and EWPZ) during the Master Plan process;
- The previous owner of the Property opted for the Waterfront Special Use Zone (WSUZ) to preserve existing uses on the property
- The B-6 Zone incorporates the goals for “Mixed Use”, “Economically Responsible Development”, and “Character and Impact of Development”, as described in the Master Plan
- The EWPZ incorporates the goals for preservation of “Maritime Resources” on the waterfront as described in the Master Plan

2.5 SITE PLAN AND PROCESS

The Zoning Map / Text Amendment Application form from the City of Portland Planning and Urban Development Department requests the submittal of a Site Plan showing the existing and proposed improvements for the site. CPB2 LLC is requesting to rezone the CPB2 Property in accordance with the intent of the Master Plan, similar to the process undertaken by the City when rezoning the adjacent lots in 2004 and 2006 during the establishment of the B6 and EWP Zones. Rezoning the CPB2 Property is a necessary initial step that will inform future planning and concept design development for the CPB2 Property; however, at this time the Owner does not propose changes to the existing site or its uses. As such, included in Appendix D of this Application is a site plan showing the existing and proposed site conditions (which will remain unchanged under this Application).

Upon receiving approval for a Zoning Map / Text Amendment, CPB2 LLC anticipates entering into a coordination and planning process to develop concept plans and potentially a Master Development Plan for redevelopment of the CPB2 Property. Any future changes to the site will follow the processes

established in the City's Land Use Code, including preparing either a Master Development Plan, Site Plans, and/or Subdivision Plans, and seeking approval from the appropriate local, state and federal review authorities.

3. EVIDENCE OF RIGHT, TITLE OR INTEREST

The CPB2 Property located at 58 Fore Street, is owned by CPB2, LLC (parcel located at map/block/lots 18/A/ 1, 2, & 3). CPB2 LLC acquired the CPB2 Property from the previous landowner in two (2) installments, the first occurring in July 2013 and the second occurring in April 2014; a copy of the Deeds are included in Appendix E. A tax map and parcel information is provided in Appendix A of this submission package.

Four (4) lots covering areas of submerged lands leased to the Owner, specifically Map 446-A, Lots 3 & 4, Map 2-X, Lot 1, and a portion of Map 2-A, Lot 18, are proposed to be rezoned from WSUZ to EWPZ. A copy of the submerged lands lease for these lots is included in Appendix E.

With respect to the State of Maine Property, Lot 13, CPB2 LLC has been working closely with the MaineDOT to review the zone map change proposal. The Owner has been in discussions with MaineDOT and anticipates receiving a letter confirming acceptance of the proposal to rezone this land from the MaineDOT; a copy of which will be forwarded to the Planning office. It should be noted that the change in zone will not serve to limit or restrict the current uses on Lot 13, and that portions of this lot were rezoned by the City in 2006 during the establishment of the Eastern Waterfront Port Zone.

With respect to the City Property, 0.01 acres of City-owned Map 19-A Lot 14 is proposed to be rezoned from WSUZ to B-6, and 0.5 acres of City-owned Map 446-A Lot 1 is proposed to be rezoned from WSUZ to EWPZ. These are small areas of larger City-owned lots that fall within the current WSUZ. These areas should be rezoned under this application to keep consistency with the adjacent zones, and to eliminate the WSUZ. We anticipate the City will be accepting of these proposed zone map changes over sections of their property.

APPENDIX A: TAX MAPS

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Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:**Services**[Applications](#)[Doing Business](#)[Maps](#)[Tax Relief](#)[Tax Roll](#)[Q & A](#)[browse city services a-z](#)[browse facts and links a-z](#)

CBL 018 A001001
Land Use Type WAREHOUSE & STORAGE
Verify legal use with Inspections Division
Property Location 58 FORE ST
Owner Information CPB2 LLC
 PO BOX 7987
 PORTLAND ME 04112
Book and Page 31425/267
Legal Description 18-A-1-2
 FORE ST 10-82
 301299 SF
Acres 6.9169

Current Assessed Valuation:

TAX ACCT NO. 2994 **OWNER OF RECORD AS OF APRIL 2014** CPB2 LLC
LAND VALUE \$4,140,300.00
BUILDING VALUE \$1,856,000.00
NET TAXABLE - REAL ESTATE \$5,996,300.00
TAX AMOUNT \$119,926.00

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Best viewed at
 800x600, with
 Internet Explorer

Building 1
Year Built 1900
Style/Structure Type MANUFACTURING
Units 1
Building Num/Name 1 - PORTLAND YCHT SVCES
Square Feet 118132

[View Sketch](#)[View Map](#)[View Picture](#)

Building 2
Year Built 1900
Style/Structure Type MANUFACTURING
Units 1
Building Num/Name 2 - PORTLAND YACHT SERVICES
Square Feet 19526

[View Sketch](#)[View Map](#)[View Picture](#)

Building 3
Year Built 1951
Style/Structure Type OFFICE BUILDING - LOW-RISE
Units 1
Building Num/Name 3 - CORNER STONES
Square Feet 9120

[View Sketch](#)[View Map](#)[View Picture](#)**Exterior/Interior Information:**

Building 1	
Levels	01/01
Size	35578
Use	WAREHOUSE
Height	14
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE
Building 1	
Levels	01/01
Size	4800
Use	LIGHT MANUFACTURING
Height	14
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE
Building 1	
Levels	02/02
Size	2930
Use	WAREHOUSE
Height	11
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE
Building 1	
Levels	02/02
Size	14260
Use	SUPPORT AREA
Height	11
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE
Building 1	
Levels	03/03
Size	12230
Use	SUPPORT AREA
Height	10
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE
Building 1	
Levels	01/01
Size	32104
Use	WAREHOUSE
Height	22
Walls	METAL-LIGHT
Heating	UNIT HEAT
A/C	NONE
Building 1	
Levels	01/01
Size	12170
Use	LIGHT MANUFACTURING
Height	14
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE
Building 1	
Levels	01/01
Size	4060
Use	MULTI-USE OFFICE
Height	12
Walls	CONC. BLOCK
Heating	ELECTRIC
A/C	NONE
Building 2	
Levels	B1/B1
Size	4359
Use	RETAIL STORE
Height	10
Heating	HOT AIR
A/C	NONE
Building 2	
Levels	01/01
Size	3120
Use	SUPPORT AREA
Height	12
Walls	BRICK/STONE
Heating	NONE
A/C	NONE

Building 2
Levels 01/01
Size 4559
Use RETAIL STORE
Height 12
Walls BRICK/STONE
Heating HOT AIR
A/C NONE

Building 2
Levels 02/02
Size 3120
Use SUPPORT AREA
Height 12
Walls BRICK/STONE
Heating NONE
A/C NONE

Building 2
Levels 03/03
Size 3120
Use SUPPORT AREA
Height 10
Walls BRICK/STONE
Heating NONE
A/C NONE

Building 2
Levels 04/04
Size 1248
Use SUPPORT AREA
Height 8
Walls BRICK/STONE
Heating NONE
A/C NONE

Building 3
Levels 01/01
Size 3840
Use OFFICE BUILDING
Height 10
Walls BRICK/STONE
Heating HW/STEAM
A/C NONE

Building 3
Levels 02/02
Size 3840
Use OFFICE BUILDING
Height 10
Walls MASNRY/FRAME
Heating HW/STEAM
A/C NONE

Building 3
Levels 03/03
Size 1440
Use OFFICE BUILDING
Height 10
Walls MASNRY/FRAME
Heating HW/STEAM
A/C NONE

Other Features:

Building 1
Structure OVERHEAD DOOR - ROLLING
Size STEEL
 12X20

Building 1
Structure OVERHEAD DOOR - ROLLING
Size STEEL
 14X30

Building 1
Structure CRANEWAYS
Size 628X0

Building 1
Structure ROOF - MONITOR
Size 336X10

Building 1
Structure AERIAL WALK
Size 6X42

Building 1

Building 1
Structure OVERHEAD DOOR - WD/MT
Size 12X14

Building 1
Structure ROOF - MONITOR
Size 474X12

Building 1
Structure ROOF - MONITOR
Size 204X5

Building 2
Structure OVERHEAD DOOR - WD/MT
Size 14X20

Building 2
Structure WOOD DECK
Size 960X1

Building 2
Structure PORCH - COVERED
Size 200X1

Building 2
Structure SPRINKLER - DRY
Size 20098X1

Building 3
Structure SPRINKLER - WET
Size 9120X1

Building 3
Structure CANOPY - ROOF/SLAB
Size 7X16

Outbuildings/Yard Improvements:

Building 1
Year Built 1960
Structure FENCE CHAIN
Size 11100
Units 1
Grade C
Condition 2

Building 1
Year Built 1960
Structure ASPHALT PARKING
Size 80000
Units 1
Grade C
Condition 2

Building 1
Year Built 1930
Size 1X1260
Units 1
Grade C
Condition 2

Sales Information:

Sale Date	Type	Price	Book/Page
4/3/2014	LAND + BUILDING	\$0.00	31425/267
3/1/1996	LAND + BUILDING	\$1,000,000.00	12399/112

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CBL	018 A003001
Land Use Type	VACANT LAND
Verify legal use with Inspections Division	
Property Location	4 FORE ST
Owner Information	CPB2 LLC 254 COMMERCIAL ST STE 122 PORTLAND ME 04101
Book and Page	30879/075
Legal Description	18-A-3 FORE ST 2-8 EASTERN PROMENADE 1-3 125017 SF
Acres	2.87

Current Assessed Valuation:

TAX ACCT NO.	51582	OWNER OF RECORD AS OF APRIL 2014
		CPB2 LLC
LAND VALUE	\$2,439,900.00	254 COMMERCIAL ST STE 122
BUILDING VALUE	\$0.00	PORTLAND ME 04101
NET TAXABLE - REAL ESTATE	\$2,439,900.00	
TAX AMOUNT	\$48,798.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).



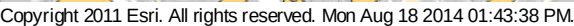
[View Map](#)

Sales Information:

Sale Date	Type	Price	Book/Page
7/29/2013	LAND	\$8,000,000.00	30879/075
12/31/2012	LAND	\$7,800,000.00	30265/032

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446-A-3



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CBL	446 A003001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	26 FORE ST R
Owner Information	STATE OF MAINE
	AUGUSTA ME 04333
Book and Page	
Legal Description	446-A-3-4 R FORE ST 26-36 U-19630 D-304290
Acres	0.4506

Current Assessed Valuation:

TAX ACCT NO.	No Tax Information Available at This Time
LAND VALUE	\$601,100.00
BUILDING VALUE	\$0.00
STATE OF MAINE	(\$601,100.00)
NET TAXABLE - REAL ESTATE	\$0.00
TAX AMOUNT	ADODB.Field error '800a0bcd'

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/searchdetail.asp, line 241

446-A-4



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CBL	446 A003001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	26 FORE ST R
Owner Information	STATE OF MAINE
	AUGUSTA ME 04333
Book and Page	
Legal Description	446-A-3-4 R FORE ST 26-36 U-19630 D-304290
Acres	0.4506

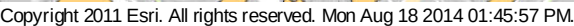
Current Assessed Valuation:

TAX ACCT NO.	No Tax Information Available at This Time
LAND VALUE	\$601,100.00
BUILDING VALUE	\$0.00
STATE OF MAINE	(\$601,100.00)
NET TAXABLE - REAL ESTATE	\$0.00
TAX AMOUNT	ADODB.Field error '800a0bcd'

Either BOF or EOF is True, or the current record has been deleted.
Requested operation requires a current record.

/searchdetail.asp, line 241

2-X-1



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Current Owner Information:

CBL	018 A001001
Land Use Type	WAREHOUSE & STORAGE
Verify legal use with Inspections Division	
Property Location	58 FORE ST
Owner Information	CPB2 LLC PO BOX 7987 PORTLAND ME 04112
Book and Page	31425/267
Legal Description	18-A-1-2 FORE ST 10-82 301299 SF
Acres	6.9169

Current Assessed Valuation:

TAX ACCT NO.	2994	OWNER OF RECORD AS OF APRIL 2014
LAND VALUE	\$4,140,300.00	CPB2 LLC
BUILDING VALUE	\$1,856,000.00	PO BOX 7987
NET TAXABLE - REAL ESTATE	\$5,996,300.00	PORTLAND ME 04112
TAX AMOUNT	\$119,926.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

	Building 1
Year Built	1900
Style/Structure Type	MANUFACTURING

Units 1
 Building 1 - PORTLAND YCHT
 Num/Name SVCES
 Square Feet 118132

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Building 2

Year Built 1900
 Style/Structure Type MANUFACTURING
 # Units 1
 Building 2 - PORTLAND YACHT
 Num/Name SERVICES
 Square Feet 19526

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Building 3

Year Built 1951
 Style/Structure Type OFFICE BUILDING -
 LOW-RISE
 # Units 1
 Building 3 - CORNER
 Num/Name STONES
 Square Feet 9120

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Exterior/Interior Information:

Building 1

Levels 01/01
 Size 35578
 Use WAREHOUSE
 Height 14
 Walls BRICK/STONE
 Heating UNIT HEAT
 A/C NONE

Building 1

Levels 01/01
 Size 4800
 Use LIGHT
 MANUFACTURING
 Height 14
 Walls BRICK/STONE
 Heating UNIT HEAT
 A/C NONE

Building 1

Levels 02/02
 Size 2930
 Use WAREHOUSE

Height 11
Walls BRICK/STONE
Heating UNIT HEAT
A/C NONE

Building 1

Levels 02/02
Size 14260
Use SUPPORT AREA
Height 11
Walls BRICK/STONE
Heating UNIT HEAT
A/C NONE

Building 1

Levels 03/03
Size 12230
Use SUPPORT AREA
Height 10
Walls BRICK/STONE
Heating UNIT HEAT
A/C NONE

Building 1

Levels 01/01
Size 32104
Use WAREHOUSE
Height 22
Walls METAL-LIGHT
Heating UNIT HEAT
A/C NONE

Building 1

Levels 01/01
Size 12170
Use LIGHT
 MANUFACTURING
Height 14
Walls BRICK/STONE
Heating UNIT HEAT
A/C NONE

Building 1

Levels 01/01
Size 4060
Use MULTI-USE OFFICE
Height 12
Walls CONC. BLOCK
Heating ELECTRIC
A/C NONE

Building 2

Levels B1/B1
Size 4359
Use RETAIL STORE
Height 10
Heating HOT AIR
A/C NONE

Building 2

Levels 01/01
Size 3120
Use SUPPORT AREA

Height 12
Walls BRICK/STONE
Heating NONE
A/C NONE

Building 2

Levels 01/01
Size 4559
Use RETAIL STORE
Height 12
Walls BRICK/STONE
Heating HOT AIR
A/C NONE

Building 2

Levels 02/02
Size 3120
Use SUPPORT AREA
Height 12
Walls BRICK/STONE
Heating NONE
A/C NONE

Building 2

Levels 03/03
Size 3120
Use SUPPORT AREA
Height 10
Walls BRICK/STONE
Heating NONE
A/C NONE

Building 2

Levels 04/04
Size 1248
Use SUPPORT AREA
Height 8
Walls BRICK/STONE
Heating NONE
A/C NONE

Building 3

Levels 01/01
Size 3840
Use OFFICE BUILDING
Height 10
Walls BRICK/STONE
Heating HW/STEAM
A/C NONE

Building 3

Levels 02/02
Size 3840
Use OFFICE BUILDING
Height 10
Walls MASNRY/FRAME
Heating HW/STEAM
A/C NONE

Building 3

Levels 03/03
Size 1440
Use OFFICE BUILDING

Height 10
Walls MASNRY/FRAME
Heating HW/STEAM
A/C NONE

Other Features:

Building 1
Structure OVERHEAD DOOR -
 WD/MT
Size 12X14

Building 1
Structure CRANEWAYS
Size 628X0

Building 1
Structure OVERHEAD DOOR -
 ROLLING STEEL
Size 14X30

Building 1
Structure ROOF - MONITOR
Size 204X5

Building 1
Structure ROOF - MONITOR
Size 474X12

Building 1
Structure AERIAL WALK
Size 6X42

Building 1
Structure ROOF - MONITOR
Size 336X10

Building 1
Structure OVERHEAD DOOR -
 ROLLING STEEL
Size 12X20

Building 2
Structure OVERHEAD DOOR -
 WD/MT
Size 14X20

Building 2
Structure SPRINKLER - DRY
Size 20098X1

Building 2
Structure PORCH - COVERED
Size 200X1

Building 2
Structure WOOD DECK
Size 960X1

Building 3
Structure SPRINKLER - WET
Size 9120X1

Building 3

Structure CANOPY - ROOF/SLAB
Size 7X16

Outbuildings/Yard Improvements:

Building 1
Year Built 1930
Size 1X1260
Units 1
Grade C
Condition 2

Building 1
Year Built 1960
Structure FENCE CHAIN
Size 11100
Units 1
Grade C
Condition 2

Building 1
Year Built 1960
Structure ASPHALT PARKING
Size 80000
Units 1
Grade C
Condition 2

Sales Information:

Sale Date	Type	Price	Book/Page
4/3/2014	LAND + BUILDING	\$613,070.00	31425/267
3/1/1996	LAND + BUILDING	\$1,000,000.00	12399/112

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2-A-18



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CBL	001 A002001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	0 EASTERN PROMENADE
Owner Information	STATE OF MAINE STATE HOUSE AUGUSTA ME 04330
Book and Page	10924/91
Legal Description	1-A-2 1-C-2T05 2-A-16 TO 20-22 4-A-6 5-E-3 TO 5 6-A-4 6-B-2 18-A-13 19-A-15 880102 SF
Acres	20.2044

Current Assessed Valuation:

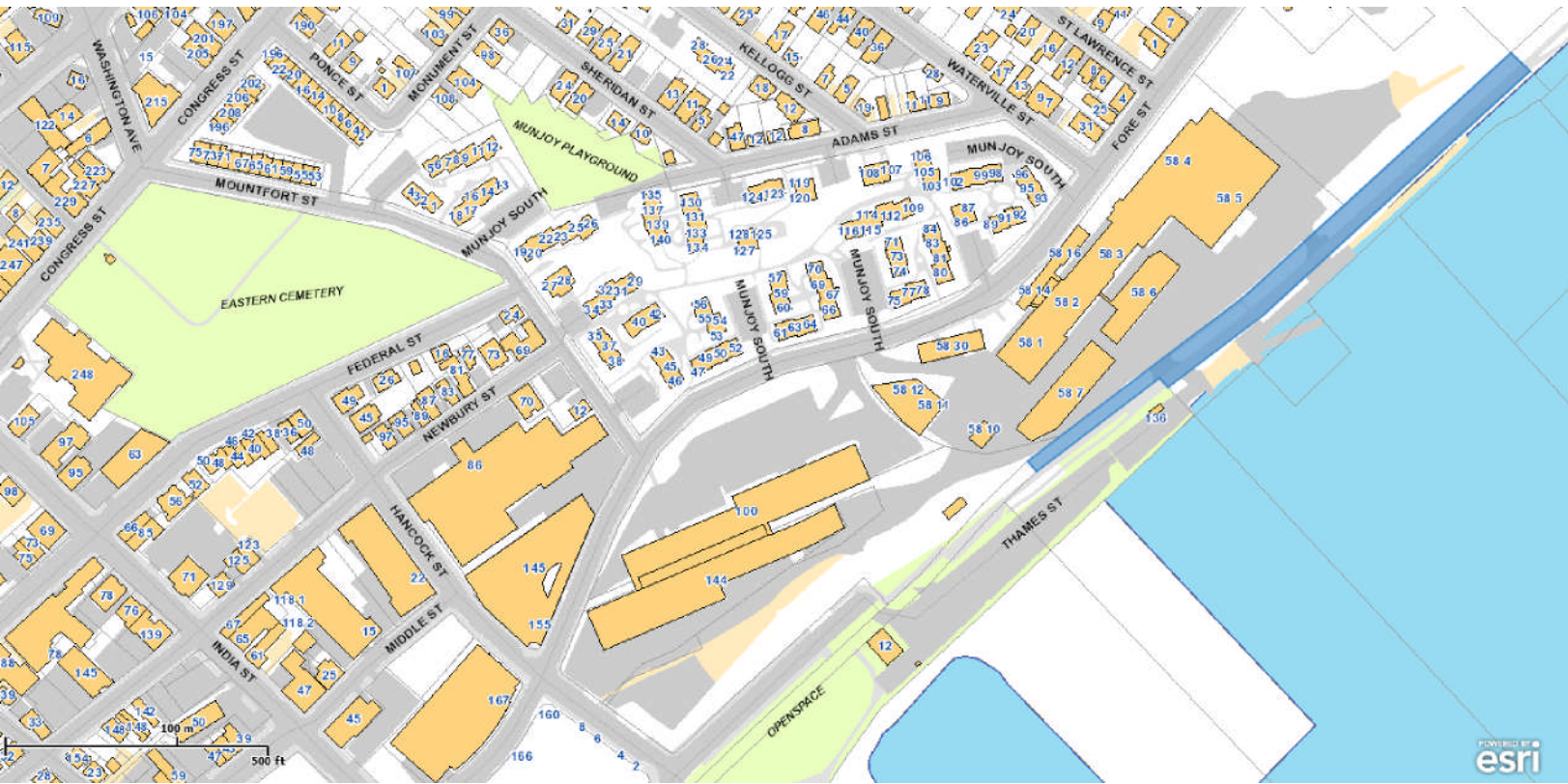
TAX ACCT NO.	No Tax Information Available at This Time
LAND VALUE	\$3,080,400.00
BUILDING VALUE	\$0.00
STATE OF MAINE	(\$3,080,400.00)
NET TAXABLE - REAL ESTATE	\$0.00
TAX AMOUNT	ADODB.Field error '800a0bcd'

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18-A-13



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Internet Explorer

CBL	001 A002001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	0 EASTERN PROMENADE
Owner Information	STATE OF MAINE STATE HOUSE AUGUSTA ME 04330
Book and Page	10924/91
Legal Description	1-A-2 1-C-2T05 2-A-16 TO 20-22 4-A-6 5-E-3 TO 5 6-A-4 6-B-2 18-A-13 19-A-15 880102 SF
Acres	20.2044

Current Assessed Valuation:

TAX ACCT NO.	No Tax Information Available at This Time
LAND VALUE	\$3,080,400.00
BUILDING VALUE	\$0.00
STATE OF MAINE	(\$3,080,400.00)
NET TAXABLE - REAL ESTATE	\$0.00
TAX AMOUNT	ADODB.Field error '800a0bcd'

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19-A-14



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CBL	019 A014001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	0 HANCOCK ST CITY OF PORTLAND 389 CONGRESS ST PORTLAND ME 04101
Owner Information	
Book and Page	21951/341
Legal Description	19-A-14 HANCOCK ST THAMES ST 111142 SF
Acres	2.5515

Current Assessed Valuation:

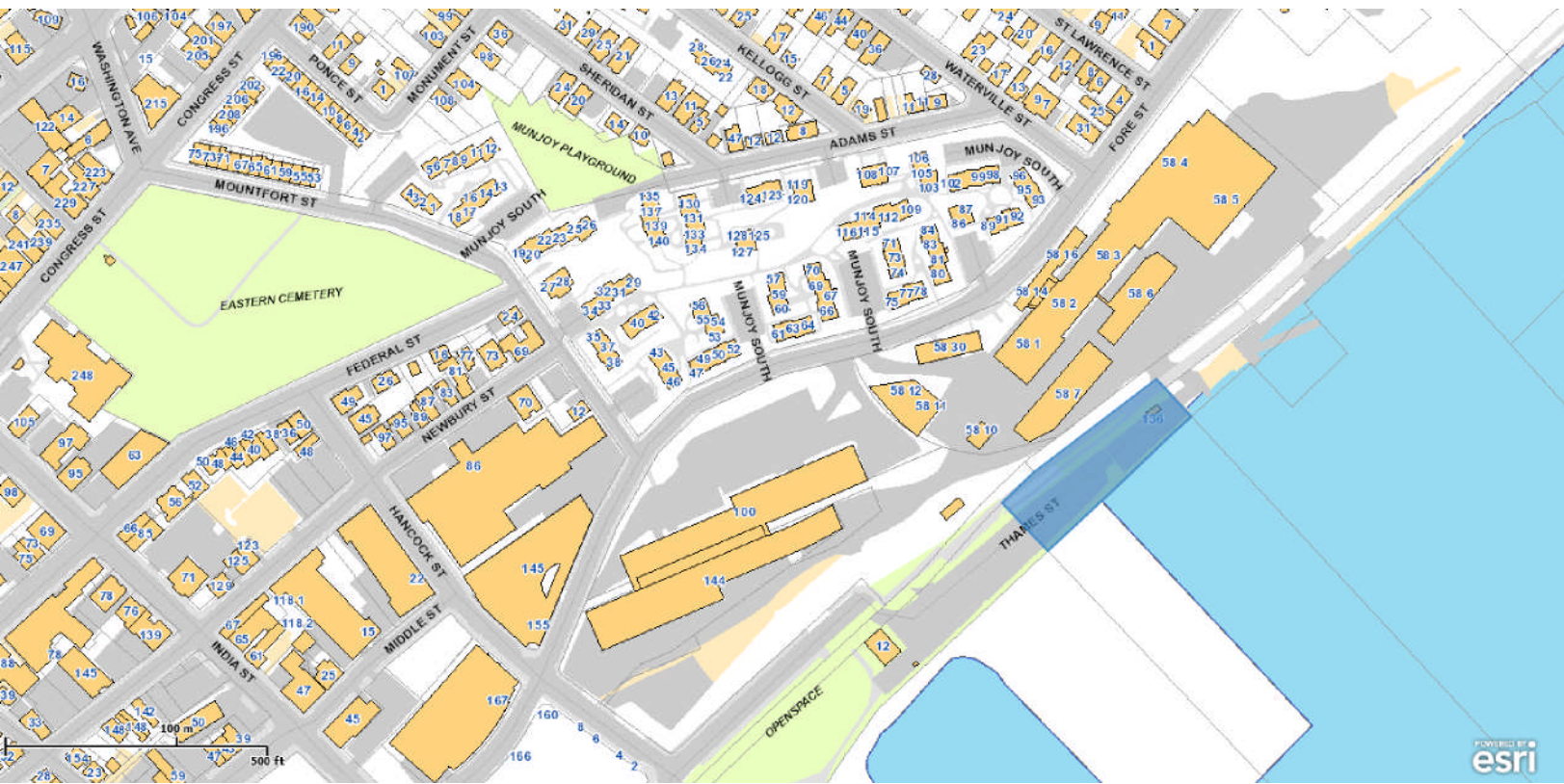
TAX ACCT NO.	No Tax Information Available at This Time
LAND VALUE	\$2,716,900.00
BUILDING VALUE	\$0.00
PORTLAND, CITY OF	(\$2,716,900.00)
NET TAXABLE - REAL ESTATE	\$0.00
TAX AMOUNT	ADODB.Field error '800a0bcd'

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CBL	444 A003001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	6 COMMERCIAL ST CITY OF PORTLAND 389 CONGRESS ST PORTLAND ME 04101
Owner Information	
Book and Page	
Legal Description	444-A-3-4 445-A-1-2 446-A-1-2 COMMERCIAL ST 6-44 THAMES ST 443300 SF 1459157 SF
Acres	10.1768

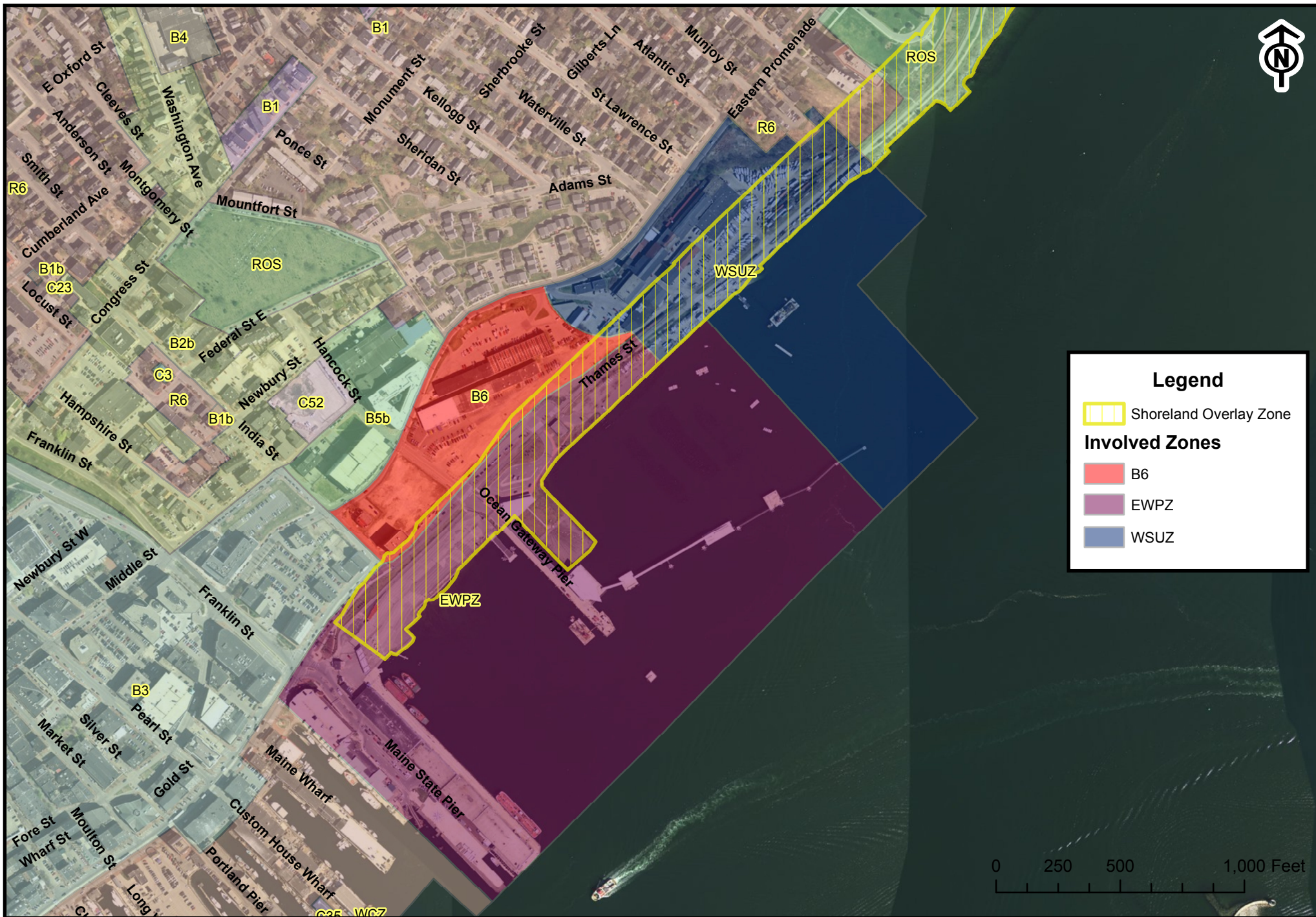
Current Assessed Valuation:

TAX ACCT NO.	No Tax Information Available at This Time
LAND VALUE	\$6,947,700.00
BUILDING VALUE	\$18,335,080.00
PORTLAND, CITY OF	(\$25,282,780.00)
NET TAXABLE - REAL ESTATE	\$0.00
TAX AMOUNT	ADODB.Field error '800a0bcd'

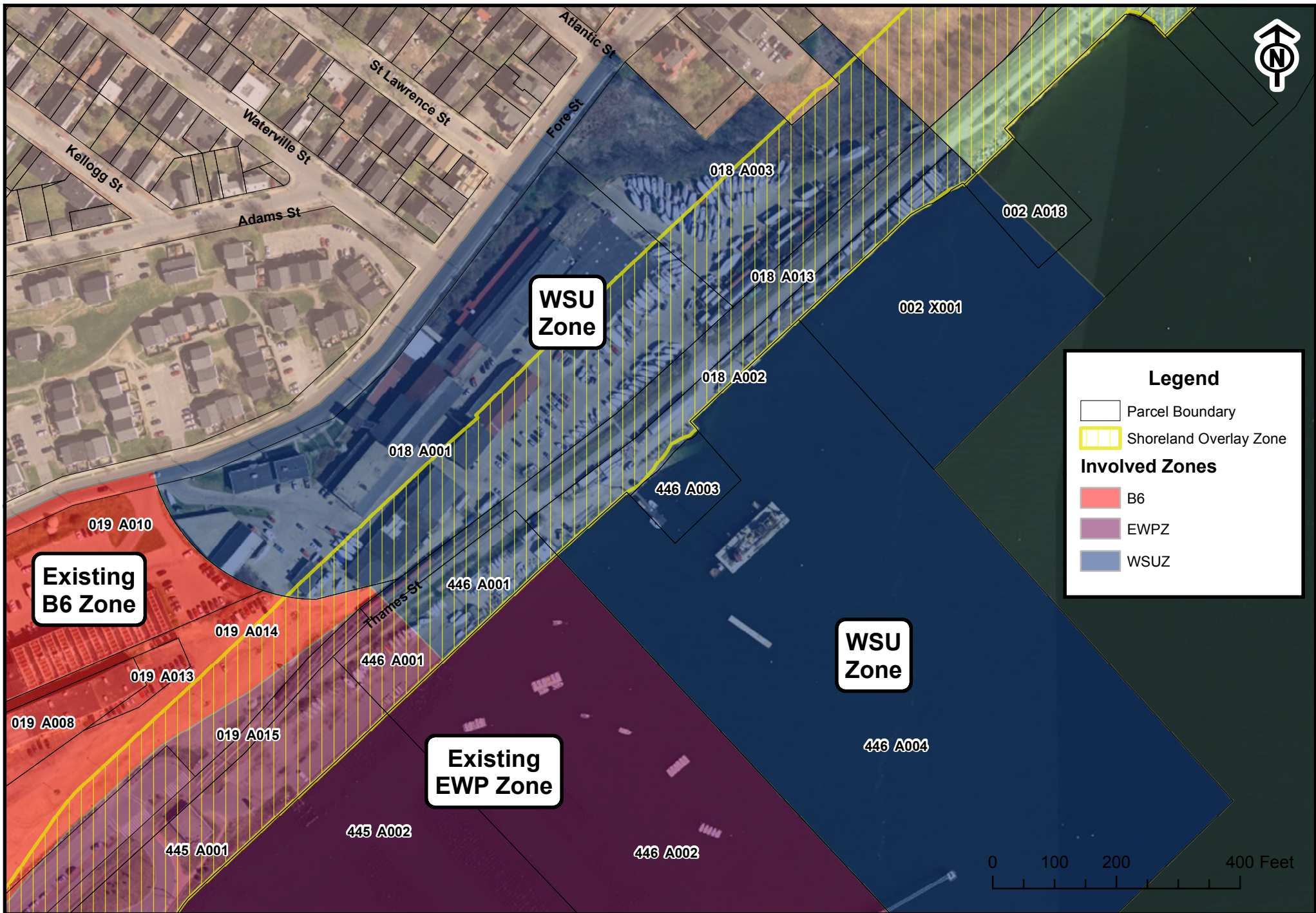
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APPENDIX B: EXISTING & PROPOSED ZONING MAPS



Existing Portland Eastern Waterfront Zoning Map



CPB2 LLC: Existing Zoning



CPB2 LLC: Proposed Zoning Extension

APPENDIX C: PROPOSED TEXT AMENDMENTS

PROPOSED TEXT EDITS

Shoreland Regulations (Sec. 14-446 to 14-450)

- Sec. 14-449(a)1.a
 - o B-3, B-5, B-5b, [B-6](#), I-L (south and east of I-295), and I-M (south and east of I-295): Twenty-five (25) feet
- Sec. 14-449(a)1.b
 - o W-C, W-PD, ~~W-SU~~, I-B, EWP: No setback required. Pier edge setbacks apply in EWP (Sec. 14-303(c)(4), W-C (Sec. 14-310(d)(4), [and](#) W-PD (Sec. 320.2(c)); ~~and W-SU (Sec. 320.9(c)).~~
- Sec. 14-449(a)(1) – 3rd Paragraph
 - o In no event shall the setback from a coastal wetland be reduced to less than seventy-five (75) feet, except in the B-3, B-5, B-5b, [B-6](#), EWP, W-C, W-PD, ~~W-SU~~, I-B, I-L and I-M zones, where setbacks shall be as set forth above in this subsection.
- Sec. 14-449(b)6
 - o Except in the W-C, EWP, W-PD, ~~W-SU~~, and I-B zones, no new structure shall be built . . .
- Sec. 14-449(c)2
 - o The clearing or removal of vegetation standards of this section shall not apply to the following zones: EWP, WCZ, WPD, ~~WSU~~, B-3, B-5, B-5b, B-6, B-7, I-L (south and east of I-295) and I-M zones (south and east of I-295).
- Sec. 14-449(j)1.a
 - o In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, [B-6](#), I-L (south and east of I-295) and I-M zones (south and east of I-295) roads and driveways shall be setback as established for structures in those zones; as specified in Sec. 14-449(a)1.
- Sec. 14-449(k)1
 - o In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, [B-6](#), I-L and I-M zones, parking setbacks shall be as established for structures in those zones; as specified in Sec. 14-449(a)1.

B-6 Eastern Waterfront Mixed Zone (Sec. 14-268 to 14-275)

- Sec. 14-269(c)
 - New clause
 - 4. Museums, art galleries, and educational exhibition space;
- Sec. 14-269(d)
 - Text correction
 - 3. Health clubs, martial arts and meditation facilities.
 - *Note: Language currently reads “mediation”*
- Sec. 14-269(d)
 - New clause
 - 6. Private clubs or nonprofit social and recreational facilities, as defined in 14-47.
- Sec. 14-269(d)
 - New clause
 - 7. Educational, research, and laboratory facilities.
- Sec. 14-269(d)
 - New clause
 - 8. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses or temporary exhibition uses, provided that all such exhibition uses on a lot do not exceed a combined total of (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time;
 - Note: Consistent with Sec. 14-320.6. (a) 5.a. Permitted uses under “Other”
- Sec. 14-273(b)4.b.v
 - Rewording
 - v. Noise created by ~~any recreational activities~~ any temporary activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, ~~and~~ fireworks displays, festivals, events and concerts.

Eastern Waterfront Port Zone (Sec. 14-300 to 14-304)

- Sec. 14-301 (b)
 - Rewording
 - 7. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;

- Note: Consistent with Sec. 14-307. (a) 4. Permitted uses “Marine”
- Sec. 14-301 (b)
 - New clause
 - 11. [Marinas located east of the Ocean Gateway facility.](#)
- Sec. 14-301 (b)
 - New clause
 - 12. [Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers](#)
 - Note: Consistent with Sec 14-307(a) 21.
- Sec. 14-301(e)
 - New clause
 - 2. [A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, and storage and bathrooms for the public.](#)

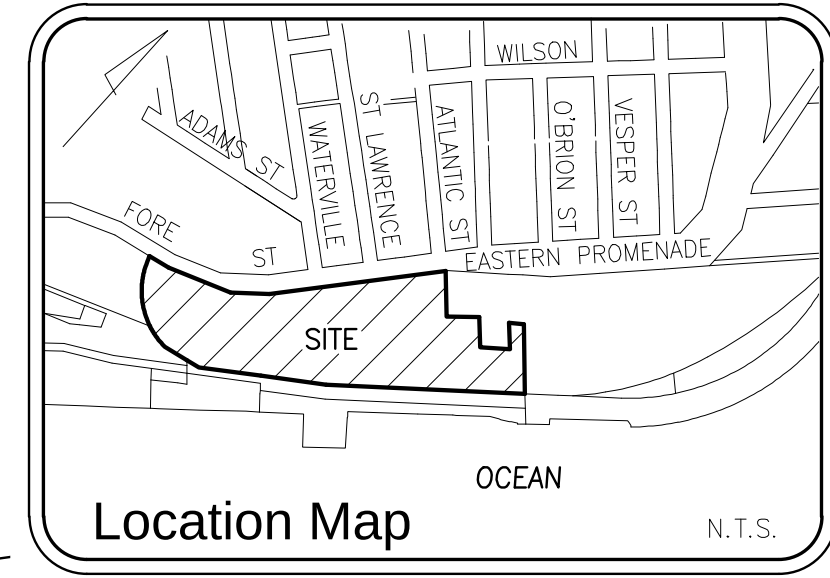
Waterfront Special Use Zone (Sec. 14-320.5 to 14-320.10)

- Delete entire section and replace with "[Reserved](#)"

Additional references to WSU to be deleted:

- Sec. 14-369.5(b) – delete references to “[WSU](#)” in Table 2.8 on signs

APPENDIX D: EXISTING AND PROPOSED SITE PLAN

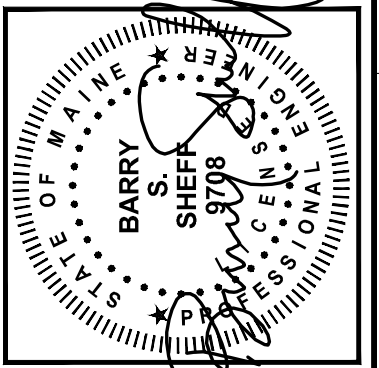


- Legend:**
- IRON PIPE OR ROD FOUND
 - GAS VALVE
 - WATER VALVE
 - HYDRANT
 - UTILITY POLE
 - LIGHT POLE
 - MANHOLE
 - CATCH BASIN
 - SIGN
 - ELECTRIC OR GAS METER
 - BOLLARD
 - MONITORING WELL
 - S.W. COLE BORING LOCATION (APPROXIMATE LOCATION)
 - FENCE
 - CURB
 - OVERHEAD WIRES
 - SANITARY SEWER
 - W
 - 20
 - N/F
 - O/H
 - CONC.
 - SCHEDULE B EXCEPTION

41 Hutchins Drive
Portland, Maine 04102
800.626.4282 | www.woodardcurran.com

WOODARD & CURRAN

THIS DOCUMENT IS THE PROPERTY OF WOODARD & CURRAN, INC. AND ITS CLIENT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. REUSE OR REPRODUCTION OF THIS DOCUMENT WITHOUT WRITTEN PERMISSION IS PROHIBITED.



REV	DESCRIPTION	DATE
1	DESIGNED BY: DAS	
2	CHECKED BY: DAS	
3	DRAWN BY: JBC	

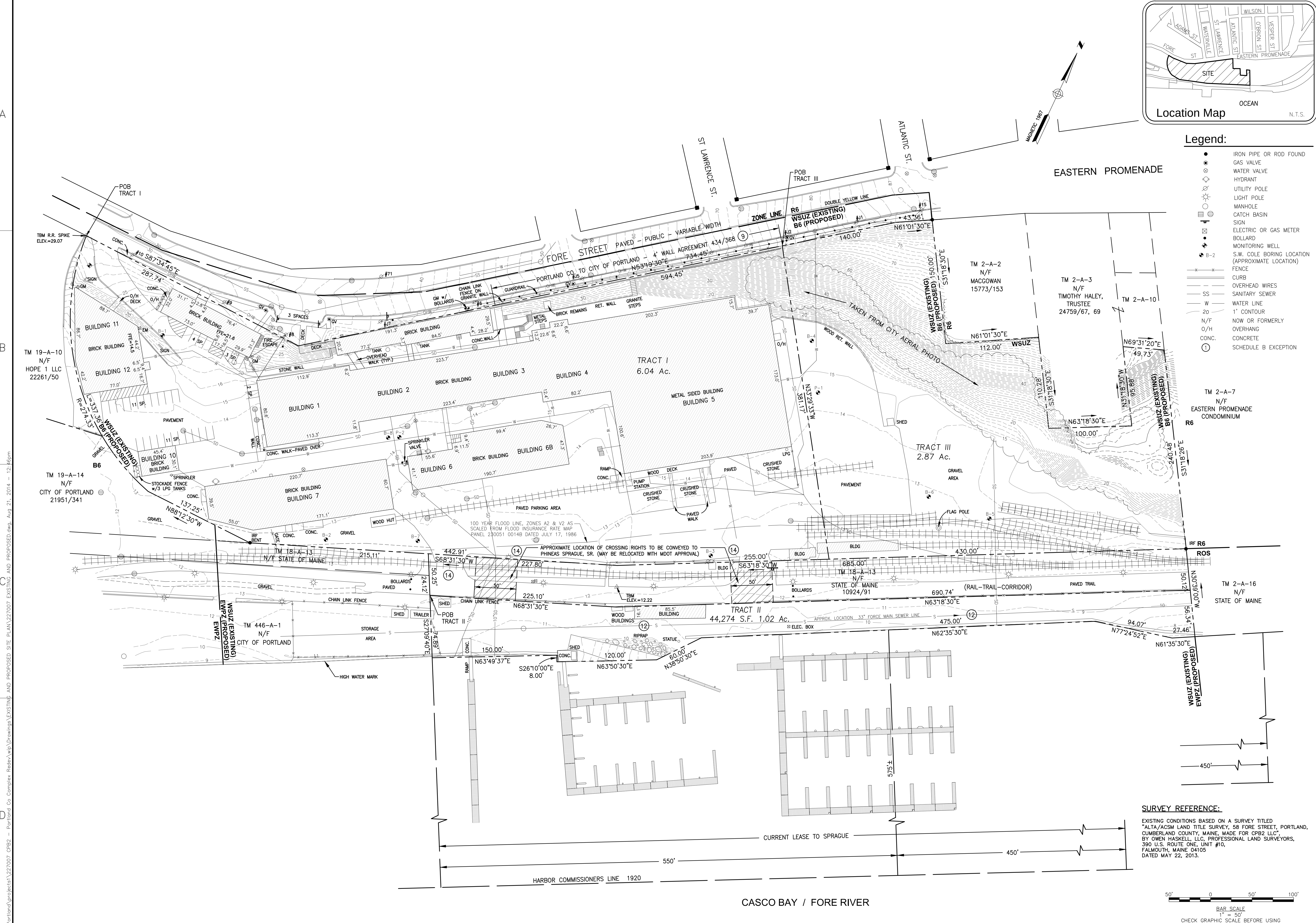
EXISTING AND PROPOSED SITE PLAN

CPB2 LLC, PO BOX 7987
PORTLAND, ME 04112

58 FORE STREET
PORTLAND, MAINE

JOB NO.: 227007
DATE: AUGUST 2014
SCALE: 1" = 50'
SHEET: 1 OF 1

C-01



SURVEY REFERENCE:

EXISTING CONDITIONS BASED ON A SURVEY TITLED "ALTA/ACSM LAND TITLE SURVEY, 58 FORE STREET, PORTLAND, CUMBERLAND COUNTY, MAINE, MADE FOR CPB2 LLC", BY OWEN HASKELL, LLC, PROFESSIONAL LAND SURVEYORS, 390 U.S. ROUTE ONE, UNIT #10, FALMOUTH, MAINE 04105, DATED MAY 22, 2013.

APPENDIX E: RIGHT, TITLE OR INTEREST

TRUSTEES' DEED
Maine Statutory Short Form

KNOW ALL BY THESE PRESENTS THAT ELIZABETH M. SPRAGUE, ERIC THOMAS SPRAGUE and PHINEAS M. SPRAGUE, as Trustees of THE BUENA VISTA TRUST, under indenture dated December 20, 2011, with a principal place of business in Cape Elizabeth, Maine, by the power conferred by law, and every other power, for consideration paid, grant to CPB2 LLC, a Delaware limited liability company, with a place of business c/o Blue Water Construction, 41 Glendale Place, Gilford, New Hampshire 03249, the land, together with any improvements thereon, situated in the City of Portland, County of Cumberland, State of Maine, described on Exhibit A attached hereto.

Pursuant to Title 18-B M.R.S. § 1013, we, in our capacities, do hereby certify that (1) we are all of the Trustees of said Trust; (2) the Trust exists as the date of this Agreement; (3) we have power under said Trust to convey any trust asset in our sole discretion and need no consent from any beneficial interests; (4) we are the trustees authorized to execute or otherwise authenticate any and all documents in the exercise of our power; (5) in making this conveyance, we have in all respects acted in pursuance of the authority granted in and by said Trust; and (6) the Trust has not been revoked, modified, amended or terminated in any way that would cause the representations contained in this certificate to be incorrect.

[signatures on next page]

MAINE REAL ESTATE TAX PAID

Witness our hands and seals this 19 day of the month of July, 2013.

WITNESS:

THE BUENA VISTA TRUST

By _____
Eric Thomas Sprague, Trustee

By _____
Elizabeth M. Sprague, Trustee

By _____
Phineas M. Sprague, Trustee

STATE OF MAINE
COUNTY OF CUMBERLAND

July __, 2013

Then personally appeared the above named Eric Thomas Sprague,
in his said capacity and acknowledged the foregoing instrument to be his free act and
deed.

Before me,

Notary Public/Attorney at Law

Witness our hands and seals this 26 day of the month of July, 2013.

WITNESS:

THE BUENA VISTA TRUST

By [Signature]
Eric Thomas Sprague, Trustee

By [Signature]
Elizabeth M. Sprague, Trustee

By _____
Phineas M. Sprague, Trustee

STATE OF MAINE
COUNTY OF CUMBERLAND

July 26, 2013

Then personally appeared the above named Eric Thomas Sprague,
in his said capacity and acknowledged the foregoing instrument to be his free act and
deed.

Before me,

[Signature]
Notary Public/Attorney at Law

[Signature]

EXHIBIT A

A certain lot or parcel of land together with the buildings thereon situated on the southerly side of Fore Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the southerly sideline of Fore Street at the northeasterly corner of Tract I as shown on "ALTA/ACSM Land Title Survey 58 Fore Street, Portland, Cumberland County, Maine made for CPB2 LLC" dated May 22, 2013 by Owen Haskell, Inc., thence N53°19'30"E along the southerly sideline of said Fore Street 140.00 feet;

Thence, N 61° 01' 30" E along the southerly sideline of said Fore Street 43.36 feet to land now or formerly of Macgowan as described in the Deed recorded in Cumberland County Registry of Deeds in Book 15773, Page 153;

Thence, S 31° 18' 30" E along land of said Macgowan 150.00 feet;

Thence, N 61° 01' 30" E along land of said Macgowan 112.00 feet to land now or formerly of Timothy Haley, Trustee, as described in the Deed recorded in the said Registry of Deeds in Book 24759, Pages 67 & 69;

Thence, S 31° 18' 30" E along land of said Haley 110.28 feet;

Thence, N 63° 18' 30" E along land of said Haley 100.00 feet;

Thence, N 31° 18' 30" W along land of said Haley 95.88 feet;

Thence, N 69° 31' 20" E along land of said Haley 49.73 feet to land now or formerly of Eastern Promenade Condominium;

Thence, S 31° 18' 26" E along land of said Eastern Promenade Condominium 240.48 feet to an iron rod found and to land now or formerly of the State of Maine as described in the Deed recorded in said Registry of Deeds in Book 10924, Page 91;

Thence, S 63° 18' 30" W along land of said State of Maine 430.00 feet to the easterly line of said Tract I;

Thence, N 33° 29' 33" W along said Tract I 381.17 feet to the point of beginning containing 2.87 acres.

The premises are conveyed together with the right of access and egress running from the existing paved driveway over land now or formerly of The Portland Company to the

premises conveyed herein as described in a deed to Elizabeth M. Sprague, Eric Thomas Sprague and Phineas M. Sprague, Trustees of The Buena Vista Trust by Warranty deed of The Portland Company dated December 30, 1012 and recorded in the Cumberland County Registry of Deeds in Book 30265, Page 32.

Meaning and intending to convey and hereby conveying the same premises conveyed to Elizabeth M. Sprague, Eric Thomas Sprague and Phineas M. Sprague, Trustees of The Buena Vista Trust by Warranty Deed of The Portland Company, dated December 30, 2012 and recorded in the Cumberland County Registry of Deeds in Book 30265, Page 32.

S:\P\POCO14\Prentice Purchase\Sale Documents\Deed of Trustees.doc

Received
Recorded Register of Deeds
Jul 27:2013 03:54:21P
Cumberland County
Pamela E. Lovles

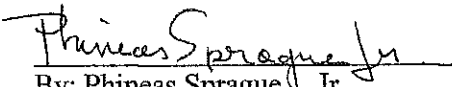
Doc# 13675 Bk#31425 Pg# 267
QUITCLAIM DEED WITH COVENANT
Maine Statutory Short Form

KNOW ALL BY THESE PRESENTS, that **THE PORTLAND COMPANY**, a Maine corporation and having a place of business at 58 Fore Street, County of Cumberland, and State of Maine, for consideration paid, grants to **CPB2 LLC**, a Delaware limited liability company, with an address of P.O. Box 7987, Portland, Maine 04112, with **QUITCLAIM COVENANTS**, the land located in Portland, County of Cumberland and State of Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, said **THE PORTLAND COMPANY** has caused this instrument to be signed and sealed this 1st day of April, 2014.

WITNESS:

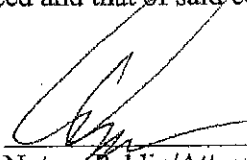
THE PORTLAND COMPANY


By: Phineas Sprague, Jr.
Its: President

STATE OF MAINE
COUNTY OF CUMBERLAND

April 1, 2014

Personally appeared the above-named Phineas Sprague, Jr. in his said capacity, and acknowledged the foregoing to be his free act and deed and that of said corporation, The Portland Company, before me.


Notary Public/Attorney at Law

Drew H. Anderson
Printed Name

MAINE REAL ESTATE TAX PAID

EXHIBIT A

TRACT I

A certain lot or parcel of land together with the buildings thereon situated on the southerly side of Fore Street, City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the southerly sideline of Fore Street at a railroad spike at the northeasterly corner of land now or formerly of Hope 1 LLC as described in deed Book 22261, Page 50, thence S 87° 34' 45" E along the southerly sideline of said Fore Street 287.74 feet;

Thence, N 53° 19' 30" E along the southerly sideline of said Fore Street 594.45 feet to the northwesterly corner of Tract III, as shown on "ALTA/ACSM Land Title Survey, 58 Fore Street, Portland, Cumberland County, Maine made for CPB2 LLC" by Owen Haskell, Inc. dated May 22, 2013.

Thence, S 33° 29' 33" E along the westerly side of said Tract III 381.17 feet to land now or formerly of the State of Maine as described in deed Book 10924, Page 91;

Thence, S 63° 18' 30" W along land of said State of Maine 255.00 feet;

Thence, S 68° 31' 30" W along land of said State of Maine 442.91 feet to an iron rod found (bent) and land now or formerly of City of Portland as described in deed Book 21951, Page 341;

Thence, N 88° 12' 30" W along land of said City of Portland 137.25 feet to a non-tangent curve to the right;

Thence, following the curve to the right, along land of said City of Portland and land of said Hope 1 LLC, having a radius of 274.33 feet, an arc length of 337.36 feet, a chord bearing of N 38° 35' 30" W, and a chord length of 316.50 feet, to the southerly sideline of Fore Street and the point of beginning containing 6.04 acres.

Basis of bearings: Magnetic 1967.

TRACT II

A certain lot or parcel of land together with the buildings thereon situated southerly of but not adjacent to Fore Street, in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Commencing at a point on the southerly line of Tract I, at an iron rod found (bent) at the southeasterly corner of land now or formerly of the City of Portland as described in deed Book 21951, Page 341, on the northerly line of land now or formerly of the State of Maine as described in deed Book 10924, Page 91, as shown on "ALTA/ACSM Land Title Survey, 58 Fore Street, Portland, Cumberland County, Maine made for CPB2 LLC" by Owen Haskell, Inc. dated May 22, 2013.

Thence, N 68° 31' 30" E along the northerly line of land of said State of Maine 215.11 feet;

Thence, S 27° 09' 40" E across land of said State of Maine and along the easterly line of land now or formerly of the City of Portland 50.25 feet to the true point of beginning;

Thence, N 68° 31' 30" E along the southerly sideline of land of said State of Maine 225.10 feet;

Thence, N 63° 18' 30" E along the southerly sideline of land of said State of Maine 690.74 feet;

Thence, S 30° 39' 00" E along land of said State of Maine 56.34 feet;

Thence, S 61° 35' 30" W 27.46 feet;

Thence, S 77° 24' 52" W 94.07 feet;

Thence, S 62° 35' 30" W 475.00 feet;

Thence, S 38° 50' 30" W 60.00 feet;

Thence, S 63° 50' 30" W 120.00 feet;

Thence, N 26° 10' 00" W 8.00 feet;

Thence, S 63° 49' 37" W 150.00 feet to land of said City of Portland;

Thence, N 27° 09' 40" W along land of said City of Portland 74.89 feet to the point of beginning containing 44,274 sq. ft.

Basis of bearings: Magnetic 1967.

ALSO CONVEYING two crossings for vehicular, pedestrian and utility access to and from other land now or formerly of Phineas Sprague to the most immediately above described parcel across the area shown on Exhibit B of Indenture Deed by and between the Maine Department of Transportation and Phineas Sprague, dated August 30, 1993 and recorded in Book 10924, Page 97, as the "Rail-Trail Corridor." Each crossing shall be 50 feet in width over the 50 foot wide "Rail-Trail Corridor" plus turning radii, as necessary, at the entrances to the crossings from the above described parcel of land. Such crossings may be moved from time to time by the Grantee at its expense upon proper notice to and approval by the Maine Department of Transportation, provided that the distance between the centerlines of the two crossings shall never be less than 200 feet; and further provided that in the event of any relocation, any former crossing shall be restored to the condition it would have been in had the crossing not been placed in that location.

TOGETHER WITH any upland including the seawall which immediately adjoin the above described premises.

Received
Recorded Register of Deeds
Apr 03, 2014 12:25:29P
Cumberland County
Pamela E. Lovley

MEMORANDUM

TO: Ed Haddad
FROM: Peter S. Plumb
DATE: December 11, 2007
FILE: POCO-001
RE: The Portland Company - Submerged Lands Lease and Related Matters

I. Submerged Lands Lease.

The Portland Company is the current holder (through a series of assignments) of a Submerged Lands Lease (the "Lease") originally entered into between the Maine Department of Transportation and Fish Point Associates, dated October 20, 1978. The Lease was for an original term of ten years, with the first period ending on October 31, 1988. The Lessee has the right to renew the Lease for three successive renewal terms of ten years each. The First Lease Extension was exercised in 1988 and the second was exercised in 1998. In 2008, the final renewal will be exercised so that this Lease will finally expire on October 31, 2018. In the normal course a new lease would be negotiated for the demised premises at that time.

The original lease area included approximately 1,000 feet along the shore front, and extending out 575 feet more or less to the Harbor Commissioner's Line. In November 1983, approximately 450 feet of the western end of the frontage was deleted to

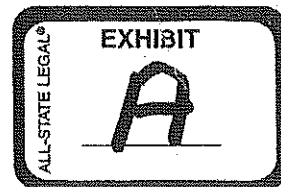
make room for the Bath Iron Works dry dock facility. Simultaneously, the State added 450 feet to the other (easterly) side of the leased area, leaving a total frontage of 1000 feet, extending out to the Harbor's Commissioners Line. This is the area occupied by the marina slips and moorings today.

II. Access Across the Railroad Right of Way and the Upland Parcel to the Ocean Side of the Railroad Right of Way.

In August 1993, the Portland Company's predecessor in title purchased from the Maine Department of Transportation via an "Indenture Deed" the property from the seawall inward to the Railroad Right of Way abutting the submerged lands lease area and, in addition, two 50 foot wide crossings of the 50 foot wide railroad right of way running between the shore and the Portland Company's principal property. These railroad crossings are 50 feet in width and may not be spaced more than 200 feet apart, center to center.

There are a variety of conditions imposed on the use of the railroad crossings, as well as on the land between the railroad right of way and the seawall. Copies of both the Submerged Lands Lease and the Indenture Deed are available through CBRE The Boulos Company, and all interested parties are urged to review them in detail.

END

Two highlights from D.O.T.
LEASE

AGREEMENT made this 20th day of October, 1978 by and between the MAINE DEPARTMENT OF TRANSPORTATION, hereafter called the Department and FISH POINT ASSOCIATES, a Maine partnership having a place of business in Portland, Maine, hereafter called Lessee.

WHEREAS, the Department is interested in encouraging the development of Marine-related activities in Portland Harbor and the Lessee has indicated a similar interest and intent, and the Department is willing to enter this lease with the Lessee of the premises described below for the purpose of furthering and encouraging the Lessee in this development and providing some protection for the investment which the Lessee will make in its investigation and development of the premises;

NOW, THEREFORE, the parties in consideration of agreement of the other do hereby agree as follows:

ARTICLE ILeased Premises

The Department leases to the Lessee a certain lot or parcel of land and area of Tidal Waters located in the City of Portland, Cumberland County, Maine on the northwesterly shore of Fore River, so-called, more particularly described in Exhibit A annexed hereto and made part of this lease and hereafter called the "premises".

ARTICLE IITerm And Renewals

This lease shall be for an initial term of 10 years, beginning on November 1, 1978 and ending on October 31, 1988. The Lessee shall have the right to renew the term of this lease for three successive renewal terms of

10 years each, subject to the termination conditions. The first renewal term shall commence on the termination of the initial term and each succeeding renewal term shall commence on the expiration of the preceding term, provided that each right of renewal may be exercised and effected only if this lease is in full force and effect immediately prior to the commencement of the applicable renewal term. Lessee shall separately exercise its options to renew by notifying the Department in writing of such election at least 3 months in advance of the commencement date of the applicable renewal term.

All terms and conditions applicable during the initial term shall be applicable during each renewal term except that after the third renewal term there shall be no further renewals of this lease.

ARTICLE III.

Rent

The Lessee shall pay to Lessor the following amounts of rent, to wit:

(a) \$1,000 per year for the first two years of the initial term of this lease.

(b) \$3,000 for the third year of the initial term of this lease.

(c) An amount for each year thereafter during the initial term and any renewal term, equal to \$3,000 multiplied by the fraction, the denominator of which shall be the U. S. Bureau of Labor Statistics Consumer Price Index for Boston, Mass., revised wage earners and clerical (or successor) in effect for October 1, 1980 and the numerator of which shall be said Index as of the lease year in question. In the event that said Index is not published for a month specified above, the Index for the closest preceding month shall be used instead. The annual rent shall in no case be reduced below the sum of \$3,000.

Rental payments shall be payable annually, in advance on the first day of November for each lease year. A twelve percent (12%)

annual interest charge shall be assessed on rent more than one (1) month in arrears.

ARTICLE IV

Development of Premises

The Lessee shall from time to time present to the Department proposals as to portions and stages of its development of a berthing facility and/or other Marine-related facilities to be constructed on the premises, for review and approval by the Department, such approval shall not be unreasonably withheld. On or before November 1, 1980 the Lessee shall submit to the Department the final plan of the Lessee for such development, incorporating the portions previously approved by the Department and including a schedule for construction, to receive final approval by the Department. The final approval of the Department shall be concerned only with the general overall scope of the proposed development and the construction schedule, not any of the design details and such approval shall not be unreasonably withheld provided the intent of Article V, Use Of Premises is satisfied. No construction shall take place on the leased premises until the Lessee has secured approval for such construction from the Department. The Department agrees that it will take action to review and approve all plans as soon as possible after the plan is submitted and in no event, later than thirty (30) days after its submission.

If the Lessee has not substantially completed by November 1, 1981 that portion of the development scheduled for completion by that date, this lease may be terminated at the option of the Department provided that this day may be extended by the Department if the Lessee was unable to meet the schedule deadline due to delays caused by any reason or force beyond the control of the Lessee.

ARTICLE V

Use Of Premises.

The premises shall be developed and operated for Marine-related activities and/or facilities available for commercial use including but not limited to, berthing for commercial vessels. The Lessee shall restrict its use to the above described purposes and shall not use or permit the use of the premises for any other purpose unless the express written consent of the Department is first obtained, such consent shall not be unreasonably withheld.

ARTICLE VI

Insurance And Indemnity

The Lessee shall obtain and keep in force at all times during the continuance of this lease, general public liability insurance reasonably satisfactory to the Department against claims for personal injury, death or property damage arising out of or in any way related to, the use and occupancy of the leased premises by Lessee, its agents or invitees. This insurance shall provide a combined limit of at least \$1,000,000.00 for personal injury, death and property damage. Evidence of such insurance shall be forwarded to the Department.

The Lessee further agrees to indemnify the Department against all expenses, liabilities and claims of every kind, including reasonable counsel fees, by or on behalf of any person or entity arising out of either (1) failure by Lessee to perform any of the terms or conditions of this Lease, (2) any injury or damage happening on or about the premises due to the negligence of Lessee or (3) any mechanic's lien or security interest filed against the premises.

ARTICLE VII

Assignment And Subletting

The Lessee may assign this lease for security or mortgage its leasehold interest provided that, although approval is not needed for assignments for security or for mortgages of the leasehold interest, the Lessee must give the Department prompt notice of any such assignment or mortgage. The Lessee will not transfer or assign this lease in whole or in part for other than security, nor sub-let any of the leased premises for any purpose without the prior written consent of the Department, such consent shall not be unreasonably withheld. This provision shall not apply to the short-term leasing by the Lessee of individual berths and/or other space in connection with its Marine-related activities.

Whenever an assignment for other than security is approved, the Lessee shall remain primarily liable to the Department for the due performance of all covenants, undertakings and agreements on its part to be performed. A mortgagee or assignee for security will not assume the obligations or liabilities of the Lessee under this lease, provided however, that continued payment of rent shall be a condition precedent to such mortgagee or assignee for security exercising any of the Lessee's rights hereunder. In the event of a default under this lease by the Lessee, the Department agrees that it will at the time of giving the Lessee any notice of default also give any of record mortgagee or assignee for security a copy of the notice of default and said mortgagee or assignee shall have the right to cure such default within the time permitted the Lessee herein.

ARTICLE VIII

Default Of Lessee

In the event of any default by the Lessee in the payment of any rental due hereunder or in the performance of any other term, condition or covenant of this lease to be observed or performed by Lessee for more than thirty (30)

days after written notice of such default shall have been given to Lessee, or if Lessee shall become bankrupt or insolvent, or file any debtor proceeding or have taken against Lessee in any court pursuant to any statute, either of the United States or any state, a petition in bankruptcy or insolvency or for the reorganization or for the appointment of a receiver or trustee of all or a portion of Lessee's property or if Lessee makes an assignment for the benefit of creditors, or petitions for or enters into such an arrangement or if Lessee shall abandon the premises or suffer this lease to be taken under any writ or execution, then the lease shall terminate and the Department in addition to any other rights or remedies it may have, shall have the immediate right of re-entry and may remove all persons and property from the leased premises, and such property may be removed and stored at the cost of and for the account of Lessee, all without service, notice or resort to legal process and without being deemed guilty of trespass or becoming liable for any loss or damage which may be occasioned thereby.

ARTICLE IX

Parties Bound

It is agreed and understood that as part of the consideration for this lease, the Lessee will purchase the real estate near the leased premises presently owned by United Industrial Syndicate, Inc. and being that land as more particularly described in a deed recorded in the Cumberland County Registry of Deeds in Book 2359, Page 233. As further consideration, the Lessee agrees that it will not convey or in any way divest itself of ownership of the above described land during the development stages of this lease or during the first five year period, without the prior written approval of the Department.

All rights and liabilities herein given to, or imposed upon, the respective parties hereto shall extend to and bind the several respective heirs, executors, administrators, successors, and assigns of the respective

parties. No rights, however, shall inure to the benefit of any assignee or Lessee unless the assignment to such assignee has been approved by the Department in writing as provided in Article VII.

ARTICLE X

Taxes

The Lessee agrees to pay all taxes, assessments, or charges which during the term hereof may become a lien or be levied by the State, municipality or other tax-levying body on all personal property of the Lessee, upon all improvements made to the premises by the Lessee in connection with its use and occupancy thereof, and upon the possessory interest of the Lessee in the premises.

ARTICLE XI

Ownership Of Improvements

The personal property and other improvements placed or installed by the Lessee in or on the leased premises shall remain the property of the Lessee and must be removed on or before the expiration of the lease term or its renewals. In the event of expiration or other termination, Lessee shall have ten (10) days, exclusive of Sundays, Saturdays, or Holidays, after such termination, in which to remove its property. All property and other improvements remaining on the premises after the 10 days shall become the property of the Department. If any building or other such improvement which remains on the premises after the ten days extends onto other property owned by the Lessee, Lessee will make an option available to the Department for the purchase of all property covered by such building or improvement for the fair market value of such property at the time of the termination.

This provision will not apply to any cancellation or termination of the lease which is arranged by agreement between the parties.

ARTICLE XII

Waste, Restriction And Nuisance

During the term of this lease, Lessee shall comply with all applicable laws and ordinances affecting the premises and shall not commit or suffer to be committed, any waste or nuisance on the leased premises.

ARTICLE XIII.

Quiet Enjoyment

Upon payment by Lessee of the rent herein provided and observance and performance of all covenants, terms and conditions to be observed and performed by Lessee, Lessee shall peaceably and quietly hold and enjoy the leased premises for the term hereof without hindrance or interruption by the Department or any person or persons lawfully or equitably claiming by, through, or under the Department.

ARTICLE XIV

Waiver

The waiver by either party of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by the Department shall not be deemed to be a waiver of any preceding breach by Lessee of any term, covenant or condition of this lease, other than the failure of Lessee to pay the particular rental so accepted.

ARTICLE XV

Notices

Any notice, demand, request or other instrument given under this lease shall be delivered in person or sent by Certified Mail, postage prepaid, (a) if to the Department, at the Maine Department of Transportation, Transportation Building, Augusta, Maine 04333, or at such other address as Lessor may designate by written notice, and (b) if to the Lessee, at 58 Fore Street, Portland, Maine 04101, or at such other address as Lessee shall

designate by written notice.

ARTICLE XVI

Miscellaneous

This lease is subject to any and all rights and easements of record and to all terms, conditions, reservations and interests acquired as set forth and described in a Quit-Claim Deed dated November 30, 1973 from Canadian National Railway Company to the State of Maine and recorded in the Cumberland County Registry of Deeds in Book 3490, Page 318. The Lessee agrees to maintain the fencing on the northwesterly boundary of the leased premises as it now exists, or as it by mutual agreement may be relocated.

IN WITNESS WHEREOF, the Department and Lessee have signed this lease as of the day and year first above written.

Witnessed by:

Claire M. Fitzgerald

MAINE DEPARTMENT OF TRANSPORTATION

By [Signature]
Its Commissioner

LESSEE:

FISH POINT ASSOCIATES

Kenneth H. Cadigan

By [Signature]
A Partner

State of Maine
Cumberland, ss.

October 20, 1978

Personally appeared the above named Roger L. Hallar,
Commissioner of the Department of Transportation of the State of
Maine, and acknowledged the foregoing instrument to be his free act and
deed and the free act and deed of the State of Maine.

Before me,

Alden L. Small
Justice of the Peace
~~Notary Public~~

State of Maine
Cumberland, ss.

October 20, 1978

Personally appeared the above-named

Phineas Sprague, Jr.

A Partner of Fish Point Associates, and acknowledged the
foregoing instrument to be his free act and deed and the free act and
deed of the partnership.

Before me,

Alden L. Small
Justice of the Peace
~~Notary Public~~

EXHIBIT A

Leased Premises

Beginning at a point bearing S 46° 46' 11" W four hundred and fifty (450) feet from the most northerly corner of land conveyed to the State of Maine by Canadian National Railway Company by Quit-Claim Deed dated November 30, 1973 and recorded in the Cumberland County Registry of Deeds, Book 3490, Page 318;

Thence N 46° 46' 11" E along land of the Canadian National Railway Company and said line extended a distance of one thousand (1000) feet to a point;

Thence southeasterly at right angles to the hereinbefore described line about five hundred and seventy-five (575) feet to the Harbor Commissioners line in Fore River;

Thence southwesterly along the Harbor Commissioners line one thousand (1000) feet to a point;

Thence northwesterly along a line one thousand (1000) feet southwesterly from and parallel to the second line described herein five hundred and seventy-five (575) feet to the point of beginning.

Reference is hereby made to a Plan of the State of Maine entitled "Department of Transportation, Bureau of Waterways, Portland, Cumberland County" dated July 1974, on file in the office of the Department of Transportation, Bureau of Highways at Augusta (D.O.T. File No. 3-238A).

B-6187
P-215ASSIGNMENT OF LEASE

For valuable consideration FISH POINT ASSOCIATES, a Maine partnership, hereby transfers and conveys to PHINEAS SPRAGUE of Scarborough, Maine, effective October 29, 1981, all its right, title and interest in and to the lease between Fish Point Associates and The Portland Engineering Company ("PEC") dated December 10, 1978, providing for the leasing to PEC of the property of Fish Point Associates on Fore Street in Portland, Maine.

FISH POINT ASSOCIATES

By Phineas Sprague
A Partner

October 29, 1981

1006420-1224

11046

LEASE AMENDMENT

THIS LEASE AMENDMENT made as of this 22 day of November, 1983, by and between the MAINE DEPARTMENT OF TRANSPORTATION, acting by and through its Commissioner, and PHINEAS SPRAGUE, of Scarborough, Maine,

WITNESSETH:

WHEREAS, by Lease dated October 20, 1978 the MAINE DEPARTMENT OF TRANSPORTATION leased a certain lot or parcel of land and area of tidal waters located in Portland, Cumberland County, Maine to FISH POINT ASSOCIATES; and

WHEREAS, a copy said Lease is attached to a Conditional Assignment of Lease by and between FISH POINT ASSOCIATES and RHODE ISLAND HOSPITAL TRUST NATIONAL BANK dated January 11, 1979 and recorded at the Cumberland County Registry of Deeds in Book 4368, Page 119; and

WHEREAS, by Assignment of Lease dated October 29, 1981, a copy of which is attached hereto as Exhibit A, FISH POINT ASSOCIATES assigned its interest in said Lease to PHINEAS SPRAGUE; and

WHEREAS, a portion of the leased premises was conveyed by the State of Maine to the City of Portland by deed dated February 1, 1982 and recorded at said Registry of Deeds in Book 4916, Page 28; and

WHEREAS, the MAINE DEPARTMENT OF TRANSPORTATION and PHINEAS SPRAGUE have agreed to amend the description of the leased Premises as provided herein;

NOW, THEREFORE, IN CONSIDERATION OF ONE DOLLAR (\$1.00) and other valuable consideration each to the other given, the receipt of

-2-

BOOK 6428 PAGE 225

which is hereby acknowledged, the MAINE DEPARTMENT OF TRANSPORTATION and PHINEAS SPRAGUE hereby agree that the description of the leased premises is amended so that the parcel described on Exhibit B attached hereto is released from the leased premises and the parcel described on Exhibit C attached hereto is included in the leased premises. Except as amended hereby, said Lease remains in full force and effect.

Dated: November 22, 1983

WITNESSETH:

MAINE DEPARTMENT OF
TRANSPORTATION

John E. Fox

By:

George N. Campbell
Commissioner
Phineas Sprague

Laura Lynn Sprague

STATE OF MAINE
GUMBERTOWN, SS.
November 22, 1983

November 22, 1983

PERSONALLY APPEARED the above named George N. Campbell, Commissioner of the MAINE DEPARTMENT OF TRANSPORTATION as aforesaid and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of the MAINE DEPARTMENT OF TRANSPORTATION.

Before me,

John E. Fox
Notary Public

MY COMMISSION EXPIRES
JULY 30, 1988

SEAL

STATE OF MAINE
CUMBERLAND, SS.

November 1980

PERSONALLY APPEARED the above-named Phineas Sprague and
acknowledged the foregoing instrument to be his free act and deed.

Rotary Public

Seth Sprague MY COMMISSION EXPIRES
MARCH 30, 1982

SEAL

2051.012

B006428H2 227

EXHIBIT AASSIGNMENT OF LEASE

For valuable consideration FISH POINT ASSOCIATES, a Maine partnership ("FPA"), hereby transfers and conveys to PHINEAS SPRAGUE of Scarborough, Maine, effective October 19, 1981, all its right, title and interest in and to the lease between Fish Point Associates and the Maine Department of Transportation ("DOT") dated October 20, 1978, providing for the leasing to FPA by DOT of certain tidal waters located in the City of Portland, Maine.

FISH POINT ASSOCIATES

by Phineas Sprague
A Partner

October 29, 1981

EXHIBIT B

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

Beginning at a point bearing south $46^{\circ}46'11''$ west 450 feet from the most northerly corner of land conveyed to the State of Maine by Canadian National Railway Company by Deed dated November 30, 1973 and recorded in Cumberland County Registry of Deeds, Book 3490, page 318; thence southeasterly at right angles to the hereinbefore described line about 575 feet to the Harbor Commissioner's line in the Foxe River; thence northeasterly along the Harbor Commissioner's line 450 feet to a point; thence northwesterly along a line parallel to the second line described herein 575 feet to a point at the most northerly corner of land conveyed in the aforementioned deed to the State of Maine by Canadian National Railway Company dated November 30, 1973; thence south $46^{\circ}46'11''$ west along land of the Canadian National Railway Company 450 feet to the point of beginning.

Meaning and intending to release and hereby releasing all of that portion of the premises described in a certain Lease from the Maine Department of Transportation to Fish Point Associates dated October 20, 1978, a true copy of said Lease being attached to a certain Conditional Assignment of Lease by and between Fish Point Associates and Rhode Island Hospital Trust National Bank dated January 11, 1979 and recorded at the Cumberland County Registry of Deeds in Book 4368, page 119, which is within the boundaries of that parcel of land which was conveyed by the State of Maine to the City of Portland by Deed dated February 1, 1982 and recorded at the Cumberland County Registry of Deeds in Book 4916, page 26.

BOOK 6428 PAGE 223

EXHIBIT C

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

Beginning at a point on the sea wall located 550 feet Northeastly from the most Northerly corner of land conveyed to the State of Maine by Canadian National Railway Company by deed dated November 30, 1973 and recorded at the Cumberland County Registry of Deeds in Book 3490, Page 118, which point is also the most Northerly corner of land leased to Fish Point Associates by the Maine Department of Transportation by lease dated October 20, 1978, a copy of which is recorded along with a certain conditional assignment of lease by and between Fish Point Associates and Rhode Island Hospital Trust National Bank dated January 11, 1979 and recorded at said Registry of Deeds in Book 4368, Page 115; thence continuing in a Northeastly direction along said sea wall a distance of 450 feet to a point; thence Southeastly at right angles to the heretofore described line about 375 feet to the Harbor Commissioner's line in the Fore River; thence Southwestly along the Harbor Commissioner's line 450 feet to a point which is the most Southeastly corner of the aforementioned premises leased to Fish Point Associates by the Maine Department of Transportation; thence Northwestly along said leased premises and parallel to the second line described herein 575 feet to the point of beginning.

RECEIVED

1996 APR 16 AM 9:52

RECORDED REGISTRY OF DEEDS
CUMBERLAND COUNTY*James J. Walsh*

INDENTURE DEED

55156
Indenture by and between the MAINE DEPARTMENT OF TRANSPORTATION (hereinafter the "DEPARTMENT") and PHINEAS SPRAGUE, SR., of Scarborough, Maine (hereinafter "SPRAGUE") dated this 30 day of August, 1993.

WHEREAS, the DEPARTMENT is conveying in this instrument certain real property to SPRAGUE, together with certain crossings which will cross land described below as the Rail-Trail Corridor, which land will be owned by the DEPARTMENT.

NOW, THEREFORE, the DEPARTMENT for one dollar and other good and valuable consideration, including the covenants and agreements contained herein, grants to SPRAGUE certain real property, together with any improvements thereon, subject to the covenants and agreements contained herein which SPRAGUE, by acceptance of this Indenture Deed and execution hereof, agrees to be bound on behalf of himself, his heirs, successors, administrators and assigns, more particularly described as follows:

Certain land (hereinafter the "SPRAGUE FEE PARCEL") located in Portland, Cumberland County, Maine, more particularly described on Exhibit A attached hereto and made a part hereof, together with two crossings (hereinafter the "CROSSINGS") for vehicular, pedestrian and utility access to and from other land of SPRAGUE to the SPRAGUE FEE PARCEL across the area shown on Exhibit B as the "Rail-Trail Corridor." Each crossing shall be fifty (50) feet in width over the fifty (50) foot wide "Rail-Trail Corridor" plus turning radii, as necessary, at the entrances to the CROSSINGS from the SPRAGUE FEE PARCEL. Such CROSSINGS may be moved from time to time by SPRAGUE at his expense upon proper notice to and approval by DEPARTMENT provided that the distance between the centerlines of the two CROSSINGS shall never be less than two hundred (200) feet and further provided that SPRAGUE, upon such relocation, fully restores any former crossing area to the condition it would have been in had the crossing not been placed in that location.

The SPRAGUE FEE PARCEL and the CROSSINGS are hereby conveyed to SPRAGUE and accepted by SPRAGUE subject to the following exceptions, covenants, reservations and agreements which shall be for the benefit of the DEPARTMENT, its successors and assigns, and with which, by acceptance of this Deed, SPRAGUE hereby agrees:

1. SPRAGUE will make no claim or demand against the owner or any operator of the Rail-Trail Corridor for any injury, including injury resulting in death, loss or damage to property suffered or sustained by SPRAGUE, his employees, agents, subcontractors, business invitees, or any other person or corporation which is based upon or arises out of or is connected with the CROSSINGS

granted herein or anything done or maintained hereunder and hereby waives as against the DEPARTMENT, its operators, subcontractors, agents, servants, lessees or employees, successors and assigns, all such claims and demands.

2. SPRAGUE does hereby and will indemnify and save harmless the DEPARTMENT, its operators, subcontractors, agents, servants, lessees or employees and its successors or assigns:

- (a) From and against any and all loss, costs, damages, harm or expenses of any kind, including attorneys' fees suffered or incurred by the DEPARTMENT, its officers, subcontractors, agents, servants, lessees, employees or operators, including injuries, as well as those resulting in death, damage to or destruction of property which are based upon, arise out of or are connected with the grant of the CROSSINGS hereunder or anything done or maintained pursuant to the rights granted or obligations created hereunder, or anything not done or maintained as required hereunder whether caused by the negligence of SPRAGUE, his employees, agents, business invitees, visitors, independent contractors, or otherwise.

3. SPRAGUE understands and agrees that the Rail-Trail Corridor will be used for several purposes including, without limitation, rail transportation and recreation. In the event that (i) the DEPARTMENT, or its operators, subcontractors, successors or assigns installs a railroad in the Rail-Trail Corridor, or (ii) the DEPARTMENT or the City of Portland determines that it is in the interest of public safety, then:

- (a) SPRAGUE shall, at his own expense, (i) install fencing or other appropriate barriers along the Rail-Trail Corridor on both the northerly and southerly sides, such fencing or other appropriate barriers to be of a design and material (which may include plantings) approved by the DEPARTMENT and (ii) install the CROSSINGS, including gates and, if required by the DEPARTMENT, active crossing warning devices on both the northerly and the southerly sides of the CROSSINGS area. The purpose of the barriers to be installed by SPRAGUE is to assure that the uses of the Rail-Trail Corridor on the one hand and the adjoining SPRAGUE lands on the other do not interfere with one another and to assure that any crossing of the Rail-Trail Corridor from the SPRAGUE lands is at the designated CROSSINGS. If and when a railroad line is placed in the Rail-Trail Corridor, SPRAGUE shall execute a standard

Crossing Maintenance Agreement of the DEPARTMENT (generic Crossing Maintenance Agreement is appended hereto). Installation of all active crossing warning devices shall be performed under the direction of the DEPARTMENT by its Operator or subcontractors who are acceptable to the DEPARTMENT. Installation of the items listed in this paragraph shall commence and be completed within sixty (60) days, unless material availability so prohibits, after proper notice from the DEPARTMENT to SPRAGUE. All such installation shall be at the expense of SPRAGUE.

- (b) SPRAGUE shall, at his own expense, obtain and maintain at all times in a form and with an insurance company satisfactory to the DEPARTMENT, a commercial liability insurance policy with a policy limit of not less than One Million Dollars (\$1,000,000.00) inclusive for bodily injury and property damage, which amount or form of the policy may at any time upon receipt by SPRAGUE of a written request to do so from the DEPARTMENT be varied at the expense of SPRAGUE. Such policy shall by its wording or endorsement extend to insure the liabilities herein assumed by SPRAGUE and shall name the DEPARTMENT as an additional insured. Said policy shall provide that fifteen (15) days prior written notice shall be given to the DEPARTMENT in the event that the insured desires to cancel, change or modify such insurance or any part thereof.

4. Neither SPRAGUE nor any of his contractors, subcontractors, agents or employees shall ever construct, maintain (this provision does not apply to nor prohibit winter snow plowing, snow removal, sanding or salting subject to Paragraph 7 below), repair, replace or remove the CROSSINGS or any addition or extension thereof, without first complying with the following:

- (a) SPRAGUE shall give the director of the Rail Transportation Division of the DEPARTMENT (and, in the case of Operators for the right-of-way affected by the CROSSINGS to the principal engineering officer of such Operators) twenty-one (21) days written notice in advance of any proposed construction, relocation, maintenance, repair, replacement or removal work affecting the CROSSINGS (hereinafter "WORK"), enclosing with such notice full plans and specifications for any such WORK (if applicable), including a description of the manner thereof. Each such entry shall be deemed to

require full project review by the DEPARTMENT and its operators and the presence at each crossing of a flagman, inspector or other personnel of the DEPARTMENT, or its Operators, at the discretion of the DEPARTMENT.

- (b) Notwithstanding any other provision hereof, any entry and all WORK shall only occur at such times and subject to such conditions as the DEPARTMENT may from time to time specify and not otherwise.
- (c) SPRAGUE shall perform all WORK in good, safe and workmanlike manner and in accordance with all federal, state and local laws, statutes, ordinances and regulations of any description which may apply. SPRAGUE shall furnish the DEPARTMENT and its Operators with copies of any building permits and escrow permits and excavation permits or other similar permits on demand. SPRAGUE shall follow the provisions of any engineering codes applicable to the CROSSINGS to the extent the same shall not be inconsistent with any conditions specified by the DEPARTMENT or its Operators.

5. Notwithstanding any other provisions hereof, SPRAGUE agrees that, in the event the DEPARTMENT, or its Operators, are ever ordered by any governmental authority to provide, install, alter, or improve any form of crossing or vehicular traffic protection at the CROSSINGS or other facilities of any description appurtenant thereof (including, but not limited to flashing lights, automatic gates and other mechanical devices) SPRAGUE shall reimburse the DEPARTMENT and its Operators for the design, construction, installation, maintenance, repair, renewal and removal of the same and for any electricity necessary to operate any mechanical or electrical protection.

6. SPRAGUE shall take all necessary precautions for SPRAGUE's own protection and for the protection of his employees, agents, subcontractors, business invitees, or any other person or corporation and the protection of trains while using the CROSSINGS, having due regard for the operation of trains or locomotives about the CROSSINGS without whistling, ringing of bells or other warning.

7. SPRAGUE shall use the CROSSINGS in such a manner as will not damage the rails, ties or fastenings, and SPRAGUE shall restrict the use of the CROSSINGS to rubber-tired vehicles (upon request by SPRAGUE to and approval from the DEPARTMENT, non rubber-tired equipment may be used). The DEPARTMENT and its Operators further agree that snow plowing, snow removal, sanding and salting by vehicle of the CROSSINGS are not prohibited and are hereby approved by the DEPARTMENT and its Operators provided no plows or

related equipment shall come in direct contact with the rail or ties or appurtenances thereto; plow blades must be kept at least one inch above the crossing surface.

8. Rail movements over the CROSSINGS shall have preference to vehicular and/or pedestrian movements and no claim shall be made against the DEPARTMENT and/or its Operators and no action shall ever be taken by SPRAGUE against the DEPARTMENT or its Operators because of the Operators' equipment blocking passage of vehicles and/or pedestrians over the CROSSINGS. The DEPARTMENT and its Operators agree to use reasonable efforts not to block such passage and any required blockage shall be kept to as short a duration as is possible.

9. SPRAGUE's rights in and to the CROSSINGS conveyed herein shall neither be affected nor lapse as a result of any non-use of either of the CROSSINGS by SPRAGUE from time to time. The parties acknowledge that the CROSSINGS conveyed herein provide access from SPRAGUE's abutting upland property to the SPRAGUE FEE PARCEL and the abutting submerged lands leased to SPRAGUE by the State of Maine (acting by and through the Department of Transportation) pursuant to a Lease dated October 20, 1978, as amended by Amendment dated as of November 1, 1988, and that the CROSSINGS may require relocation from time to time upon prior written notice to and approval from DEPARTMENT by virtue of the changing nature of activities conducted in the area of the leased premises pursuant to said Lease.

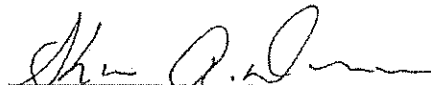
10. In the event that SPRAGUE fails to perform in any material respect his obligations under this Agreement within thirty (30) days after receipt of a written notice of breach from the then owner or operator of the Rail-Trail Corridor, or in the event SPRAGUE fails to submit to the DEPARTMENT for approval, a plan satisfying the requirements of the DEPARTMENT for performance of his obligations under this Agreement within thirty (30) days after said notice (and completes the work outlined in the plan within a reasonable period of time after approval by the DEPARTMENT) in the event that the obligations to be performed cannot reasonably be completed within thirty (30) days after said notice, or in the event that the CROSSINGS pose an unreasonable threat to public safety, then the owner of such Rail-Trail Corridor shall have the right to restrict and/or prohibit use of the CROSSINGS (or either of them) until SPRAGUE is in compliance with the provisions hereof.

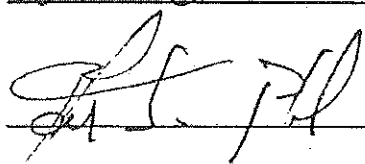
11. SPRAGUE further agrees that no fences, barriers or other non-marine related structures which would unreasonably interfere with the views of Casco Bay from the Rail-Trail Corridor shall be installed on the SPRAGUE FEE PARCEL or on any wharves which may extend into Casco Bay from the SPRAGUE FEE PARCEL.

12. The covenants and agreements contained herein are intended to be for the benefit and the burden of the SPRAGUE FEE PARCEL and the CROSSINGS and shall run therewith in perpetuity for the benefit of the owners of the Rail-Trail Corridor and the SPRAGUE FEE PARCEL.

IN WITNESS WHEREOF, the DEPARTMENT and SPRAGUE have executed this Indenture Deed on the day and year first stated.

WITNESS:

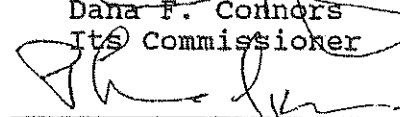




MAINE DEPARTMENT OF
TRANSPORTATION

By:



Dana F. Connors
Its Commissioner


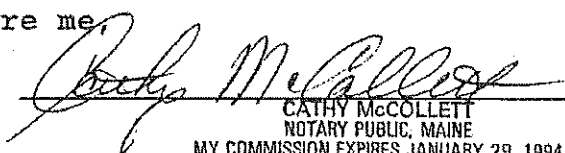
Phineas Sprague, Sr.

STATE OF MAINE
CUMBERLAND, SS.

August 30, 1993

Personally appeared the above-named Dana F. Connors, Commissioner of the Maine Department of Transportation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act of said Maine Department of Transportation.

Before me,



CATHY MCCOLLETT
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JANUARY 29, 1994
Notary Public/Attorney-at-Law

240.NHS
22611001.713

SEAL

EXHIBIT A
(SPRAGUE LOT 3)

No 55156 R 10924 P 103

Lot 3 as shown on a certain Plan entitled "Land Title Survey & Subdivision Plan in Portland, Maine, U.S.A.," made for The Trust for Public Land, City of Portland, Maine Department of Transportation, and Canadian National Railway Company dated February 19, 1993, as amended, Sheets 1 through 7, which is recorded in the Cumberland County Registry of Deeds in Plan Book 193, Pages 187 through 193 (the "Plans"), which Lot is more particularly described by metes and bounds as follows:

A certain lot or parcel of land in the City of Portland, County of Cumberland, State of Maine with all buildings and improvements thereon, bounded and described as follows:

Beginning at a point located at the northeasterly corner of land leased to Bath Iron Works ("BIW") Corporation (as described in the Memorandum of Pier Lease recorded in said Registry of Deeds in Book 4916, Page 26); thence from said point of beginning N 27° 10' W a distance of 11.44 feet to a point located on the southerly sideline of Parcel C as shown on the Plans (Sheet 2 of 7); thence along said Parcel C N 68° 31' 30" E a distance of 225.10 feet to a point; thence N 63° 18' 30" E a distance of 690.74 feet to a point; thence S 30° 39' E a distance of 56.34 feet to a point; thence S 61° 35' 30" W a distance of 27.46 feet to a point; thence S 77° 25' 00" W a distance of 94.07 feet to a point; thence S 62° 35' 30" W a distance of 475.00 feet to a point; thence S 38° 50' 30" W, a distance of 60.00 feet to a point; thence S 63° 50' 30" W a distance of 120.00 feet to a point; thence N 26° 10' 00" W a distance of 8.00 feet to a point; thence S 63° 50' 30" W a distance of 150.00 feet to a point and land leased to BIW; thence N 27° 10' 00" W along said land leased to BIW a distance of 63.45 feet to the point of beginning.

Together with any upland and intertidal lands including the seawall which immediately adjoin the above-described Premises and lie between the projection of the northeasterly endline of the Premises and the projection of the southwesterly endline of the Premises seaward to the mean low-water line of Casco Bay.


 NATIONAL BUREAU OF STANDARDS
 U.S. DEPARTMENT OF COMMERCE

உதாரணமாக 1985-86 ஆம் ஆண்டு

100 YEAR FLOOD LINE, ROWS #2 / VZ AS
SCALED FROM FLOOD INSURANCE RATE MAP
PAGE 220031 00148, DATED JULY 17 1996

1930

SPECIAL USE ZONE

FBI

10

478 00

W 68° 28' 30" E.

Handwritten text, likely a signature or name, appearing as a series of connected loops and curves.

SUPPLEMENTAL MATERIAL

1

+

100

CONCLUSIONS

○
—
●
●
●
●

$$\frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx = \frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx$$

WATERBURY

NO 55156 HK 10924 P 104

NOTE: SEE SPECIAL FOR
COMMUNICATION AND
CONTACT.

[illegible]



October 9, 2014

Christine Grimando, Senior Planner
Department of Planning and Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: 58 Fore Street Zoning Map/Text Amendment Application
Additional Material Submittal

Dear Christine:

On behalf of CPB2 LLC, we are pleased to submit additional information in support of our application for a Zoning Map/Text Amendment at the 58 Fore Street site. Enclosed, please find one paper copy and one PDF copy (via email) of the additional information described herein:

1. Proposed Zoning Extension figure – Replaces the figure in Appendix B of the Application.
2. Summary of Proposed Text Edits – Replaces Appendix C of the Application.
3. Proposed text edits in the context of their respective sections, with full strike-out and replacement language – Addition to Appendix C of the Application:
 - a. Establishment of Zones (Division 1)
 - b. B6 (Division 15.1)
 - c. EWPZ (Division 17.5)
 - d. WSUZ (Division 18.7)
 - e. Signs (Division 22)
 - f. Shoreland (Division 26)
4. Letter from MaineDOT dated Sept. 25, 2014 consenting to proposed zone change – Addition to Appendix E of the Application.
5. Proposed B6 Building Height Overlay & Building Envelopes figure incorporating the height overlay map from the Eastern Waterfront Height Study (with and without aerial photo)
6. Neighborhood meeting minutes and neighborhood meeting certification letter (including sign-in sheet, notification letter, and abutters list)

We look forward to presenting the application to the Planning Board on October 21st. If you have any questions or require additional information, please contact me at any time at (207) 774-2112, or by email dsenus@woodardcurran.com.

Sincerely,

WOODARD & CURRAN INC.

David Senus, P.E.
Project Manager

227007

cc: CPB2 LLC (via email)
Mary E. Costigan, Bernstein Shur (via email)



SUMMARY OF PROPOSED TEXT EDITS

Establishment of zones (Sec. 14-48)

- Sec. 14-48
 - o Strike text
 - ~~(dd) Waterfront special use zone~~

Shoreland Regulations (Sec. 14-446 to 14-450)

- Sec. 14-449(a)1.a
 - o B-3, B-5, B-5b, B-6, I-L (south and east of I-295), and I-M (south and east of I-295): Twenty-five (25) feet
- Sec. 14-449(a)1.b
 - o W-C, W-PD, ~~W-SU~~, I-B, EWP: No setback required. Pier edge setbacks apply in EWP (Sec. 14-303(c)(4), W-C (Sec. 14-310(d)(4), and W-PD (Sec. 320.2(c)); and W-SU (Sec. 320.9(c)).
- Sec. 14-449(a)(1) – 3rd Paragraph
 - o In no event shall the setback from a coastal wetland be reduced to less than seventy-five (75) feet, except in the B-3, B-5, B-5b, B-6, EWP, W-C, W-PD, ~~W-SU~~, I-B, I-L and I-M zones, where setbacks shall be as set forth above in this subsection.
- Sec. 14-449(b)6
 - o Except in the W-C, EWP, W-PD, ~~W-SU~~, and I-B zones, no new structure shall be built . . .
- Sec. 14-449(c)2
 - o The clearing or removal of vegetation standards of this section shall not apply to the following zones: EWP, WCZ, WPD, ~~WSU~~, B-3, B-5, B-5b, B-6, B-7, I-L (south and east of I-295) and I-M zones (south and east of I-295).
- Sec. 14-449(j)1.a
 - o In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, B-6, I-L (south and east of I-295) and I-M zones (south and east of I-295) roads and driveways shall be setback as established for structures in those zones; as specified in Sec. 14-449(a)1.
- Sec. 14-449(k)1
 - o In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, B-6, I-L and I-M zones, parking setbacks shall be as established for structures in those zones; as specified in Sec. 14-449(a)1.

B-6 Eastern Waterfront Mixed Zone (Sec. 14-268 to 14-275)

- Sec. 14-269(a)
 - New clause
 - 18. Underground marine fuel storage provided that fuel storage structures shall be used solely for the purpose of fueling vessels;
 - *Note: Renumber existing #18 to 19 and existing #19 to 20*
- Sec. 14-269(d)
 - Strike existing text and add new text
 - 3. Health clubs, martial arts and ~~mediation~~meditation facilities.
 - *Note: Language currently reads “mediation”*
- Sec. 14-269(d)
 - New clause
 - 6. Private clubs or nonprofit social and recreational facilities, as defined in 14-47.
- Sec. 14-269(d)
 - New clause
 - 7. Educational facilities.
- Sec. 14-269(d)
 - New clause
 - 8. Temporary events, provided that all such events on a lot do not exceed a combined total of (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time;
 - *Note: Consistent with Sec. 14-320.6. (a) 5.a. Permitted uses under “Other”*
- Sec. 14-269(d)
 - New clause
 - 9. Museums and art galleries;
- Sec. 14-273(b)4.b.v
 - Strike existing text and add new text
 - v. Noise created by ~~any recreational activities~~ any temporary activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, ~~and~~ fireworks displays, festivals, events and concerts.

Eastern Waterfront Port Zone (Sec. 14-300 to 14-304)

- Sec. 14-301 (b)
 - Strike existing clause and add new clause
 - 7. Marine fuel storage and dispensing provided that on-site fuel storage structures shall be used solely for the purpose of fueling vessels and shall be limited, cumulatively, to 20,000 gallons of storage capacity within the zone; Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;
- Sec. 14-301 (b)
 - New clause
 - 11. Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26;
- Sec. 14-301 (b)
 - New clause
 - 12. Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers
 - Note: Consistent with Sec 14-307(a) 21.
- Sec. 14-301(e)
 - New clause
 - 2. A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, and storage and bathrooms for the public.
- Sec. 14-301.1 (a)2.a.vii
 - New text
 - Commercial marinas serving commercial and recreation boats located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater dependent vessels accessing existing or potential deepwater berthing;

- Sec. 14-303(c)4
 - o Strike existing text and add new text
 - 4. Setback from pier line: Notwithstanding the above requirements, a minimum setback ~~of twenty-five (25) feet~~ from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure as follows:-
 - Twenty-five (25) feet for structures located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.
 - Five (5) feet for structures located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.

The setback area may be utilized for water-dependent uses and public uses and activities, subject to the provisions of sections 14-300.1 (no adverse impact) and 14-301.1 (conditional use provisions), and shall not be utilized for restaurant, drinking, or other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

Waterfront Special Use Zone (Sec. 14-320.5 to 14-320.10)

- o Strike entire section and add word "RESERVED"

Additional references to WSU to be deleted:

- o Sec. 14-369.5(b) – Strike references to “WSU” and “Waterfront Special Use”

Sec. 14-48. Establishment of zones.

In order to carry out the provisions of this article, the city is hereby divided into the following classes of zones:

. . .

| ~~(dd) Waterfront special use zone~~

. . .

DIVISION 15.1. B-6 EASTERN WATERFRONT MIXED ZONE

Sec. 14-269. Permitted uses.

The following uses are permitted in the B-6 zone:

(a) *Commercial:*

1. Professional, business and general offices;
2. Restaurants and other eating and drinking establishments;
3. Hotels and inns limited to no more than 150 rooms;
4. Craft and specialty shops, including the on-premises production of handcrafted goods;
5. Retail and retail service establishments, excluding those with gas pumps;
6. Theatres;
7. Banking services, excluding vehicular drive-up services;

Editor's Note: Drive-up banking facilities located in the interior of parking structures are allowed as a conditional use subject to the criteria outlined below in the conditional use provisions of this section.

8. Cabinet and carpentry shops;
9. Personal services;
10. Business services;
11. Offices of business trades people;
12. Miscellaneous repair services, excluding all types of automotive repair except for automobile repair and service establishments;
13. Telecommunication and broadcast and receiving facilities, except as prohibited in section 14-

271 (prohibited uses);

In addition, building mounted telecommunications antennas, discs, transmitting and receiving equipment and the like shall adhere to the following criteria. Such roof-mounted equipment shall be:

- a. No taller than 15 feet above the highest structural steel of the building roof; and
- b. Set back no less than 15 feet from the building perimeter; and
- c. Integrated into the architecture of the building in placement, form, color, and material so as to screen or camouflage such equipment from public view.

14. Brew pubs and microbreweries without associated bottling facilities; and brewpubs and microbreweries with associated bottling facilities limited to 5,000 bottles per year output.

15. Electronic data storage;

16. Marine products wholesaling and retailing;

17. Harbor and marine supplies and services, chandlery and ship supply;

18. Underground marine fuel storage provided that fuel storage structures shall be used solely for the purpose of fueling vessels;

198. Bakeries, coffee roasters, and commercial kitchens with building footprints limited to fifteen thousand (15,000) square feet of contiguous building space.

1920. Printing establishments.

(b) *Residential:*

1. Attached dwellings including row houses, two-family and multifamily dwellings;

2. Handicapped family units;
3. Combined living/working spaces, including but not limited to artist residences with studio space;
4. Mixed use residential and commercial structures.

(c) *Public:*

1. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures;
2. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces;
3. Pedestrian and multi-use trails;

(d) *Other:*

1. Studios for artists, photographers and craftspeople including but not limited to, painters, sculptors, dancers, graphic artists and musicians;
2. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses, except that parking lots shall not be considered a permitted accessory use and such parking is subject to the conditional use section of the B-6 zone.
3. Health clubs, martial arts and ~~mediation~~ meditation facilities.
4. Intermodal transportation facilities.
5. Nursery schools, kindergartens, and daycare facilities or home babysitting services.
6. Private clubs or nonprofit social and recreational facilities, as defined in 14-47.
7. Educational facilities.

8. Temporary events, provided that all such events on a lot do not exceed a combined total of (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time.

9. Museums and art galleries.

(e) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Sec. 14-270. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-6 zone as provided in 14-474 (conditional uses), provided that, notwithstanding section 14-474(a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

(1) *Commercial:*

- a. Meeting and exhibition facilities limited to a total of 20,000 gross square feet of interior floor area.
- b. Wholesaling, providing the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building footprint of less than 15,000 square feet.
- c. Drive-up banking facilities located in the interior of parking structures, subject to the following criteria:
 - i. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street line;
 - ii. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian

circulation on adjoining streets;

iii. Drive-up vehicle circulation shall not create an impediment for retail or mixed-use development for the first floor of the subject garages along any adjacent public streets.

d. Research and development and related production facilities, including but not limited to biotechnology, subject to the following conditions:

i. Associated manufacturing and warehousing uses combined are not to exceed 15,000 square feet.

ii. Biotechnology facilities must demonstrate approvals by all applicable regulatory authorities prior to commencement of operations.

(2) *Parking*

. . .

Sec. 14-273. Performance standards.

All new development in the B-6 Eastern Waterfront Business Zone shall comply with the following standards:

. . .

(b) *Noise:*

1. *Definitions:*

a. Tonal sounds are defined as sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

b. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with duration of less than one (1) second.

2. *Measurement:* Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ₁).
3. *Maximum permissible sound levels:* The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:
 - a. Sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m.
 - b. Fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

In addition to the sound level standards established above, all uses located within this zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones.

4. *Exemptions:*
 - a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section. Construction activities on a site abutting

any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.

b. The following uses and activities shall also be exempt from the requirements of subsection (a)3 of this section:

i. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.

ii. Traffic noise on public roads or noise created by airplanes and railroads.

iii. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.

iv. Emergency construction or repair work by public utilities, at any hour.

v. Noise created by any ~~recreational activities~~ temporary activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, ~~and~~ fireworks displays, festivals, events and concerts.

DIVISION 17.5. EASTERN WATERFRONT PORT ZONE*

Sec.14-301. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-300.1. (no adverse impact on marine uses), the following uses are permitted in the Eastern Waterfront Port Zone:

(a) *Marine passenger:*

1. Intermodal marine passenger facilities;
2. Cruise ship home port and port of call berthing and support;
3. International and domestic ferries.

(b) *Marine commercial:*

1. Transient and long-term commercial berthing;
2. Marine-related warehousing;
3. Marine related construction, manufacturing, fabrication, salvage and repair;
4. Storage and repair of fishing equipment;
5. Ship and other marine vessel construction, building, servicing, and repair;
6. Boat and marine equipment storage;
7. ~~Marine fuel storage and dispensing provided that on-site fuel storage structures shall be used solely for the purpose of fueling vessels and shall be limited, cumulatively, to 20,000 gallons of storage capacity within the zone; Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;~~
8. Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis;

9. Ship and off-shore support services, including but not limited to tug boats, pilot boats, and chandleries;
10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices~~;-~~
11. Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26;
12. Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.

(c) *Commercial:*

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.

***Editor's Note**—On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of section 14-301.1. (conditional uses, parking) below.

2. Temporary events, except festivals as otherwise governed under section 14-301I3 below.

Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:

- a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of sixty (60) days between May 1st to October 31st;
- b. No temporary event may continue for more than 14 days of continuous operation;

c. Any temporary event that anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.

2. Festivals subject to City license.

4. Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code.

(d) *Public:*

1. Fire, police and emergency services;

2. Governmental agency emergency operations/crisis centers; 3. Research, military and visiting attraction vessel berthing;

4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

(e) *Other:*

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

2. A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

Sec. 14-301.1. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the Eastern Waterfront Port Zone, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority,

and provided further that in addition to the provision of section 14-474(c)(2) such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below:

1. Conditional use standard:

- a. *Marine compatibility:* The proposed use shall be compatible with existing and potential marine uses in the vicinity, as required by section 14-304(n) and (o) (compatibility of non-marine uses with marine uses and functional utility of piers and access to the water's edge); and
- b. *Parking and traffic circulation:*
 - i. Parking and traffic circulation plan: All applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the planning board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

2. Conditional uses:

- a. *Marine:*
 - i. Marine products, wholesaling and retailing;
 - ii. Ice-making services;
 - iii. Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight;
 - iv. Marine educational facilities;

- v. Seafood retailing, wholesaling, packaging and shipping;
- vi. Seafood processing for human consumption, subject to the performance standards of the IL zone set forth in section 14-236 in addition to the performance standards of section 14-304;
- vii. Commercial marinas serving commercial and recreation boats located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater dependent vessels accessing existing or potential deepwater berthing;
- viii. Fish byproducts processing, provided that:
 - a. Any fish byproducts processing facility has a valid rendering facility license under chapter 12 of the Portland city code; and
 - b. Any fish byproducts facility shall employ current and appropriate odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone (section 14-252); and
 - c. The processing other material wastes or byproducts shall not be deemed a lawful accessory use Permitted herein.

b. *Commercial:*

- a. Structured parking available to the general

public;

- b. Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006;
- c. Passenger support services supporting a marine passenger use listed under 14-301(a)(marine passenger). The total ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor area of the principle associated marine passenger use and no more than 35,000 square feet cumulative within the EWPZ:

- i. Retail;
- ii. Restaurants/food service other than street vendors;
- iii. Retail service;
- iv. Passenger information services.

- c. *Industrial:* The following industrial uses are permitted provided that such uses shall conform to the IM zone performance standards set forth in section 14-252 in addition to the performance standards of 14-304. Where redundant or contradictory performance standards exist, the more restrictive standard applies.

- i. Non-marine related warehousing in structures existing as of September 18, 2006;
- ii. Facilities for combined marine and general construction;
- iii. Low impact industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities.

- d. *Public:*

- i. *Utility substations:* Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations, are permitted under the following conditions:
 - a. The facility is located more than 100 feet from the water's edge;
 - b. The facility occupies no more than 50 square feet of structure above ground;
 - c. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine related uses, including but not limited to parking, travel ways, and/or storage; and
 - d. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.
- ii. Maritime museums, limited to 5,000 square feet of ground floor footprint.

***Editor's Note**—On-site parking for non-marine commercial and industrial uses are permitted as conditional uses subject to the provisions of section 14-301.1. (conditional uses, parking) below.

- e. *Parking for non-marine uses:* Notwithstanding sections 14-304(h), 14-331, 14-334 (regarding off-street parking requirements) and article V (site plan) of this chapter, no parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted by section 14-301 (permitted marine uses) and 14-301.1. (conditional marine uses) which are or may be located on the subject

property (see editor's note below). The remainder of parking Required, if any, for such non-marine uses shall be provided off-site.

*Editor's Note—Vacant ground floor space should be considered to have a parking demand similar to other space housing an existing water-dependent use elsewhere on the subject property or on a comparable property.

. . . .

Sec. 14-303. Dimensional requirements.

In addition to the provisions of article III, division 25 of this code, lots in the EWPZ shall be subject to the following requirements:

- (a) *Minimum lot size:* None.
- (b) *Minimum frontage:* None.
- (c) *Minimum yard dimensions:*

- 1. Front setback: None.
- 2. Side setback: None.
- 3. Rear setback: None.

4. Setback from pier line: Notwithstanding the above requirements, a minimum setback ~~of twenty-five (25) feet~~ from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure as follows:-

- Twenty-five (25) feet for structures located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.
- Five (5) feet for structures located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.

The setback area may be utilized for water-dependent

uses and public uses and activities, subject to the provisions of sections 14-300.1 (no adverse impact) and 14-301.1 (conditional use provisions), and shall not be utilized for restaurant, drinking, or other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).

~~DIVISION 18.7. WATERFRONT SPECIAL USE ZONE* RESERVED~~

~~-----~~
~~*Editor's Note See the editor's note to division 18 of this article.~~
~~-----~~

~~Sec. 14-320.5. Purpose.~~

~~The waterfront special use zone recognizes that the uses appropriate in this zone are constrained by its proximity to heavy industrial use on the western end, a high-density residential neighborhood on the north, and park and R-OS land to the east. Uses to be located in this zone must be compatible with these existing neighborhood uses.~~

~~At a minimum, parcels in this zone generally enjoy visual access to the port. It is further recognized that this area has historically been used for marine uses and that some of the parcels have the capacity to accommodate active water-dependent uses. While physical access to the water may not currently be legally available to all parcels in this zone, it is anticipated that developments in this zone may be able to negotiate easements for access. At a minimum, development in this zone should not be incompatible with marine and water-dependent uses. Uses which contribute to the maintenance and improvement of the infrastructure along the water's edge as a condition of use are strongly encouraged.~~

~~(Ord. No. 168-93, § 2, 1-4-93)~~

~~Sec. 14-320.5.5. No adverse impact on marine uses.~~

~~No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed development will have an impermissible adverse impact if it will result in any one (1) or more of the following:~~

- ~~(a) The proposed nonwater-dependent use will displace an existing water-dependent use;~~
- ~~(b) The proposed use will reduce existing commercial vessel berthing space;~~
- ~~(c) The proposed nonwater-dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or~~

~~loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or~~

~~(d) The siting of a proposed nonwater-dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.~~

~~(Ord. No. 168-93, § 2, 1-4-93)~~

~~Sec. 14-320.6. Permitted uses.~~

~~Subject to a determination that the proposed use meets the standards of section 14-320.5.5 (no adverse impact on marine uses):~~

~~(a) The following uses are permitted in the waterfront special use zone on both the north and south sides of the railroad line indicated on the City of Portland Zoning Map:~~

~~1. Marine:~~

- ~~a. Marine products, wholesaling, distribution and retailing;~~
- ~~b. Marine repair services and machine shops;~~
- ~~c. Tugboat, fireboat, pilot boat and similar services;~~
- ~~d. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;~~
- ~~e. Marine industrial welding and fabricating;~~
- ~~f. Shipbuilding and facilities for construction, maintenance and repair of vessels;~~
- ~~g. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water~~

~~taxis;~~

~~h. Cargo handling facilities, including
docking, loading and related storage;~~

~~i. Boat repair yards;~~

~~j. Boat storage facilities, including rack
storage facilities;~~

~~k. Seafood processing;~~

~~l. Seafood packing and packaging;~~

~~m. Seafood loading and seafood distribution;~~

~~n. Fabrication, storage and repair of fishing
equipment;~~

~~o. Ice-making services;~~

~~p. Facilities for marine construction and
salvage;~~

~~q. Facilities for marine pollution control, oil
spill cleanup, and servicing of marine
sanitation devices;~~

~~r. Fabrication of marine-related goods;~~

~~s. Fishing and commercial vessel berthing;~~

~~t. Noncommercial berthing;~~

~~u. Marine office, including but not limited to
offices of owners of wharves or their
agents, and naval architects, and seafood
brokers;~~

~~v. Public landings;~~

~~w. Marinas;~~

~~x. Intermodal transportation facilities.~~

~~2. Industrial uses:~~

~~Industrial uses which meet the performance standards of the I-2 zone.~~

~~3. Public:~~

~~Pedestrian and bicycle trails.~~

~~The following uses are permitted in the waterfront special use zone only on the north side of the railroad tracks indicated on the City of Portland Zoning Map only in (a) buildings in existence on January 4, 1993, or (b) one (1) new structure per parcel (as defined in 30-A M.R.S.A. Section 4401(6)), which parcel was in existence on January 4, 1993, of up to five thousand (5,000) square feet in total floor area. No construction of a new structure of more than five thousand (5,000) square feet in total floor area or in excess of one (1) per parcel for uses other than those specified in subsections (1) through (3) above is allowed without approval of a conditional use pursuant to section 14-320.6.5 or conditional or contract rezoning pursuant to division 1.5 of this article:~~

~~4. Commercial uses:~~

~~a. Professional, business, and general offices;~~

~~b. Business service establishments;~~

~~c. Restaurants, provided that food service and consumption shall be the primary function of the restaurant;~~

~~d. Cabinet and carpentry shops;~~

~~e. Cold storage facilities;~~

~~f. Museums and art galleries.~~

~~5. Other:~~

~~a. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses or temporary exhibition uses, provided that all such~~

~~exhibition uses on a lot do not exceed a combined total of sixty (60) days per year and that the total floor area utilized for such uses does not exceed seventy thousand (70,000) square feet at any one (1) time;~~

~~b. Parking: Parking shall be permitted as long as it does not impede access to water by existing or potential marine uses.~~

~~c. Institutional uses including marine research, education and laboratory facilities. Such uses shall not include any type of overnight accommodations.~~

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

~~6. Public:~~

~~a. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures, provided that such structures are located more than one hundred (100) feet from the water;~~

~~b. Municipal uses;~~

~~c. Landscaped pedestrian parks, plazas and similar outdoor pedestrian spaces, including without limitation pedestrian and bicycle trails.~~

~~7. Industrial uses:~~

~~Warehousing and wholesaling.~~

~~(Ord. No. 168-93, § 2, 1-4-93; Ord No. 187-99, 1-4-99; Ord. No. 33-11/12, 1-18-12)~~

~~Sec. 14-320.6.5. Conditional uses.~~

~~(a) The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions~~

~~of sections 14-320.5.5, 14-474 and any special provisions, standards or requirements specified below, and further provided that, notwithstanding section 14-474(a) or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:~~

- ~~1. Any use permitted in section 14-320.6(d)2, 4, 5 or 6, (e), (f) or (g), in one (1) new structure of more than five thousand (5,000) square feet, but not more than ten thousand (10,000) square feet in total floor area per parcel.~~

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

- ~~1. 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.~~

~~2. Wind energy systems, as defined and allowed in Article X, Alternative Energy.~~

~~(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)~~

~~**Sec. 14-320.7. Contract or conditional zoning.**~~

~~An applicant may only construct a new structure of either more than five thousand (5,000) square feet in total floor area~~

~~for occupancy by uses enumerated in section 14-320.6(d)1, or ten thousand (10,000) square feet in total floor area for occupancy by uses enumerated in section 14-320.6(d)2, 4, 5 or 6, (e), (f) or (g) or in excess of one (1) per parcel for occupancy by those same uses if a rezoning is approved pursuant to division 1.5 of this article. A conditional or contract rezoning shall only be approved if, after public hearing and opportunity for public comment, the reviewing body finds that the applicant has carried the burden of proof to show that the proposed development meets the standards of section 14-320.55 and all of the following standards:~~

- ~~(a) The proposed development is consistent with the comprehensive plan.~~
- ~~(b) The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels (either on- or off-site), and visual and physical access to the waterfront for the general public.~~
- ~~(c) The proposed development responds to any unique physical conditions and development opportunities along the shoreline.~~
- ~~(d) The proposed development is sensitive to design opportunities and local environmental conditions, makes use of creative design solutions, does not significantly restrict air, light or water views of other structures located in the vicinity and does not create significant adverse local climatic effects such as increased winds, shadowing, or less efficient traffic, parking or circulation patterns.~~
- ~~(e) The proposed development is consistent with the Portland Waterfront Public Access Design Guidelines, a copy of which is on file in the department of planning and urban development.~~
- ~~(f) The proposed rezoning contains adequate provisions and/or conditions to ensure that the water-dependent~~

~~use is not abandoned after the project is developed.
(Ord. No. 168-93, § 2, 1-4-93)~~

~~**Sec. 14-320.8. Prohibited uses.**~~

~~Uses which are not enumerated in section 14-320.6 as permitted or in section 14-320.6.5 as conditional uses are prohibited.
(Ord. No. 168-93, § 2, 1-4-93)~~

~~**Sec. 14-320.9. Dimensional requirements.**~~

~~In addition to the provisions of article III, division 25 of this Code, lots in the waterfront special use zone shall be subject to the following requirements:~~

~~(a) Minimum lot size: None.~~

~~(b) Minimum frontage: None.~~

~~(c) Minimum yard dimensions:~~

~~Front setback: None.~~

~~Side setback: None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty-five (25) feet.~~

~~Rear setback: None required unless adjacent to a residential zone; if adjacent to a residential zone, twenty-five (25) feet.~~

~~Setback from pier line: Notwithstanding the above requirements, a minimum setback of five (5) feet from the edge of any pier, wharf or bulkhead shall be required for any structure. The setback area may be utilized for activities related to the principal uses carried on in the structure, subject to the provisions of sections 14-313 and 14-314, but shall not be utilized for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).~~

~~(d) Maximum lot coverage: One hundred (100) percent.~~

~~(e) 1. Maximum building height: Forty five (45) feet, except in the area formed by the projection~~

~~of the centerline of Atlantic Street between its intersections with Wilson Street and the Eastern Promenade easterly to the easternmost boundary of the waterfront special use zone, where facilities for bulk storage of materials delivered to a site by waterborne transportation or awaiting transportation from the site by means of waterborne transportation may be erected to heights that shall not exceed sixty five (65) feet above mean sea level. In those areas where the maximum height may not exceed forty five (45) feet above grade, no structure may exceed sixty five (65) feet in height above mean sea level. For purposes of this section, a projection of the centerline of a street shall consist of an extension of the centerline of the street to the water side boundary of the waterfront special use zone.~~

~~2. Additional bulk, height and location standards for structures exceeding forty five (45) feet in height above grade within the waterfront special use zone:~~

~~a. The maximum horizontal diagonal measurement of portions of a structure, cluster of structures or equipment exceeding forty five (45) feet in height above grade shall not exceed one hundred (100) feet, except that for each foot that the structure, cluster of structures, or equipment is lowered from the maximum permitted height, the maximum horizontal measurement may increase by one (1) foot.~~

~~b. In addition to any other setback requirements, portions of structures or clusters of structures exceeding forty five (45) feet in height above grade shall be set back a minimum of one (1) foot from the exterior property line of the owner of the underlying fee interest for each foot that the structure or cluster of structures exceeds forty five (45) feet in height above grade.~~

- ~~c. No structure or cluster of structures exceeding forty five (45) feet in height above grade may be located closer than one hundred fifty (150) feet from any other such structure or cluster of structures.~~
- ~~d. The cumulative width of the portion of structures exceeding forty five (45) feet in height above grade shall not exceed more than thirty (30) percent of the average width of the lot as measured by a line drawn parallel to the water.~~
- ~~e. No structure shall exceed forty five (45) feet in height above grade within the view corridors established by the projection of the street right-of-way lines for Atlantic Street, Vesper Street or for O'Brion Street.~~
- ~~f. For purposes of this section only, moveable elements such as cranes and gantries, and connection devices such as conveyors or bridges shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to navigation. Other rooftop appurtenances shall not exceed the maximum height limits set forth in this section.~~
- ~~g. The applicant must provide a determination from the Federal Aviation Administration that structures and equipment will not exceed the applicable height guidelines for the runway approach and will not create a hazard to navigable airspace. Such a determination shall be accepted as conclusive evidence that the proposed development will not create a hazard.~~
- ~~h. Accessory uses in structures which exceed forty five (45) feet in height above grade shall not be located higher than forty-five~~

City of Portland
Code of Ordinances
Sec. 14-320.6.5

Land Use
Chapter 14
Rev.1-18-12

~~(45) feet within the structure.~~
~~(Ord. No. 168-93, § 2, 1-4-93)~~

~~Sec. 14-320.10. Performance standards.~~

~~All uses in the waterfront special use zone shall comply with the following standards:~~

~~(a) Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.~~

~~(b) Noise:~~

~~1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront special use zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operations commenced on or after July 1, 1988, shall not exceed fifty-five (55) decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.~~

~~2. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ₁).~~

~~3. In addition to the sound level standards otherwise established, facilities or operations established or built in the waterfront special~~

~~use zone on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.~~

- ~~(c) *Vibration:* Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.~~
- ~~(d) *Federal and state environmental regulations:* All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.~~
- ~~(e) *Discharges into harbor areas:* No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of parks and public works in accordance with chapter 24, article III of this Code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this Code and federal and state environmental statutes and regulations regarding wastewater discharges.~~
- ~~(f) *Storage of vehicles:* Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.~~
- ~~(g) *Landfill of docking and berthing areas:* Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. Sections 471 through 478, and permitted only if the landfill does not reduce the amount of linear~~

~~berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of parks and public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.~~

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

~~(i) Off-street loading: Off-street loading is required as provided in division 21 of this article.~~

~~(j) 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.~~

~~(k) Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.~~

~~(l) Signs: Signs shall be permitted as set forth in division 22 of this article.~~

~~(m) Storage of pollutants and oily wastes: On premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.~~

~~(n) Compatibility of nonmarine uses with marine uses: Nonmarine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.~~

DIVISION 22. SIGNS

. . .

Sec. 14-369.5. Tables.

(a) *Table 1. Permitted sign types by zone.*

Note: *The following legend applies for Table 1 below:*

- A. Allowed, no permit required;
- B. Allowed, permit required;
- C. Allowed, subject to licensing and permit required;
- D. Prohibited;
- E. Not Applicable

Parenthetical letters, i.e. (a), refer to the notes provided at the end of Table 1.

. . .

	<i>I-M, I-Ma, I-Mb Industrial</i>	<i>I-H, I-Hb Industrial</i>	<i>Eastern Waterfront Port Waterfront Central Waterfront Special Use</i>	<i>Waterfront Port Development</i>
Freestanding	B	B	B	B
In general(b)				
ResidentialI	A	A	A	A
Residential(d)	A	A	A	A
Temporary/ Portable (b)	D/D	B/D	D	D
Building	B	B	B	B
Commercial				
Banner				
Building	A	A	A	A
Marker(f)				
Awning	B	B	B	B
Identification(e)	A	A	A	A
Incidental(d)	A	A	A	A
Marquee(g)	B	B	B	B
Projecting	B	B	B	B
Residential(b)	A	A	A	A
Roof	D	D	D	D
Roof Integral	D	D	D	D
Suspended(g)	B	B	B	B
Temporary(h)	B	B	B	B
Wall	B	B	B	B
Window(I)	A	A	A	A
Miscellaneous	A	A	A	A
Community, Cultural Banner				
Directory(j)	A	A	A	A

Flag(k)	A	A	A	A
Pennant	D	D	D	D
Portable-in				
City right-of-way				
(A-frame)	D	D	C	D

. . .

Contents of Table 2:

2.1 Sign Regulations for R-1–R-7, IR-1–IR-3 Residential Zones

2.2 Sign Regulations for Institutional Uses in Residential Zones

2.3 Sign Regulations for RP Residence-Professional Zone

2.4 Sign Regulations for ROS/RPZ Open Space Zones & Signs in all Municipal Parks

2.5 Sign Regulations for B-1 Neighborhood Business Zone – Single Tenant Lots

2.6 Sign Regulations for B-2 Regional Business Zone – Single Tenant Lots

2.7 Sign Regulations for AB Airport Business Zone – Single Tenant Lots

2.8 Sign Regulations for B-3 Downtown Business, B-5 Urban Commercial, B-6 and B-7 Mixed Use Urban, WC Waterfront Central, ~~WSU Waterfront Special Use~~, and EWP, Eastern Waterfront Port Zones

2.9 Sign Regulations for IB Island Business Zone – Single Tenant Lots

2.10 Sign Regulations for B-4 Commercial Corridor Zone – Single Tenant Lots

2.11 Sign Regulations for OP Office Park Zones

2.12 Sign Regulations for I-L, I-Lb, I-M, I-Ma, I-Mb, I-H, I-Hb Industrial and WPD Waterfront Port Development Zones

2.13 Sign Regulations for B-1, B-2, AB, IB, and B-4

Business Zones – Multi-Tenant Lots

2.14 Sign Regulations for Gas Stations – All Zones Where Permitted

. . .

TABLE 2.8 SIGN REGULATIONS BY ZONE

Downtown Business (B-3), Urban Commercial (B-5), <u>and</u> Waterfront Central (WC), and Waterfront Special Use (WSU) Zones
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. . .

DIVISION 26. SHORELAND REGULATIONS

. . .

Sec. 14-449. Land use standards.

All land uses and land use activities subject to this division shall conform to the following standards and regulations, as applicable:

(a) *Principal and accessory structures:*

1. All principal and accessory structures shall be set back at least seventy-five (75) feet horizontal distance, from the normal high water line of water bodies, the upland edge of a wetland or associated tributary streams within a shoreland zone, except that in the following zones the setback shall be as indicated below:

a. B-3, B-5, B-5b, B-6, I-L (south and east of I-295), and I-M (south and east of I-295): Twenty-five (25) feet.

b. W-C, W-PD, ~~W-SU~~, I-B, EWP: No setback required. Pier edge setbacks apply in EWP (Sec. 14-303(c)(4), W-C (Sec. 14-310(d)(4), and W-PD (Sec. 320.2(c)), ~~and W-SU (Sec. 320.9(c))~~.

For the principle structures, setback measurements shall be taken from the top of a costal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant "Classification of Coastal Bluffs", and published in the most recent Coastal Bluff Map as further referenced on the Zoning Map.

Notwithstanding this requirement, when a lot is a lot of record as defined in section 14-433 or cannot otherwise meet the setback requirement of this section due to physical limitations of the site, the Planning Board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of twenty-eight (28)

feet, provided that the setback is not reduced to less than forty (40) feet. Structures in existence on June 15, 1992, may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a freshwater wetland, stream or tributary stream, provided that the setback is not reduced to less than forty (40) feet and the floor area or volume is not increased by more than thirty (30) percent. In no event shall the setback from a coastal wetland be reduced to less than seventy-five (75) feet, except in the B-3, B-5, B-5b, B-6, EWP, W-C, W-PD, ~~W-SU~~, I-B, I-L and I-M zones, where setbacks shall be as set forth above in this subsection.

In all cases, accessory detached structures of less than one hundred (100) square feet of floor area shall be permitted with no setback, provided that such structures shall be used only for the storage of fish, bait, and related equipment. No setback shall be required for piers, docks, retaining walls, or any other structures which require direct access to the water as an operational necessity.

. . .

- (b) *Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high water line of a water body or within a wetland:*

. . .

6. Except in the W-C, EWP, W-PD, ~~W-SU~~, and I-B zones, no new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity;

. . .

- (c) *Clearing or removal of vegetation:*

1. In all shoreland areas in resource protection zones, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.
2. The clearing or removal of vegetation standards of this section shall not apply to the following zones: EWP, WCZ, WPD, ~~WSU~~, B-3, B-5, B-5b, B-6, B-7, I-L (south and east of I-295) and I-M zones (south and east of I-295).

. . .

(j) *Roads and driveways:*

1. Roads and driveways shall be setback a minimum of seventy-five (75) feet from the normal high-water or upland edge of a coastal wetland, freshwater wetland, river or tributary stream within a shoreland zone, except:
 - a. In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, B-6, I-L (south and east of I-295) and I-M (south and east of I-295) roads and driveways shall be setback as established for structures in those zones; as specified in Sec. 14-449(a)1.
 - b. Where the planning board determines that no other reasonable alternative exists. If no other reasonable alternative exists, the planning board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or effective use of additional ditch relief culverts and turnouts place so as to avoid sedimentation of the water body, tributary stream or wetland.

. . .

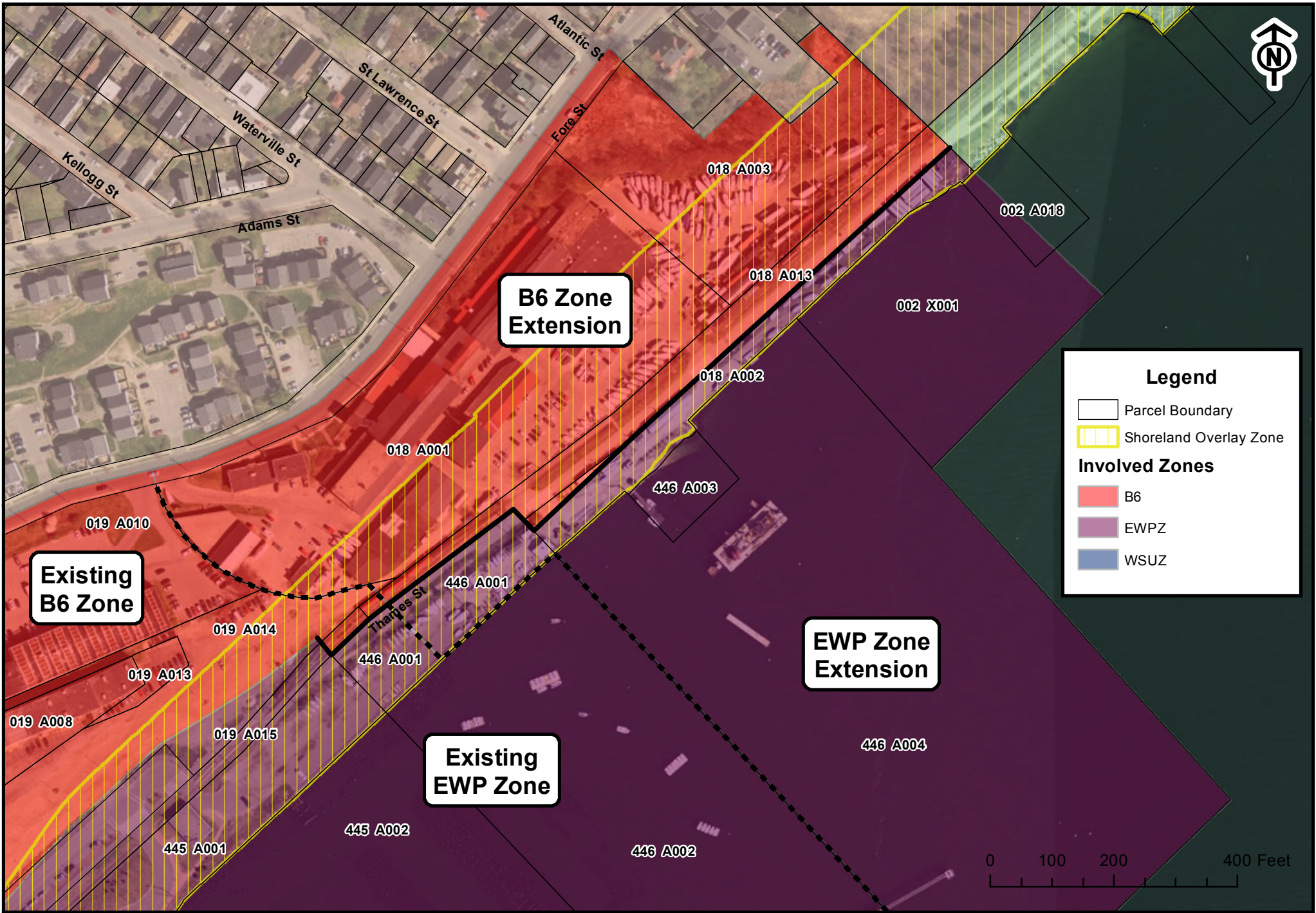
(k) *Parking areas:* Parking areas shall be set back a minimum of seventy-five (75) feet from the normal high-water or upland edge of a coastal wetland, freshwater wetland, river or tributary stream within a shoreland zone except:

1. In the EWP, WC, WPD, ~~WSU~~, B-3, B-5, B-5b, B-6, I-L and I-M zones, parking setbacks shall be as established for structures in those zones; as specified in Sec. 14-449(a)1.

2. Parking setbacks in the S-P (stream protection) zones are as established in Division 26.7.

3. Where the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream, the board may reduce the parking setback requirement to no less than fifty (50) feet in the R-OS, and I-B zones to the least amount necessary for construction, provided that the applicant proves by a preponderance of the evidence that appropriate techniques will be used to prevent sedimentation of the water body.

. . .



CPB2 LLC: Proposed Zoning Extension



Paul R. LePage
GOVERNOR

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

David Bernhardt
COMMISSIONER

September 25, 2014

Via Electronic Mail and US Mail

Planning and Urban Development Department
Planning Division and Planning Board
Fourth Floor, City Hall
389 Congress Street
Portland, Maine 04101

Re: Application for Zone Change
Applicant: CPB2 LLC
Property: 58 Fore Street, Portland, Maine

To Whom It May Concern:

The undersigned is the owner of the property identified as Lot 13 on Map 18-A of the City of Portland Tax Maps (the "Lot"). A portion of the Lot is currently located in the Waterfront Special Use Zone.

By this letter, the undersigned hereby consents to the proposed zone change described in the above-referenced Application for Zone Change submitted by CPB2 LLC and deemed complete by the Planning Division on August 22, 2014.

Very truly yours,

Robert D. Elder
Director of Freight and Business Services
Maine Department of Transportation

RDE/jas



PRINTED ON RECYCLED PAPER



October 9, 2014

Department of Planning and Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: 58 Fore Street
Neighborhood Meeting Certification

To Whom It May Concern:

I, David Senus, P.E., of Woodard & Curran, hereby certify that a neighborhood meeting was held on September 16, 2014, at the Community Room of the East End Community School, located at 195 North Street in Portland, Maine, at 6:00 PM.

I also certify that on September 4, 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.
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,

WOODARD & CURRAN INC.

David Senus, P.E.
Project Manager

October 9, 2014

Date

Attached to this certification are:

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



September 4, 2014

Re: Neighborhood Meeting
58 Fore Street Property - Zoning Map/Text Amendment Application

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a Zoning Map Amendment/Text Amendment for the parcels located at 58 Fore Street.

Meeting Location: Community Room, East End Community School, 195 North Street, Portland, ME

Meeting Date: Tuesday, September 16, 2014

Meeting Time: 6 PM – 7 PM

The City Code requires that property owners within 500 feet of 58 Fore Street 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 contact David Senus at (207)774-2112 or by email at dsenus@woodardcurran.com

Sincerely,

WOODARD & CURRAN INC.

David Senus
Project Manager

227007

45-46 LLC
PO BOX 575
PORTLAND, ME 04112

9 DC LLC
100 SILVER ST
PORTLAND, ME 04101

ABT HEATHER S
94 ST LAWRENCE ST
PORTLAND, ME 04101

ALLEN PAUL S
45 EASTERN PROMENADE # K04
PORTLAND, ME 04101

ATELIER 3 LLC
PO BOX 75
BIDDEFORD POOL, ME 04006

ATLANTIC STREET LLC
217 COMMERCIAL ST STE 500
PORTLAND, ME 04101

AUSTIN RACHEL N & JAMES C AUSTIN
45 EASTERN PROMENADE # B3
PORTLAND, ME 04101

AUSTIN RACHEL N & JAMES C AUSTIN
JTS
45 EASTERN PROMENADE # A03
PORTLAND, ME 04101

BARBOUR NAN WISTER & LISA S
BUSSEY JTS
508 CHANDLER'S WHARF
PORTLAND, ME 04101

BARSTOW F BREWER & JEAN D
BARSTOW JTS
22 LUDLOW ST
PORTLAND, ME 04103

BASS PETER L & LINDA B LISBERGER
JTS
29 WATERTOWN ST # 2
PORTLAND, ME 04101

BERLIN A JAN VN VET & LOUISE A
BERLIN JTS
45 EASTERN PROMENADE # H10
PORTLAND, ME 04101

BERNSTEIN ROSALYNE
45 EASTERN PROMENADE
PORTLAND, ME 04101

BONETTI SALVATORE & BARBARA L
BONETTI JTS
45 EASTERN PROMENADE # K01
PORTLAND, ME 04101

BOUCHARD DEBORAH A & WILLIAM
JABINE III JTS
26 MUNJOY ST
PORTLAND, ME 04101

BOURDEAU KELLY J & JACOB A
BOURDEAU JTS
17 WATERTOWN ST
PORTLAND, ME 04101

BRACERAS CHRISTINE
35 ST LAWRENCE ST
PORTLAND, ME 04101

BRENNAN JOSEPH E KW VET &
CONSTANCE L JTS
45 EASTERN PROM # C7
PORTLAND, ME 04101

BRENNAN WILLIAM M
23 ATLANTIC ST
PORTLAND, ME 04101

BROADWATER IAN
47 ADAMS ST
PORTLAND, ME 04101

BURWELL BRIAN R
12 MAPLE AVE
FREEPORT, ME 04032

CADOT ANDREW A VN VET
45 EASTERN PROMENADE # 9E
PORTLAND, ME 04101

CAHILL JAMES A
39 CORBETT LN
WINSLOW, ME 04901

CAMPBELL MARCIA E TRUSTEE
815 EAST BROADWAY
BOSTON, MA 02127

CANNING CHARLES F JR TRUSTEES
47 MARKET ST
GARDINER, ME 04345

CARSON LYDIA & MARK CARSON JTS
45 EASTERN PROMENADE # B05
PORTLAND, ME 04101

CASALE MARY K
39 WATERTOWN ST
PORTLAND, ME 04101

CASCO BAY VENTURES
223 WOODVALE RD
FALMOUTH, ME 04105

CHAN WENDY
45 EASTERN PROMENADE # A02
PORTLAND, ME 04101

CHAPLIN DOROTHY K WID KW VET
45 EASTERN PROMENADE APT 5D
PORTLAND, ME 04101

CHENOWETH BARBARA A & WILFRID J
ROLLMAN JTS
15 GLOUCESTER ST
ARLINGTON, MA 02476

CHESTER EDWIN P & BARBARA A
VESTAL
107 CONGRESS ST
PORTLAND, ME 04101

CHRISTIAN LISA E
27 MUNJOY ST
PORTLAND, ME 04101

CONLEY GERALD F VN VET
16 ATLANTIC ST
PORTLAND, ME 04101

CONNOLLY KATHERINE
45 EASTERN PROMEANDE # B11
PORTLAND, ME 04101

CONNOLLY MARY FRANCES
28 ATLANTIC ST # 1
PORTLAND, ME 04101

CONNOLLY MICHAEL C & REBECCA S
HITCHCOCK JTS
36 WATERVILLE ST # 4
PORTLAND, ME 04101

CONNOLLY MICHAEL C & REBECCA S
HITCHCOCK JTS
36 WATERVILLE ST # 4
PORTLAND, ME 04101

COPLON MICHAEL & BONNIE COPLON
JTS
7019 SILVERWOOD ST
PHILADELPHIA, PA 19128

COTE PAUL B & JUDITH L COTE JTS
45 EASTERN PROMENADE # C09
PORTLAND, ME 04101

COUTURE JUDY A
45 EASTERN PROMENADE UNIT 1-J
PORTLAND, ME 04101

CPB2 LLC
254 COMMERCIAL ST STE 122
PORTLAND, ME 04101

CPB2 LLC
PO BOX 7987
PORTLAND, ME 04112

CRONIN PAUL B & FRANK H FRYE
TRUSTEES
45 EASTERN PROMENADE # H11
PORTLAND, ME 04101

CUSHMAN CONSTANCE J
45 EASTERN PROM #1E
PORTLAND, ME 04101

DAMBRIE STEPHANIE A & ANGELA M
DAMBRIE &
8 KELLOGG ST
PORTLAND, ME 04101

DECKER JOSHUA L
16 ST LAWRENCE ST # 1
PORTLAND, ME 04101

DELORME GEORGENA A
45 EASTERN PROM # 2-F
PORTLAND, ME 04101

D'ENTREMONT RICHARD L & FRANCES
C D'ENTREMONT TRUSTEES
45 EASTERN PROMENADE #3C
PORTLAND, ME 04101

DEY FREDERICK C & MARY G GRIFFITH
JTS
6 EASTERN PROMENADE # 2
PORTLAND, ME 04101

DOMINIAK GEORGE M
56 CROSS ST
BELMONT, MA 02478

DOUGLAS MARTICA S
11 MUNJOY ST
PORTLAND, ME 04101

DRISKELL DAVID C & THELMA G JTS
4206 DECATUR ST
HYATTSVILLE, MD 20781

DUNBAR SAN JUAN SANDY
5701 COLLINS AVE # 808
MIAMI BEACH, FL 33140

ELLIMAN THOMAS T VN VET &
ELIZABETH K ELLIMAN JTS
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08/25/2014

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58 Fore Street Zone Map/Text Amendment
Neighborhood Meeting, September 16, 2014
East End Community School

Attendance Sign-In Form

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58 Fore Street Zone Map/Text Amendment
Neighborhood Meeting, September 16, 2014
East End Community School

Attendance Sign-In Form

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58 Fore Street Zone Map/Text Amendment
 Neighborhood Meeting, September 16, 2014
 East End Community School

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Attendance Sign-In Form

[illegible]

Attendance Sign-In Form

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MEETING MINUTES

TO: City of Portland Planning Department
FROM: Barry Sheff and David Senus (Woodard & Curran) on behalf of CPB2 LLC
MTG DATE: September 16, 2014
RE: 58 Fore Street Zoning Map/Text Amendment Application – Neighborhood Meeting

A neighborhood meeting was held on September 16, 2014 at the Community Room, East End Community School, 195 North Street, Portland, ME at 6:00 PM. Per the sign-in sheet, the meeting was attended by 48 “abutters” to the 58 Fore Street site or interested members of the public, along with eight members of the project team. The meeting sign-in sheets are appended to these minutes along with a copy of the PowerPoint presentation presented at the meeting, a project brochure provided to attendees, a signed Neighborhood Meeting Certification form, and a copy of the notice letter and mailing lists. Project team members that were present at the meeting are as follows:

Project Team Members:

- Jim Brady, CPB2 LLC
- Casey Prentice, CPB2 LLC
- Kevin Costello, CPB2 LLC
- Richard Prentice, Bernstein Shur
- Mary Costigan, Bernstein Shur
- Angie Helton, Northeast Media Associates
- Barry Sheff, Woodard & Curran, Inc.
- David Senus, Woodard & Curran, Inc.

Meeting Minutes:

Meeting began at approximately 6:00 PM

Jim Brady provided introduction and project team background, specifically Jim provided background on himself, Casey Prentice, and Kevin Costello. Jim also introduced Richard Prentice, Mary Costigan, Barry Sheff and David Senus. Jim described the timing of CPB2 acquisition of the 58 Fore Street property and the development vision.

Barry Sheff presented a PowerPoint presentation (as appended) which addressed:

- goals of the Neighborhood Meeting;
- Zoning Map/Text Amendment Application submission to the City;
- overview and history of Eastern Waterfront Master Planning;
- graphical depiction of existing and proposed zoning map at the 58 Fore Street property and surrounding area;
- why CPB2 is proposing a Zone Map/Text Amendment in lieu of Conditional Rezoning, including discussion of existing WSUZ, B6 and EWP zones;
- overview of the proposed text amendments;
- proposed zoning heights in conformance with the 2004 Height Study;
- regulatory path forward



Upon conclusion of the PowerPoint presentation, questions were received from attendees and recorded on tack-board paper mounted at the front of the room. Response and discussions followed some questions and comments. A summary of the questions and responses offered by the CPB2 team during the meeting follows..

Questions/Responses:

Question: *What is the Historic Character of the area that you are looking to preserve? What specifically will you preserve on the site?*

Response: CPB2 has undertaken a historical and structural evaluation of the buildings on the site with a plan to preserve and incorporate certain historic structures in future designs. Future design will go through a review and approval process that will include the City's Historic Preservation Board.

Question: *Can you elaborate on the height overlay? What does that term mean? What is a height overlay?*

Response: In certain zones within the City, there are strict dimensional standards with maximum heights in feet and there are also height overlay maps that define the maximum height of buildings within specified areas or blocks. These height overlay maps are typically generated from a height study of the area. Currently the City's height overlay map on the eastern waterfront includes only those parcels in the current B-6 zone and not including the WSUZ. the 2004 Eastern Waterfront Height Study however, includes a height overlay map of the 58 Fore Street property which CPB2 anticipates applying to this Zone Map / Text Amendment Application.

Question: *Will you be asking for a building height variance to allow buildings over 65'?*

Response: CPB2 will evaluate proposed building heights during our future Master Development Planning process in context with the work completed as part of the Eastern Waterfront Height Study.

Comment: *I have a concern about buildings higher than the Fore Street grade.*

Response: CPB2 is sensitive to how the development will interact with Fore Street. The intent is to plan and design with respect for the residential neighborhood, preserve view corridors identified in the height study, and attempt to integrate the 58 Fore Street site into the neighborhood.

Question: *How is height measured? Is building height measured from adjacent grade?*

Response: The City measures building height as the difference between the top structural element on a building and the average abutting grade at the base of the building.

Comment: *The B6 zone language statement of "24 (hour) urban vitality" is concerning to me; I have concern about light & noise pollution.*

Response: CPB2 understands the concern and anticipates a diverse mixed use development including residential uses; the intent is for the project to be harmonious with the needs of a residential neighborhood.

Comment: *This is an intact industrial historic site. I don't want historic preservation to be caught in the shadows of site planning; I would like to see historic preservation at the center of*



design. I would like historic protection to lead the process (prior to zoning). I would like to see the design priorities spelled out early in the process.

Response: This zone change application process does not diminish the level of Site Plan and Historic review that CPB2 must undertake at future phases of permitting and design.

Comment: I did not like the heights, view corridors and concepts depicted in the Master Plan for Redevelopment of the Eastern Waterfront. I would like the developer to use a means of showing potential building heights on the site, for example, balloons elevated to max building height on each building.

Response: The comment was acknowledged and clarification provided that CPB2 is requesting a zone change and a height overlay referenced to the 2004 Eastern Waterfront Height Study. The Height Study and the Master Plan for Redevelopment of the Eastern Waterfront had significant public involvement and buy-in prior to its adoption into the City's Comprehensive Plan.

Comment: I would like to see pedestrian-friendly design for the property frontage along Fore Street.

Response: The comment was acknowledged; CPB2 plans to develop and incorporate a pedestrian friendly design in this area.

Question: Who owns the "green space" of undeveloped land on the east side of the site?

Response: That is part of the 58 Fore Street site owned by CPB2.

Question: Are you requesting a height overlay for the site?

Response: CPB2 clarified that it was requesting the height overlay that was developed in the Eastern Waterfront Height Study be extended onto the 58 Fore Street property.

Question: Is the height overlay new? Are you "dragging" it over or does it currently cover the site?

Response: The B6 Building Height Overlay Map on file and online from the City only covers the parcels currently in the B6 zone, west of the site. This map was developed from the 2004 Eastern Waterfront Height Study, which included a height overlay figure for the entire area, including the 58 Fore Street Site. CPB2 proposes and is requesting to use the figure from the Eastern Waterfront Height Study, as it covers the project site.

Question: Is the height overlay greater than 65' or short of 65'?

Response: The height overlay has a maximum of 65', but is largely less than 65' and is measured in stories (generally 11' floor to floor).

Question: Are you doing your own height study?

Response: No.

Comment: If you are keeping the current height overlay I feel you are in good shape.

Response: The comment was acknowledged..



Question: *What is the current height allowed in the WSUZ for the site?*

Response: WSUZ allows 45' and up to 65' with certain other parameters on type of structure and location.

Question: *Is your primary motivation to change the zone to allow for residential?*

Response: CPB2 envisions residential uses on the site, however the rezone request is to allow for a mixed use development that follows the principles and is harmonious with the established zoning for the surrounding area. The request for the B-6 zone executes the vision established in the Master Plan for Redevelopment of the Eastern Waterfront.

Question: *Is your vision of mixed use inclusive of mixed income housing? It is important that project contains mixed income housing.*

Response: CPB2 envisions a variety in size and cost of housing on the site and sees a mixed housing stock as important for the project and the City; CPB2 anticipates meeting with the City's Housing and Community Development Committee to further discuss housing among other topics.

Comment: *Tell us your plan for the site.*

Response: CPB2 needs a zone change to allow development of a plan for the site. While CPB2 has worked with a master planning consultant to develop concepts and solicit feedback from some members of the Portland community, there is no plan established for the site. CPB2 would be pleased to meet with members of the public and further discuss the vision for the site and solicit feedback.

Comment: *The plan should include multiple points of public access to the development.*

Response: The comment was acknowledged and CPB2 agrees with the sentiment.

Comment: *I support the proposed B-6 Zone change.*

Response: No response provided.

Question: *Will B-6 Zone change affect the potential for rail use on the strip of MaineDOT-owned land that bisects the site? We need to preserve opportunity for passenger rail to extend to Ocean Gateway.*

Response: CPB2 replied that the zone change will not restrict rail or trail use across the site.

Comment: *Interested in reducing traffic to the site and associated parking requirement; promote alternate means of transportation including rail.*

Response: The comment was acknowledged and CPB2 suggested this concern will need to be considered in future planning exercises for the site.

Question: *What are the heights of the current buildings on the site?*

Response: CPB2 replied that the taller buildings are generally 3 stories.

Question: *Where are the 5-story buildings shown on the height overlay map?*



Response: CPB2 referred to the presentation slide and the height overlay map to answer the question.

Question: *Have you looked at traffic impacts? I'm concerned about further traffic impacts on Fore Street.*

Response: CPB2 understands the concern, however traffic impacts are not a consideration of the Zone Map / Text Amendment Application. The project will be required to undergo an extensive traffic impact analysis during the Master Development Plan and/or Site Plan processes that considers nearby projects, Fore Street traffic, and other roadways and intersections.

Question: *This site is a wonderful asset. During redevelopment, it is important to have a "Pedestrian feel" along Fore Street. How will height be measured? From the Fore Street grade?*

Response: CPB2 agreed on the need to maintain a pedestrian feel along Fore Street. Height is measured as the difference between the top structural element on a building and the average abutting grade at the base of the building.

Question: *Can you elaborate on the Marina, what is there currently and what is planned in the future?*

Response: Incorporating water dependent uses into the redevelopment are consistent with the Master Plan for Redevelopment of the Eastern Waterfront and important to CPB2. The plan is to maintain the existing marina in the near term, and a marina on the site is part of future planning considerations. CPB2 hopes that maintaining and enhancing marina operations on the site will be a significant asset to the development.

Question: *Will your planning include consideration for sea level rise?*

Response: Yes, we understand the need to plan for sea level rise and will be evaluating how we plan for this in our future design efforts with the architects and engineers.

Question: *You are proposing a significant population center, is it time to consider a light-rail option to downtown?*

Response: No response provided.

Question: *We would like to see concept plans. I know people have seen plans. It would be helpful to have a plan to understand the height and view corridor discussion.*

Response: Working with a master planning consultant, CPB2 has developed concepts for the site that we've shared with some groups for early feedback, but those are not the final plans for the site; CPB2 does not have a final plan for the site. CPB2 has owned the site for more than a year (at this point) and working with the City staff has developed a step by step approach to zoning and eventual planning for the site that will include significant public input. CPB2 would be pleased to meet with members of the public and further discuss the vision for the site and solicit feedback.

Comment: *Your Application requires a description of the proposed use and a Site Plan.*

Response: The site plan included in the Application is the existing conditions plan for the site, because there is no proposed plan. We have lease agreements with existing tenants and envision



maintaining the existing site operations during and after the zone change, until such time as a site plan is developed and approved.

Question: *Will the Master Development Plan go to City Council or just the Planning Board?*

Response: No, the Master Development Plan process is through the City's Planning Board.

Comment: *The WSUZ height limit of 65' applies to bulk storage and is measured as the height above sea level.*

Response: No response provided.

Question: *Does the text edit associated with noise allow for more noise on the site?*

Response: The text edit associated with noise allows for licensed events through the City; it is not intended to allow a greater level of noise on the site. CPB2 is envisioning maintaining events like the Boat Builders Show and the Flower Show-licensed events that have historically been held at the site.

Question: *Are you proposing housing on the Fore Street frontage?*

Response: We are considering housing along the Fore Street frontage.

Comment: *If you propose to go above the Fore Street grade you will get resistance from the neighborhood.*

Response: The height study doesn't limit building areas to the Fore Street grade, but it does maintain view corridors relative to the Fore Street grade. CPB2 looks forward to working with the residents in the neighborhood to develop a plan that is acceptable to as many parties as possible.

Question: *What is the future plan for the building that houses Hamilton Marine?*

Response: CPB2 does not own or control that building; it is not on the 58 Fore Street site.

Question: *Can you send notification on future Planning Board & City Council Meetings to those that signed in?*

Response: Jeff Levine responded that the City will work to send notices relative to Board and Council meetings as part of their process, with a focus on ensuring the that legal notice requirements are met.

The Neighborhood Meeting concluded at approximately 8:00 PM, with some attendees remaining to talk with the CPB2 team.

Attachments:

- Neighborhood Meeting Certification (signed)
- Meeting Sign-In Sheets
- Notice Letter and Mailing Lists
- PowerPoint Presentation (PDF)
- Project Brochure Provided to Attendees

58 | FORE STREET

Neighborhood Meeting | 16 September 2014

AGENDA

Who is CPB2

Neighborhood Meeting Goals

Zoning Map / Text Amendment Application

Eastern Waterfront Master Planning

Regulatory Process Path Forward

Questions and Public Comment

Next Steps



WHO IS CPB2



CPB2



WHO IS CPB2

Development Vision

CPB2 envisions redeveloping 58 Fore Street into a vibrant, urban, mixed-use waterfront community that complements the most celebrated features of Portland and the former Portland Company site.

Create a landmark New England destination that delivers the waterfront to Portland's community and surrounding neighborhoods for years to come.



ZONING MAP/TEXT AMENDMENT APPLICATION

Submitted to City Planning Office on August 21, 2014

Zoning Map / Text Amendment Application

- Project Site & Background
- Area Development
- Proposed Zone Map and Text Amendments
- Compliance with Comprehensive Plan
- Site Plan and Process

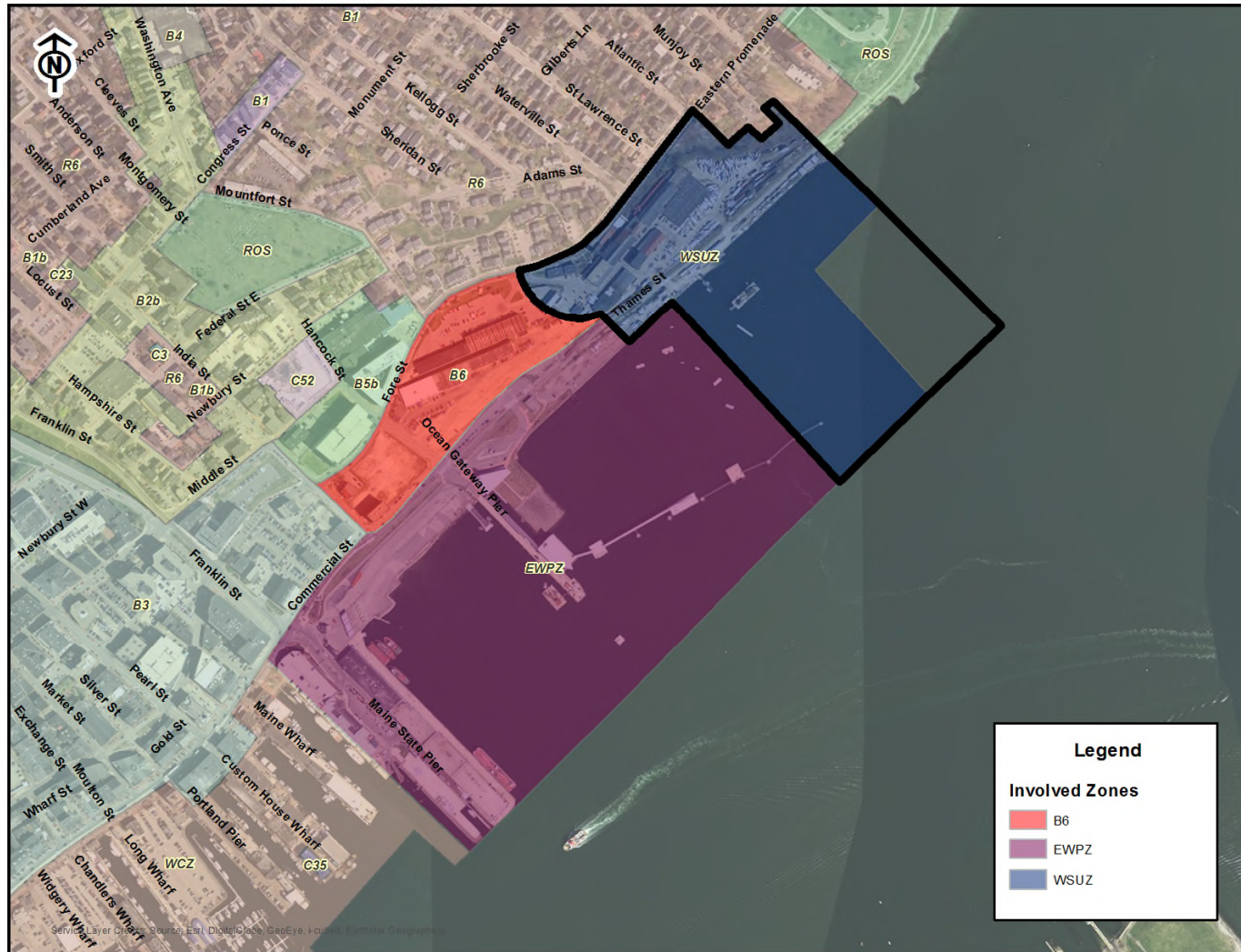


EASTERN WATERFRONT MASTER PLANNING

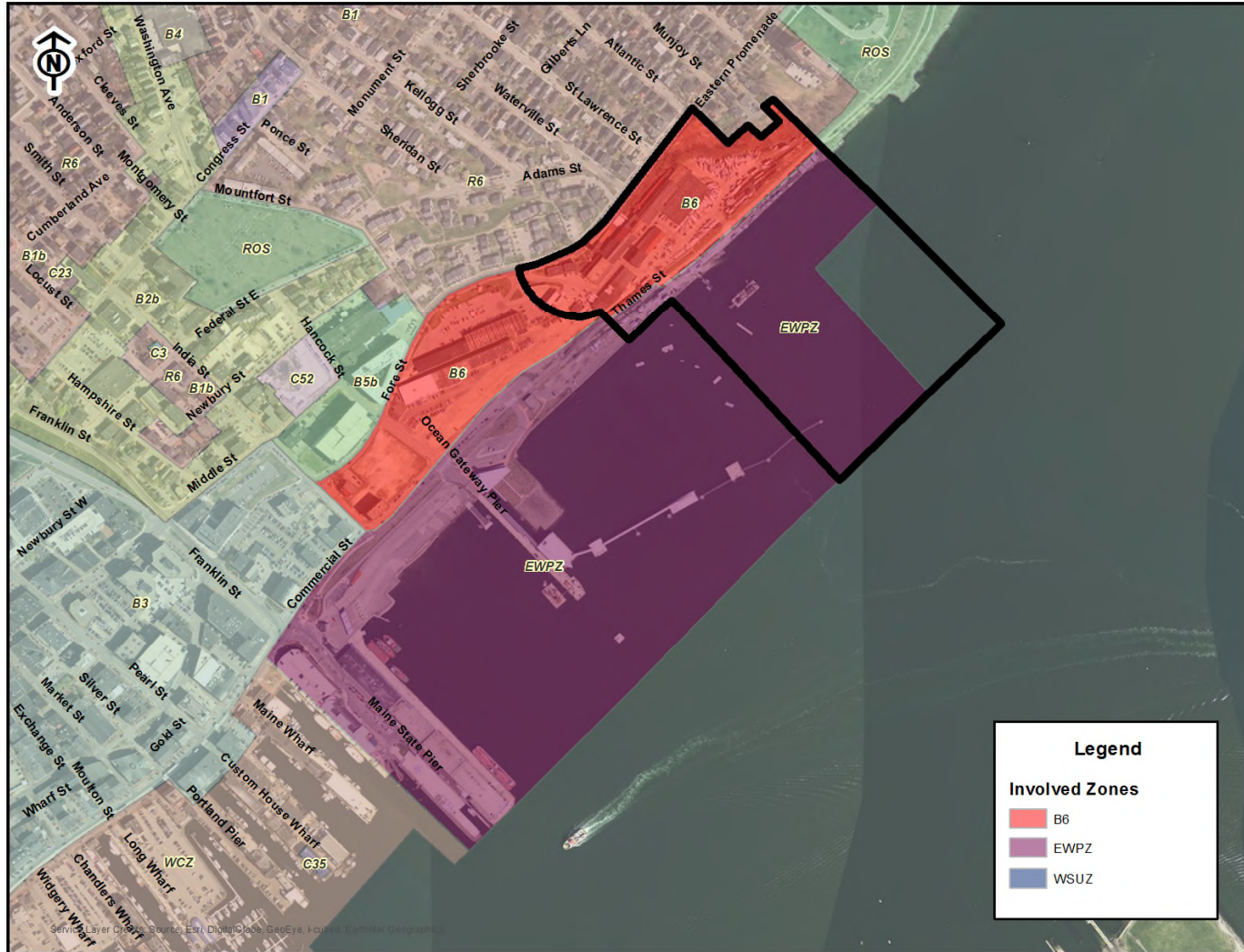
- 2000** Community Input Forums
- 2001** Community Design Workshop
- 2001** Committee Statement of Principles
- 2002** Final Draft – Master Plan for Redevelopment of the Eastern Waterfront
- 2002** Design Guidelines for the Eastern Waterfront
- 2002** Council Community Development Committee (CDC) Master Plan Review
- 2002- 04** Planning Board Review and Recommendation on Master Plan
- 2004** City Rezoning from Waterfront Port Development Zone (WPDZ)
 - Waterfront – Eastern Waterfront Port Zone
 - Uplands – B6 Zone with Building Height Overlay
 - 58 Fore Street - Waterfront Special Use Zone
- 2014** CPB2 Application for Zoning Map Amendment
 - Realizing the Master Plan



EXISTING ZONING



PROPOSED ZONING



WHY ZONING MAP/TEXT AMENDMENT

Waterfront Special Use Zone (WSUZ) focuses on and encourages active water-dependent uses; retained at 58 Fore Street to promote continuation of boat yard and yacht support, **protecting former landowner's tenants and uses.**

Eastern Waterfront Port Zone is created **to nurture deepwater dependent activity** within the context of the established waterfront. The primary use of the **deep-water resources must be for the berthing and support of large vessels.** Non-marine **uses that complement and support the deepwater infrastructure and do not conflict or compete for limited space** with existing or anticipated deepwater-dependent uses are encouraged.

Purpose of the **B-6**, eastern waterfront mixed zone is **to establish a zoning district for the upland portion of the eastern waterfront area.** The B-6 zone encourages this district **to acquire a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design.** The zone **promotes a range of uses to achieve twenty-four urban vitality and shared use of parking infrastructure** as recommended in the eastern waterfront master plan for redevelopment.

The zone language established herein provides **regulatory framework to promote the mixed-use development pattern** envisioned for urban land on Portland's peninsula.

ZONING TEXT AMENDMENT

B-6 Eastern Waterfront Mixed Zone

Additions:

Museums, art galleries, and educational exhibition space;
Private clubs or nonprofit social and recreational facilities;
Educational, research, and laboratory facilities; and
Accessory uses to permitted uses or temporary exhibition uses.

Eastern Waterfront Port Zone

Additions:

Marinas located east of the Ocean Gateway facility;
Marine office, including but not limited to offices of owners of
marinas, wharves or their agents, and naval architects, and seafood
brokers; and
A facility for non-profit organizations whose facility may include offices,
classrooms, equipment, equipment rentals, and storage and
bathrooms for the public.

Various Clarifications for Consistency within Land Use Code



ZONING HEIGHTS

-  STUDY AREA (3 STORY MINIMUM)
-  KEY BUILDING ENVELOPES BY HEIGHT
-  NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

GENERAL NOTES:

1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, NO BUILDING MASS ABOVE 4 FLOORS (45 FEET ABOVE THE AVERAGE GRADE) SHALL BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
2. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.
3. NO BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.
4. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.

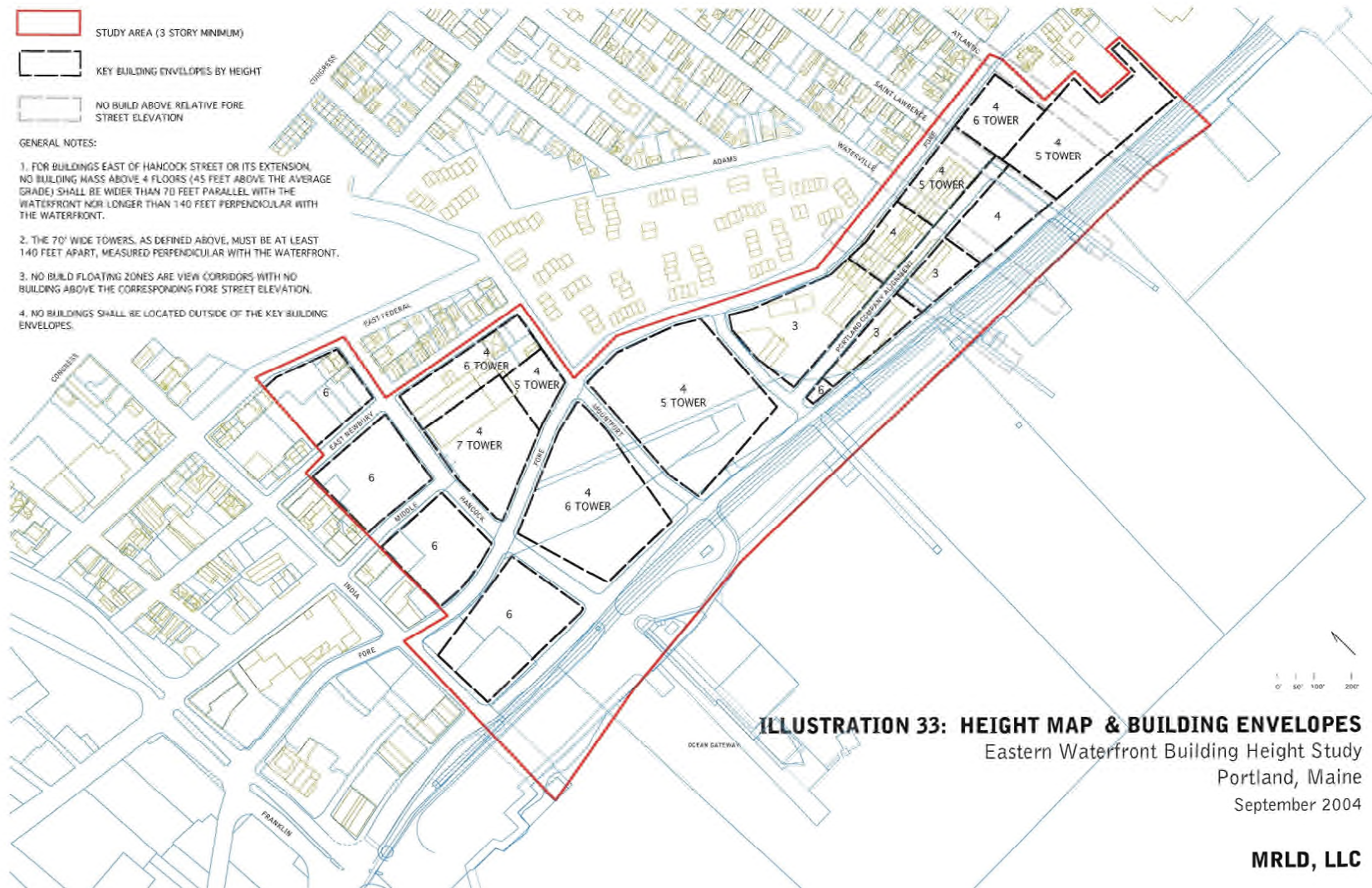


ILLUSTRATION 33: HEIGHT MAP & BUILDING ENVELOPES

Eastern Waterfront Building Height Study

Portland, Maine

September 2004

MRLD, LLC

CPB2



REGULATORY PROCESS PATH FORWARD

Zoning Map / Text Amendment

Planning Board

Workshop(s)

Public Hearing

Council Housing and Community Development Committee

Workshop(s)

City Council

Two Readings

Future Steps

Planning Board Master Development Plan

Historic Preservation Board

Planning Board Site Plan Review(s)



QUESTIONS AND PUBLIC COMMENT



NEXT STEPS

Document questions and public comments received

Prepare Meeting Minutes

Present at Planning Board Workshop(s)

Present to Council Housing and Community Development Committee



CONTACT:

info@cpb2.com

FAQ:

Q: What is the maximum building height that will be allowed on the Property?:

A: The B-6 zone allows for "65' or as otherwise governed by a Building Height Overlay map". Current zoning on the site allows for 45 – 65'. The Eastern Waterfront Building Height Overlay Study completed under Master Plan for Redevelopment of the Eastern Waterfront contemplated a height overlay map covering the property. Future site-specific master planning processes will establish site-appropriate building heights with consideration for view corridors, preservation of structures, and site topography in context with the height study and its associated Building Height Overlay Map.

Q: Will the existing historic buildings be impacted by your proposal?

A: Encouraging historic preservation and adaptive reuse of historic structures is an objective that will be thoughtfully considered under the guidance of the Master Plan for Redevelopment of the Eastern Waterfront. The Zone Change approval process does not change the protections offered to the buildings on the site. There will be an extensive public review and approval process that we will follow before we put a shovel in the ground. We are currently, and will continue to work with, and engage, the City on historic preservation concepts for the property.

Q: How will the Maine Narrow Gauge Rail (MNGRR) and the Portland Trails Eastern Promenade Trail be impacted by your plans for redevelopment?

A: Although the primary path of the MNGRR and trail are within a MaineDOT-owned strip of land abutting our property, we share the community's desire to maintain these amenities. We are very supportive of incorporating and accommodating the



Maine Narrow Gauge RR and the Eastern Promenade Trail into our future development vision.

Q: Is this the only chance to provide comment on your zone change application or future design?

A: Absolutely not. This is just step 1 of a multi-step process. We will be presenting our current application at a Planning Board Workshop, Public Hearing, and at a City Council meeting. The public is invited to attend these forums; the dates and times for which are TBD (check the City's website). Future development planning on the site will include an extensive public process.

Q: What will happen to the tenants on site?

A: While Portland Yacht Services is in the process of relocating to the Western waterfront, virtually all other current tenants will have the opportunity to stay on site.

Q'S : What about public access to the waterfront? Will my view of the water be impacted by your proposal? Will the development promote public space? Have you considered sea level rise in your planning for the site?

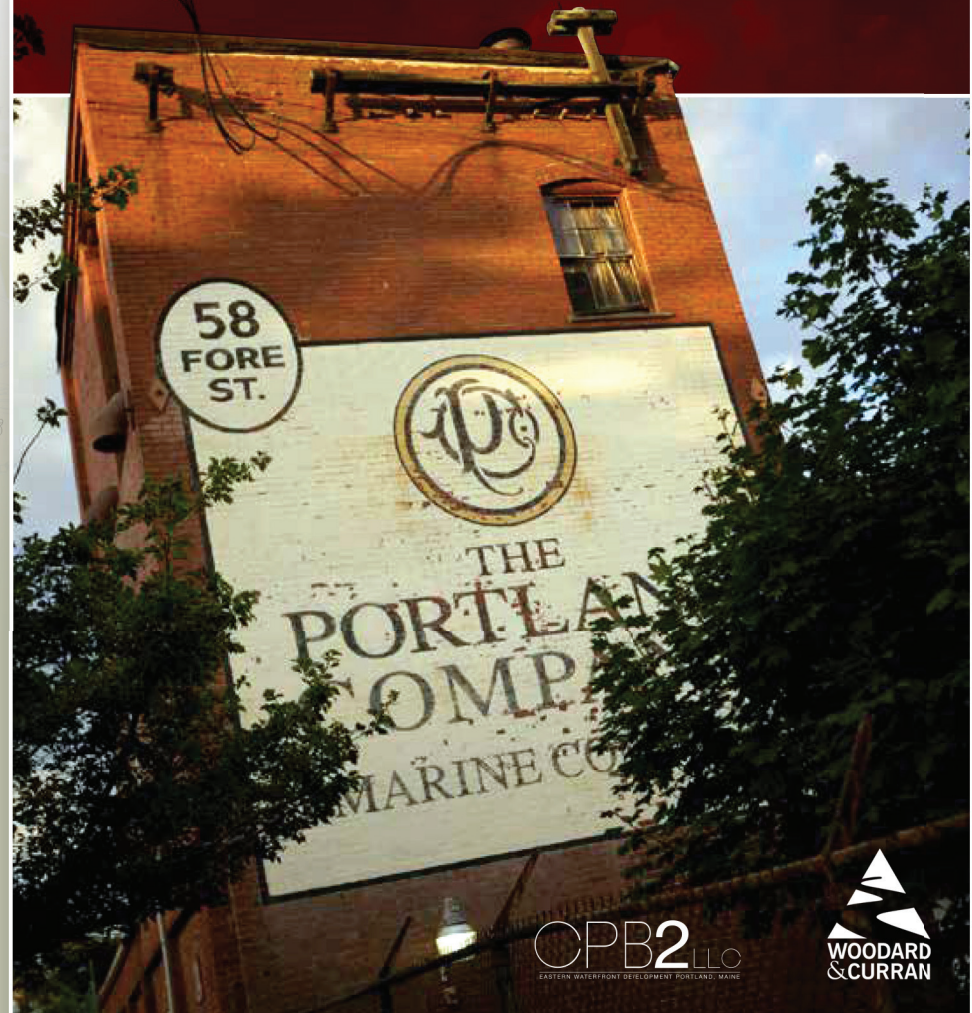
What will happen to the marina?

A: We understand that all of these questions/concerns exist, and more. We will thoughtfully consider all of these questions in future planning for the redevelopment of the site. At this early stage, we need to establish a zone change that will inform our planning for the site. It is our desire to design a landmark development, which the surrounding neighborhood and the whole of Portland will celebrate. We will continue to seek and encourage your input in this process as we move forward.

58 Fore Street ±10 AC site

Integrating the neighborhood with the waterfront

The zoning changes requested by CPB2 LLC would make it possible to reinvent the Portland Company property and truly integrate it with the surrounding area, creating a connection between the waterfront and the rest of the neighborhood, and matching the vision of the Master Plan for Redevelopment of the Eastern Waterfront.



CPB2 LLC
EASTERN WATERFRONT DEVELOPMENT PORTLAND, MAINE

WOODARD
& CURRAN

WHY ZONING MATTERS

Zoning maps and language define how a property can be used. In Portland's eastern waterfront, the City engaged stakeholders and the public in an extensive master planning process including six forums, collecting input from over 300 citizens, and a two-day interactive workshop where 165 citizens and 40 City staff and consultants participated. This public process gave rise to two new zones for the area, the B-6 Eastern Waterfront Mixed Zone and the Eastern Waterfront Port Zone. Although the City was able to create these zones over much of the desired mixed use area, the prior landowner of the Portland Company Site requested that the site be excluded from the new zones, and thus, the Waterfront Special Use zone was created. The zoning changes requested by CPB2 would make it possible to reinvent the Portland Company property and truly integrate it with the surrounding area, creating a connection between the waterfront and the rest of the neighborhood and matching the vision of the Master Plan for Redevelopment of the Eastern Waterfront.



A MORE INCLUSIVE ZONE

CPB2 has applied for a change to the City's zoning map, along with minor edits to the City's zoning text. Here's what that means:

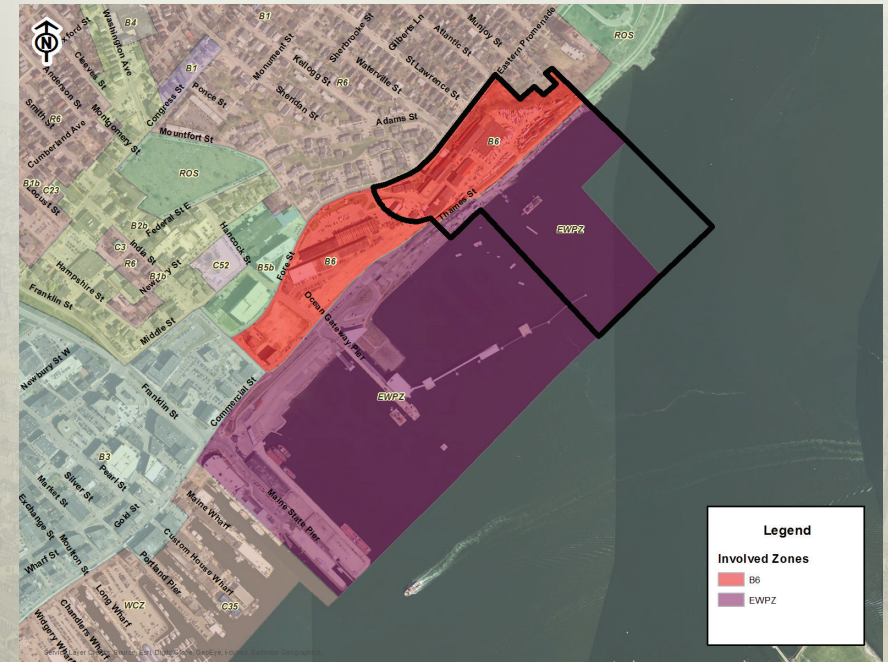
- The 58 Fore Street site zoning would change from "Waterfront Special Use" to "B-6 Eastern Waterfront Mixed" for upland areas and "Eastern Waterfront Port" along the waterfront.
- B-6 zoning "encourages this district to acquire a distinctly urban feel through development that emphasizes a quality pedestrian experience... and demonstrates exemplary urban design."
- Businesses currently operating on the site are encouraged to remain.
- New uses, including residential development and expanded retail and commercial uses are allowed.
- Potential uses align more closely with the goals of the Master Plan for Redevelopment of the Eastern Waterfront.
- The site will be connected to adjacent properties that share the B-6 and Eastern Waterfront Port zoning.

NEIGHBORHOOD INPUT WILL SHAPE THE DIRECTION OF ANY DEVELOPMENT

Upon approval of the zoning change, CPB2 will begin the process of planning for redevelopment of the site. No specific project is planned at this time, and planning for any proposed project would follow the procedures outlined in Portland's land use code, which includes significant public input. All parties will have the opportunity and will be encouraged to weigh in and help shape the direction of changes to the site.

HISTORIC CHARACTER

Future development of the site will include historic preservation. New development, including new pedestrian-friendly streets and pathways, will be thoughtfully integrated with the historic character of the area.



THE BOTTOM LINE

The zoning change requested by CPB2 creates opportunities for economic development. It also opens the door for a closer connection between the Old Port and the residential neighborhoods to the east. The entire redevelopment process will be guided by the City's existing Master Plans and the vision of engaged stakeholders.

October 8, 2014

Paula Guillemette Agopian
98 Monument St
Portland, Me 04101

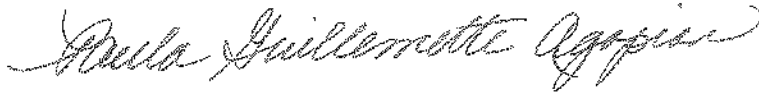
Deb Andrews, Historic Preservation Program Mgr.
City of Portland
389 Congress St
Portland, Me 04101

Dear Deb,

I was in attendance September 25th for the presentation of Sutherland Conservation Consultant's report on the historic significance of The Portland Co. property at 58 Fore St. I found it informational and thought provoking. It conjured up thoughts of Union Station, The Portland Co. is the East End's Union Station. I was aware that the property was of historic significance but was unaware of the far reaching implications on so many levels. I would like to see a presentation of this caliber done for our neighborhood, and will present that to The Munjoy Hill Neighborhood Organization's next Board Meeting on the 13th. This study could prove pivotal and key to the redevelopment of this site. I would hope at all levels of approval that the powers that be let this report weigh heavily in the decision making process. It deserves great consideration. The presenter's words "building removal will have an adverse impact on this site" are still ringing in my ears.

P.S. If there is a tour of the site I would love to participate before it is disturbed!

Sincerely, Paula Guillemette Agopian



Cc. Historic Preservation Chair, Rick Romano and Board Members
City of Portland Planning Board Chair, Stuart G. O'Brien and Board Members
City of Portland Planning Dept. Alex Jaegerman
Greater Portland Landmarks Hillary Bassett, Director
MHNO Board
CPB2 LLC, Jim Brady

P.O. Box 7602
Portland ME 04112
October 2, 2014

Deb Andrews, Historic Preservation Mgr.
Planning Division
City Hall, 4th flr.
389 Congress St.
Portland ME 04101

Ms. Andrews:

We are writing in support of Greater Portland Landmarks request to designate the Portland Company site at 58 Fore St. an historic district.

The Portland Company buildings have had a strong impact on marine and industrial work and they have impacted industry nationwide.

This is an opportunity to preserve the last of historical businesses in Portland. We have learned from the demolition of Union Station how deeply that loss has been felt and regretted in this town.

Lets not do it again.

Sincerely,
Everett and Susan Ingalls

Deb Andrews - 58 Fore Historical Significance Concerns

From: Karen Snyder <karsny@yahoo.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 10/12/2014 6:47 AM
Subject: 58 Fore Historical Significance Concerns
Attachments: 58ForeStreetHistoricBuildings.JPG; 58ForeStreetSeaWall.JPG

Dear Ms. Andrews,

I am voicing my concern as many others regarding the 58 Fore street proposed development.

There is a large amount of historical significance to this site, and there are concerns that the developer will destroy the original sea wall of Portland or buildings that are late 1900's that are over the sea wall.

I have attached historical buildings and the original sea wall photos.

There is additional concern by the proposal to change zone ordinances in order for this developer to build an inappropriate height for this area besides blocking the water views of all the residents of Waterville Street.

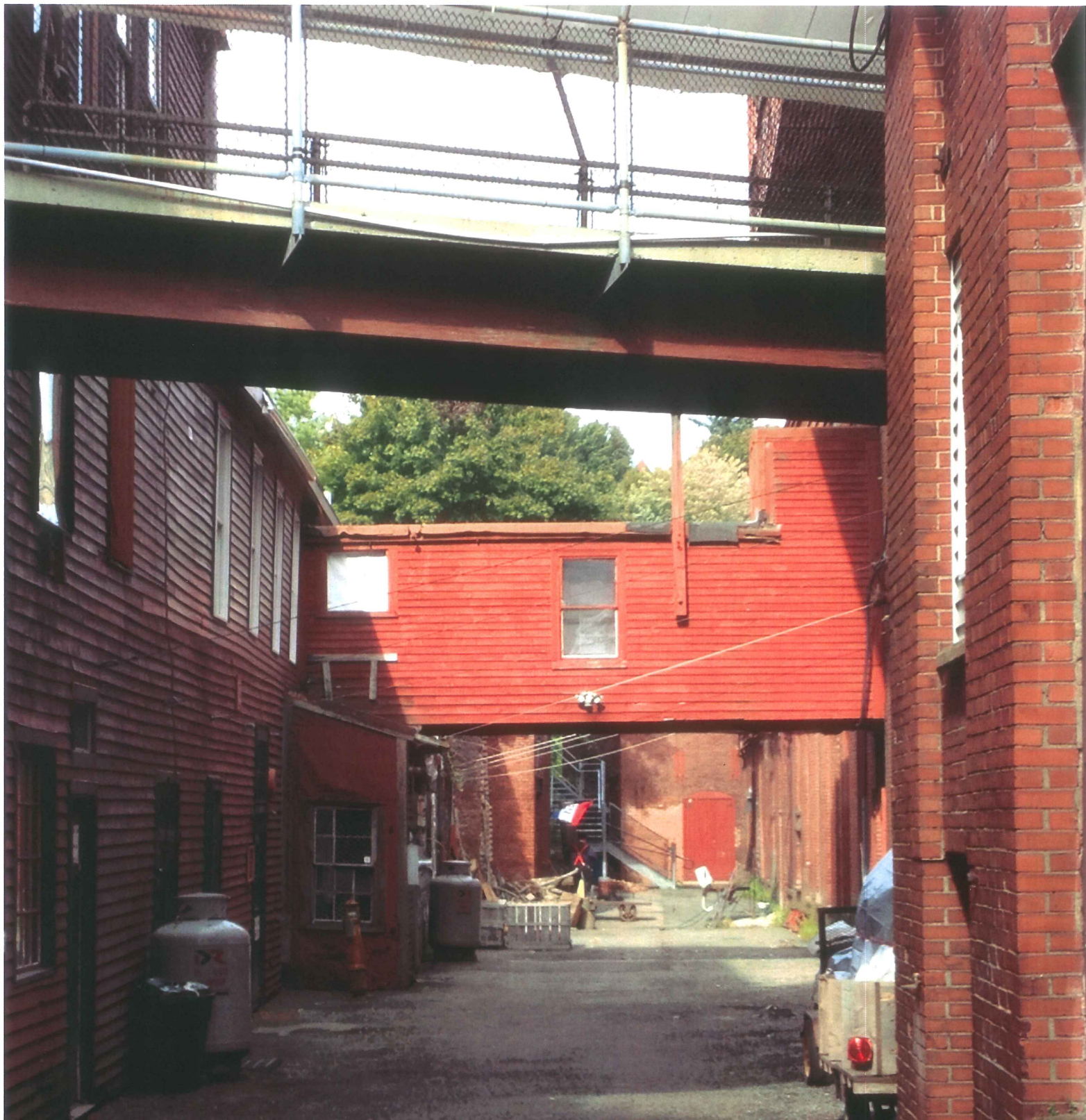
The Historical Preservation board was specifically created as a direct result of the travesty of allowing Union Station to be destroyed to allow a developer to put up a seedy strip mall.

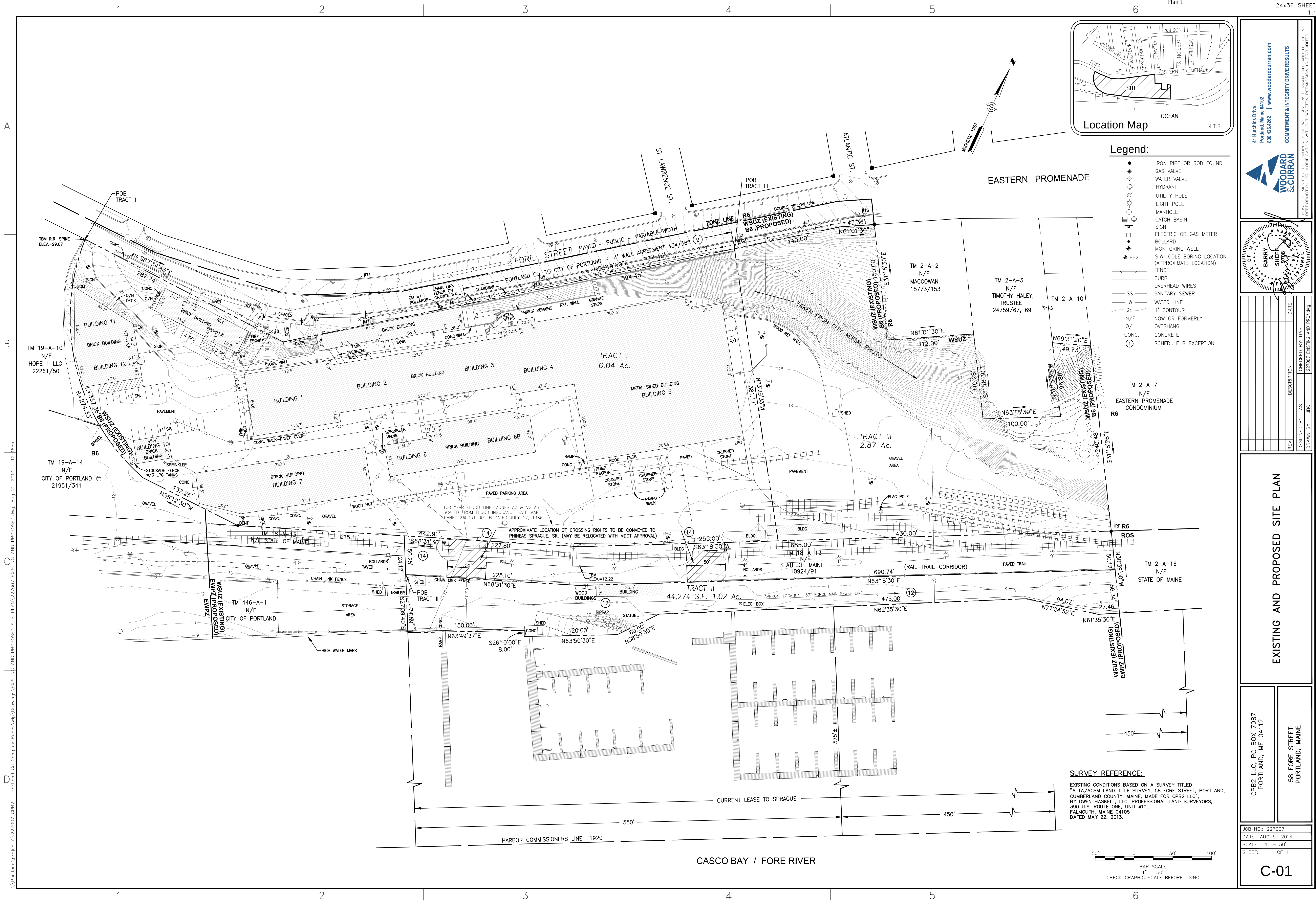
It is up to the Historical Preservation board to PROTECT historical significant structures against the scourge of developers.

Please keep this in mind.

Regards,
K.Snyder
Munjoy Hill Resident







41 Hutchins Drive
Portland, Maine 04102
800.626.4282 | www.woodardcurran.com

WOODARD & CURRAN

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8/21/2014

DESIGNED BY: DAS
DRAWN BY: JBC

CHECKED BY: DAS
DATE: 8/21/2014

DESCRIPTION: EXISTING AND PROPOSED SITE PLAN

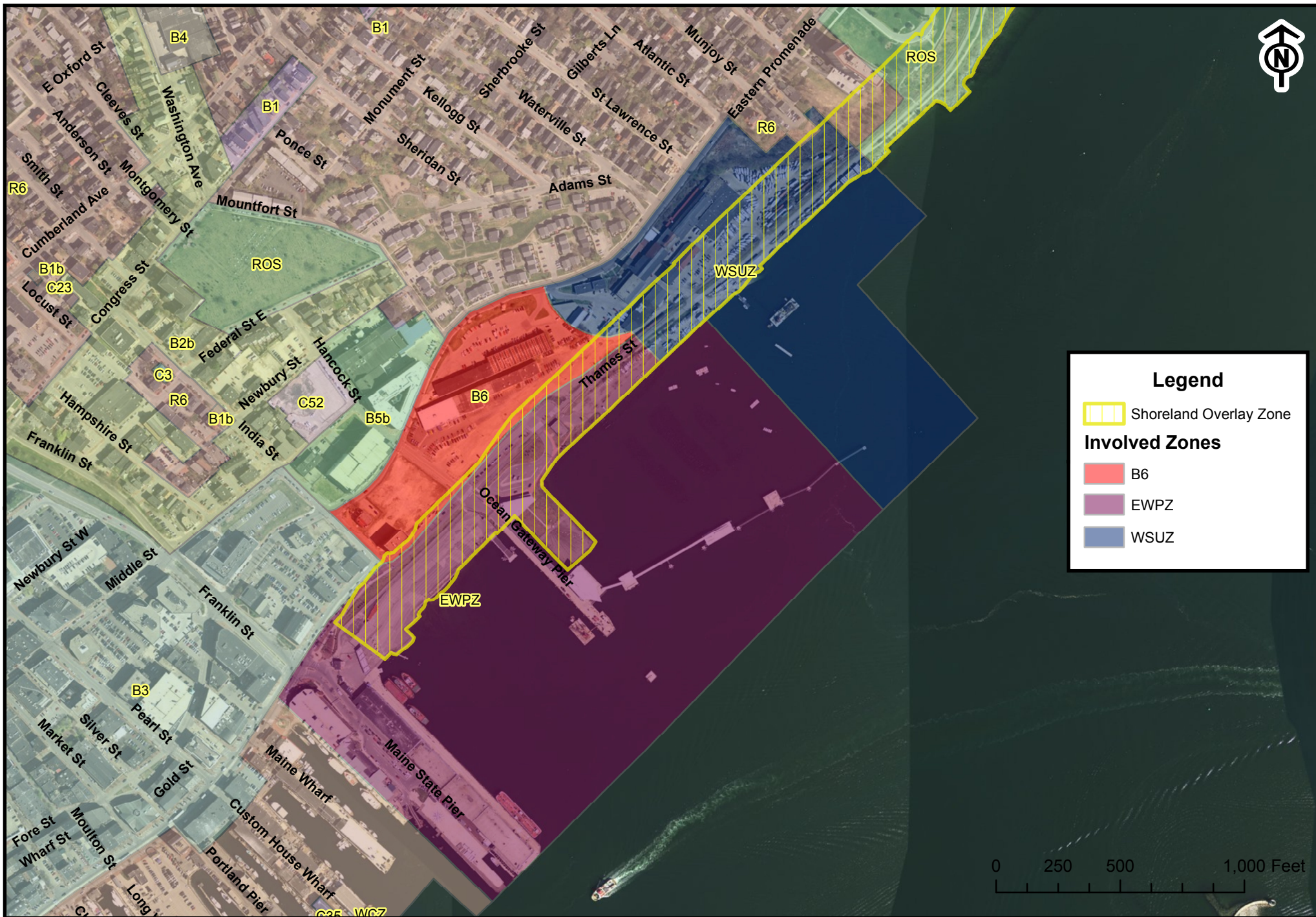
REV

CPB2 LLC, PO BOX 7987
PORTLAND, ME 04112

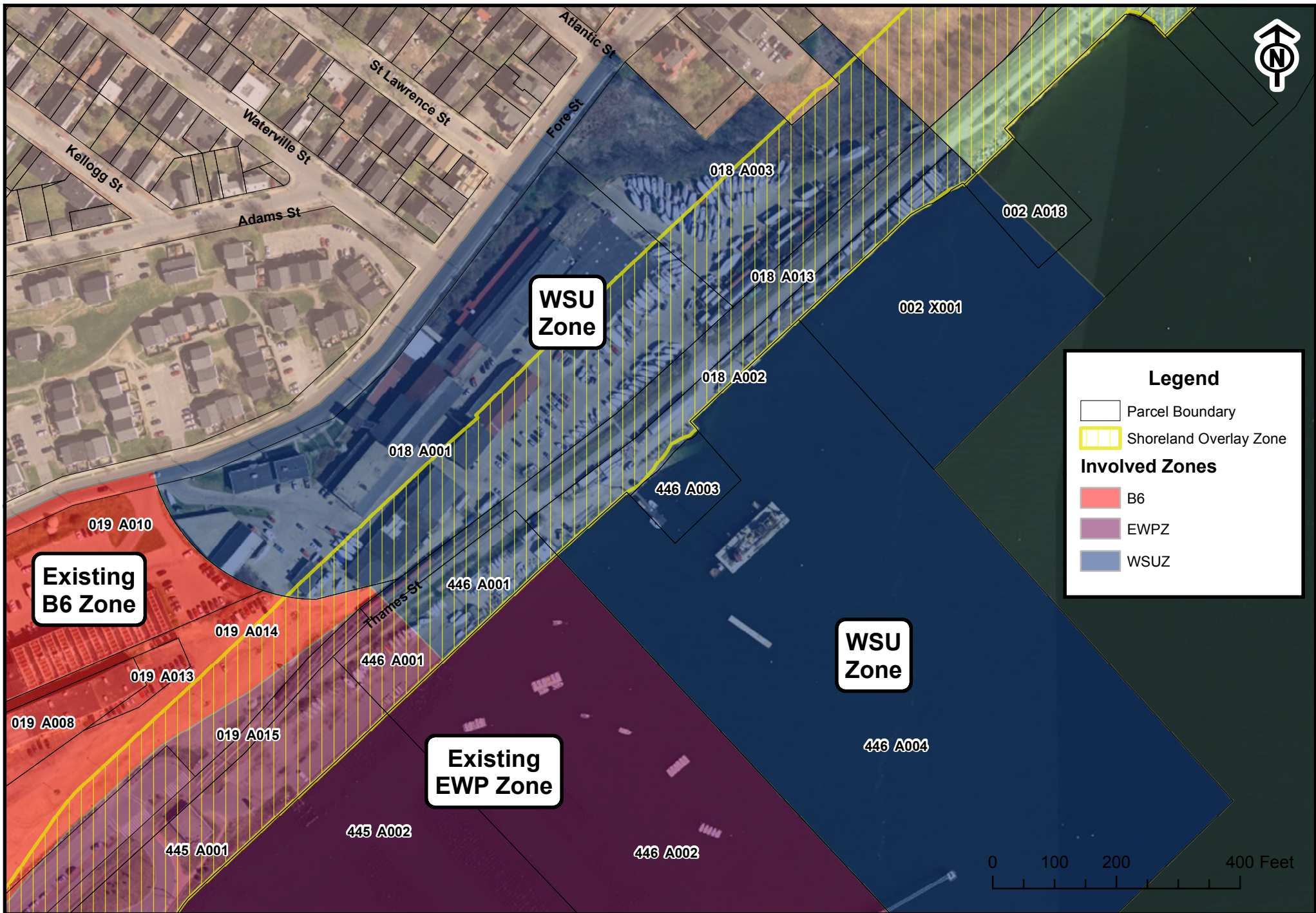
58 FORE STREET
PORTLAND, MAINE

JOB NO.: 227007
DATE: AUGUST 2014
SCALE: 1" = 50'
SHEET: 1 OF 1

C-01



Existing Portland Eastern Waterfront Zoning Map



CPB2 LLC: Existing Zoning



CPB2 LLC: Proposed Zoning Extension

B6 Building Height Overlay & Building Envelopes



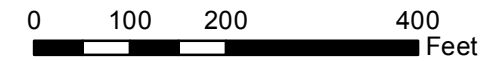
Plan 2

B6 Building Height Overlay Notes:

- 1) For Buildings located East of Hanock Street, no building mass higher than 45 feet shall be wider than 70 feet measured parallel with the waterfront nor longer than 140 feet measured perpendicular with the waterfront. The 70 foot wide building extension allowed above must be at least 90 feet apart, measured parallel with the waterfront, and if abutting Mountfort Street (extension) must be set back 25 feet from any street.
- 2) No Buildings shall be located outside of the Key Building Envelope "Build-to" Lines. In Defined View Corridors, no Building allowed above the corresponding Fore Street elevation.

Legend

- Key Building Envelope Build-to Line
 - View Corridor - No Build Above Relative Fore Street Elevation
 - Proposed Mountfort Street Extension
 - B6 Zone
 - Parcel Boundary
- Building Envelope**
- 35 foot maximum building height
 - 45 foot maximum building height
 - 45 foot maximum building height, building height measured from feet above flood plain, not average grade
 - 45 foot maximum building height with building extension to 55 feet
 - 45 foot maximum building height with building extension to 65 feet
 - 65 foot maximum building height



B6 Building Height Overlay & Building Envelopes



Plan 3

B6 Building Height Overlay Notes:

- 1) For Buildings located East of Hanock Street, no building mass higher than 45 feet shall be wider than 70 feet measured parallel with the waterfront nor longer than 140 feet measured perpendicular with the waterfront. The 70 foot wide building extension allowed above must be at least 90 feet apart, measured parallel with the waterfront, and if abutting Mountfort Street (extension) must be set back 25 feet from any street.
- 2) No Buildings shall be located outside of the Key Building Envelope "Build-to" Lines. In Defined View Corridors, no Building allowed above the corresponding Fore Street elevation.

Legend

- Key Building Envelope Build-to Line
 - View Corridor - No Build Above Relative Fore Street Elevation
 - Proposed Mountfort Street Extension
 - B6 Zone
 - Parcel Boundary
- ### Building Envelope
- 35 foot maximum building height
 - 45 foot maximum building height
 - 45 foot maximum building height, building height measured from feet above flood plain, not average grade
 - 45 foot maximum building height with building extension to 55 feet
 - 45 foot maximum building height with building extension to 65 feet
 - 65 foot maximum building height

0 100 200 400 Feet



Memorandum
Department of Planning and Urban Development
Historic Preservation Division

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

FROM: Deborah Andrews, Historic Preservation Program Manager

DATE: October 16, 2014

RE: **Workshop on Historic Preservation Board Recommendation to Designate House Island as a Local Historic District**

MEETING DATE: October 21, 2014

I. Introduction

The Historic Preservation Board is recommending that House Island be designated a local historic district subject to the provisions of Article IX (Historic Preservation) of the Land Use Code. The proposed district designation applies to the entire island and includes twenty-one (21) identified historic structures or sites representing several key periods of development history on House Island—see Fig. 1.

The Historic Preservation Board's recommendation is based on findings that House Island meets the criteria for designation as defined in Division 3 of the historic preservation ordinance. Under Sec. 14-610 (a) Minimum Criteria for Designation, a nominated historic district must be found to exhibit at least one (1) of six (6) identified areas of cultural, historic, architectural, and/or archeological significance. The Board found that House Island meets all six (6) of the identified criteria. The criterion set forth in Sec. 14-610 (b) applies specifically to nominated districts and requires that a substantial number of the sites, structures, or objects within a proposed district have a high degree of significance and that other sites and structures within the district boundaries contribute to the overall visual characteristics of the significant properties within it. The Board found that the nominated district met this standard. The Historic Preservation Board also found that the structures and sites located within the proposed House Island district meet the separate criterion set forth in Sec. 14-611, which requires that the historic resource must exhibit sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

On October 1, 2014, following a public hearing and deliberations, the Historic Preservation Board voted unanimously (Turk absent) to recommend designation. Formal deliberations on the nomination followed two preliminary workshops including a site visit to House Island to review current conditions of the existing structures and sites. Detailed documentation on the development history and significance of the island and its extant structures was provided in a report prepared by ttl-architects entitled *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District*.

House Island Historic Resources Map With inset map of Fort Scammell

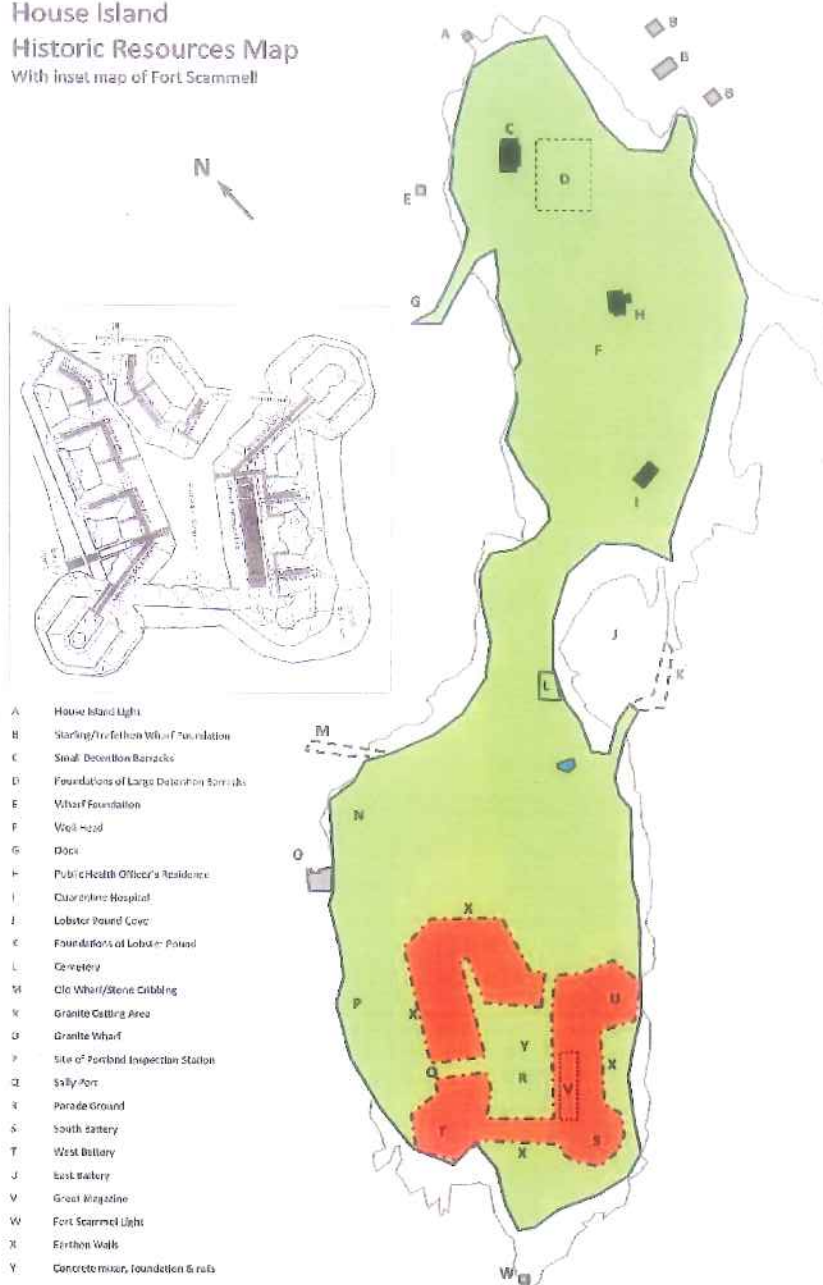


Figure 1. (larger version of map included in consultant report)

II. Planning Board's Role in Designation Process

In the case of a recommendation for historic *district* designation, the Historic Preservation Board forwards its recommendation to the Planning Board for its own review and recommendation to the City Council. (Recommendations for individual *landmark* designations are forwarded directly to the City Council.) Like the Historic Preservation Board, the Planning Board must determine whether House Island meets the designation criteria set forth in Division 3 of the historic preservation ordinance (summarized above and in Section IV of this report.) The Planning Board shall also consider the effect of such designation on other aspects of the comprehensive plan.

In considering the merits of the proposed district and its eligibility for designation, the Planning Board may hold its own workshop to familiarize Board members with the history and significance of the subject district and the contributing and landmark structures within it. On Tuesday, Staff will make a brief presentation on the Historic Preservation Board's findings and recommendation, followed by a presentation by Julie Larry of ttl-architects, who prepared the report that served as the basis of the Historic Preservation Board's deliberations.

III. Background

On July 9, 2014, the City's historic preservation office received letters from Greater Portland Landmarks and Peaks Island summer resident Jo Israelson requesting that House Island be nominated as a local historic district. (See Attachment 3). The letters were distributed to the members of the Historic Preservation Board as a communication at their meeting later that day. At the Board's next scheduled meeting (July 16), Board members Penny Pollard and Bruce Wood distributed a letter to the full Board, formally nominating House Island for consideration as a local historic district. (The ordinance stipulates that district nominations must be initiated by any two members of the Historic Preservation Board or by written petition by one or more owners of affected property in the proposed district, provided two or more members of the Board sponsor the petition.)

Following the nomination, a detailed report was prepared by Julie Larry of ttl-architects documenting the multi-layered history and architecture of House Island. The report also included an analysis of House Island's significance and level of integrity, specifically addressing the designation criteria included in Portland's historic preservation ordinance. Staff reviewed the report and found that it constituted a "complete nomination" for purposes of considering the merits of designation.

On August 6th, an initial workshop was held on the proposed designation. Julie Larry of ttl-architects was invited to make a powerpoint presentation based on her written report. Ms. Larry reviewed the long history of development on House Island and the various key roles it has played over time. Using historic and recent photographs, she described the numerous extant structures and sites on the island that document various periods of its history and the specific activities that it has supported. Finally, Ms. Larry presented her findings as to the relative significance of House Island within the context of the history of Portland and beyond.

This informational workshop was followed by a site visit on September 3rd. Accompanied by property owner Michael Scarks and City staff, members of the Historic Preservation Board toured the entire island, reviewing the specific historic resources identified in Ms. Larry's report. Visiting the property was critical to the Board's deliberations as it provided an opportunity to observe the current condition of the sites, structures and objects within the proposed district. In order for the Board to address the question of *integrity* as defined in the historic preservation ordinance, it was essential to review the historic resources first hand. The site visit also provided Board members with the opportunity to decide whether the designation classifications (Landmark, Contributing, Non-contributing) recommended by the consultant for each site, structure and object within the district boundaries were appropriate. The site visit allowed Board members to observe the overall visual character of the island, the spatial and scale relationship between the individual structures on it and the visual relationship between the north and south ends of the island. Finally the site visit, which concluded with a boat tour around the entire perimeter of the island, provided Board members with an opportunity to observe available views of the island and its built resources from the water and other islands within Casco Bay and understand its role as a key character-defining feature of the bay.

IV. Historic Preservation Board Findings

Based on the documentation and analysis provided in the report prepared by ttl-architects, a site visit conducted on September 3, 2014 and the staff report prepared for the October 1, 2014 public hearing, the Board found that the proposed House Island historic district:

- 1) **meets the historic preservation ordinance's minimum criteria for designation as set forth in Sec. 14-610 (a), specifically (a) 1,2,3,4,5 and 6.** (See Attachment 1 for full text of applicable designation criteria.) Having carefully reviewed ttl-architect's summary statements addressing the historic preservation ordinance's minimum criteria for designation (**see pages 2-5 of the report**), the Board found that ttl's concluding statements of significance were well-founded and based on detailed research and available documentation. The statements describe in a succinct narrative how the various criteria are met. In recommending designation to the Planning Board, the Historic Preservation Board references the statements of significance included in the ttl-architects report as having satisfactorily met criteria 1-6.;
- 2) **meets the criterion in Sec. 14-610 (b).** This criterion addresses the question of the level of significance of the individual structures and sites within the proposed district boundary. In responding to this criterion, the Board found that a substantial number of the structures and sites within the proposed district have a high degree of cultural, historic or architectural significance and integrity, many of which qualify as landmarks, and that the proposed district also has within its boundaries other sites and structures which contribute to the overall visual characteristics of the most significant properties and sites. The Board supported the ttl-report's recommended classifications for each identified site and structure within the district boundary (see Index of Resources on page 22 of consultant's report); and
- 3) **meets the integrity criterion set forth in Sec. 14-611.** Separate from the above criteria that relate to the significance of a nominated district, the Board must also find that the district and the structures and sites therein have "sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration." Based on the Board's site visit to House Island, the Board was satisfied that the structures and sites within House Island exhibit a high degree of integrity.

ATTACHMENTS

1. Excerpts from historic preservation ordinance (Article IX) applicable to the nomination and designation of historic resources, including designation criteria
2. *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District*, prepared by Julie Larry, ttl-architects
3. Original petition letters from Greater Portland Landmarks and Jo Israelson requesting that the Historic Preservation Board nominate House Island as a local historic district
4. Compilation of Public Comment

(s) To annually report to the council with following matters:

1. Survey work in progress or completed;
2. The number of projects reviewed (by type);
3. How many certificates of each type were issued.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

DIVISION 3. CATEGORIES AND CRITERIA FOR DESIGNATION

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

- (1) Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;
- (2) Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;
- (3) Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;
- (4) Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;
- (5) Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or
- (6) Its representation of a significant cultural, historic,

architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

(b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

(c) In the case of a nominated historic landscape district, the historic preservation board shall also consider its significance as a geologic, natural or man-made landscape feature associated with the development, heritage or culture of the City of Portland, State of Maine, New England region, or the United States.

(d) The planning board and council shall apply the criteria of subsections (a), (b) and (c) but shall also consider the effect of such designation on other aspects of the comprehensive plan of the city.

(Ord. No. 235-90, 2-26-90)

Sec. 14-611. Integrity of landmarks and historic districts.

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

(Ord. No. 235-90, 2-26-90)

Sec. 14-612. Designation of historic landscape districts.

An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state or local government, or any combination of such ownership.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 2, 5-17-93)

Sec. 14-613. Reserved.

DIVISION 4. NOMINATION, CONSIDERATION AND DESIGNATION

Sec. 14-614. Procedure.

The provision of this division shall govern the nomination, consideration and designation of landmarks and districts.
(Ord. No. 235-90, 2-26-90)

Sec. 14-615. Initiation of nomination.

(a) Nomination of an area, site, structure or object for consideration of designation as a landmark, historic district or historic landscape district shall be submitted to the department, on a form provided by the department, by the following:

- (1) Any two (2) members of the historic preservation board on their own initiative, by written notice to the department; or
- (2) By written petition of any owner, in the case of a landmark; or
- (3) By written petition of one (1) or more owners of affected property in the case of a district; provided two (2) members of the historic preservation board must sponsor the petition.

(b) A nomination shall be completed and filed with the department with all required signatures and any fees specified therefore for the nomination to be pending.

(c) Upon nomination, the department shall notify the owner or owners of the nomination and shall transmit the nomination to the historic preservation board for its consideration at its next scheduled meeting, which in no event shall be held later than thirty (30) days following nomination.

(d) At any time after a complete nomination is filed for an historic district, the owner of a structure who seeks a permit for demolition may apply to the historic preservation board for a determination that the structure to be demolished is noncontributing and eligible for a demolition permit. The determination of the historic preservation board that the structure is eligible for a permit shall be conclusive.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-09/09, 3-16-09)

Sec. 14-616. Notification of nomination and public hearing.

(a) A public hearing on the nomination shall be held by the historic preservation board within thirty (30) days following the first scheduled meeting referred to in section 14-615(c), but in no event later than sixty (60) days following receipt of the completed nomination form by the department. Notice of the nomination and of the public hearing shall be in accordance with the procedures for public hearings before the planning board for site plan approval.

(b) The hearing shall be conducted in accordance with procedures adopted by the historic preservation board. The historic preservation board shall consider all testimony or evidence relating to the designation criteria in division 3 from any person who makes written submissions or appears at the public hearing. Historic preservation board members may also present testimony or make submissions. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in division 3.

(Ord. No. 235-90, 2-26-90)

Sec. 14-617. Recommendation by historic preservation board.

Within thirty (30) days following the close of the public hearing, the historic preservation board shall make recommendation to the council in the case of a landmark, or to the planning board in the case of a district, upon the evidence as to whether the nominated landmark or district meets the criteria for designation in division 3. Such recommendation shall be approved by at least four (4) members of the historic preservation board and shall be accompanied by a report to the council or planning board containing the following information:

- (a) Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation.
- (b) Explanation of the integrity or lack of integrity of a nominated landmark or historic district.
- (c) Proposed design guidelines for review of alteration or construction. The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of division 7.
- (d) Relationship of the nominated landmark or district to the ongoing effort by the committee to identify and nominate

all potential areas, sites, structures and objects that meet the criteria for designation.

- (e) A map showing the location of the nominated landmark and the boundaries of the nominated district.
- (f) A list, including the address, of every site, structure and object in each nominated historic district indicating their degree of cultural, historic, architectural or archeological significance by classification as of a landmark or contributing significance.

Where a motion either in favor of a recommendation or in opposition to a recommendation results in a vote of fewer than four (4) members, the item shall automatically be tabled to the next regularly scheduled meeting.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 3, 5-17-93)

Sec. 14-618. Reserved.

Sec. 14-619. Notification of historic preservation board recommendation.

(a) The recommendation of the historic preservation board, including a copy of the report, shall be transmitted to the city council in the case of a landmark and to the planning board in the case of a district. Notice of the recommendation shall be sent by mail to the owner of a nominated landmark and to all owners within a nominated district within ten (10) business days following adoption of the recommendation and report.

(b) If the recommendation of the historic preservation board is that the property or district not be designated, the nomination process shall terminate and no new nomination shall be submitted for the identical property or area for a period of one (1) year from the date of termination, except upon a showing of substantial and material newly discovered information.

(Ord. No. 235-90, 2-26-90)

Sec. 14-620. Determination by planning board.

(a) The planning board, upon receipt of a recommendation and a report from the historic preservation board concerning nomination of a district, may hold a workshop meeting pursuant to the provisions of section 14-26. After review of the historic preservation board recommendation and report, the planning board shall hold a public hearing.

(b) All meetings, hearings and deliberations of the planning board to consider the recommendation and report of the historic preservation board shall be held in conformity with sections 14-24 through 14-28.

(c) The planning board may request the chair of the historic preservation board, or a member designated by the chair, to appear at any meeting, hearing or deliberation to explain any recommendation or report.

(d) The planning board shall make its final determination including written findings as to whether the nominated district meets the criteria for designation in division 3 within forty-five (45) days following receipt of the recommendation and report from the historic preservation board. A copy of the determination of the planning board shall be sent by regular mail to all owners within a nominated district within ten (10) business days following the determination.

(Ord. No. 235-90, 2-26-90)

Sec. 14-621. Planning board recommendation to city council.

The recommendation of the planning board regarding a nominated district shall be filed with the city clerk within ten (10) business days. It shall be accompanied by a copy of the report and recommendation of the historic preservation board and, in the case of a recommendation that the council designate, a draft of a proposed designation ordinance, including any proposed design guidelines for review of alteration, construction, removal or demolition. The recommendation of the planning board may include proposed changes in other city ordinances, policies, infrastructure, or recommendations with respect to the comprehensive plan of the city relating to the proposed designation.

(Ord. No. 235-90, 2-26-90)

Sec. 14-622. Action by the city council.

(a) Within sixty (60) days after the filing of a recommendation on the nomination with the city clerk pursuant to section 14-620, the council shall designate the landmark or district or reject designation. Any designation ordinance may include design guidelines for the designated landmark or district.

(b) Designation of a district shall be accompanied by a list, including the address, of every site, structure and object in the district which is determined to be a landmark or considered to be

contributing or noncontributing, indicating their degree of cultural, historic, architectural or archeological significance. This list may be amended thereafter by the council upon recommendation from the planning board under the same procedures as set forth above. Where there are no express findings by the council in the designation ordinance, there shall be a presumption that the council found that all requirements of sections 14-610 and 14-611 were met.

(c) Notice of the proposed action of the council shall be provided by mail to the nominator and the owner of the nominated landmark and/or of all properties adjacent thereto prior to council action. The notice shall include a copy of the resolution or designation ordinance and design guidelines.

(d) Notice of council action to the same persons shall be sent within ten business days following the council action. A copy of each designation ordinance and design guidelines shall be sent to the planning board, the historic preservation board and the department. A complete schedule of all landmarks and districts, including design guidelines and a listing of landmark and contributing structures, shall be maintained by the department as part of the design manual and shall be available for public inspection and copying during ordinary business hours.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-623. Amendment and rescission of designation.

Amendment and rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the council, and shall follow the procedure set forth in division 4 for designation. The council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the committee, planning board and council shall be limited to those provided in section 14-610(a) and section 14-611. Amendments may include refinement or correction of design guidelines, maps, and other parts of any designation ordinance.
(Ord. No. 235-90, 2-26-90)

Sec. 14-624. Reserved.

Sec. 14-625. Reserved.

*Editor's note - Order No. 197-03/04 adopted 9/8/04, repealed §14-625 Projects of Special Merit in its entirety.

Sec. 14-626. Reserved.

Sec. 14-627. Reserved.

Sec. 14-628. Time limits.

(a) Any time limit specified for any step in the process for nomination or designation of a landmark may be extended with the consent of the property owner.

(b) Any time limit specified for any step in the process for nomination or designation of a district may be extended where at least ten (10) percent of the owners of property within the boundaries of the proposed district have given written consent to the extension.

(c) Failure to comply with any time limit in the nomination and designation process as provided in divisions 3 or 4 shall not affect the validity of any designation nor the interim protection provided by division 5.

(Ord. No. 235-90, 2-26-90)

Sec. 14-629. Reserved.

DIVISION 5. INTERIM PROTECTION FOR NOMINATIONS

Sec. 14-630. Nominated landmarks and districts.

(a) From the time of nomination until the historic preservation board acts upon such nomination, a site, structure, object or area nominated but not yet designated as a landmark or district shall be subject to all of the provisions of divisions 8 and 10 governing demolition and minimum maintenance, to the same extent as if designated. Upon final action of the historic preservation board recommending designation, the site, structure, object or area nominated shall be subject to all of the protection of this article until a final decision on designation by the council becomes effective. If the council rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of divisions 8 and 10 of this article.

(b) Alteration or new construction commenced pursuant to a building permit issued prior to nomination shall not require a certificate of appropriateness, unless such permit has expired, been canceled or revoked. No project for which any application is pending, and which has received substantive review by the planning

board prior to nomination, shall be affected by nomination. Substantive review, as used in this paragraph, shall include workshop review of any completed application under articles IV or V of this chapter.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 4, 5-17-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-631. National Register of Historic Places

(a) Every property, landmark or district listed in the National Register of Historic Places prior to adoption of this article, as shown in the design manual, is hereby designated as a landmark or district and shall be subject to all of the protection of this article, until such time as such designation is amended or rescinded as provided by section 14-623. Listed properties which would qualify for designation as historic landscape districts shall be subject to the applicable provisions of this article. If there is any inconsistency between the boundaries of any landmark or district as shown in the designation ordinance, if any, the design manual and/or the National Register, such inconsistency shall be resolved in favor of such ordinance and the design manual in that order. A certificate of appropriateness shall be obtained for every alteration or new construction affecting said listed properties and districts.

(b) Upon notice to the city that a property or area has been listed in the National Register after the adoption of this article, a nomination shall be deemed submitted to the historic preservation board for designation of such property or area as a landmark, historic district or historic landscape district under this article, and the procedures of this division shall be applicable thereto.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-632. Properties eligible for listing on National Register or for local designation.

A certificate of economic hardship shall be obtained prior to demolition of any structure which has not been designated in accordance with this article but which is eligible for listing on the National Register of Historic Places under the criteria established by 16 U.S.C. Section 470(a) or its successor statute and/or regulations made thereunder or which is eligible for local listing under the criteria for designation of this article. The determination of eligibility for listing shall be made by the department, which may refer such a determination to the historic preservation board, and by the board of appeals if an appeal is taken. Upon determination of eligibility, the structure so

determined shall also be subject to the provisions of division 10 until a final decision by the council on designation becomes effective. If the council rejects designation or fails to designate a structure which has been determined to be eligible under the terms of this section, that structure shall no longer be subject to the provisions of divisions 8 and 10 of this article.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 5, 5-17-93)

Sec. 14-633 Reserved

DIVISION 6. CERTIFICATES OF APPROPRIATENESS AND NONAPPLICABILITY

Sec. 14-634. Certificate of appropriateness required.

(a) Except as provided in sections 14-635 and 14-636, a certificate of appropriateness shall be required before the following actions affecting any landmark, contributing or noncontributing structures, objects, sites or property in a district may be undertaken and shall be a condition precedent to the issuance of any permit authorizing such work:

- (1) Any exterior alteration or new construction requiring a building permit from the City of Portland, including, but not limited to the following:
 - a. Removal and replacement of architectural detailing including, but not limited to, porch spindles and columns, railings, window moldings and cornices;
 - b. Moving of structures or objects on the same site or to another site;
 - c. Construction of rooftop additions or decks;
 - d. Alteration of accessory structures such as garages;
 - e. Porch replacement or new construction of porches;
 - f. Installation of exterior access stairs;
 - g. Window or door replacement requiring enlargement of openings;
 - h. Installation of antennas and satellite receiving dishes;

House Island, Portland, ME Analysis of Eligibility as a Local Historic District

By ttl-architects, LLC

30 July 2014



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SUMMARY DESCRIPTION OF A POTENTIAL HOUSE ISLAND HISTORIC DISTRICT

House Island is a 24 acre island just off the coast of Portland on the north side of the entrance to Portland Harbor between Cushing Island and Fort Gorges. The potential House Island Historic District includes Fort Scammell, three 1907 buildings and a pump station associated with the US Hospital, Quarantine and Immigration Station, cut granite wharves, the remains of a late 19th century lobster pound, a cemetery, the site of the City of Portland's Inspection Station, and two United States Coast Guard markers. Fort Scammell on House Island has been identified as eligible for listing on the National Register of Historic Places by the City of Portland.

House Island has a long history of use as a center for fishing, for military fortifications and as a site for processing immigrants into the United States in the late nineteenth and early 20th centuries. After the United States government's sale of the island following World War II, the island has been privately owned by one family until its sale in 2014.



SUMMARY STATEMENTS ADDRESSING THE CITY OF PORTLAND'S MINIMUM CRITERIA STANDARDS FOR DESIGNATION AS A LOCAL HISTORIC DISTRICT

House Island meets the minimum criteria standards for designation as a local historic district as defined in Sec. 14-610 of the City of Portland's Historic Preservation Ordinance and summarized below:

Sec. 14-610.a.1 - Value as a significant example of the cultural, historic, architectural, archaeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

The potential historic district provides a unique state and local example of the social history surrounding immigration in the United States in the late 19th and early 20th centuries, particularly the public health laws for immigrants from foreign ports and the immigration laws of the early 20th century which established quotas for entry into the United States. The extant United States Hospital, Quarantine and Immigration Station facilities on the north half of House Island assumed the functions previously administered at the City of Portland's Inspection Station located on the Fort Scammell military reservation. The site and extant above ground resources are significant at the local, state, and national level for their association with United States immigration policy and processing operations.

The potential historic district is also significant in the area of maritime history and commerce as it is a district that represents the local economic, cultural and social importance of fishing on Maine's islands. Although few remains of its fishing past are located on the island, just offshore on the northeast end of the island are the remains of three early 19th century wharves used by the island's fish curing businesses. The wharves and the remains of the c1889 lobster pound in Lobster Pound Cove provide evidence of the island's importance in the local fishing economy.

Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities leading up to the War of 1812 and again during the Civil War. Because of its location, Fort Scammell, along with Fort Gorges and Fort Preble, was a critical element in the defense of the entrance to Portland Harbor. Built in 1808 as a second system fort with a blockhouse, the extant fort structures are the result of a redesign of the fort from 1862-1870 to conform to national third system fortification designs. The site and extant above ground resources are significant at the local, state, and national level for their role in the United States' design and strategy for coastal defenses.

Although no professional archeological investigations have been undertaken on House Island, other islands in Casco Bay have yielded artifacts 2000-4000 years old, evidence of Native American use of the islands for hunting, fishing, and gathering and House Island may have the potential to yield information on its use by native Americans. In addition, there is potential to yield information on the historic use of the island during the period 1623-1808 when the island was used primarily for fishing and farming. The island is locally and regionally significant for its potential ability to expand the archeological database for the late Ceramic period in Casco

Bay, and to develop a more comprehensive understanding of island life from pre-contact into the early 19th century.

Sec. 14-610.a.2 - Location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structures on the property.

The potential district has been the site of events that have had an important impact on the region as a whole from the mid nineteenth century through the early twentieth century. The remaining resources associated with the United States Hospital, Quarantine, and Immigration Station provide a unique national, state and local example of immigration processing operations.

Additionally, the potential historic district is also significant in the area of maritime history and commerce as an example of the local economic, cultural and social importance of fishing on Maine's islands. The early nineteenth century granite wharves and the remains of the c1889 lobster pound provide evidence of the island's importance in the local fishing economy. The lobster pound provides evidence of the ingenuity of Maine's lobster merchants to regulate supply and pricing for their product, a site significant to the lobster fishery's rise to prominence in Maine, and is an early example of this type of enclosure in Maine.

Sec. 14-610.a.3 - Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.

As the site of Portland's Inspection and Quarantine Station, House Island served as a port of entry for European immigrants arriving in New England in the late 19th century to work in area mills, to immigrate to the western states, or to immigrate north into Canada via the St. Lawrence and Atlantic Railroad. In the 20th century the United States Hospital, Quarantine and Immigration Station on House Island served as an alternative quarantine and inspection station to heavily used federal facilities in Boston and New York. The site and extant above ground resources are significant at the local, state, and national level for their association with European immigration to the United States in the late 19th and early 20th centuries.

In addition, Fort Scammell is significant for its association with Army Engineer Thomas Lincoln Casey (1831-1896). Casey oversaw construction on coastal fortifications in Maine, including Fort Knox, Fort Preble, Fort Scammell, and Fort Gorges. He oversaw the Washington Monument construction 1879-1888, was the engineer of the Thomas Jefferson Building at the Library of Congress, and served as the Chief of Engineers for the United States Army Corps of Engineers from 1888-1895.

Sec. 14-610.a.4 - Exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design detail, materials or craftsmanship.

Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities from 1807-1918 and as example of a mid-nineteenth century fortification known for its design and engineering. Begun in 1808, the second system fortifications were altered and the block house removed to conform to national third system fortification designs 1862-1870. The fort was also slightly altered again in the 1890s during a massive construction and modernization program with a focus on concrete fortifications, the installation of large caliber breech loading artillery, and the installation of mine fields, with smaller guns employed to protect mine fields from mine sweeping vessels. During this period Fort Scammell's East Battery was equipped to control a minefield in Whitehead Passage and the fort was upgraded with 15-inch Rodman cannons. During World War One concrete bases for three-inch anti-aircraft guns were built on the South and East Batteries, but no guns were installed.

In addition the Acadian Revival style of the Small Detention Barracks and the Quarantine Hospital are locally unique examples of this style of architecture.

Sec. 14-610.a.5 - Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, State of Maine, New England region, or the United States.

Fort Scammell is significant for its association with Army Engineer Thomas Lincoln Casey (1831-1896). Casey oversaw construction on coastal fortifications in Maine, including Fort Knox, Fort Preble, Fort Scammell, and Fort Gorges. He oversaw the Washington Monument construction 1879-1888, was the engineer of the Thomas Jefferson Building at the Library of Congress, and served as the Chief of Engineers for the United States Army Corps of Engineers from 1888-1895.

Sec. 14-610.a.6 - Representation of a significant example of the cultural, historic, architectural, archaeological or related theme expressed through distinctive areas, sites, structures, or objects.

The potential district is significant in the area of Military History. Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities from 1807-1918. Because of its location, Fort Scammell, along with Fort Gorges and Fort Preble, was a critical element in the defense of the entrance to Portland Harbor in the 19th century and early 20th century. Fort Scammell was determined eligible for listing on the National Register of Historic Places by the City of Portland. Fort Gorges was listed on the National Register of Historic Places in 1973 and is a city designated landmark.

Although no professional archeological investigations have been undertaken on House Island, other islands in Casco Bay have yielded artifacts 2000-4000 years old,

evidence of Native American use of the islands for hunting, fishing, and gathering. The island has a strong likelihood to yield important information about Native American lifeways over a broad period, the early settlement of the island, and use of the island for marine trade. During the period 1623-1808 when the island was used primarily for fishing and farming there were numerous fish houses, flakes¹, outbuildings, and two dwellings on the island as well as the extant remains of the wharves on the northeast end of the island and the lobster pound in the cove on the east side of the island. The island is locally and regionally significant for its potential as a source for artifacts and information to expand the archeological database for the late Ceramic period in Casco Bay, and to develop a more comprehensive understanding of island life from pre-contact into the early 19th century.

HISTORIC CONTEXT

Native American Occupation

Native American occupation of Casco Bay likely began 12,000 years ago, although sea level changes are believed to have washed away evidence of early human presence. There have been no archeological investigations of House Island, although other islands in Casco Bay have yielded artifacts 2000-4000 years old, evidence of Native American use of the Casco Bay islands for hunting, fishing, and gathering. A potential House Island Historic District has a strong likelihood to yield important information about Native American use over a broad period.²

Early European Settlement, c1600-1675

House Island may have been occupied by European settlers as early as 1623 when Christopher Leavitt was granted six thousand acres including the islands of Casco Bay by King Charles I of England. Although Leavitt and his men may have established a trading center on House Island for commerce with the Wabanaki,³ the earliest documented structure on the island is a house transferred in a 1661 deed from Nicholas White to John Breme, along with a right for White's fish business. In the first few decades of European settlement the island was inhabited principally by fisherman, with some subsistence farming, and was the site of active fish curing, and possibly fish trading, businesses.

¹Wood framed structures for drying fish.

² An undated article clipping in the files at Greater Portland Landmarks indicates that in 1845, during construction on Fort Scammell, a Native American gravesite was discovered, although there is no indication what happen to the remains that were uncovered.

³Conforti, Joseph A. ed. "Creating Portland: A History and Place in Northern New England. Lebanon, NH: University Press of New England, 2005.

Indian Wars, 1676-1715

The French and Indian Wars were a series of conflicts that were part of a larger colonial struggle between France and England that lasted three quarters of a century. The settlement on the Portland peninsula, then known as Casco, was destroyed in 1676 during King Phillips War or the First Indian War (1675-1678). After the Treaty of Casco in April of 1678, Portland was resettled.

In September of 1689, during a conflict known as King William's War (1689-1697), 200 Norridgewock, Penobscot, and Canadian Indians gathered on Peaks Island and attacked European settlements in Back Cove. While the September attackers were driven off, a second attack in the spring of 1690 forced the surrender of Fort Loyal near the foot of India Street. The settlement at Portland was burned and European settlers were killed or taken prisoner. Although there was some resettlement in Casco Bay, principally at Spring Point in South Portland, these settlers were driven out after an attack in August of 1703⁴. The area was not substantially resettled until the close of Queen Anne's War (1702-1713) after the 1713 Treaty of Portsmouth ended hostilities between England and France. By 1715 Portland, then known as Falmouth, was resettled. House Island, like most of the area, was mostly unsettled from 1676-1715.

During this turbulent period, House Island was owned by George Munjoy, owner of the eastern end of the Portland peninsula and Peaks Island, and his family. Munjoy acquired a fourth interest in House Island in 1663 and eventually acquired the rights to the whole island. His garrisoned dwelling at the corner of Fore and Mountfort Streets on the peninsula was demolished in 1676. Deeds indicate there were two houses, an old house and a new house, on the island at this time, although they were likely demolished or deteriorated substantially during the period of abandonment. After his death in 1680, his ownership of the island was affirmed by the provincial authorities and deeded to his widow, although she seems to have resided in Boston during the conflicts.

Resettlement Period, 1715-1750

As the Casco Bay area was resettled after the cessation of hostilities, House Island was owned in part by various fisherman, farmers, and businessmen; no one owner possessed a right to the entire island. For most of this period of European resettlement the island was the site of fish curing businesses. There are no known remains of this period of resettlement on House Island. Archeological investigations might yield information on island life in the 18th century as deeds indicate dwellings were present on the island during this time.

⁴Goold, Nathan. *A History of Peaks Island and Its People: Also a Short History of House Island*. Portland, ME: Lakeside Press, 1897.

Nineteenth Century Fish Curing Yard and Lobster Pound

In 1801 the island was acquired by John Walden Green of Salem, a fisherman and farmer. He built a dwelling upon the island, no longer extant. He sold the southern half of the island, twenty-acres, to the US Government in 1808.

For most of the 19th century the northern portion of the island was owned by members of the Trefethen and Starling families. In 1822 John Starling [Sterling] (1785-1870) acquired one half of the north part of the island and moved to the island with his wife Patience Bowe [Browne]. In 1823 his cousin Henry Trefethen III (1797-1880) acquired title to the other half of the north end of the island, and moved to the island from Monhegan. The two families lived on the island in a two family house (See images). The Starling and Trefethen families fished and cured their catches in large flake yards.⁵ (See images).

Besides the two-family dwelling house the Starling and Trefethen families had fishing sheds and piers on the eastern side of the island. Although the wooden outbuildings are no longer extant, three large stone piers of cut granite that formed the bases of the wharves are extant. The families also laid out a cemetery near the middle of the island overlooking Lobster Pound Cove. The cemetery's oldest grave is William Hogart (c1777-1822).

Information from the Cushing family, owners of the island in the second half of the 20th century, dates the use of the cove on the east side of the island as a lobster pound to the 1850s. *Maine's Sea Fisheries* and the history of lobster pounds in Maine indicate the establishment of the lobster pound was probably closer to 1889 when Howard H. Trefethen established his wholesale lobster business.

Prior to 1880 lobstering in Maine was largely irrelevant to Maine's economy, ranking sixth in pounds landed behind cod, herring, mackerel, hake, and haddock. In the 1880s lobsters quickly became the most valuable catch in Maine's fisheries driven in part by the rise of Maine as a tourist destination and the ability to transport fresh lobster to urban markets. The lobster catch in Maine grew from 14 million pounds in 1880 to 25 million pounds in 1889. The value of the catch increased from \$269,000 in 1880 to \$574,000 in 1889. By 1900 the lobsters were Maine's most valuable catch worth approximately \$1 million dollars. As the value of the catch and demand for lobsters increased the number of lobstermen increased as well from less than 200 in 1876 to 3,304 in 1898. Lobster for delivery out of state was initially canned locally,

⁵ The *Maine Register or State Year-book and Legislative Manual* of 1889 indicates that Alpheus G. Sterling and Charles & Henry Trefethen were fish curers and fish wholesalers on House Island. Alpheus, the youngest son of John Starling, inherited the Starling family share of the island. In 1888 deeds indicate Alpheus sold the Trefethens the right to use the water in the eastern cove for a lobster pound. Other fisherman from the island include Henry Trefethen III's nephew George Trefethen, Jr. who sold dry, smoked and pickled fish at 6 Commercial Wharf. George's brother John Waterman Trefethen was a wholesale and retail dealer in fresh and pickled fish on the east end of Commercial Wharf in Portland.

but was quickly replaced by fresh shipment after 1885 with the development of lobster pounds along the coast.⁶

Lobstering in Maine was a seasonal business, with trapping occurring in March-July and October-December. The steady demand and seasonal supply resulted in low prices when lobsters were readily available and high prices when there were fewer lobsters available for market. In an effort to hold lobsters captive for sale out of season, a lobster pound was created in 1875 by Johnson & Young of Boston in a nine-acre bay along the coast of Vinalhaven, using a natural shoal with a wire fence across the top. By 1890, there were three lobster pounds in Maine, including the lobster pound on House Island. By 1898, the House Island lobster pound was one of nine pounds along the Maine Coast.

In 1889 Howard H. Trefethen, grandson of Henry Trefethen III, entered the wholesale lobster business becoming one of three principals in Holbrook, Trefethen & Harvey, wholesalers in live, boiled and pickled lobster on Long Wharf. A business journal notes in 1891 Holbrook, Trefethen & Harvey had a pound on the island. The pound was located in a cove on the east side of the island, now known as Lobster Pound Cove (See images). Two natural rock ledges were extended by a granite wall topped with a short weir to enclose the cove and create a containment pond for the lobsters. Historic photographs show a small gable building at the northern end of the wall. The fish house was likely used for the storage of lobster feed, for packing the lobsters, and for the storage of gear, usually nets or seines, used to harvest the lobsters from the pound. In the 19th century, Howard's cousin, Newell Fales Trefethen, continued the family's involvement with wholesale lobstering, operating a lobster business in Portland. He moved his lobster house, N.F. Trefethen Co. from Portland Pier to Customs House Wharf, building a two story lobster house.⁷ He also operated a lobster pound in South Bristol, Maine. His uncle, George Trefethen Jr worked with him at N.F. Trefethen Co.

Military Ownership, 1808-World War II

Second Systems Forts and the War of 1812

In 1807 the English ban on US trade with France and concerns in the United States over British aggression toward the country's coastal cities and sailing vessels prompted President Jefferson to renew the country's fortification program. Forts built during this period were known as second system forts. Second system forts were built with engineers from the US Military Academy at West Point, a corps program established in 1802 to cut the country's reliance on foreign engineering. Second system forts in Maine include: Fort Sullivan in Eastport (1808), Fort at Machias in Machiasport (1808), Fort Penobscot (1808), Fort at Castine (1808), Fort at Fort Island⁸ in Boothbay (1808), Fort Edgecomb (1808), Fort at Kennebec in Georgetown

⁶ O'Leary, Wayne. *Maine's Sea Fisheries: The Rise and Fall of a Native Industry, 1830-1890*. Boston: Northeastern University Press, 1996. Page 258.

⁷ See 1924 tax photo, Item No 86340.

⁸ Also known as Damariscotta Battery. The island is also known as Webber Island.

(1808), Fort at St. George (1808), Fort Scammell (1808), Fort Preble in South Portland (1808), and Fort McClary at Kittery Point (1808). In addition Fort Sumner in Portland (1794) was altered in 1808 with the addition of a brick gun house and water battery.

Fort Scammell was named in honor of Alexander Scammell (1747-1781), adjutant general of the Continental Army in the Revolutionary War. He was killed in action during the Battle of Yorktown. Construction of the fort was overseen by Henry Alexander Scammell Dearborn (1783-1851) a Portland lawyer and son of Major General Henry Dearborn. General Dearborn was a former Secretary of War and served in Alexander Scammell's regiment. Henry Dearborn acting as the Agent of Fortifications also oversaw construction in 1808 of Fort Preble across the harbor entrance in South Portland.

Fort Scammell initially consisted of a semi-circular fort. The fort overlooked the harbor entrance and was built of stone, brick, and sod a portion of the brick has been exposed (Image). In the center of the fort was the Powder Magazine. To the north of the magazine was an octagonal blockhouse. The block house had six guns located on the upper floor. The building was also used as a barracks. To the east of the blockhouse was a Brick Furnace to heat the shot before loading into the cannons. The fort was equipped with eleven 24 and 32-pounder mounted cannons. The rear (north) wall of the fort was a wooden stockade that bisected the wooden blockhouse.

In June of 1812 the United States declared war on England. Fort Scammell was garrisoned during the War of 1812 (1812-1814), but the fort's guns only fired once in August of 1813 on a British Privateer beyond Whitehead Passage. A month later in September 1813 a British Flag of Truce party landed at the Fort to negotiate for the release of British prisoners from the *HBM Brig Boxer* captured after a battle with the *US Brig Enterprize* off Pemaquid Point on 5 September 1813.

Near the end of the war in October of 1814 an exterior battery was completed on the north end of fort. The exterior battery was designed and engineered by Major Daniel Lane of the 33rd Regiment Infantry of Maine.⁹ The detached gun battery overlooked the northern end of the island and protected the rear of the fort from a landward attack.

Third Systems Forts

In 1816 Congress appropriated \$800K to improve the country's seacoast defensive system. Without the threat of war, construction projects moved slowly. Fort Preble and Fort Scammell were the only two Maine second system forts altered in the 1840s and 1850s. Fort Scammell was altered in the 1840s when earthen walls were extended east and west of the semi-circular fort for gun mounts. The walls were extended in the 1850s to encompass the gun battery. Forts built or altered after the War of 1812 are known as Third System forts. Third System forts are large brick or stone forts with multiple tiers of gun batteries built on promontories or on islands at choke points to important harbor entrances with earth covered batteries open to the

⁹ Information courtesy of Kenneth E Thompson, Jr.

rear and concrete magazines to store powder and ammunition. Third System forts in Maine include: Fort Knox in Prospect (1844-1869), Fort Popham in Phippsburg (1862-1870), Fort Gorges in Portland (1861-1870), New Fort Scammell (1862-1870), New Fort Preble in South Portland (1863-1870), and New Fort McClary in Kittery Point (1863-1870).

Thomas Lincoln Casey (1831-1896) was a West Point graduate, Class of 1852. He was assigned to the Corps of Engineers and taught engineering at West Point 1854-1859. In the 1860s he was assigned to Maine to oversee construction of Fort Knox, Fort Gorges, New Fort Scammell, and New Fort Preble. After the Civil War he was assigned to oversee construction on the Washington Monument 1879-1888. He served as the Chief of Engineers for the US Army Corps of Engineers 1888-1895 and was the engineer for the Library of Congress' Thomas Jefferson Building (1890-1897).

During the 1862 construction at Fort Scammell, a two-story granite bastion was built on the east side of the 1850s earthen walls and a one-story granite bastion was built on the west side near the end of the 1840s earthen wall extension. The enclosed bastions were equipped with 10-inch guns.¹⁰ Tunnels from the parade ground provide access the enclosed interior. A proposed granite bastion to the north was not built, although the tunnel from the parade ground was constructed. Typical of 19th century fortifications, each bastion was planned to have multiple tiers of casemates and a barbette tier on the top.

The granite for Fort Scammell was quarried on Mount Waldo and brought by stone sloops to the island. Wharves on the west side of the island were constructed for the off-loading of the granite, as was a stone cutting shed. Granite was unloaded and moved using block and tackle. Not only was the granite for Fort Scammell prepared on House Island, but also the granite for Fort Gorges and Fort Preble. A field of cut and uncut granite is extant just to the north of the stone wharf. A second field of granite is located the fort north of the east bastion. The granite blocks were moved from the cutting area by the wharf to the east bastion by way of a short narrow gauge railroad. A small area of narrow gauge tracks leading to the mixer have been uncovered.¹¹ A mound near the center of the parade ground is the remains of the foundation of a large concrete mixer. The mixer took 26 men to operate. Concrete was also brought onto the island in barrels. "A solidified chunk of concrete with the marking of wood barrel staves that have rotted away is located in the gallery of the East Battery."¹²

¹⁰ Although Third System forts generally have batteries open to the rear, similar to Fort Gorges and Fort Popham, Fort Scammell's batteries are enclosed. At Fort Scammell, tunnels were constructed to connect the interior of each battery to the parade ground in the center of the fort. Smoke produced by the firing cannons was vented through flues built into the walls.

¹¹ A group including members of the Coast Defense Study Group, Portland Harbor Museum, and Kenneth E Thompson, Jr. undertook to clear some of the overgrowth within and around the fort and uncovered a section of the tracks.

¹² From the Fort Scammell Tour published by Portland Discovery Land and Sea Tours, 2012.

By 1870 the fort was modified to accept 13-inch guns on barbette emplacements as well as at the top of the two granite bastions. In the mid 1860s the wooden blockhouse was removed and a large gunpowder magazine built near the tunnel entrance to the east bastion. Work on the fort was halted by a federal funding freeze on coastal defense projects in the late 1870s. With the abandonment of the construction of the North Bastion, construction at Fort Scammell relatively complete.

Endicott Period/ Board of Fortification: 1890-1910

In 1885 President Cleveland appointed a joint military and civilian board led by William Crowninshield Endicott, then Secretary of War, to assess the country's coastal defenses. The Board of Fortifications recommended a massive construction and modernization program with a focus on concrete fortifications and installation of large caliber breech loading artillery and mortar batteries with open topped concrete walls protected by earthworks. The program also included the use of mine fields, with smaller guns employed to protect the mine fields from mine sweeping vessels.

Spanish-American War

In 1890 Fort Scammell was altered to accommodate the larger 15-inch Rodman cannons and the east battery was used to control a minefield established in Whitehead Passage. In 1898 as a temporary measure, two old rebored 15-inch Rodman cannons were mounted on Fort Scammell on the east side of the fort. Despite this small improvement, Fort Scammell's days were drawing to a close. In 1903 the fort was listed as without armament and was not garrisoned. Although concrete bases for three-inch anti-aircraft guns were built on south and east batteries during World War One in 1918, no guns were installed.

Quarantine Stations& Immigration, 1892-1937

In the eighteenth and nineteenth centuries in order to prevent the entry and spread of infectious diseases, vessels suspected of having contagious diseases could be stopped and quarantined. Initially, this was done on a port by port basis, with no national control or oversight. New York's first quarantine station was built in 1758 on Bedloe's [Liberty] Island. In 1832, Little Hardwood Island, a small two-acre island in Passamaquoddy Bay was utilized to isolate ship passengers infected with cholera who were arriving at St. Andrews for settlement in Canada and northern New England. The island became known as Quarantine Island and Hospital Island. Hospital Island was used through the period of Irish immigration during the Potato Famine 1845-1852 and closed in 1865. The hospital and other buildings were destroyed by a storm in 1869. In 1879, the first nationally funded and operated United States Quarantine Station was built on Ship Island, Mississippi for the Port of New Orleans. The same year the Ship Island Quarantine Station was established, a second act established a National Board of Health to coordinate with local and state wide systems of quarantine.

In Maine in 1884, 15-acre Widow's Island off North Haven in Penobscot Bay became the site of a US Navy hospital for yellow fever patients. The hospital was functional 1885-1904, but never had a yellow fever patient. In 1904 after ownership was

acquired by the State of Maine, it was used by patients from Augusta Mental Health Institute and Bangor Mental Health Institute for recreation and was known as the Chase Island Convalescent Hospital.

At the end of the nineteenth century in Maine, smaller ports often had no quarantine anchorage, quarantine facility, or even quarantine laws or regulations. In 1896 there were no inspection stations in Castine, Eastport, Ellsworth, Waldoboro, Belfast, Rockland, Wiscasset, York and Kennebunkport.¹³ Larger ports like Bath and Bangor, had designated anchorages in the river for vessels suspected of possibly carrying infectious diseases and local laws outlining the procedures for inspecting vessels from foreign ports. A small vessel carrying the local health officer would board and inspect ships at anchorage. In Portland, like Bangor and Bath, a vessel would anchor in the harbor and the Public Health Officer would inspect the ships' crews and passengers for disease. Portland unlike other ports also had a quarantine facility.

The facility was built on land owned by the Federal Government on House Island that was part of the Fort Scammell Military Reservation and licensed to the Portland Board of Health in 1892 to use for quarantine purposes.¹⁴ The City of Portland built a one-and-a-half story cottage with a steam disinfecting chamber, a 30' x36' coal shed, two steam boilers in a boiler house, and a pier on wood pilings. The wood framed cottage was 36' x 78' with a monitor roof and two cupolas. Inside there were two 10'x48' corridors for packing and unpacking baggage. There were six 10' x8' rooms with bathtubs and attached dressing rooms. Water came from a small pond on the hill behind the station and was fed by gravity into a cistern. During inspection, immigrants were stripped and their clothes run through the steam room to disinfect while they bathed. As part of the steam process, heat from the steam was vented to dry the clothing before it was returned to the newly bathed immigrants. Persons that needed to be retained were housed in an old house on the island or in the ordinance building inside the fort. A watchman lived on the island, but the Public Health Officer would be brought out to the island by steamer. In 1895, 415 immigrants passed through the inspection and quarantine station.¹⁵

In 1896 at the urging of western states, particularly Michigan, and with the approval of the City of Portland, Congress authorized the takeover of the Portland Inspection and Quarantine Station at Fort Scammell. They appropriated \$12,000 for its purchase and maintenance that year, although records indicate they may not have

¹³ _____. *Report of the Federal Security Agency: Public Health Service*. Washington, DC: US Government Printing Office, 1896.

¹⁴ _____. *United States Military Reservations, National Cemeteries, and Military Parks*. United States Army, office of the Judge Advocate General, Charles Edward Hay Jr. US Government Printing Office, 1904. Deed from John Green Walden (c1758-1822) and wife to the United States dated February 29, 1808, conveying 12 acres of land. Deed recorded Book 53, Page 531 in the Cumberland County Registry of Deeds.

¹⁵ _____. *"Portland" Annual Report of the Supervising Surgeon General of the Marine Hospital Services*. Washington, DC:US Government Printing Office, 1896.

assumed full control of the inspection station until January of 1902.¹⁶ In 1904 one hundred steamers with 1,342 passengers were inspected. In an article in the *Journal of Medicine and Science*, the medical officer in command of the United States Hospital, Quarantine and Immigration Station at Portland, P.C. Kalloch, described the need for a barracks capable of holding 150-200 immigrants, a small hospital, and a residence for doctors and staff on House Island. Until 1905, the north end of the island had been in continuous use for fishing and fish curing. The north end of the island was purchased by the United States from the Sterling and Trefethen heirs. In 1907 the small wood framed barracks for about 50 people, the Public Health Officer's Residence and the Quarantine Hospital were completed. A beehive pump station over a 270-foot deep well to supply water to the barracks was also completed during this period of construction. The pump was powered by a windmill that was removed in the 1970s.

In 1913 a federal subcommittee of the House Appropriations Committee heard testimony for the need of a "fire proof" building for detaining 500 immigrants at the US Hospital, Quarantine and Immigration Station on House Island. The need for expansion of the US Hospital, Quarantine and Immigration Station on House Island to increase detention capacity was in part affected by early 20th century immigration laws. Congress passed the 1917 Immigration Act on 5 February 1917 to restrict the immigration of undesirable immigrants from other countries, including any persons with tuberculosis, any form of contagious disease, a disability restricting them from earning a living in the United States or any "idiot, imbecile, epileptics, alcoholics, poor, criminal, beggars, polygamist, or anarchist."¹⁷ The act established a literacy test for immigrants and the requirement for medical examinations before entering the country. In 1920 a second Detention Barracks was built to the east of the Small Barracks. It had a capacity for 592 people.¹⁸ It was torn down in 1962, although the remains of the foundation are still visible.

The Emergency Quota Act 1921 was passed by Congress to temporarily limit the number of immigrants into the United States. The law imposed quotas based on the country of birth. Allowable quotas for each country were calculated at three percent of the total number of foreign-born persons from that country recorded in the 1910 United States census.¹⁹ The Act was superseded in 1924 by the Johnson-Reed Act which limited the number of immigrants allowed into the United States to two percent of the total number of people of each nationality living in the United States as of the 1890 national census.

¹⁶ _____. *Report of the Federal Security Agency: Public Health Service*. Washington, DC: US Government Printing Office, 1904.

¹⁷ Tucker, Davis and Jessi Creller. "Summary of the 1917 Immigration Act" The University of Washington-Bothell Library website. http://library.uwb.edu/guides/usimmigration/1917_immigration_act.html

¹⁸ _____. *Fort Scammell Tour*. Portland: Portland Discovery Land & Sea Tours, 2012.

¹⁹ Barrientes, Brenda "Summary of the 1921 Emergency Quota law; An Act to limit the immigration of Aliens into the United States" The University of Washington-Bothell Library website. http://library.uwb.edu/guides/usimmigration/1921_emergency_quota_law.html

In the 1920s, the Portland station was largely used as an overflow station for the ports of Boston and New York. In November of 1923 the ships *President Polk* and *George Washington* were diverted to Portland from New York and 218 immigrants from those ships were quarantined at the station. The station was abandoned in the winter of 1923. In 1937 the US Hospital, Quarantine and Immigration Station on House Island was officially closed and offered for sale.

Navigation

In the early 20th century, a shoal about 60 yards off the north end of the island was marked by House Island Light.²⁰ A shoal with 14-17 feet of water over it extends from House Island into Diamond Island Roads, the anchorage for vessels waiting for inspection. In 1906, at the time of development of the island by the United States government, a black spar buoy off the north end of the island at the easterly entrance to Diamond Island Roads anchorage was added.²¹ Known as House Island Buoy 1, it was discontinued in 1982.²² In 1914 lights were added to the navigational markers on the island.

The south end of the island is now marked by Fort Scammel Point Light 2, a 35' high triangular red daymark on a skeleton tower. On the north end of the island is House Island Light 3 with a square green daymark on a skeleton tower 20' above water and a House Island Buoy, a green can buoy, at N 43°39' 22.408" and W 70°12'20.221".²³

Private Ownership, 1950-present

At the end of World War II Fort Scammel was sold to Navy Captain Lincoln King, ret. for \$1200 in 1948. King wanted to sell the fort's granite to the US Army Corps of Engineers for a planned breakwater from the shore of South Portland to Spring Point Light. Hilda Cushing of South Portland wanted to see the fort preserved and was quoted as saying, "You can't have tomorrow without today."²⁴ She purchased the southern half of the island from King in 1954. In 1955 she purchased the remainder of the island which was then owned by Stanley Pettengill. Her family owned the island until 2014.

²⁰ United States Coast Pilot: The Atlantic Coast. US Coast & Geodetic Survey. US Government Printing Office, 1911.

²¹ "Maine-Portland Harbor Buoyage" *The Canada Gazette*. Ottawa. Saturday August 25, 1906. Page 435.

²² _____. "150 Bouys in use along Maine Coast to be discontinued by Coast Guard". *Bangor Daily News*. April 1, 1982

²³ _____. *Light List, Volume 1 Atlantic Coast: St Croix River, Maine to Shrewsbury River, New Jersey*. US Department of Homeland Security, United States Coast Guard. US Government Printing Office, 2014.

²⁴ Gratwick, Harry. *The Forts of Maine: Silent Sentinels of the Pine Tree State*. Charleston, SC: The History Press, 2013. P.55

ARCHITECTURAL DESCRIPTIONS

House Island is an hourglass shaped island, with the north and south ends of the island connected by a narrow ridge dropping off to semicircular beaches on the east and west sides of the island. The island is characterized by a zone of exposed bedrock around the shoreline with sand beaches on either side of the narrow ridge connecting the two halves of the island, a small sandy beach to the east of the Public Health Officer's Residence and by the former Starling and Trefethen Wharves on the north east side of the island. Like most small coastal islands, the surface of the island has a thin layer of topsoil with bedrock either bare or close to the surface. Exposed bedrock is particularly predominate on the south half of the island. The south half of the island is dominated by Fort Scammell. The cut granite exteriors of the east and west battery are connected by the earth covered magazines and exterior walls of the south battery and unfinished site of the north battery. The fort is centered around a roughly rectangular parade ground that is entered through a sally port on the west side of the island. To the west of the fort is a stone wharf, the remains of a second wharf, the site of the 1892 Portland Inspection Station, and the remains of the stone cutting yard and the partial foundations of the stone work house. On the north end of the island are three wood framed structures associated with the former United States Hospital, Quarantine and Immigration Station, used as seasonal residences and for private functions in the second half of the twentieth century. Primary access is via a dock on the west side of the island. The various resources on the island are connected by mown trails.

Small Detention Barracks (1907)

Map Location C, contributing

Located at the north end of the island is the small detention barracks constructed in 1907. The one-and-one-half story, rectangular shaped wood-frame building was constructed in the Acadian Revival style. The barracks is eight bays wide and two bays deep and is capped by a hipped roof featuring a flared eave projecting out over the facade and each elevation. The flared eave is a character-defining feature of the Acadian Revival style as is the raised foundation and steeply pitched hipped roof. The soffit is open with decorative rafters exposed. The roof is sheathed with asphalt shingles. The barracks is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the barracks are clad with wood shingles.

The principal southeast facade features a slightly projecting center gable over a four-bay wide by one-bay deep entry bay. The southeast facade of the entry bay features four tall window openings, reading from south to north (left to right) the southernmost opening is infilled by a stacked three-light window, the next opening features a nine-over-nine double-hung wood sash, next is a six-over-six double-hung wood sash window with a three-light transom and the last opening is a six-over-six double-hung wood sash window with a three-light transom as well; however the muntins and frame of the last transom are considerable lighter than that to the south. A single multi-light wood entry door is located on the north and south elevations of the entry bay. A band of three one-over-one double-hung sash replacement windows are located in the gable above. Two six-over-six double-hung wood sash windows are located to the north and south of the entry bay. A simple wood surround highlights each door and window opening. Each window has a slightly projecting wood sill. A brick chimney pierces the southwest roof plane to each side of the central gable.

The north and south elevations feature two six-over-six double-hung wood sash windows with a single-light foundation opening below each window. Like the windows on the facade, the openings feature a simple wood surround with a slightly projecting wood sill. Centered above on the plane of the roof is a single hipped roof dormer. The dormer features a flared eave and exposed rafters like the principal hip. A six-over-six double-hung wood sash window provides light to the interior.

The rear (northwest) elevation features a centrally located sliding glass door with a ten-light transom above and three, six-over-six double-hung wood sash windows to each side. Two, hipped roof dormers are located on the roof plane above. Each dormer features an overhanging flared eave and exposed rafters as well as a six-over-six double-hung wood sash window. A slender brick chimney pierces the roof plane to the south of the south dormer. Historic images of the island show that a chimney was located to the north of the north dormer. A full-width wood deck is located along the northwest elevation. A central wood stair provides access to the deck. A simple wood balustrade wraps the deck above and wood lattice is located below.

Large Detention Barracks (1920) ruins only

Map Location D, contributing

Located east of the small detention barracks are the deteriorated and partial remnants of the one-story large barracks constructed in 1920. The barracks was constructed of brick laid in a six-course common bond on a poured concrete foundation. The barracks was razed in 1962.

Public Health Officer's Residence (1907)

Map Location H, contributing

Located to the southeast of the small detention barracks is the public health officer's quarters constructed in 1907. The one-and-one-half story, t-shaped wood-frame building was constructed in Dutch Colonial Revival style with Acadian Revival style influences. The residence is three bays wide and two bays deep and is capped by a side gable gambrel roof featuring a flared eave projecting out over the facade and each elevation. The upper plane of the roof is sheathed with asphalt while the lower plane is sheathed with wood shingles. The residence is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the residence above are clad with pebbled dash.

The principal west facade features a projecting one-story entry porch centered on the facade. The roof of the porch is supported by classically inspired wood columns resting on wood plinths. Wood steps provide access to the porch. Access is gained through a multi-light wood door flanked by eight-light sidelights. A single 6/6 double-hung wood sash window is located to each side of the entry porch. The windows feature a simple wood surround and slightly projecting wood sill. Historic images of the quarters show the sash were originally six-over-two. A four-light foundation window is centered below each of the first floor windows. A nearly full-width shed roof dormer is located across the lower roof plane on the facade. The dormer features a centered paired six-over-six double-hung wood sash with a single six-over-six double-hung wood sash located to each side. Historic images of the quarters show the paired sash of the dormer were originally a multi-light diamond patterned sash over two-lights and like the first floor, the single six-over-six were historically six-over-two-lights. An interior brick chimney pierces the ridge of the roof to the north of center and an exposed exterior end-wall chimney is located on the south elevation.

A raised one-story wrap-around porch is located at the southeast corner of the south elevation and continues down along the east (rear) elevation. The flat roof of the porch is supported by classically inspired wood columns resting on wood plinths. Wood steps provide access to the porch at the southeast corner of the porch. A paired multi-light French door at the east end of the south elevation provides secondary entrance to the building. The exposed brick chimney stack is located to the west and a single six-over-six double-hung wood sash window is located at the west end of the foundation. A six-over-six double-hung wood sash window is located to each side of the chimney stack in the gable above.

The north elevation features two six-over-six double-hung wood sash windows on the first floor with a window stacked above each opening in the gable. A semi-circular window is located above near the gable peak.

The rear (west) elevation features a two-story centrally located projecting gable with a shed roof dormer to each side. Additionally, a one-and-one-half story rear-ell projects out to the east. An advertisement in 1915 requested services to construct a boiler room and laundry, although no building is mentioned, it appears as though the one-and-one-half story ell may have been added on after the initial construction in 1907. The ell is two-bays wide and one bay deep and is capped by a gable roof featuring a flared eave. The plane of the roof is sheathed with asphalt while the gable end is clad with wood shingles. The ell is constructed on a rough-cut, un-coursed granite foundation with a wood water table capping the foundation. The walls of the ell, like the residence, are clad with pebbled dash. An inset entry is located at the northeast corner of the ell. The windows of the ell are smaller in scale than the principal block.

Quarantine Hospital(1907)

Map Location I, Contributing

Located south of the Public Health Officers Quarters, the Quarantine Hospital was constructed in 1907 in the Acadian Revival style. The hospital is a four bay wide and two bay deep, one-story rectangular shaped wood-frame dwelling which is capped by a hipped roof featuring a flared eave projecting out over the facade and each elevation. The flared eave is a character-defining feature of the Acadian Revival style. The soffit is open with rafters exposed. The roof is sheathed with asphalt shingles. The hospital is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the hospital are clad with wood shingles.

The principal north facade features a central entry flanked by six-over-six double-hung wood sash windows with a secondary entrance located to the west. Both openings features a single-light and wood panel entry door with a transom above and a wood screen door. A single light wood transom is located over the central entry and a three-light transom is located over the entry to the west. A simple wood surround highlights each door and window opening. Each window has a slightly projecting crown and wood sill. A slender brick chimney rises from the east end of the roof. Two slender metal vents pierce the north roof plane to the north and west of the chimney. A set of wood stairs and a wood deck provides access to both entries. A simple wood railing wraps the deck.

The west elevation features two six-over-six double-hung wood sash windows with a single-light foundation opening below each window. Like the windows on the facade, the west

elevation openings feature a simple wood surround with a slightly projecting crown and wood sill. Wood flower boxes are located below the sill.

The rear (south) elevation features four six-over-six double-hung wood sash windows symmetrically aligned across the elevation. A small wood frame opening (boarded over) is located between the two western most window openings. The sill of the small opening is level with the meeting rail of the primary windows. A slender brick chimney pierces the roof at the west end of the roof.

Starling/Trefethen's Wharves, (c1823)

Map Location B, Contributing

Three foundations of the former wharves used by the Starling and Trefethen families are located just off the northeastern shore of the island. The rectangular wharf bases are comprised of small cut and uncut stones. Historically the wharves were extended by wood pilings and wood framed piers. One and two story wood framed fish houses were located on the wharves for the processing of fish.

Old Wharf(1862)

Map Location E, Contributing

The foundations of an old wharf are located just off shore to the west of the Small Detention Barracks. The wharf base is composed of uncut stones.

Beehive Well Head(1907)

Map Location F, Contributing

To the west of the Public Health Officer's House is a domed brick structure covered in concrete parging. The domed structure covers a fresh water well.

Dock(early 20th century, improvements 1950s)

Map Location G, Contributing

The actively used dock is largely comprised of wood pilings supporting a long wood wharf with floating docks on the northwestern end for loading and unloading vessels. At the shore end of the dock, stone cribbing is located between the pilings. To the south of the dock is a flat sandy beach for barge landings.

Lobster Pound Cove and Foundation of Lobster Pound (1889)

Map Locations J & K, contributing

To the east side of the narrowest point of land between the south and north ends of the island lies Lobster Pound Cove. The semicircular shaped cove has a sandy beach that resolves into rock ledges at the outermost edges of the cove. A natural barrier of ledge extends from the northern edge of the cove into the water. A barrier of cut granite stones connects the ledge barrier to the ledge on the south side of the cove. The stone fill is visible at low tide, but submerged at high tide. The barrier stones are the remains of Trefethen's lobster pound. The stone barrier and ledges were topped by a wood weir. Historic photos indicate a one-story gable roof fish house was located the north end of the enclosure, although no remains of the fish house are apparent in aerial images.

Cemetery (1822)

Map Location L, Contributing

A small cemetery is located at the north eastern end of the south section of the island overlooking Lobster Pound Cove. The cemetery is bounded in part by a low wall and picket fence. The cemetery has a few stones. Approximately twenty-two burials are located in the cemetery.

Old Wharf/Stone Cribbing (1850s)

Map Location M, contributing

A natural ledge on the west side of the island is topped by the remains of an old wharf with rough and cut stones. The remaining stones are largely below the water at high tide. To the south of the remains of the old wharf are piles of cut granite stones scattered across the rocky shore.

Site of Stone Cutting Shed and Granite cutting area (1850s)

Map Location N, Landmark

Between the remains of the old wharf and a wharf of cut granite stones lies an area composed of piles of stacked rough cut granite, finished granite stones, and cast-off waste stones. At the south end of the area is a stacked granite foundation, possibly the foundation of the former Stone Cutting Shed.

Granite 'Engineer's' Wharf (1850s)

Map Location O, Landmark

The wharf structure on the west shore of the fort is composed of blocks of large cut granite. The granite perimeter stones curve out from the juncture with the shore and a recessed cut is located on the north side of the wharf. The interior of the wharf is paved with small granite pavers. The pavers have deteriorated with the growth of organic materials between the stones. The western end of the wharf has a deteriorated raised wooden platform and is used for the storage of lobster traps. Large wood bumper pilings are located along the perimeter of the water side of the wharf.

Site of Portland Inspection Station (1892)

Map Location P, Contributing

The site of the former 1892 inspection station is located between the entrance to the fort and the granite wharf. The area is overgrown, except for the mown path with outcroppings of ledge.

Fort Scammell

Fort Scammell was originally built as a semi-circular stone, brick and sod fortification facing Casco Bay and the entrance to Portland Harbor in 1808. In 1814 a single exterior battery was built to the rear of the fort overlooking the north end of the island. In the 1840s and 1850s semi-circular fortification was extended by earthen walls on the right and left flanks and finally to the rear to incorporate the exterior battery and enclose a much larger area. During the Civil War and shortly thereafter, the fort was expanded and rebuilt. The major changes of the new construction include the two granite block bastions (east bastion and west bastion) on the east and west sides of the island, the parade ground, and the great magazine. A planned north bastion was never completed.

Sally Port (1850s)

Map Location Q, Landmark

Fort Scammell, like most nineteenth century forts, is entered through a sally port. The segmentally arched and vaulted passage originally contained heavily timbered doors which were held by the large iron pins on the outside of the archway. The sally port is flanked on both sides by earthen bomb proofs. A band of square granite pavers is located at the outermost opening in the sally port.

Parade Ground (1850s, altered 1862)

Map Location R, Landmark

Fort Scammell includes a centrally located parade ground. A mound near the center of the parade ground is the remains of the foundation of a large concrete mixer. The parade ground was larger before the fort was expanded and rebuilt in the 1860s and 1870s. Openings around the parade ground lead via tunnels to powder magazines and the gun emplacements.

1808 Fort aka South Bastion (1808, altered 1862)

Map Location S, Landmark

The earthen walls of the South Bastion have been partially excavated to reveal a section of the stone and brick walls of the south battery constructed in 1808. Approximately 80% of the 150-foot brick wall has been exposed to reveal 25 courses of tapered and curving brick atop a fieldstone foundation secured to a granite outcropping. The exposed brick walls of the fort were whitewashed. The walls were whitewashed to make it evident to enemy vessels that the harbor was defended. A World War I anti-aircraft gun emplacement is located on top of the South Bastion.

1814 Exterior Battery (1814)

Built to defend the rear (north) of the 1808 fort from a land invasion on the north end of the island. A portion of the battery has been incorporated into the 1840s and 1850s expansion of the fort and survives.

West Bastion (1862)

Map Location T, Landmark

A one-story granite block bastion was constructed in 1862 along with the two-story granite block east bastion. The granite casemates of both bastions face Casco Bay. The west bastion was originally designed to have two levels of casemates while the east bastion was designed for three; however, the west bastion was only completed to the first level of casemates and the east bastion was completed to the second level. Each bastion contains a series of arched and enclosed casemates with heavily vaulted ceilings to support the gun platforms above. The barbette tier (top) parapets were added in the late 1860s.

East Bastion (1862)

Map Location U, Landmark

A two-story granite block bastion was constructed in 1862 along with the one-story granite block west bastion. The granite casemates of both bastions face Casco Bay. The east bastion was designed to have three levels of casemates while the west bastion was designed with two; however, the east bastion was only completed to the second level of casemates and the west bastion was completed to the first. Each bastion contains a series

of arched and enclosed casemates with heavily vaulted ceilings to support the gun platforms above. The barbette tier (top) parapets were added in the late 1860s.

Great Magazine (1870s)

Map Location V, Landmark

Along the southeast side of the parade ground and over the site of the 1808 blockhouse a large central magazine or Great Magazine was built in 1870. The magazine was used as the central storeroom for ammunition.

House Island Light 3 (late 20th century)

Map Location A, non-contributing

House Island Light 3 is located on the north end of the island. A square green day mark is mounted 20 feet above the water on a skeleton tower resting on a concrete base fixed to a rocky ledge.

Fort Scammel Point Light 2 (late 20th century)

Map Location W, non-contributing

Fort Scammel Point Light 2 is located on the south end of the island. A triangular red day mark is mounted 35 feet above the water on a skeleton tower resting on a concrete base fixed to a rocky ledge.²⁵

Flagpoles

A flagpole is located atop the western battery. A second flagpole is located outside the Public Health Officer's Residence. Additional smaller flag poles are located on the dock and on the deck of the Quarantine Hospital.

²⁵<http://me.usharbors.com/harbor-guide/portland-harbor#sthash.F8IKC8ke.dpuf>

INDEX OF RESOURCES

Map ID	Resource Name	AYB	Level of Significance
A	House Island Light 3	Late 20 th Century	Non-Contributing
B	Starling/Trefethen Wharf 1	Circa 1823	Contributing
	Starling/Trefethen Wharf 2	Circa 1823	Contributing
	Starling/Trefethen Wharf 3	Circa 1823	Contributing
C	Small Detention Barracks	1907	Contributing
D	Large Detention Barracks	1920	Contributing
E	Old Wharf	unknown	Contributing
F	Well Head	1907	Contributing
G	Dock	Early 20 th Century	Contributing
H	Public Health Officer's Residence	1907	Contributing
I	Quarantine Hospital	1907	Contributing
J	Lobster Pound Cove	Circa 1889	Contributing
K	Lobster Pound Foundations	Circa 1889	Contributing
L	Cemetery	1822-2008	Contributing
M	Old Wharf/Stone Cribbing	1850s	Contributing
N	Site of Stone Cutting Shed	1850s	Landmark
O	Granite "Engineer's" Wharf	1850s	Landmark
P	Site of Portland Inspection Station	1892	Contributing
Q	Sally Port	1850s	Landmark
R	Parade Ground	1850s (1862)	Landmark
S	South Bastion & Site of 1808 Fort/exposed wall	1808 (1862)	Landmark
T	West Bastion	1862	Landmark
U	East Bastion	1862	Landmark
V	Great Magazine	1870	Landmark
W	Fort Scammell Light 2	Late 20 th Century	Non-Contributing
X	Earthen Walls	1840s- 1850s	Landmark
Y	Concrete mixer, granite foundation stones & narrow gauge rails	1850s- 1860s	Landmark

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Deed from George Trefethen to United States of America. Book 747, Page 293. 1904.

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Deed from the United States of America to Lincoln King. Book 1916, Page 458. 1948.

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Deed from the Lincoln King to Hilda Cushing. Book 2210, Page 416. 1954.

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Other Collections:

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Indian Graves, Burying Ground that Was Discovered on House Island. Files at Greater Portland Landmarks. Undated.

NOAA's Historic Fisheries Collection.

**House Island, Portland, ME
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Appendix C - Extant Images



2012 photo by Max Yeston, Greater Portland Landmarks

Small Detention Barracks (1907) *Map Location C, Contributing*



2013 photo, Greater Portland Landmarks

Remains of the Large Detention Barracks (1920) *Map Location D, Contributing*



2012 photo by Max Yeston, Greater Portland Landmarks

Public Health Officer's Residence (1907) *Map Location H, Contributing*



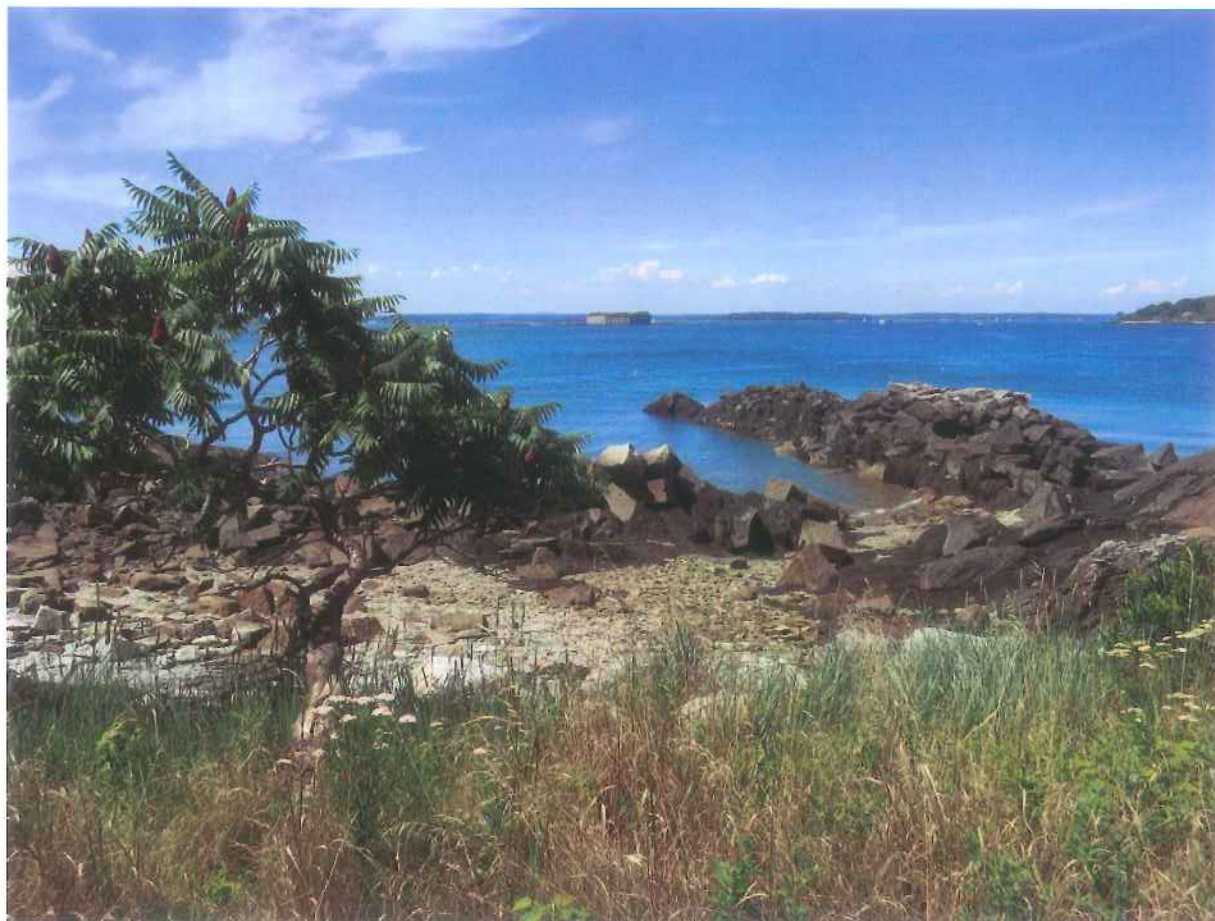
2012 photo by Max Yeston, Greater Portland Landmarks

Quarantine Hospital (1907) *Map Location I, Contributing*



2013 photo, Greater Portland Landmarks

Lobster Cove (c1889) *Map Location J, Contributing*



2013 photo, Greater Portland Landmarks

Old Wharf/Stone cribbing and Remains of Granite Stones (1850s) *Map Location M, Contributing*



2013 photo, Greater Portland Landmarks

Granite "Engineer's" Wharf (1850s) *Map Location O, Landmark*



2013 photo, Greater Portland Landmarks

Sally Port (1850s) *Map Location Q, Landmark*



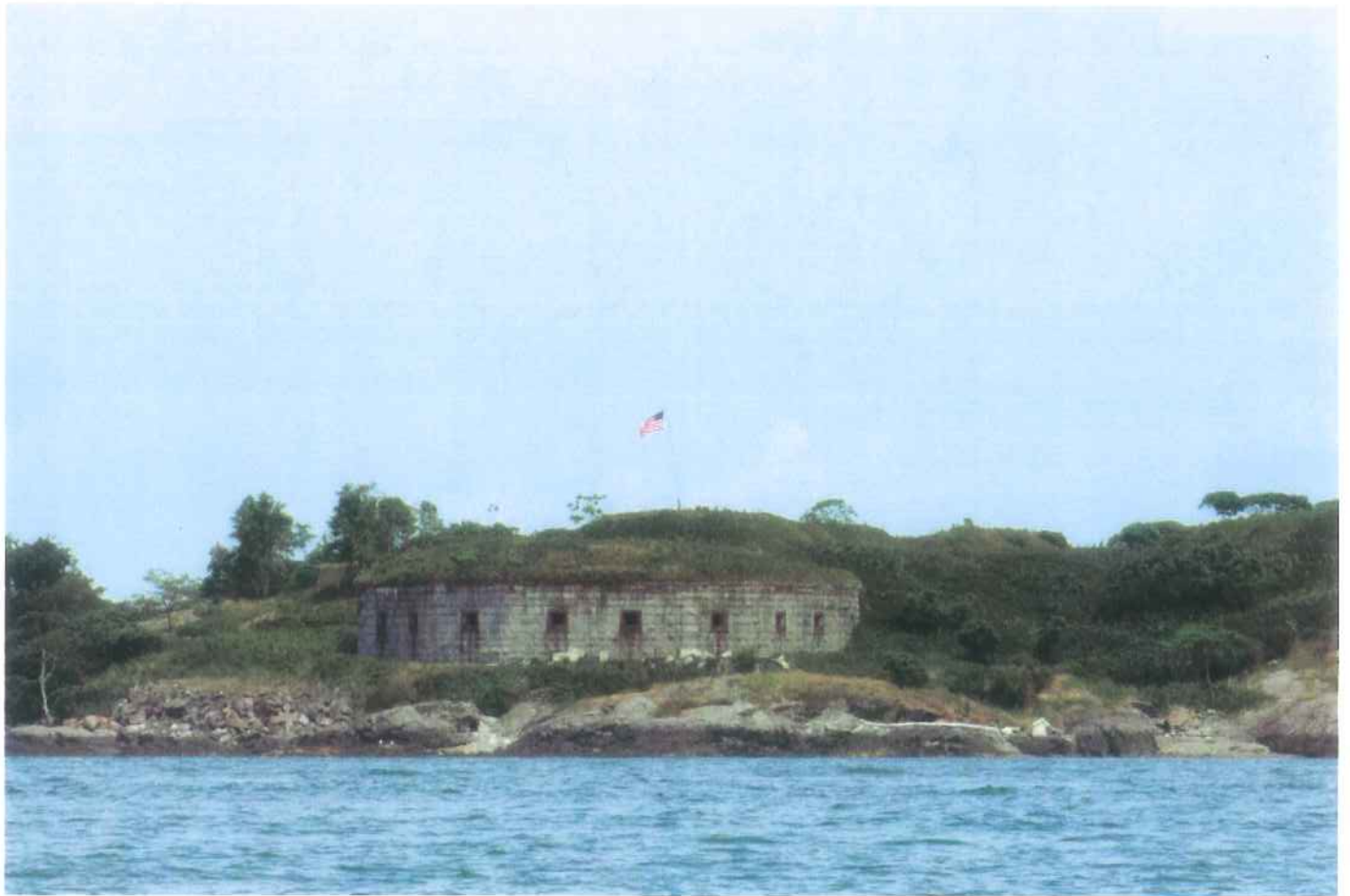
2013 photo, Greater Portland Landmarks

Parade Ground Looking North (1850s, 1862) *Map Location R, Landmark*



2013 photo, Greater Portland Landmarks

1808 Wall, South Battery (1808, 1862) *Map Location S, Landmark*



2012 photo by Max Yeston, Greater Portland Landmarks

West Bastion (1862) *Map Location T, Landmark*



2012 photo by Max Yeston, Greater Portland Landmarks

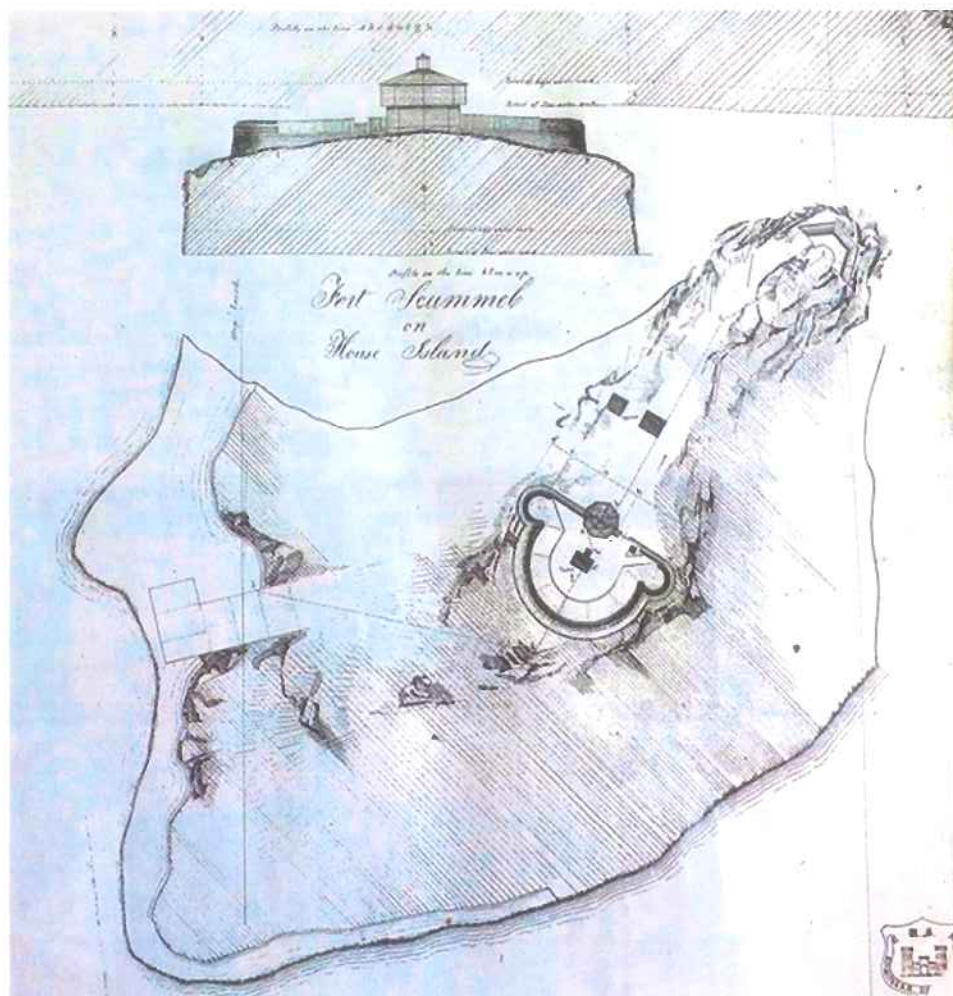
East Bastion (1862) *Map Location U, Landmark*



Image of partially exposed wall of the South Bastion. Courtesy of Kenneth E. Thompson, Jr.

**House Island, Portland, ME
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Appendix B - Historic Images



1808 Plan of Fort Scammell on House Island



House Island in the nineteenth century from *New England Magazine: An Illustrated Monthly*, Vol.14.



Dwelling on House Island from *The Casco Bay Islands, Maine* by Ruth S Sargent.



Fish Houses and wharves on House Island from *The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.



Splitting Hake on Trefethen's Wharf, House Island.
Image No.fish6813, NOAA's Historic Fisheries Collection.



Trefethen's Flake Yard [House Island].
Image No.fish6851, NOAA's Historic Fisheries Collection.



View of House Island fish flakes (drying racks) *From The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.



Trefethen's flake yard [House Island]
Image No.fish6850, NOAA's Historic Fisheries Collection.



Mending nets at Trefethen's flake yard [House Island].
Image No.fish6849, NOAA's Historic Fisheries Collection.



Fisherman mending herring gill-nets at House Island, Casco Bay, Maine.
Image No. Figb0121, NOAA's Historic Fisheries Collection.



Undated Image of House Island Lobster Pound from *New England Magazine: An Illustrated Monthly*, Vol.14.



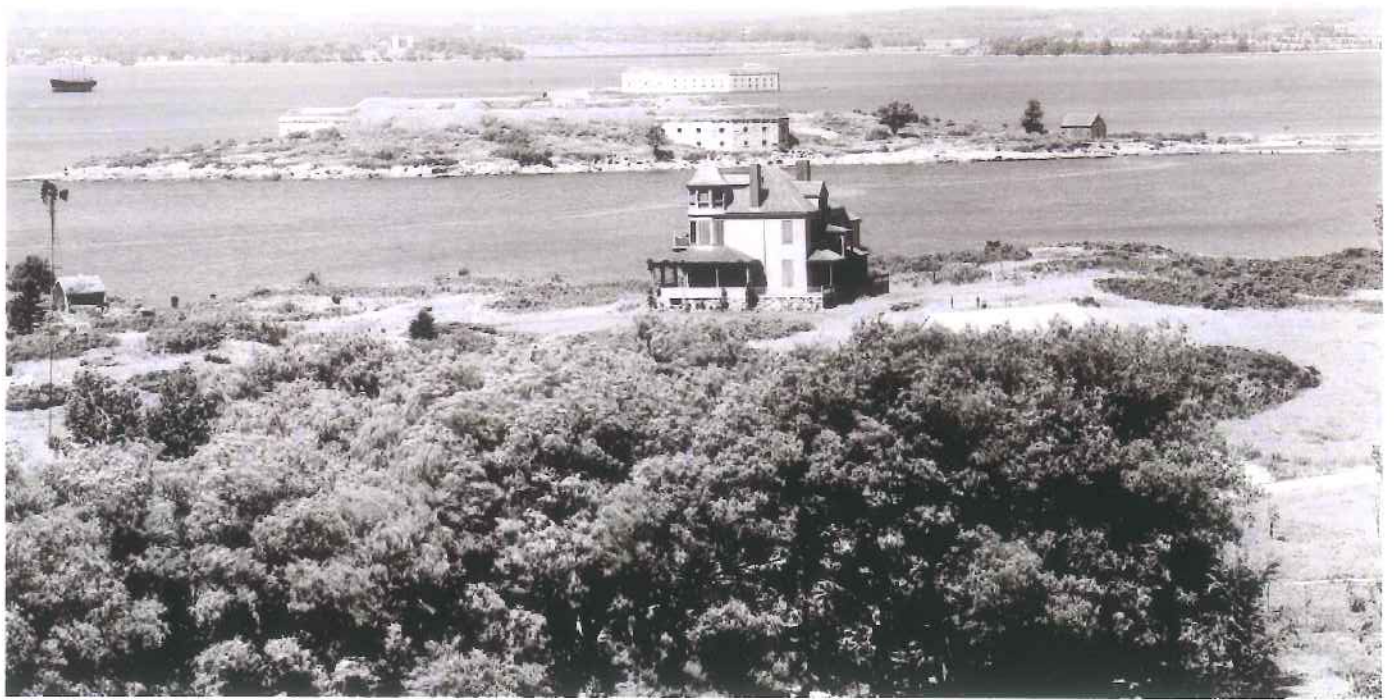
Image of the Lobster Pound. Courtesy of Kenneth E. Thompson, Jr.



Late 19th century image of House Island. Courtesy of Kenneth E. Thompson, Jr.



Image of a sloop near the Granite Cutting Shed (map location N) and the Old Wharf (M) a wood structure over stone cribbing.
Courtesy of Kenneth E. Thompson, Jr.



View of Fort Scammell (middle ground) and Fort Gorges (back ground). Courtesy of Kenneth E. Thompson, Jr.



Fort Scammell, House Island 1900-1906 from the collections of the Library of Congress



Image of Fort Scammell, House Island 1900-1910 from the collections of the Library of Congress



L to R the Public Health Officer's House, the Large Detention Barracks, and behind, the Small Detention Barracks *From The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.



Image of House Island May 1941 from the *National Archives*. Identifier No. 7318778.



Public Health Officer's House, House Island. Item 68410, Maine Memory Network.

ATTACHMENT

3



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Sharon Miller
Member-at-Large

July 9, 2014

Deb Andrews
Manager, Historic Preservation Program
City of Portland
389 Congress Street
Portland, ME 04101

Dear Deb:

I write on behalf of Greater Portland Landmarks to request that the City of Portland Historic Preservation Board nominate House Island as an historic district. The 24-acre island strategically situated at the entrance to Casco Bay played an important role in American history protecting Portland Harbor from the War of 1812 through the Civil War, and later as an immigration center in the early 20th century. House Island has tremendous significance to the history of Portland and to the overall character of Portland Harbor. Landmarks declared it a Place in Peril in 2012, when the property was placed on the market for sale. Its historic resources currently lack any protection.

In 1808, the U.S. Government purchased the southwest section of House Island and initially erected an octagonal timber fortification named after Revolutionary War General Alexander Scammell. Garrisoned during the War of 1812, Fort Scammell (1808-1898) was fired upon by British privateers in 1813 and is the only fortification guarding Portland Harbor ever fired upon – and to return fire. In 1862 Fort Scammell was completely redesigned and totally rebuilt for the Civil War under the direction of Thomas Lincoln Casey, who was also the architect of Washington's Monument. He specified use of portland cement in the fort, which is significant because according to the Portland Cement Association of the US and Canada, the earliest recorded shipment of portland cement to the US from England was in 1868. The Fort is extremely well built heavy masonry and remarkably intact. This primarily underground fort is, cathedral-like in its scale and a wonder to behold. This unique structure is of national significance.

The northern half of House Island was a federal Immigration Quarantine Station from 1907-1937, "the Ellis Island of the North," and retains three residential-scale buildings from that era, which served as the doctor's house, the detention barracks and the quarantine hospital. All have recently been in use, but all need maintenance.

Earlier the island was the site of a major shipbuilding enterprise, a major fish drying industry and retains a lobster pound. The island has been kept primarily cleared of trees by its previous owners, the Cushing family. In a different fiscal era, this site could be a candidate to be a National Park.

House Island is one of the most important historic landmark sites and cultural landscapes in the City of Portland. Its location at the center of the Harbor, its significance in national and local history, and its value as a resource that combines fascinating elements of the built and natural environment make it a top priority to find a way to preserve the site.

Thank you for your consideration.

Yours sincerely,

Hilary Bassett
Executive Director

Deb Andrews - Designation of House Island as a Historic District

From: Jo Israelson <welcomingthestrangerart@gmail.com>
To: <dga@portlandmaine.gov>
Date: 7/9/2014 10:11 PM
Subject: Designation of House Island as a Historic District
Attachments: 02The Past is Prologue OR Why Don't We Know About That.docx

July 9, 2014

TO: Deb Andrews, Historic Preservation Manager

City Of Portland

Historic Preservation Office

FR: Jo Israelson 443.622.0863

RE: Request for House Island Designation as Historic District

This is a request to your office to consider designating House Island as a historic district.

I am a Portland-born and Munjoy-Hill raised artist. I am preparing for a 2015 exhibit at the Maine Jewish Museum. Because my work often focuses on a little known moment in history that reflects larger issues within a current context, the role of the House Island quarantine station in the lives of Portland immigrants peaked my interest.

"In November 1923, 218 immigrants traveling to NY and Boston on the George Washington and the President Polk ships were diverted to Casco Bay, Maine. They were then detained on House Island, known at that time as the "Ellis Island of the North." This quarantine station was in service from 1907 until 1937.

For the past year I have been researching the history of House Island and specifically the Immigration and Quarantine station. I have delved into the files of the Maine State Archives, Maine Historical Society, the Portland Room of the Portland Public Library, the New England Archives in Waltham, and Judaica Collection at the Glickman Library as well as the National Archives in Washington, D.C. There appears to be very little documentation relative to House Island and the Immigration Station.

I found a few details. It was in service from 1904 – 1937. As the implementation date of the 1924 quotas approached, passenger ships not allowed to land in Boston

or NY were re-routed to House Island. Immigrants allowed to remain in the U.S. could then be sent by rail to New York or Boston. Others were returned to their country of origin.

- What I haven't found yet were artifacts from the Doctor's Home, the quarantine station itself, the environs surrounding the buildings.
- What I haven't found yet are detailed photographs of the buildings on the island.
- What I haven't found yet are all the names of people who were held there from 1904 – 1937.
- What I haven't found yet were the names of Portland residents whose family members came into Portland through House Island.
- What I haven't found were the names of those returned to their country of origin.

As kids growing up on Munjoy Hill (The Hill), we were more interested in hanging out on the Prom, playing pick up baseball, and finding beach glass. Studying history was an anathema: too many dates and too much war. I was only interested in the people who made the history – many of whom we never learned about. Those people were this city's immigrants and our ancestors. House Island's story has not been told.

Portland is a city created by immigrants; Irish, Italian, Eastern European, English...I am hoping that your office will honor House Island's history and its role as, not only the Gateway to the City, but also the gateway to those who built it.

Attached is an article entitled: *The Past is Prologue or Why Don't we Know About That* published in the May, Munjoy Hill Observer that chronicles my research.

I hope you will consider my request. Thank you for your assistance.

cc.

Rick Romano

John Turk

Ted Oldham

Scott Benson

Bruce Wood

Penny Pollard

From: Herbert Nolan <herbnolan@me.com>
To: Deb Andrews <dga@portlandmaine.gov>
CC: <mfpb@portlandmaine.gov>, <kjdonoghue@portlandmaine.gov>, <dama
Date: 9/26/2014 11:38 AM
Subject: Comments on the proposed House Island Historic District
Attachments: letter to portland board.pdf

Dear Ms. Andrews:

Attached is my comment letter regarding the proposed House Island local historic district which I and many other islanders support. Please distribute it to the Historic Preservation Board. Since this matter may be before the Portland City Council at some point this winter I am forwarding the comment letter to the council members as well. As I look at House Island on my way to Peaks tomorrow I will do so with much deeper appreciation of its history and significance having read the excellent report by tti-Architects.

All my best,

Herb Nolan

September 23, 2014

Rick Romano, Chair
Portland Preservation Board
389 Congress Street
Fourth Floor
Portland, ME 04101

Dear Mr. Romano and fellow board members:

I've read the historic research on House Island, sponsored by Greater Portland Landmarks, and now have a much deeper appreciation for this Casco Bay landmark. I, and many of my fellow islanders in the bay, urge you to consider the historic significance of this little island and vote to designate it a local historic district. There are several compelling arguments to safeguard this island, its extraordinary history leading the list.

History: House Island is one of the best preserved coastal fortifications on the eastern seaboard from the early 19th century and played a pivotal role in the defense of Portland harbor. Furthermore, it supported a significant fishing industry and became, in the early 20th century, the "Ellis Island of the North" welcoming tens of thousands of immigrants to North America. That rich history is evidenced by a group of well-preserved artifacts that generations of islanders know and cherish. All of this could be swept away by bull dozers or degraded by poorly conceived development in a matter of months.

In addition to its compelling history and artifacts, there two other reasons for protecting this invaluable resource:

Visibility: House Island is a gateway to the harbor and a character defining feature of the bay. It is seen by thousands of people on shore or on shipboard every day. Five miles of urban waterfront in Portland, South Portland, and Cape Elizabeth overlook House Island. (see attached diagram showing this view shed.) This small but highly visible island is viewed at close hand by those who take the island ferries every day. Close to *one million* ferry passengers have had the opportunity to enjoy the view of House Island this year alone. Over *eighty thousand* passengers see House Island from the decks of cruise ships as they enter and leave Portland Harbor each season. Many more people pass by on tour boats or on their own vessels each summer. The scenic value of House Island to all of these thousands of residents and visitors is incalculable. Its degradation by excessive development would be a loss to hundreds of thousands of individuals.

Economics: The City of Portland has made great efforts to protect its historic fabric and scenic beauty over the years. The value of tourism to the City of Portland has grown tremendously as a result, and the bay has played an important role in that growth. Cruise ships bring in millions of dollars of revenue each year. One week this fall eight cruise ships with twelve hundred passengers crowded Portland's wharves. Over a million dollars was likely spent during their stay. The economic impact of whale watching, deep sea fishing, and tour boats during the summer months is comparable to that of cruise ships. Our summer residents play an economic role as well. The island population, which triples in size during the summer, has a direct and indirect impact of over one hundred million dollars on the Portland economy according to one University of Maine study. Much of the tourism economy depends on and takes for granted Portland's stewardship of its historic character. Eroding that character will inevitably erode the reasons people cherish this city and chose to visit or live here.

On a personal note, I grew up in Portland and spent my summers on Cushings Island. I live in a house built in 1884 and remodeled in 1913 for my grandfather who was the dean of St. Luke's Cathedral. Reverend Nolan had a recessed cross built into the fire place and welcomed scores of islanders to Sunday morning mass in our living room each summer. I've spent years maintaining that historic house and its shoreline as something of a shared legacy in the bay. Many fellow islanders feel a similar responsibility. Well over half of Cushings Island is in conservation to protect the scenic approaches to Portland Harbor in perpetuity. We are proud of that commitment.

The same degree of care should be taken with House Island. Any owner/developer worth their salt will take pride in restoring and reusing the existing structures and will make limited additions to the island only in a way that respects the historic character of the island. One thing is for certain, those magnificent fortifications and their slopes guarding the entrance to Portland harbor should remain intact and unencumbered for generations to come. Designation as an historic district is one way to ensure this.

Thank you for your thoughtful consideration.

Sincerely,

Herbert Nolan
Portland, ME

CC Deb Andrews, Historic Preservation Manager
Stuart O'Brien, Chair, Planning board
Portland City Council

ENC: Views to House Island



Views to House Island from the mainland, the islands, and the approaches to Portland harbor
Note: 65% of Cushings Island was placed into conservation in 1980 to protect the undeveloped scenic beauty of the land and to "preserve, protect, and enhance the entrance to Portland harbor."

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29 September, 2014

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Deborah G. Andrews
Department of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, ME 04101

Dear Ms. Andrews,

Historic Districts have value throughout the city of Portland, and they provide the public with an opportunity to experience and appreciate our city's cultural and traditional heritage. While I understand the need, it seems that proposing Historic Districts, has recently become a new mechanism to thwart any development, whether the property be historic or not.

I am writing to you today to voice my opposition to the nomination of House Island as a historic district because the nomination would create an entirely new standard of what should be a historic district.

With the exception of Fort Scammel, which would not be impacted by Mr. Scarks' plans for the island, the other structures are in need of serious repair. There is no trace of any of the historical activities that long ago took place on the island

I have personally known Mike Scarks as a developer for over 30 years. If you look back at all the projects he has repurposed, including Nissen Bakery, the Merrill Transportation property on Forest Ave, and of course the former Maine National Bank building, it is obvious he has taken into consideration preservation aspects of each development, resulting in a positive contribution to the City. This has all been done within the current planning process.

Change is inevitable, and without it we would be living in the past. Although there are plenty of structures which need to be preserved, the dilapidated, fallen down structures on House Island do not qualify as historic. As such, in the case of House Island, the designation of a historic district would do far more harm than good.

Sincerely,



Daniel Greenstein



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Deborah G. Andrews

9/30/2014

Historic Preservation Program Manager

Dept. of Planning & Urban Development

Portland City Hall, 4th floor

389 Congress St.

Portland, Maine 04101

Re: House Island

Dear Ms. Andrews;

I BELIEVE THE HISTORIC BOARD IS SLOWLY MAKING A LOT OF THIS CITY LESS THAN USEFUL TO A GREAT NUMBER OF THE PUBLIC.

MAKING ANOTHER PROPERTY HISTORIC WHEN THE PROPERTIES THAT ARE TRULY HISTORIC NOW, LIKE FT. GORGES, ARE IN DISREPAIR AND NOT AVAILABLE TO THE PUBLIC BECAUSE THEY ARE TOO DANGEROUS, AND THERE IS NO FUNDING AVAILABLE TO MAKE THEM EVEN REASONABLY SAFE.

HOUSE ISLAND HAS NO PUBLIC ACCESS AND WILL NEED A SMALL MOUNTAIN OF MONEY TO JUST REBUILD THE EXISTING INFRASTRUCTURE.

I BELIEVE REAL HISTORIC PRESERVATION IS WORKING WITH WILLING PARTIES TO PRESERVE AND ENHANCE THE PUBLIC AND

PRIVATE USE OF PROPERTIES. IF HOUSE ISLAND IS DESIGNATED AS HISTORIC, THEN ARE YOU NOT DOING THE SAME THING HERE AND MAKING ANOTHER PROPERTY LESS THAN USEFUL WITH NO FUNDING AVAILABLE TO DO ANYTHING.

AS A FINAL THOUGHT, IT SEEMS INAPPROPRIATE TO PROPOSE THIS CHANGE NOW AND NOT WHEN HAROLD FIRST PUT THE PROPERTY ON THE MARKET TWO YEARS AGO.

SINCERELY,

A handwritten signature in dark ink, appearing to read "Roger P. Hale", with a long horizontal flourish extending to the right.

Roger P. Hale, Pres.

General Marine Construction Corp.

Deb Andrews - House Island Hearing

From: "Nancy 3. Hoffman" <3nancy3@gmail.com>
To: <dga@portlandmaine.gov>
Date: 10/1/2014 9:46 AM
Subject: House Island Hearing

October 1, 2014

Dear Ms. Andrews and Members of the Historic Preservation Board -

This is in support of the proposed designation of House Island as a Historic District.

I am a graduate architect who has worked for the National Park Service in Lakewood, Colorado. I also was Assistant Director of the Dade County Historic Survey, Miami, Florida (1977-1980), and served on the State of Florida historic survey team in Key West, Florida (1975 - 1977). I have worked briefly for Portland Landmarks and for various preservation architects in New England.

In Florida, my responsibilities included researching and writing nominations to the National Register of Historic Places for districts including over 1,000 structures.

One of the most significant nominations I worked on was for the "Freedom Tower," also known as the Miami News Building. In short, this building served as the primary immigration center for Cubans coming into the United States in the 1960's and 1970's. Our nomination of this structure was upgraded by the Park Service, and the building became a National Historic Landmark. (ref. "Update Magazine" of The Historical Assoc. of Southern Florida, June, 1978).

It is surprising and perhaps ironic that I now live on Peaks Island, and have learned of the potential designation of another, earlier, immigration center to the local landmarks listing. In reading the historic material provided by Julie Larry of ttl-architects, I am impressed with the detail and comprehensive nature of her research on House Island. At a time when a major influx of immigrants from Europe were entering this country and forming the core of the famed "melting pot" of cultures in America, House Island served as a significant intake point for many of those immigrants.

I concur that the structures on House Island and the remains of others meet the minimum criteria under Section 14-610 and 14-611 of the historic preservation ordinance. I urge the Historic Preservation Board and the City of Portland to designate House Island as a local historic district.

Nancy 3. Hoffman
53 Brackett Avenue
Peaks Island, Maine 04108
207-939-0301, email: 3nancy3@gmail.com

Deb Andrews - House Island

From: "Astrid O'Brien" <aobrien@fordham.edu>
To: <dga@portlandmaine.gov>
Date: 9/22/2014 4:07 PM
Subject: House Island

I have been spending summers on Peaks Island since 1966: we bought a seasonal residence on the island in 1968. I have always been fascinated by House Island, and curious about its history, the history of those who built the houses and the fort, what they did, etc. This is human history; we cannot plan a positive future unless we know more about ourselves than the brief span of an individual life. Therefore it would be a great loss to simply tear down the buildings for commercial gain. They should be preserved, their history made visible in a museum. I support the historic districting of House Island, and its coming under the jurisdiction of the Preservation Board. thank you, (Dr.) Astrid M. O'Brien

Deb Andrews - house Island

From: "M. Roth" <shecap10@hotmail.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 10/1/2014 2:06 PM
Subject: house Island

Good day Ms. Andrews,

I am writing regarding House Island and it's historic designation debate. I have lived on Peaks Island for the past 10 years and captained the Casco Bay Lines ferries for the past 17 years. This particular property always saddened me as it was completely off-limits to the public and appeared deserted and derelict. It was not until Mr. Skarks purchased the island that I was given opportunity to set foot on House Island.

Here on Peaks we have several cemeteries that have stones dating back to the 1700's that lie in disrepair. Fort Gorges is falling into ruin and the energies of those advocating for House Island would be most welcome in the fight to save history that is easily accessible but often ignored.

Having seen the rehabilitation of the Nissan building on Munjoy Hill done by Mr. Skarks I feel strongly that he will be a good steward of House Island. His willingness to make the fort accessible to the public to me is worth celebrating. If we curtail those who are willing to take on impossibly large tasks such as Mr. Skarks has we will only see history crumble as we pass by on the ferry year after year. Although romantic from afar, the condition of the wooden structures is moderate to poor and they pose little to no significant architectural details.

Please give Mr. Skarks the ability to save House Island in his own vision and with support from the local community.

Best regards,

Cpt. Mary-jo Roth

Deb Andrews - House Island

From: priscilla webster <pwebster@gwi.net>
To: <dga@portlandmaine.gov>
Date: 9/22/2014 8:28 PM
Subject: House Island

Dear Ms. Andrews:

I am aware of an Historic Preservation Hearing about House Island on October 1, but will not be able to attend.

The building that housed the hospital there is a little known part of US history, not just Maine history, and I hope you will be able to see that it is preserved and not torn down. I remember going on a tour there from Peaks Island a few years back and I was so amazed to learn of the island's part in the US immigration story. I hope others will have that chance.

Sincerely,
Priscilla Webster
29 Centennial Street
Peaks Island

Deb Andrews - Can this be read at tomorrows Historic Preservation Board meeting

From: Arthur Fink <af@arthurfinkphoto.com>
To: Deb Andrews <DGA@portlandmaine.gov>
Date: 9/30/2014 1:18 PM
Subject: Can this be read at tomorrows Historic Preservation Board meeting

Dear Deb Andrews,

I'll not be able to attend tomorrow's Historic Preservation Board meeting, where the House Island historic district proposal will be discussed. I hope that this short statement can be read on my behalf:

I wish that I could be present in person to speak strong on behalf of protecting the rich history of House Island, by creating an appropriate historic district.

Where else in Maine — let alone in Portland — can we encounter so much history in one place? Fort Scammel dates back to the early 1800's. The immigration station, from the middle of the last century, was our version of Ellis Island.

Surely it's possible to develop part of the island for modern usage, while maintaining much more than token symbols of this history. And surely we should have a mechanism to insure that any development on the island is respectful of such rich history. That's what a historic district provides.

Our cultural history should not be obliterated, or put in the shadows of excessive "development". We should put in place a mechanism to insure this — and that's exactly what our government provided, when it passed the historic preservation ordinance.

I've served on Portland's Historic Preservation Board, and know that it has lots of flexibility to allow reasonable development, as long as significant architectural, historic, and cultural elements are preserved and respected. Please give them the opportunity to work with the new island owner to protect House Island, even as some some development arrives.

Best regards,

Arthur Fink

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for news about shows, art and spirit and creativity workshops,
creativity coaching, wedding, birth, and event photography.

Deb Andrews - In support of House Island historic district

From: Shelagh Reiser <out2cthec@hotmail.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 9/30/2014 7:51 PM
Subject: In support of House Island historic district

Hi Deb,

I am unable to attend the meeting tomorrow but am very much in support of designating House Island as an historic landmark and protecting it for all of us, and the visitors to Portland, to enjoy. I have been a sea kayak guide on Peaks for several years, and I take countless visitors (and islanders!) around House Island every year. People are awed and enchanted to visit and explore Fort Gorges; they are also very interested in Fort Scammel and House Island and, of course, would love to set foot there as well.

In addition, we see osprey there often, as well as blue herons in the shallows - my favorite shore birds! And of course, lots of other wildlife.

I am hoping the Portland will protect this piece of our historic, vibrant, welcoming, accessible waterfront.

Sincerely,
Sheila Reiser
Peaks Island

I don't get to my e-mail every day, so if your message has a short time line, you're better off contacting me by phone. Thanks!

From: "Miranda Vinograd" <miranda.vinograd@gmail.com>
To: <DGA@portlandmaine.gov>
Date: 8/4/2014 8:26 AM
Subject: House Island

Peaks Island, Portland, ME
8/3/14

Dear Ms Andrews,

I was astonished to discover that House Island and especially Fort Scammell are not covered by any preservation order nor included in the Portland historic district. It seems intuitively logical that as the historic harbour fortifications from Fort Gorges to the Liberty Ship memorial are intrinsic to the importance of Portland as a seaport (its all in the name) they should be strenuously preserved, documented and publicised. In addition, House Island has buildings and remains significant to the history of immigration which is in danger of being overlooked. But it seems that this may all be lost through inaction and handed over to developers without protection or consideration.

Will this be another example of Portland losing great landmarks like Union Station which could only have added to the value of Portland as a unique historical destination of charm and interest? The economic value of The Old Port comes from its surviving warehouses and cobbled streets not the modern blandness of a Maine Mall. Would the cruise ships stop here if the history was swept away?

Portland should allow something of universal interest be created on House Island and that should begin by making it part of the Portland historic district and protecting the significant buildings on the island.

Sincerely,

Miranda Vinograd

This email is free from viruses and malware because avast! Antivirus protection is active.
<http://www.avast.com>

Kelly J. Butterfield
6 Wadsworth Street
Portland, Maine 04103

September 29, 2014

Deborah G. Andrews
Department of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Ms. Andrews,

Recently, House Island was purchased by Michael Scarks, a Portland-based real estate developer. No sooner was the ink dry on the deed, and the city of Portland is now considering designating House Island as an historic district.

House Island has been privately owned for more than 50 years and this recent sale was a private sale from one owner to another.

The Island properties were in despair, taxes were reportedly delinquent, and the island was littered with years of accumulated trash and other debris. While House Island is home to Fort Scammel, a visible landmark in Casco Bay, it has not been a public destination, nor has the City of Portland ever before taken steps to incorporate this island into its historic district, a district largely defined by pedestrian access and public ways.

The petition to designate House Island as a historic district is totally unnecessary and short sighted. The new owner has no plans to remove or alter Fort Scammel, nor does he have plans for a high density real estate development. This developer has an outstanding record in this city of doing some very good things in the city, including renovating a number of older buildings including the Nissen Bakery on Washington Avenue and the former Maine National Bank building on Exchange Street.

Allowing a designation that would limit and restrict a private developer's vision and investment is sending a terrible message to others who want to invest in, improve, and upgrade properties around this city.

Sincerely,


Kelly J. Butterfield

Deb Andrews - House Island

From: Donovan Gray <polardog@comcast.net>
To: <dga@portlandmaine.gov>
Date: 9/4/2014 6:04 PM
Subject: House Island

I totally support House Island's designation as an historic landmark. A friend of mine, David Hansen, an expert on coastal fortifications in the US, told me Portland Harbor has more forts (7) than any other location in the US except for Boston and New York City. Fort Scammel is rather unique with so much of it being underground and its use as a quarantine facility from 1898 to 1920. So go with gusto! ;-)

-dmg

Donovan Gray
polardog@comcast.net
360-402-6851

From: Sharoan <sharoana@gmail.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 9/2/2014 8:16 AM
Subject: House Island

Deb,

I am writing in support of House Island becoming a historic district.

Please also know that I am absolutely opposed to a Helipad being built anywhere on any of the Islands in the Portland Harbor.

sharoan

Deb Andrews - House Island

From: Fgowdy <fgowdy@cox.net>
To: <dga@portlandmaine.gov>
Date: 8/6/2014 3:22 AM
Subject: House Island

As a summer resident of Peaks Island for the past 50 years, and a taxpayer to the city of Portland, I believe House Island should be designated a historic landmark. The fort, the history as a quarantine station, and the beauty of the island all combine to make it a treasure for all. It is important to preserve such treasures.

Sincerely
Diane Gowdy

Deb Andrews - House Island...

From: kmci <kmcinern@gmail.com>
To: <DGA@portlandmaine.gov>
Date: 7/30/2014 4:25 PM
Subject: House Island...

Hi Deb,

If there is any way that House Island could be preserved, it would be wonderful.

If and when structures go up on House ("vacation homes"), the character of Casco Bay itself (every view from every vantage point, on shore as well as on the water) will change and be lost forever.

I wish the federal, state and local entities could work together to find a solution that would give fair compensation to whoever bought it, while preserving it for the historic site it is.

I hope you find a way to keep House Island the special place it is, and always has been.

Thank you,

Kathy (over 20 years on Munjoy Hill, & lived on West End prior to that)

Deb Andrews - House Island

From: Arthur Fink <arthur@arthurfink.com>
To: Deb Andrews <dga@portlandmaine.gov>
Date: 8/1/2014 3:12 AM
Subject: House Island

Dear Deb Andrews,

I'm out of town, and will not be back in time to attend the August 6 workshop regarding House Island.

Were I at the meeting, I would strongly support the historic district designation. House Island has a rich and varied history, and should have all the protections that Portland's historic preservation ordinance offers. Further, I would support any possible interim measures to offer similar protection during the period the nomination is being considered.

Best regards,

Arthur Fink

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Deb Andrews - House Island

From: Cheryl Miner <c.nunes.miner@gmail.com>
To: <dga@portlandmaine.gov>
Date: 7/31/2014 8:20 AM
Subject: House Island

I would like to see House Island designated as a local historic district. I live on Peaks Island and enjoyed going over to House Island several times and had hopes that I would be able to take my grandsons there when got a little older. I know they would love it.

I cannot make the August 6th meeting but I am putting the September meeting on my calendar.

I am the Chair of the Peaks Island Council, is there anything that the Council could do to help preserve this historic island?

Cheryl Miner
c.nunes.miner@gmail.com